

**AGENDA**  
**FLORIDA DEPARTMENT OF LAW ENFORCEMENT**  
**June 14, 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 March 14, 2017 Cabinet Meeting.**

(See Attachment 1)

RECOMMEND APPROVAL

ITEM 2.            Respectfully submit **Rules for Final Adoption** for the following: **11A-7, 11B-14, 11B-18, 11B-20, 11B-30, 11B-35, 11C-6, 11C-7 and 11D-6, F.A.C.**

(See Attachment 2)

RECOMMEND APPROVAL

ITEM 3.            Respectfully submit **Florida Department of Law Enforcement's FY 16-17 3<sup>rd</sup> Quarter Report, with Contracts, Agreements and Purchases over \$100,000 for January 1 to March 31, 2017.**

(See Attachment 3)

RECOMMEND APPROVAL

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STATE OF FLORIDA

IN RE: MEETING OF THE GOVERNOR AND  
CABINET

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

DATE: TUESDAY, MARCH 14, 2017

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

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

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**FLORIDA DEPARTMENT OF LAW ENFORCEMENT**

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2  
3 GOVERNOR SCOTT: Next I'd like to recognize  
4 Rick Swearingen with the Florida Department of  
5 Law Enforcement.

6 COMMISSIONER SWEARINGEN: Good morning. I  
7 have four agenda items for you today. First, I  
8 respectfully submit the minutes from the  
9 January 24th, 2017, Cabinet meeting for your  
10 approval.

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

13 CFO ATWATER: So move.

14 GOVERNOR SCOTT: Is there a second?

15 ATTORNEY GENERAL BONDI: Second.

16 GOVERNOR SCOTT: Comments or objections?

17 (NO RESPONSE).

18 GOVERNOR SCOTT: Hearing none, the motion  
19 carries.

20 COMMISSIONER SWEARINGEN: Next, I have notice  
21 of ten sets of proposed rules; and while the  
22 package looks extensive, a majority of the changes  
23 are grammatical, clean up, technical, or the result  
24 of statutory changes.

25 I can go through some of the substantive

1 changes, if you'd like.

2 GOVERNOR SCOTT: We've all read them.

3 CFO ATWATER: So move.

4 GOVERNOR SCOTT: Is there a second?

5 ATTORNEY GENERAL BONDI: Second.

6 GOVERNOR SCOTT: Comments or objections?

7 (NO RESPONSE).

8 GOVERNOR SCOTT: Hearing none, the motion  
9 carries.

10 COMMISSIONER SWEARINGEN: My third item is the  
11 second quarter performance report and contracts  
12 over \$100,000. Six months into the year,  
13 performance continues to be strong. We met or  
14 exceeded expectations in six of our eight measures.  
15 Two of the measures will not be reported until the  
16 final quarter of the year: Number 6 and Number 8.

17 And I'm happy to answer any questions about  
18 those performance measures, if you'd like.

19 GOVERNOR SCOTT: All right. Is there a motion  
20 to accept the report?

21 ATTORNEY GENERAL BONDI: So move.

22 GOVERNOR SCOTT: Is there a second?

23 COMMISSIONER PUTNAM: Second.

24 GOVERNOR SCOTT: Comments or objections?

25 (NO RESPONSE).

1           GOVERNOR SCOTT: Hearing none, the motion  
2 carries.

3           COMMISSIONER SWEARINGEN: Thank you.

4           My final item is amendments to the  
5 Department's fiscal year '17/'18 Legislative Budget  
6 Requests. The Department is requesting  
7 six amendments to our LBR.

8           First, we are requesting \$330,000 in trust  
9 fund authority for overtime costs if our request  
10 for new counter-terrorism positions is approved.  
11 Overtime is an unavoidable component of public  
12 safety work, and it should have been included in  
13 the initial budget request.

14           For the next two issues, we are requesting  
15 authority to shift a total of \$6 million in  
16 recurring funds to the Criminal Justice Standards  
17 and Training Trust Fund from the Department's  
18 Operating Trust Fund. This will save the State  
19 \$4.8 million in general revenue annually and help  
20 maintain the solvency of this Trust Fund. In  
21 addition, this will enhance public safety across  
22 the State by increasing the annual \$67 per officer  
23 training allocation to \$80 per officer.

24           The next two items are technical items, and  
25 the final item is a request for an additional

1 8.2 million in general revenue to accommodate  
2 revised costs to build our Pensacola Regional  
3 Operations Center.

4 The initial Legislative Budget Request  
5 submitted by the Department of Management Services  
6 did not account for circulation space, warehouse  
7 space, space for potential office growth, necessary  
8 site improvements, or increased construction costs.

9 I'm happy to answer any questions about  
10 Number 4.

11 GOVERNOR SCOTT: Commissioner.

12 COMMISSIONER PUTNAM: How did that go  
13 sideways?

14 COMMISSIONER SWEARINGEN: Well, first of all,  
15 let me say the size of the building has not  
16 increased at all. In 2012 we looked at about  
17 61,000 square feet of usable space, is what we felt  
18 like under that Needs Assessment Study FDLE would  
19 need for future growth. So the size of the  
20 building has not changed.

21 When we were appropriated the \$3 million last  
22 Session, we got that money July 1st, we met with  
23 the architect firm and DMS in September. DMS' LBR  
24 was due September 15th, so that was submitted, and  
25 the Needs Assessment Study had not been completed.

1 So there were some costs that could not be known at  
2 that time.

3 The good news for the State is construction  
4 costs in Pensacola have gone up significantly  
5 because there's so much construction going on over  
6 there. So part of it was the increase in  
7 construction costs. Part of it was some of the  
8 costs for site improvements, for example, to bring  
9 in the four feet of dirt. Chappie James has to be  
10 built up. The four feet of dirt is, I think, a  
11 half million dollars alone.

12 The underground utilities was another one and  
13 a half million dollars, so -- and then there was,  
14 again, failure to calculate some of the -- 61,000  
15 square feet is the usable space that was needed.

