

AGENDA
FLORIDA DEPARTMENT OF LAW ENFORCEMENT
August 16, 2017

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

ITEM 1 Respectfully submit the **Minutes of the June 14, 2017 Cabinet Meeting.**

(See Attachment 1)

RECOMMEND APPROVAL

ITEM 2 Respectfully submit **Rule 11B-27 for Final Adoption.**

(See Attachment 2)

RECOMMEND APPROVAL

ITEM 3 Respectfully submit the **Florida Department of Law Enforcement's 2018 Legislative Proposal.**

(See Attachment 3)

FOR INFORMATIONAL PURPOSES ONLY

ITEM 4 Respectfully submit the **Florida Department of Law Enforcement's FY 18-19 Legislative Budget Request.**

(See Attachment 4)

RECOMMEND APPROVAL

STATE OF FLORIDA
OFFICE OF THE GOVERNOR AND CABINET

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN RE: CABINET MEETING

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

DATE: JUNE 14, 2017

TIME: 9:00 A.M. - 12:40 P.M.

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

REPORTED BY: YVONNE LAFLAMME, FPR
COURT REPORTER and
NOTARY PUBLIC

**C & N REPORTERS
CERTIFIED PROFESSIONAL REPORTERS
P.O. BOX 3093
TALLAHASSEE, FLORIDA 32315
(850) 697-8314**

DEPARTMENT OF LAW ENFORCEMENT

GOVERNOR SCOTT: Next, I would like to recognize Jennifer Pritt, commonly known as "Cookie", with the Florida Department of Law Enforcement.

MS. PRITT: Good morning, Governor, Attorney General Bondi, CFO Atwater and Commissioner Putnam. On behalf of Commissioner Swearingen, it's my pleasure to be with you this morning.

This morning we have three agenda items for you today. First is the minutes from the March 14, 2017 Cabinet meeting.

GOVERNOR SCOTT: Is there a motion on the item?

ATTORNEY GENERAL BONDI: So moved.

GOVERNOR SCOTT: Is there a second?

CFO ATWATER: Second.

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

MS. PRITT: Second, we have rules for adoption. There were 10 sets of rules that were noticed at the March 14th Cabinet meeting: 11A-7,

1 11B-14, 18, 20, 27, 30, 35, 11C-6, 11C-7 and 11D-6.

2 Nine of these items remained unchanged from
3 what was previously presented at the meeting and
4 are ready for final adoption. We are requesting
5 the withdraw of Chapter 11B-27 while we work with
6 JAPC on some clarifying language.

7 Most of the remaining provisions are generally
8 grammatical in clean up and technical are the
9 result of statutory changes. I'm happy to answer
10 any questions you might have about Item Number 2.

11 GOVERNOR SCOTT: Is there a motion on the
12 item?

13 CFO ATWATER: So moved.

14 GOVERNOR SCOTT: Is there a second?

15 ATTORNEY GENERAL BONDI: Second.

16 GOVERNOR SCOTT: Comments or objections?
17 Hearing none, the motion carries.

18 MS. OLSON: And finally, on the third item, we
19 have fiscal year '16/'17 Quarter 3 performance
20 reports and contracts over \$100,000 from January
21 through March. During this quarter, the Department
22 received "5s" for four of its eight performance
23 measures; however, performance dipped slightly for
24 measures Number 3 and 4. Due to the continued high
25 volume of request for firearms records checks and a

1 large number of vacancies in the section, we were
2 not able to respond to all of the checks within the
3 defined time standards. I would like to say,
4 however, that the average of those months though
5 for responding for those checks was less than
6 13 minutes.

7 We are currently working on a plan to reduce
8 vacancies and have already taken steps internally.

9 With regard to the other measure on biometric
10 identifications, we recently increased the size of
11 our fingerprint repository by adding 2.1 million
12 additional civil subjects. While the addition of
13 these prints enhances the accuracy, it has resulted
14 in a slightly slower response rate; approximately 1
15 percent difference. The two remaining measures
16 will be reported at the final quarter. These are
17 measures number six and number eight.