16 I'm not a construction guy, so apparently with  
17 61,000 square feet, you have to have a certain  
18 percentage of circulation space. That was not  
19 calculated in, so that's where we come up with this  
20 \$8 million difference.

21 COMMISSIONER PUTNAM: Thank you.

22 GOVERNOR SCOTT: All right. Any other  
23 questions?

24 (NO RESPONSE).

25 GOVERNOR SCOTT: Is there a motion on the



1 item?

2 CFO ATWATER: So move.

3 GOVERNOR SCOTT: Is there a second?

4 ATTORNEY GENERAL BONDI: Second.

5 GOVERNOR SCOTT: Florida law requires the  
6 Governor to independently submit budget  
7 recommendations and review the budget upon passage.  
8 Accordingly, I am abstaining from the vote on this  
9 item.

10 Any other comments or objections?

11 (NO RESPONSE).

12 GOVERNOR SCOTT: Hearing none, the motion is  
13 approved with one abstention.

14 Thank you, Rick.

15 COMMISSIONER SWEARINGEN: Thank you.

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STATE OF FLORIDA  
DEPARTMENT OF LAW ENFORCEMENT  
CHAPTER 11A-7, FLORIDA ADMINISTRATIVE CODE  
AMENDING RULE 11A-7.002  
COMMISSION PROCEDURES FOR PUBLIC COMMENT  
SUMMARY OF THE RULE

11A-7 is amended to make a grammatical change.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11A-7.002: Makes a grammatical change to utilize consistent terminology within the Rule.

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: 11A-7; Criminal Justice Standards and Training Procedures

RULE NO.:                    RULE TITLE:

11A-7.002                    Commission Procedures for Public Comment

PURPOSE AND EFFECT:

11A-7.002(2), F.A.C.: Makes a grammatical change.

SUMMARY:

Makes a grammatical change.

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) FS.

LAW IMPLEMENTED: 286.0114, 943.11(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 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:

**11A-7.002 Commission Procedures for Public Comment.**

The Criminal Justice Standards and Training Commission invites and encourages all members of the public to provide comment on matters or propositions before the Commission or a committee of the Commission. The opportunity to provide comment shall be subject to the following:

(1) No change.

(2) Members of the public shall be limited to five minutes to provide comment. This time shall not include time spent by the presenter responding to questions posed by Commission members, staff or ~~Commission~~ counsel. The chair of the Commission may extend the time to provide comment if time permits.

(3) No change.

Rulemaking Authority 943.03(4) FS. Law Implemented 286.0114, 943.11(2) FS. History--New 9-4-16. Amended.

STATE OF FLORIDA  
DEPARTMENT OF LAW ENFORCEMENT  
CHAPTER 11B-14, FLORIDA ADMINISTRATIVE CODE  
AMENDING RULES 11B-14.001 and 11B-14.002  
SALARY INCENTIVE PROGRAM  
SUMMARY OF THE RULE

11B-14 is amended to update the forms website link and the title of the ATMS Global Profile Sheet.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-14.001(10): Updates the title of the ATMS Global Profile Report to reflect ATMS Global Profile Sheet to utilize consistent terminology within the rule.

11B-14.002(5)(a)1.: Updates the title of the ATMS Global Profile Report to reflect ATMS Global Profile Sheet to utilize consistent terminology within the rule.

11B-14.002(15): 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 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-14.001	Definitions
11B-14.002	General Program Provisions

PURPOSE AND EFFECT:

Subsection 11B-14.001(10), F.A.C.: Updates the title of the ATMS Global Profile Report to reflect ATMS Global Profile Sheet for consistency within the rule.

Sub-paragraph 11B-14.002(5)(a)1., F.A.C.: Updates the title of the ATMS Global Profile Report to reflect ATMS Global Profile Sheet for consistency within the rule.

11B-14.002(15), F.A.C.: Updates the forms website link.

SUMMARY:

Updated forms website link and title of the ATMS Global Profile Sheet.

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

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

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

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

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), 943.22(2)(h) FS.

LAW IMPLEMENTED: 943.22 FS.

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

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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-14.001 Definitions. For the purpose of this rule chapter, the definitions of “employing agency,” “law enforcement officer,” “correctional officer,” “correctional probation officer,” and “Commission,” pursuant to Section 943.10, F.S., and the definitions of “community college degree or equivalent,” “bachelor’s degree,” and “accredited college or university or community college,” pursuant to Section 943.22, F.S., shall be deemed controlling. The definition of “law enforcement officer” also includes those elected officers who, pursuant to Section 943.253, F.S., choose to participate in the Salary Incentive Program. In addition, for the purpose of this rule chapter, the term “officer” is limited to include “law enforcement officer,” “correctional officer,” or “correctional probation officer,” pursuant to Section 943.10(14), F.S. Further, in order to provide effectively for the administration of the Salary Incentive Program, certain additional definitions are necessary, therefore, the following words or phrases shall have these meanings:

(1) through (9) No change.

(10) “ATMS Global Profile ~~Sheet Report~~” means a continuous record of criminal justice officer employment, salary incentive, mandatory training, certifications, instructor topics, examination records, equivalency of training exemption, and officer training generated from the Automated Training Management System.

Specific Authority 943.03(4), 943.12(1), 943.22(2)(h) FS. Law Implemented 943.22 FS. History—New 8-19-72, Repromulgated 1-5-75, Amended 1-13-81, 5-16-83, 9-1-83, 1-7-85, Formerly 11B-14.01, Amended 7-13-87, 9-3-87, 12-13-92, 1-2-97, 7-7-99, 11-5-02, 11-30-04, 3-13-13,\_\_\_\_\_.

11B-14.002 General Program Provisions.

(1) through (4) No change.

(5) Training Salary Incentive Payments.

(a) Full-time officers are eligible to receive training salary incentive payment based on their date of certification, provided the officer notifies the agency of his or her eligibility to receive salary incentive payments. The date of eligibility for salary incentive payments shall be:

1. Determined by the date of “successful completion,” defined in subsection 11B-14.001(9), F.A.C., of a Commission-approved training course indicated on the ATMS Global Profile Sheet Report or the date of certification, whichever date is later; or

2. through 3. No change.