18 I'm happy to answer any questions you have
19 about Item Number 3.

20 And this concludes our agenda.

21 GOVERNOR SCOTT: Is there a motion to accept?

22 ATTORNEY GENERAL BONDI: So moved.

23 GOVERNOR SCOTT: Is there a second?

24 CFO ATWATER: Second.

25 GOVERNOR SCOTT: Any comments or objections?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Hearing none, the motion carries.

MS. OLSON: Thank you very much.

GOVERNOR SCOTT: Thanks.

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11B-27, FLORIDA ADMINISTRATIVE CODE
AMENDING RULES 11B-27.002, 11B-27.00211, and 11B-27.003
CERTIFICATION AND EMPLOYMENT OR APPOINTMENT
SUMMARY OF THE RULE

11B-27 is amended to update the forms website links and revised Exemption-From-Training form (Form CJSTC-76), to update the Physician’s Assessment form (Form CJSTC-75), to update the Affidavit of Separation (Form CJSTC-61), to update the Internal Investigation Report (Form CJSTC-78), to repeal the Physical Fitness Assessment form (Form CJSTC-75B), and to repeal the Affidavit of Separation Supplement (Form CJSTC-61A).

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-27.002(1)(d): Combines the original Physician’s Assessment form (Form CJSTC-75) and the Physical Fitness Assessment form (Form CJSTC-75B) to create and incorporate the revised Physician’s Assessment form (Form CJSTC-75), which includes student participation activities and medical conditions regarding OC/CS contamination. Also prohibits a chiropractor from completing the form as a medical doctor and repeals original form CJSTC-75B.

11B-27.002(3)(a)11.: Incorporates the revised Exemption-From-Training form (Form CJSTC-76) to change the discipline field name to “Florida Correctional Probation Officer Training Academy” and revise the deficiency topics.

11B-27.002(3)(a)15.: Incorporates the revised Affidavit of Separation form (Form CJSTC-61) and removes the reference to the Affidavit of Separation Supplement form (Form

CJSTC-61A), which is being repealed. Also provides clarification concerning an agency's responsibility in conducting an internal investigation upon the separation of an officer.

11B-27.002(6): Deletes paragraph containing the repealed Affidavit of Separation Supplement form (Form CJSTC-61A), because the form will no longer be used.

11B-27.00211(2)(a): Updates the forms website link to reflect the correct link at which the forms are available.

11B-27.003(2)(a): Revises the Internal Investigation Report (Form CJSTC-78) to update the instructions for completing the form. Also specifies that only the last four digits of the officer's social security number are required for completion of the form, pursuant to s. 119.071, F.S., and updates the forms website link to reflect the correct link at which the forms are available.

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.

RE: JAPC Comments: FDLE received written comments from the Joint Administrative Procedures Committee on May 16, 2017. FDLE's written response is attached.

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 and Employment or Appointment: Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers
11B-27.00211	Fingerprint Processing and Criminal Record Results
11B-27.003	Certification and Employment or Appointment: Duty to Report, Investigations, Procedures
11B-27.005	Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT:

Sub-paragraph 11B-27.0011(4)(c)15., F.A.C.: Adds a new sub-paragraph to include “prejudicial behavior” as a moral character violation.

Sub-subparagraphs 11B-27.0011(4)(c)15.a.-b., F.A.C.: Adds new sub-paragraphs to define “prejudicial behavior” violation and includes penalty guidelines for Florida officers who exhibit prejudicial behavioral courses of conduct and who participate in activity which furthers the interests of a “hate group”, as defined in Section 874.03(6), F.S.

Paragraph 11B-27.002(1)(d), F.A.C.: Combines the original Physician’s Assessment, form CJSTC-75, and the Physical Fitness Assessment, form CJSTC-75B, to create and incorporate the revised Physician’s Assessment, form CJSTC-75, which includes the student participation activities and medical conditions regarding OC/CS contamination; and prohibits a chiropractor from completing the form as a medical doctor. The original form CJSTC-75B will be repealed.

Sub-paragraph 11B-27.002(3)(a)11., F.A.C.: Incorporates the revised Exemption-From-Training, form CJSTC-76, to change the discipline field name to “Florida Correctional Probation Officer Training Academy” and revise the deficiency topics.

Sub-paragraph 11B-27.002(3)(a)15., F.A.C.: Incorporates the revised Affidavit of Separation, form CJSTC-61, and removes the reference to the Affidavit of Separation Supplement, form CJSTC-61A, which is being repealed. Also provides clarification concerning an agency’s responsibility in conducting an internal investigation upon the separation of an officer.

Subsection 11B-27.002(6), F.A.C.: Deletes paragraph containing the repealed Affidavit of Separation Supplement, form CJSTC-61A, because the form will no longer be used.

Paragraph 11B-27.00211(2)(a), F.A.C.: Updates the forms website link.

Paragraph 11B-27.003(2)(a), F.A.C.: Revises the Internal Investigation Report, form CJSTC-78, to update the instructions for completing the form; specifies that only the last four digits of the officer’s social security number are required for completion of the form, pursuant to 119.071, F.S.; and updates the forms website link.

Sub-paragraphs 11B-27.005(5)(c)16.-17., F.A.C.: Adds the violation of “prejudicial behavior” to the penalty guidelines and includes recommended penalty ranges of “written reprimand to revocation” and “revocation”.

SUMMARY:

Add rule language to define and include penalty guidelines for “prejudicial behavior” as a moral character violation; update forms website links and revised Exemption-From-Training, form CJSTC-76; Physician’s Assessment, form CJSTC-75; Affidavit of Separation, form CJSTC-61; and Internal Investigation Report, form CJSTC-78; repealed Physical Fitness Assessment, form CJSTC-75B, and Affidavit of Separation Supplement, form CJSTC-61A.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department's economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

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

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

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

LAW IMPLEMENTED: 943.12(3), 943.13, 943.13(7), 943.133, 943.139, 943.1395, 943.1395(5), (7), (8) FS.

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

DATE AND TIME: Wednesday, May 10, 2017 at 10:00 a.m.

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

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

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: May 25, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2016

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-27.0011 Moral Character.

(1) through (3) No change.

(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) through (b) No change.

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

1. through 14. No change.

15. Prejudicial Behavior:

a. The perpetration by the officer of either a course of conduct or a single egregious act that evidences prejudice based on the race, color, religion, sex, pregnancy, national origin, age handicap, or sexual orientation, which does not involve an expression of public concern, and which causes substantial doubts concerning the officer's honesty, fairness, or respect for the rights of others or for the laws of the state and nation, irrespective of whether such act or conduct constitutes a crime; or

b. Knowingly, willfully, and actively participating in any activity committed with the intent to benefit, promote, or further the interests of a "hate group", as defined in Section 874.03(6), Florida Statutes.

(d) No change.

(5) through (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, 7-29-15, 9-4-16, _____.

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

(1) Certification or Reactivation of Certification. Prior to submitting an application for certification or reactivation of certification for a law enforcement, correctional, or correctional probation officer, the employing agency shall collect and verify documents establishing that an applicant has complied with the requirements of Section 943.13, F.S. Verified documents shall be maintained in the officer's training file at the employing agency. The following documents are required for verification of an applicant's compliance with this rule section:

(a) through (c) No change.

(d) A Physician's Assessment, form CJSTC-75, revised August 4, 2016, effective _____ ~~November 8, 2007~~, hereby incorporated by reference, or an equivalent form signed by a physician, certified advanced registered nurse practitioner, or physician assistant licensed in the United States or its territories, verifying the applicant's fitness to perform the duties of an officer pursuant to Section 943.13(6), F.S. Form CJSTC-75 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615. A copy of the officer's position description shall be reviewed by the physician to ensure that the applicant can meet the physical standards required of the position. A Patient Information, form CJSTC-75A, revised November 8, 2007, hereby incorporated by reference, may also be provided to the examining physician, certified advanced registered nurse practitioner, or physician assistant for reference. Form CJSTC-75A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The CJSTC-75 form or equivalent, shall be completed with each new employment or appointment of an officer, and shall not be completed more than one year prior to an officer's employment or appointment. A CJSTC-75 form prepared for a specific employing agency shall not be used by any other employing agency.

(e) through (h) No change.

(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/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(a) No change.

1. through 10. No change.