(b) through (d) No change.

(6) through (14) No change.

(15) All forms referenced in this rule chapter may be obtained on the following web site: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx> ~~http://www.fdle.state.fl.us~~ or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Bureau of Standards, Forms Liaison.

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, 7-29-15, 9-4-16,\_\_\_\_\_.

STATE OF FLORIDA  
DEPARTMENT OF LAW ENFORCEMENT  
CHAPTER 11B-18, FLORIDA ADMINISTRATIVE CODE  
AMENDING RULE 11B-18.0071

CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND

SUMMARY OF THE RULE

11B-18 is amended to update the forms website link.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-18.0071(1)-(2): Updates the forms website link to reflect the correct link at which the forms are available.

11B-18.0071(4): 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 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-18.0071 Development of Officer Training Monies Budgets and Required Reports

PURPOSE AND EFFECT:

Paragraphs 11B-18.0071(1)-(2), F.A.C.: Updates the forms website link.

Subsection 11B-18.0071(4), F.A.C.: Updates the forms website link.

SUMMARY:

Updated the forms website link.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency. The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

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

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

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), (2), 943.25(4), (5) FS.

LAW IMPLEMENTED: 943.25 FS.

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

DATE AND TIME: 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:

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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-18.0071 Development of Officer Training Monies Budgets and Required Reports.

(1) Operating Budget. No later than February 1 of each year, the Officer Training Monies Operating Budget, form CJSTC-310, revised February 7, 2002, hereby incorporated by reference, shall be submitted to Commission staff by each Regional Training Council and shall reflect the region's proposed operating budget for the upcoming fiscal year, beginning July 1 and ending June 30 of the next year, based on the Officer Training Monies available and projected for the region pursuant to subsection 11B-18.0052(1), F.A.C. Form CJSTC-310 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. The region shall also include a request to expend the previous year's accrued interest pursuant to subsection (5) of this rule section. Each Regional Training Council is responsible for including in its approved budget, the Criminal Justice Standards and Training Commission's priority budget issues as they relate to the training needs of the region. The region's projected annual operating budget shall list items in order of priority within each budget category as set forth in Rule 11B-18.0053, F.A.C. A region that fails to meet the required deadline, or fails to receive an extension of the submission deadline from Commission staff, shall forfeit the opportunity to propose an operating budget for the region and Commission-certified training schools for that fiscal year. Officer Training Monies forfeited by a region due to noncompliance with the February 1 deadline shall be distributed to other regions

in the state based on the statewide distribution formula set forth in subsection 11B-18.0052(2), F.A.C.

(2) Budget Amendment and Programmatic Change. The Officer Training Monies Programmatic Change and Budget Amendment, form CJSTC-302, revised February 7, 2002, hereby incorporated by reference, shall be used by a Commission-certified training school through its Regional Training Council to reflect changes to its annual operating budget. Form CJSTC-302 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.

(a) through (d) No change.

(3) No change.

(4) Year-End Fiscal Report. Each Regional Fiscal Agent shall submit to Commission staff a completed Officer Training Monies Year-End Fiscal Report, form CJSTC-301, revised February 7, 2002, hereby incorporated by reference, reporting all expenditures, to include a list of all Operating Capital Outlay Property purchased pursuant to subsection 11B-18.0053(4), F.A.C. The report shall be filed by October 30 of each year and shall include interest earned for the previous fiscal year ending June 30. Form CJSTC-301 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.

(a) through (b) No change.

(5) No change.

Rulemaking Authority 943.03(4), 943.12(1), (2), 943.25(4), (5) FS. Law Implemented 943.25 FS. History—New 1-13-81, Amended 7-1-81, 7-28-82, 1-7-85, 1-28-86, Formerly 11B-18.071, Amended 7-13-87, 5-23-88, 10-17-90, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04, 3-13-13,\_\_\_\_\_.

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-20, FLORIDA ADMINISTRATIVE CODE

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

CERTIFICATION OF CRIMINAL JUSTICE TRAINING INSTRUCTORS

SUMMARY OF THE RULE

11B-20 is amended to update high liability instructor requirements, to revise the Affidavit of Separation (Form CJSTC-61), to revise the Internal Investigation Report (Form CJSTC-78), to revise the ATMS Global Profile Sheet and to revise the Instructor Exemption form (Form CJSTC-82).

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-20.001(3)(a)5.a.: Incorporates the revised Affidavit of Separation (Form CJSTC-61) to remove 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-20.001(3)(a)5.b.: Incorporates the use of the revised Internal Investigation Report (Form CJSTC-78) instead of completing the repealed Affidavit of Separation Supplement form (Form CJSTC-61A), for instructors whose separations involve a violation of Section 943.13(4), F.S., or moral character violation.

11B-20.001(3)(a)5.c.: Updates the title of the ATMS Global Profile Report to reflect ATMS Global Profile Sheet for consistency within the rule.

11B-20.001(4): Incorporates the revised Instructor Exemption (Form CJSTC-82), which adds a certification statement to ensure the training center director or designee is aware of their responsibility to verify individual meets the eligibility requirements.

11B-20.0014(1)(f): Changes the length of time an individual has to apply for a high liability instructor topic to four years following the completion of the topic instructor training course to ensure the individual completes the required training within a reasonable time period.

11B-20.0017(7)(c)-(e): Revises the subsections of Rule 11B-20.0017(7)(c)-(e), F.A.C., because specific requirements were added pertaining to High-Liability Instructor Certification.

11B-20.0017(7)(c)1.-3.: Includes rule language to identify the requirements which must be met for High-Liability Instructors whose High-Liability Instructor Certification has lapsed for a period of four years or fewer.

11B-20.0017(7)(d): Adds new rule language to identify the requirements which must be met for High-Liability Instructors whose High-Liability Instructor Certification has lapsed for a period of more than four years.

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-20.0017	Maintenance and Duration of Instructor Certifications

PURPOSE AND EFFECT:

Sub-subparagraph 11B-20.001(3)(a)5.a., F.A.C.: Incorporates the revised Affidavit of Separation, form CJSTC-61, to remove 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.

Sub-subparagraph 11B-20.001(3)(a)5.b., F.A.C.: Incorporates the use of the revised Internal Investigation Report, form CJSTC-78, instead of completing the repealed Affidavit of Separation Supplement, form CJSTC-61A, for instructors whose separations involve a violation of Section 943.13(4), F.S., or moral character violation.

Sub-subparagraph 11B-20.001(3)(a)5.c., F.A.C.: Updates the title of the ATMS Global Profile Report to reflect ATMS Global Profile Sheet for consistency within the rule.

Subsection 11B-20.001(4), F.A.C.: Incorporates the revised Instructor Exemption, form CJSTC-82, which adds a certification statement to ensure the training center director or designee is aware of their responsibility to verify individual meets the eligibility requirements.

Paragraph 11B-20.0014(1)(f), F.A.C.: Changes the length of time an individual has to apply for a high liability instructor topic to four years following the completion of the topic instructor training course to ensure the individual completes the required training within a reasonable time period.

Paragraphs 11B-20.0017(7)(c)-(e), F.A.C.: Revises the subsections of Rule 11B-20.0017(7)(c)-(e), F.A.C., because specific requirements were added pertaining to High-Liability Instructor Certification.

Sub-paragraph 11B-20.0017(7)(c)1.-3., F.A.C.: Includes rule language to identify the requirements which must be met for High-Liability Instructors whose High-Liability Instructor Certification has lapsed for a period of four years or fewer.

Paragraph 11B-20.0017(7)(d), F.A.C.: Adds new rule language to identify the requirements which must be met for High-Liability Instructors whose High-Liability Instructor Certification has lapsed for a period of more than four years.

SUMMARY:

Updated high liability instructor requirements and revised Affidavit of Separation, form CJSTC-61; Internal Investigation Report, form CJSTC-78; ATMS Global Profile Sheet; and Instructor Exemption, form CJSTC-82.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE**

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

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

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

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

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

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

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

**DATE AND TIME:** 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-20.001 Definitions and Minimum Requirements for General Certification of Instructors.

(1) through (2) No change.

(3) General Instructor Certification.

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

1. through 4. No change.

5. Instructor Separation or Change of Affiliation.

a. When an instructor requests a change of affiliation, the training center director, agency administrator, or designee shall complete 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-07370>~~, and submit to Commission staff, or immediately transmit through the Commission's ATMS. Form CJSTC-61 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 shall be maintained in the instructor's file.

b. Instructor Separation. When a training center director, agency administrator, or designee separates an instructor, the training center director, agency administrator, or designee shall notify the instructor of the separation and submit form CJSTC-61 to Commission staff or electronically transmit through the Commission's ATMS. A copy of form CJSTC-61 shall be maintained in the Instructor's file. An instructor's certification shall become inactive upon separation and remain inactive until the instructor is affiliated with a training school or agency. If the separation

involves a violation of Section 943.13(4), F.S., or moral character violation, the training center director, agency administrator, or designee shall also complete the Internal Investigation Report form CJSTC-78, revised August 4, 2016, effective, \_\_\_\_\_, hereby incorporated by reference, ~~Affidavit of Separation Supplement, form CJSTC-61A, revised December 16, 2010 (effective 5/2012), \_\_\_\_\_ hereby incorporated \_\_\_\_\_ by \_\_\_\_\_ reference <https://www.flrules.org/Gateway/reference.asp?No=Ref-02217>~~, and form CJSTC-61, and submit to Commission staff or immediately transmit through the Commission's ATMS. Form CJSTC-78 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.

c. Request for new Affiliation. The instructor requesting the change shall submit to the employing agency or training school the Instructor Certification Application form CJSTC-71, the training center director, agency administrator, or designee shall enter the employment into the Commission's ATMS, and the instructor's ATMS Global Profile Sheet Report shall be maintained in the instructor's file.

(b) through (c) No change. Equivalent Instructor Training.

(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 August 4, 2016, November 6, 2014 effective \_\_\_\_\_ 7/2015, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref-05654>, 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/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615.

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

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

(1) High-Liability Topics Instructor Certification. Instructor applicants shall comply with the following requirements for certification:

(a) through (e) No change.

(f) Instructor applicants who apply for a High-Liability Instructor Certification shall have completed the applicable High-Liability Instructor Course within four years of the date the instructor applicant applies for certification. ~~Instructor applicants who apply for a High-Liability Instructor Certification more than four years from the date training was completed shall complete an internship and demonstrate the proficiency skills applicable to the high-liability topic.~~ Instructor applicants shall meet the requirements for High-Liability Instructor Certification for each topic requested.

(2) through (3) 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, 7-29-15, 9-4-16,\_\_\_\_\_.

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 5, 2015, effective 9/2016, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref-07387>, 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/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(1) through (6) No change.

(7) Lapse of Instructor Certifications.

(a) through (b) No change.

(c) High-Liability Instructor Certification. Instructors whose High-Liability Instructor Certification has lapsed for a period of four years or fewer shall: ~~demonstrate proficiency skills in the applicable high-liability topic pursuant to Rule 11B-35.0024, F.A.C.~~

1. Demonstrate proficiency skills in the applicable high-liability topic pursuant to Rule 11B-35.0024, F.A.C.; and

2. Complete continuing education or training approved by the training center director, agency administrator, or designee; and

3. Complete a high-liability internship documented on the Instructor Competency Checklist, form CJSTC-81, that is supervised by an instructor who is certified in the high-liability topic area.

(d) High-Liability Instructor Certification. Instructors whose High-Liability Instructor Certification has lapsed for a period of more than four years shall comply with Rule 11B-20.0014(1), F.A.C.

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

(8) through (9) No change.

Rulemaking Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), 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, 7-29-15, 9-4-16, \_\_\_\_\_.