11. An Exemption-From-Training, form CJSTC-76, revised ~~August 4, 2016, November 5, 2015~~, effective ~~9/2016~~, hereby incorporated by reference ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref 07380>~~, and an Exemption-From-Training Proficiency Demonstration, form CJSTC-76A, revised November 6, 2014, effective 7/2015, hereby incorporated by reference, for previous Florida and out-of-state, federal, or military officers, if the officer used this training option. Forms CJSTC-76 and CJSTC-76A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

12. through 14. No change.

15. An Affidavit of Separation, form CJSTC-61, revised ~~August 4, 2016, November 5, 2015~~, effective ~~9/2016~~, hereby incorporated by reference ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref 07371>~~, and ~~Affidavit of Separation Supplement, form CJSTC-61A, revised December 16, 2010, (effective 5/2012)~~, hereby incorporated by ~~reference~~, if the officer has separated employment with the agency. Forms CJSTC-61 and ~~CJSTC-61A~~ can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(b) No change.

(4)(a) No change.

(b) No change.

(5) No change.

~~(6) A completed Affidavit of Separation Supplement form CJSTC 61A, shall be submitted to Commission staff, along with form CJSTC 61, whenever there is a separation involving a violation of Section 943.13(4), F.S., or while being investigated for an alleged moral character violation.~~

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, 7-29-15, 9-4-16, _____.

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

(1) No change.

(2) Private Correctional Institutions and Jails.

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

(b) No change.

(3) through (11) 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 11-5-02, 11-30-04, 6-9-08, 5-29-14, _____.

11B-27.003 Duty to Report, Investigations, Procedures.

(1) No change.

(2) Upon concluding the investigation:

(a) If the allegations are sustained, the employing agency shall complete an Internal Investigation Report, form CJSTC-78, revised ~~August 4, 2016, effective~~ ~~November 8, 2007~~, hereby incorporated by reference,

regardless of whether any civil service appeal, arbitration, employment hearing, administrative, civil, or criminal action is pending or contemplated. Form CJSTC-78 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx> <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism Program Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(b) through (c) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.1395(5) FS. History–New 10-6-82, Amended 1-7-85, Formerly 11B-27.03, Amended 12-13-92, 9-5-93, 7-7-99, 8-22-00, 11-5-02, 11-30-04, 6-9-08, _____.

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

(1) through (4) No change.

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

(a) through (b) No change.

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

1. through 15. No change.

	Violation	Recommended Penalty Range
<u>16.</u>	<u>Prejudicial Behavior specified in 11B-27.0011(4)(c)15.a., F.A.C.</u>	<u>Written reprimand to revocation</u>
<u>17.</u>	<u>Prejudicial Behavior specified in 11B-27.0011(4)(c)15.b., F.A.C.</u>	<u>Revocation</u>

(d) No change.

(6) through (10) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.1395(8) FS. History–New 10-6-82, Amended 1-7-85, Formerly 11B-27.05, Amended 3-29-89, 12-13-92, 2-17-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 4-11-04, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 6-3-10, 5-21-12, 5-29-14, 9-4-16, _____.

Notice of Change/Withdrawal

**DEPARTMENT OF LAW ENFORCEMENT
Criminal Justice Standards and Training Commission**

RULE NOS.: RULE TITLES:

11B-27.0011 Moral Character

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

11B-27.00211 Fingerprint Processing and Criminal Record Results

11B-27.003 Duty to Report, Investigations, Procedures

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 43 No. 72, April 13, 2017 issue of the Florida Administrative Register.

11B-27.0011 Moral Character.

(1) through (3) No change.

(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) through (b) No change.

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

1. through 14. No change.

~~15. Prejudicial Behavior:~~

~~a. perpetration by the officer of either a course of conduct or a single egregious act that evidences prejudice based on the race, color, religion, sex, pregnancy, national origin, age, handicap, or sexual orientation which does not involve an expression of public concern, and which causes substantial doubts concerning the officer's honesty, fairness, or respect for the rights of others or for the laws of the state and nation, irrespective of whether such act or conduct constitutes a crime; or~~

~~b. Knowingly, willfully, and actively participating in any activity committed with the intent to benefit, promote, or further the interests of a "hate group", as defined in Section 874.03(6), Florida Statutes.~~

(d) No change.