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-30, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11B-30.006, 11B-30.0062, 11B-30.007, 11B-30.0071, 11B-30.008,  
11B-30.009, 11B-30.011, 11B-30.012 and 11B-30.013

STATE OFFICER CERTIFICATION EXAMINATION

SUMMARY OF THE RULE

11B-30 is amended to revise the Exemption-From-Training form (Form CJSTC-76), to revise the procedures related to examination challenges and “paper and pencil or computer-based” examinations, and to update the website links.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-30.006(2)(b): Incorporates the revised Exemption-From-Training form Form CJSTC-76), to change the discipline field name to “Florida Correctional Probation Officer Training Academy” and to revise the deficiency topics.

11B-30.0062(1): Removes the rule text relating to “paper and pencil or computer-based” examination, as the paper and pencil option is no longer offered.

11B-30.007(1): Updates the FDLE website link to reflect the correct link at which applicants can access, complete, and submit an online application to take the State Officer Certification Examination (SOCE).

11B-30.0071(1): Updates the FDLE website link to reflect the correct link at which applicants can access the “Request for Test Accommodations for Examinees with Disabilities” document.

11B-30.0071(2)-(3): Removes the rule text relating to “paper and pencil or computer-based” examination because the paper and pencil option is no longer offered. Also updates the forms website link to reflect the correct link at which the forms are available.

11B-30.0071(3)(a)-(b): Removes the rule text relating to “paper and pencil or computer-based” examination because the paper and pencil option is no longer offered. Also provides clarification regarding approved flexible time limits for testing accommodations.

11B-30.0071(3)(c)-(d): Deletes the rule text relating to “paper and pencil” examination because this option is no longer offered.

11B-30.0071(4): Removes the rule text relating to “paper and pencil or computer-based” examination because the paper and pencil option is no longer offered.

11B-30.0071(6): Removes the rule text relating to “paper and pencil or computer-based” examination because the paper and pencil option is no longer offered.

11B-30.008(1): Removes the specific reference to computer-based examination because this is now the only form of examination offered.

11B-30.008(1)(a): Makes a grammatical change.

11B-30.008(2)-(3): Deletes Rule 11B-30.008(2)-(3), F.A.C., because the rule sections provide paper and pencil examination instructions but paper and pencil examinations are no longer offered.

11B-30.009(1): Removes the rule text relating to “paper and pencil or computer-based” examination because the paper and pencil option is no longer offered.

11B-30.009(4)(b): Removes the rule text relating to “paper and pencil or computer-based” examination because the paper and pencil option is no longer offered.

11B-30.011: Removes the rule text relating to “paper and pencil or computer-based” examination scoring and grade notification because the paper and pencil option is no longer offered.

11B-30.012(6): Adds rule text to clarify and explain that a challenge to examination results will not be processed if an individual retakes and passes the examination before his or her submitted challenge is processed.

11B-30.013: Removes the rule text relating to “paper and pencil or computer-based” examination because the paper and pencil option is no longer offered.

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-30.0062	State Officer Certification Examination Assignment and Retake Eligibility Requirements
11B-30.007	Application for the State Officer Certification Examination and Notification Process
11B-30.0071	Examination Accommodations for Applicants with Disabilities
11B-30.008	State Officer Certification Examination Site Administration
11B-30.009	Applicant Conduct at Test Site and Notice of Protection of Program Privileges
11B-30.011	Examination Scoring and Grade Notification
11B-30.012	Post Examination Review of Missed Questions, Answers, and Grading Key
11B-30.013	Challenge to Examination Results; Right of Hearing

PURPOSE AND EFFECT:

Paragraph 11B-30.006(2)(b), 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.

Subsection 11B-30.0062(1), F.A.C.: Removes the rule text relating to “paper and pencil or computer-based” examination, as the paper and pencil option is no longer offered because only computer-based testing is available.

Subsection 11B-30.007(1), F.A.C.: Updates the FDLE website link for applicants to access, complete, and submit an online application to take the State Officer Certification Examination (SOCE).

Subsection 11B-30.0071(1), F.A.C.: Updates the FDLE website link for applicants to access the “Request for Test Accommodations for Examinees with Disabilities,” document.

Paragraphs 11B-30.0071(2)-(3), F.A.C.: Removes the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered; and updates the forms website link.

Paragraphs 11B-30.0071(3)(a)-(b), F.A.C.: Removes the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered; and provides clarification to define approved flexible time limits for testing accommodations.

Paragraphs 11B-30.0071(3)(c)-(d), F.A.C.: Deletes the rule text relating to paper and pencil examination because this option is no longer offered.

Subsection 11B-30.0071(4), F.A.C.: Removes the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered.

Subsection 11B-30.0071(6), F.A.C.: Removes the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered.

Subsection 11B-30.008(1), F.A.C.: Removes the specific reference to computer-based examination because the paper and pencil option is no longer offered.

Paragraph 11B-30.008(1)(a), F.A.C.: Makes a grammatical change.

Paragraphs 11B-30.008(2)-(3), F.A.C.: Deletes Rule 11B-30.008(2)-(3), F.A.C., because the rule sections provide paper and pencil examination instructions, which are no longer required because administration of the paper and pencil examination is no longer offered.

Subsection 11B-30.009(1), F.A.C.: Removes the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered.

Paragraph 11B-30.009(4)(b), F.A.C.: Removes the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered.

Rule 11B-30.011, F.A.C.: Removes the rule text relating to paper and pencil or computer-based examination scoring and grade notification because the paper and pencil option is no longer offered.

Subsection 11B-30.012(6), F.A.C.: Clarifies and adds rule text to explain that challenges will not be processed if an individual retakes and passes the examination before their submitted challenges are processed.

Rule 11B-30.013, F.A.C.: Removes the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered.

**SUMMARY:**

Revised Exemption-From-Training, form CJSTC-76; procedures related to examination challenges and “paper and pencil or computer-based” examinations; and updated website links.

**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), (17), 943.173(3) FS.

**LAW IMPLEMENTED:** 120, 943.12(17), 943.13(7), (10), 943.131(2), 943.1397, 943.1397(1), (3), 943.173 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-30.006 State Officer Certification Examination General Eligibility Requirements.

(1) No change.

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

(a) No change.

(b) Inactive Florida law enforcement, correctional, and correctional probation officers, defined in Section 943.1395(3), F.S., who comply with paragraph 11B-27.00212(12)(a), and Rule 11B-35.009, F.A.C., shall pass the SOCE within one year of notification of approval of the Exemption-From-Training, form CJSTC-76, revised August 4, 2016, November 5, 2015, effective 9/2016, incorporated by reference, ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-07381>~~. Form CJSTC-76 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.

(c) No change.

Rulemaking Authority 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, 7-29-15, 9-4-16,\_\_\_\_\_.

11B-30.0062 State Officer Certification Examination Assignment and Retake Eligibility Requirements.

(1) Individuals who have successfully completed a Commission-approved Basic Recruit Training Program or are exempt from a Basic Recruit Training Program, pursuant to subsection 11B-30.006(2), F.A.C., shall be allowed to apply for and take the ~~applicable Paper and Pencil or Computer Based~~ State Officer Certification Examination (SOCE) corresponding to the specific law enforcement, correctional, or correctional probation discipline and curriculum for which training was completed or exempted. Individuals completing a Basic Recruit Training Program shall pass the SOCE within four years of the beginning date of training pursuant to subsection 11B-27.002(4), F.A.C. Individuals exempt from a Basic Recruit Training Program shall pass the SOCE within one year of receiving the exemption pursuant to Section 943.131, F.S.

(2) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17), 943.13(10), 943.1397 FS. History - New, 7-29-01, Amended 11-5-02, 11-30-04, 6-9-08, 5-21-12, 3-13-13,\_\_\_\_\_.

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

(1) Application to take the State Officer Certification Examination (SOCE) shall be made by submitting an application online per the instructions available on the following FDLE website, ~~<http://www.fdle.state.fl.us/cms/CJSTC/Officer-Requirements/How-to-Become-an-Officer.aspx>~~ ~~[http://www.fdle.state.fl.us/Content/certification\\_exam.aspx](http://www.fdle.state.fl.us/Content/certification_exam.aspx)~~. All applications shall be accompanied by payment of the \$100 examination fee using a credit card or debit card:

(2) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17), 943.1397(3) FS. History–New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04, 3-21-07, 6-9-08, 9-28-09, 5-21-12, 5-29-14,\_\_\_\_\_.

11B-30.0071 Examination Accommodations for Applicants with Disabilities.

(1) In compliance with the Americans with Disabilities Act (ADA) of 1990, the Department shall provide reasonable and appropriate accommodations to individuals with physical, mental, or specific learning disabilities to the extent such accommodations do not create an undue cost, administration restraints, security considerations, and availability of resources. Accommodations made will vary depending upon the nature and the severity of the disability. Each case shall be dealt with on an individual basis with the limits prescribed herein. Reference information and guidelines regarding the process for documenting disabilities are contained in the “Request for Test Accommodations for Examinees with Disabilities,” document, which may be obtained via the following web address: <http://www.fdle.state.fl.us/cms/CJSTC/Documents/Exam/SpecialAccommodationsManual-1.aspx> ~~<http://www.fdle.state.fl.us/cjst/exam/SpecialAccommodationsManual.pdf>~~ or by writing to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Certification Examination Section, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: ADA Coordinator, or by calling (Voice): (850)410-8600, (TDD): (850)410-7948.

(2) An applicant requesting special accommodations shall submit an Application for Individuals Requesting Special Test Accommodations, form CJSTC-502, revised November 8, 2007, hereby incorporated by reference, ~~which shall be submitted forty five calendar days prior to the requested examination date for the Paper and Pencil State Officer Certification Examination (P&P SOCE). For the Computer Based State Officer Certification Examination (CB-SOCE),~~ Commission staff shall notify the applicant of the approval or denial of accommodations within forty-five calendar days of receipt of form CJSTC-502. Form CJSTC-502 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. The individual shall provide documentation of the disability by an appropriate professional, pursuant to paragraph (7)(e) of this rule section, when the disability and the requested accommodations are not obvious. Form CJSTC-502 may be obtained by writing to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Certification Examination Section, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: ADA Coordinator, or by calling (Voice): (850)410-8602, (TDD): (850)410-7958.

(3) Accommodations to take the ~~P&P SOCE or CB-SOCE~~ shall be provided for qualifying individuals pursuant to (2) of this rule section. All accommodations shall be directly linked to the amelioration of the identified functional limitations caused by the asserted disability and must be reasonable and effective. Permissible accommodations include:

(a) Flexible Time. Individuals requiring extra time to take the ~~P&P SOCE or CB-SOCE~~ shall submit a recommendation of such from an appropriate professional, pursuant to paragraph (7)(e) of this rule section. Approved accommodations for extra time shall be limited to one and a half times the regularly allowed time to complete the examination. Untimed certification examinations shall not be provided.

(b) Flexible Setting. Individual and small group settings for administration of the ~~P&P-SOCE~~ shall be made available to individuals when such a service is recommended by an appropriate professional, however, ~~and the CB-SOCE~~ flexible settings are subject to test site capabilities.

~~(c) Flexible Format. The test booklet may be produced in large print for the P&P SOCE.~~

~~(d) Assistive Devices. Upon approval by Commission staff and based on documented need, the individual shall be allowed to use lights and magnifiers for the P&P SOCE.~~

(4) Accommodations that are not permissible. A reader shall not be allowed for applicants taking the ~~for the P&P SOCE or CB-SOCE~~ or Basic Abilities Test (BAT). These examinations utilize diagrams, tables, or statutory reference materials to measure an applicant's ability to apply these professional tools to solve problems and answer questions.

(5) No change.

(6) In no case shall any modifications authorized herein be interpreted or construed as an authorization to provide an individual with assistance in determining the answer to any test item. No accommodation or modification shall be made that adversely affects the integrity of the ~~P&P SOCE or CB-SOCE~~.

(7) No change.

Rulemaking Authority 943.03(4), 943.12(1), 943.1397 FS. Law Implemented 943.12(17), 943.1397 FS. History—New 7-29-01, Amended 11-5-02, 11-30-04, 3-21-07, 6-9-08, 5-21-12,\_\_\_\_\_.