(5) through (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, 7-29-15, 9-4-16,___.

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

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, 7-29-15, 9-4-16,___.

11B-27.00211 Fingerprint Processing and Criminal Record Results.

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 11-5-02, 11-30-04, 6-9-08, 5-29-14,_____.

11B-27.003 Duty to Report, Investigations, Procedures.

No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.1395(5) FS. History--New 10-6-82, Amended 1-7-85, Formerly 11B-27.03, Amended 12-13-92, 9-5-93, 7-7-99, 8-22-00, 11-5-02, 11-30-04, 6-9-08, _____.

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

(1) through (4) No change.

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

(a) through (b) No change.

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

1. through 15. No change.

	Violation	Recommended Penalty Range
16.	Prejudicial Behavior specified in 11B-27.0011(4)(c)15.a., F.A.C.	Written reprimand to revocation
17.	Prejudicial Behavior specified in 11B-27.0011(4)(c)15.b., F.A.C.	Revocation

(d) No change.

(6) through (10) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.1395(8) FS. History--New 10-6-82, Amended 1-7-85, Formerly 11B-27.05, Amended 3-29-89, 12-13-92, 2-17-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 4-11-04, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 6-3-10, 5-21-12, 5-29-14, 9-4-16, _____.



FLORIDA DEPARTMENT OF LAW ENFORCEMENT 2018 LEGISLATIVE PROPOSAL

Internet Identifiers. Internet identifiers are reported as part of the sexual offender and predator registration requirements pursuant to the Adam Walsh Act, and in accordance with the guidelines provided by the US Department of Justice's Office of Sexual Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART). Last session, the Legislature passed HB 699 / SB 684 (Chapter 2017-170, LOF) clarifying the definition of Internet identifiers and providing a new definition of social Internet communication to further clarify the existing registration requirements. However, the accompanying public records exemption did not pass.

The department is awaiting a decision from US District Court for Northern District of Florida which may address the lack of an exemption and negatively impact Internet identifier registration. If that occurs, legislation may be necessary to create an exemption and/or address other issues specified in the ruling. The requirement for sexual offenders and predators to register this information is an important tool for law enforcement in combatting the exploitation of minors.

**Florida Department of Law Enforcement
FY 18-19 Legislative Budget Request**



#	Issue	FTE	General Revenue	Operating Trust Fund	CP / Operating Trust Fund	TOTAL	Recurring
1	Special Agent Structured Retention and Recruitment Plan		\$5,350,000			\$5,350,000	\$5,350,000
2	Adjust Capitol Police Officer Pay				\$350,000	\$350,000	\$350,000
3	Prepare Florida for National Incident-Based Reporting System	9	\$1,750,000			\$1,750,000	\$700,000
4	Meet Public Records Processing Demands	6	\$400,000			\$400,000	\$400,000
5	Address Growing Information Services Workload	26	\$1,600,000			\$1,600,000	\$1,500,000
6	Replace and Maintain Aviation Equipment		\$1,650,000			\$1,650,000	\$400,000
7	Sustain Investigative Overtime		\$1,500,000			\$1,500,000	\$1,500,000
8	Add Incident Command Vehicles		\$1,200,000			\$1,200,000	
9	Increase Capitol Complex Security Staffing	6			\$540,000	\$540,000	\$370,000
10	Tampa Bay Regional Operations Center - Repairs and Maintenance		\$1,000,000			\$1,000,000	
11	Increase MyFlorida Network Costs		\$400,000			\$400,000	\$400,000
12	Maintain Investigative Vehicle Fleet		\$700,000			\$700,000	\$700,000
13	Replace Hazardous Device/Emergency Ordinance Disposal Vehicles				\$100,000	\$100,000	
14	Information Technology Infrastructure Replacement - CCH (Year 5 Funding)			\$5,750,000		\$5,750,000	\$1,140,000
15	Improve Sexual Offender and Predator Registry Database (Year 2 Funding)			\$2,220,000		\$2,220,000	
16	Increase Trust Fund Authority for Tenant Broker Commissions			\$54,000		\$54,000	\$54,000
TOTAL REQUEST		47	\$15,550,000	\$8,024,000	\$990,000	\$24,564,000	\$12,864,000