#### 11B-30.008 State Officer Certification Examination Site Administration.

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

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

(b) A computer lab located at a Commission-approved criminal justice training school.

~~(2) Examination administrators and proctors are responsible for maintaining secure and proper administration of the Paper and Pencil State Officer Certification Examination (P&P SOCE). During the administration of the SOCE, applicants shall follow the instructions of the examination administrator and proctors, and shall only be permitted to ask questions of the examination administrator relating to the test administration instructions.~~

~~(3) An applicant who has been scheduled to take the P&P SOCE shall arrive at the scheduled examination site on the designated date and time, and shall present a valid photo identification. Each time an applicant takes the examination, the applicant shall present a valid driver's license, state identification card issued by the Florida Department of Highway and Safety Motor Vehicles, a valid military identification, or a State of Florida agency~~

~~identification card. The identification shall contain the applicant's first and last name, which shall correspond with the name on the examination roster.~~

Rulemaking Authority 943.03(4), 943.12(1), (17) FS. Law Implemented 943.12(17), 943.131(2) FS. History–New 1-10-94, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-21-07, 6-9-08, 5-21-12, 5-29-14, \_\_\_\_\_.

#### 11B-30.009 Applicant Conduct at Test Site and Notice of Protection of Program Privileges.

Any violation of the provisions of this subsection shall be documented in writing to the Program Director of the Criminal Justice Professionalism Program.

(1) The applicant shall not engage in conduct that subverts or attempts to subvert the ~~Paper and Pencil or Computer-Based~~ State Officer Certification Examination (SOCE) process. An applicant engaging in conduct intended to subvert the SOCE process shall be dismissed from the SOCE administration. Conduct that subverts or attempts to subvert the SOCE process includes:

(a) through (m) No change.

(2) through (3) No change.

(4) The applicant shall not engage in conduct that violates the standards of the SOCE Administration. An applicant has violated the standards of the SOCE administration by:

(a) No change.

(b) Possession of anything other than the personal identification ~~and pencils~~ at the test site for the ~~P&P-SOCE~~. ~~Possession of anything other than personal identification for the Computer Based SOCE (CB-SOCE).~~

(5) through (6) No change.

Rulemaking Authority 943.03(4), 943.12(1), (17), 943.173(3) FS. Law Implemented 943.12(17), 943.13(7), 943.1397(1), (3), 943.173 FS. History–New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 5-21-12, \_\_\_\_\_.

#### 11B-30.011 Examination Scoring and Grade Notification.

Individuals who graduate from a Commission-approved Basic Recruit Training Program shall be required to achieve a passing score on the State Officer Certification Examination (SOCE) with an overall scale score equal to or higher than the established cut-off score. Official examination results shall only be stored in, and retrieved from, the Commission's Automated Training Management System (ATMS). ~~For the Paper and Pencil State Officer Certification Examination (P&P-SOCE), Commission staff shall provide the applicant, within thirty days of the test date, with an unofficial grade notification to be used for the applicant's records only. For the Computer Based State Officer Certification Examination (CB-SOCE) the applicant shall receive an unofficial grade notification at the conclusion of the examination.~~

Rulemaking Authority 943.03(4), 943.12(1), (17) FS. Law Implemented 943.12(17), 943.1397(1) FS. History–New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 5-21-12, 5-29-14, \_\_\_\_\_.

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

(1) through (5) No change.

(6) Individuals submitting challenges to questions shall be notified in writing, within thirty working days of the post-examination review session of the Commission's response to the challenges submitted during the post-examination review session. Submitted challenges shall not be processed should an individual retake and pass the examination before receiving the Commission's response to the challenges submitted.

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, 7-29-15, 9-4-16, \_\_\_\_\_.

11B-30.013 Challenge to Examination Results; Right of Hearing. Should the Commission deny an individual's ~~Paper and Pencil or Computer-Based~~ State Officer Certification Examination (SOCE) grade review challenge, the Commission shall notify the individual by submitting a statement denying the challenge. The statement shall specify the basis for the Commission's denial and shall be forwarded to the individual. The individual shall be entitled to a hearing pursuant to the Administrative Procedures Act set forth in Chapter 120, F.S., and the Uniform Rules of Procedure, Rule Chapter 28, F.A.C.

Rulemaking Authority 943.03(4), 943.12(1), (17) FS. Law Implemented 120, 943.12(17) FS. History–New 1-10-94, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 5-21-12, \_\_\_\_\_.

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-35, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11B-35.001, 11B-35.0010, 11B-35.002, 11B-35.0021, 11B-35.0023,  
11B-35.0024, 11B-35.003 and 11B-35.009

TRAINING PROGRAMS

SUMMARY OF THE RULE

11B-35 is amended to revise the criminal justice officer training programs and course requirements, to revise the Academy Physical Fitness Standards Report (Form CJSTC-67A), to revise the Physician's Assessment form (Form CJSTC-75), to repeal the Physical Fitness Assessment form (Form CJSTC-75B), to make a grammatical change, and to update rule references, the forms website link, and the title of the ATMS Global Profile Sheet.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-35.001(9)-(15): Deletes subsection 11B-35.001(9), F.A.C., because the new Correctional Probation Basic Recruit Training Program was developed and approved with an effective date of November 1, 2016. Also renumbers subsections 11B-35.001(9)-(15), F.A.C.

11B-35.001(10)(b): Incorporates and revises the Academy Physical Fitness Standards Report (Form CJSTC-67A), updates the rule reference, modifies the rule to only require the last four digits of a student's social security number, updates the name of the Florida Correctional Probation BRTP by adding "BRTP," and adds the Florida Correctional Probation Officer Training Academy course as another course that requires the submission of Form CJSTC-67A.

11B-35.001(10)(d)8.: Updates the title of the ATMS Global Profile Report to reflect ATMS Global Profile Sheet for consistency within the rule. Also incorporates the revised



Instructor Exemption form (Form CJSTC-82), which adds a certification statement to ensure the training center director or designee is aware of his or her responsibility to verify an individual's satisfaction of the eligibility requirements.

11B-35.001(10)(d)9.-10.: Updates the rule reference.

11B-35.001(10)(d)13.: Updates the rule reference.

11B-35.001(10)(d)14.: Incorporates the revised Physician's Assessment form (Form CJSTC-75), which combines the original Physician's Assessment form (Form CJSTC-75) and the Physical Fitness Assessment form (Form CJSTC-75B), to create the revised Physician's Assessment form (Form CJSTC-75), which replaces the repealed Physical Fitness Assessment (Form CJSTC-75B).

11B-35.001(11)(c): Updates the rule reference.

11B-35.001(12)(a): Updates the rule reference.

11B-35.001(12)(b): Updates the rule reference.

11B-35.001(13): Updates the rule reference.

11B-35.001(14)(b): Revises the rule text to require a student to complete the Physician's Assessment form (Form CJSTC-75) prior to beginning a Basic Recruit Training Program, instead of completing the Physical Fitness Assessment (Form CJSTC-75B), which is being repealed.

11B-35.0010(4)(a): Makes a grammatical change.

11B-35.0010(4)(b): Updates the forms website link to reflect the correct link at which the forms are available.

11B-35.002(1)(a)7.: Retires the Correctional Officer Cross-Over Training to Florida Law Enforcement Academy, number 2003, because it is being replaced with the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy, number 3002.

11B-35.002(1)(a)8.: Retires the Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy, number 2004, because it is being replaced with the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy, number 3005.

11B-35.002(1)(a)9.: Adds the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy, number 3002, to the list of Law Enforcement Basic Recruit Training Programs to replace the retired Correctional Officer Cross-Over Training to Florida Law Enforcement Academy, number 2003, effective July 1, 2016.

11B-35.002(1)(a)10.: Adds the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy, number 3005, to the list of Law Enforcement Basic Recruit Training Programs to replace the retired Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy, number 2004, effective July 1, 2016.

11B-35.002(1)(b)5.: Retires the Correctional Probation Officer Training to Florida CMS Correctional BRTP, number 1193, because it is being replaced with the new Correctional Probation Officer Training to Florida CMS Correctional BRTP, number 3004.

11B-35.002(1)(b)8.-9.: Retires the Law Enforcement Officer Cross-Over Training to Florida CMS Correctional BRTP, number 2005, because it is being replaced with the new Law Enforcement Officer Cross-Over Training to Florida CMS Correctional BRTP, number 3001. Commission staff is no longer using crossover-specific courses in the cross-over programs. Instead staff is only using existing courses in their entirety from the discipline to be learned.

11B-35.002(1)(b)10.: Adds the new Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program, number 3004, to the list of Correctional Basic Recruit Training Programs to replace the retired Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program, number 1193, because crossover-specific courses are no longer being used, effective July 1, 2016.

11B-35.002(1)(c)1.: Retires the Florida Correctional Probation BRTP number 1176.

11B-35.002(1)(c)2.: Retires the Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy, number 1183, and replaces it with the new Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy, number 3003.

11B-35.002(1)(c)4.: Revises the rule text to require a basic recruit student to complete the new Florida Correctional Probation Officer Training Academy instead of the Correctional Probation BRTP in order to become a certified Correctional Probation Auxiliary Officer. Also updates the rule references.

11B-35.002(1)(c)5.: Adds the new Florida Correctional Probation Officer Training Academy, number 3000, to the list of Correctional Probation Basic Recruit Training Programs, effective November 1, 2016.

11B-35.002(1)(c)6.: Adds the new Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy, number 3003, to the list of Correctional Probation Basic Recruit Training Programs to replace the Correctional Officer Cross-Over Training to Florida Correctional Probation BRTP number 1183, effective November 1, 2016.

11B-35.002(5)(d): Retires the Florida Correctional Probation Basic Recruit Training Program, number 1176, and deletes the table of associated courses.

11B-35.002(5)(f): Includes the new Florida Correctional Probation Officer Training Academy, number 3000, and associated courses to the list of Correctional Probation Basic Recruit Training Programs, effective November 1, 2016.

11B-35.002(6)(d)2.: Replaces the Correctional Officer Cross-Over Training to Florida Law Enforcement Academy, number 2003, with the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy, number 3002, because crossover-specific courses are no longer used in the crossover programs.

11B-35.002(6)(d)3.-7.: Renumbers the rule subsections because the list of Correctional Probation Basic Recruit Training Programs was updated.

11B-35.002(6)(d)3.: Includes the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy, number 3002, and associated courses in the Law Enforcement Cross-Over Basic Recruit Training Programs because crossover-specific courses are no longer used in the crossover programs.

11B-35.002(6)(d)5.: Replaces the Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy, number 2004, with the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy, number 3005, because crossover-specific courses are no longer used in the crossover programs.

11B-35.002(6)(d)6.: Includes the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy, number 3005, in the list of Correctional Probation Basic Recruit Training Programs, effective July 1, 2016.

11B-35.002(6)(e)2.: Replaces the retired Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program, number 2005, with the Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program, number 3001. Also renumbers subparagraphs in Rule 11B-35.002(6)(e), F.A.C.

11B-35.002(6)(e)3.: Adds the new Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program, number 3001, and associated courses to the list of Correctional Cross-Over Basic Recruit Training Programs, effective July 1, 2016.

11B-35.002(6)(e)6.: Replaces the retired Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program, number 1193, with the Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program, number 3004.

11B-35.002(6)(e)7.: Adds the new Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program, number 3004, and associated courses to the list of Correctional Cross-Over Basic Recruit Training Programs, effective July 1, 2016.

11B-35.002(6)(f)5.: Replaces the retired Correctional Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program, number 1183, with the Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy number 3003.

11B-35.002(6)(f)6.: Adds the new Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy, number 3003, and associated courses to the list of Correctional Probation Cross-Over Basic Recruit Training Programs, effective November 1, 2016.

11B-35.0021(1)(e): Removes the “Cross-Over Handgun Transition Course” from the High-Liability Basic Recruit Training Program and retires the course from crossover programs involving the Corrections Officer BRTP because corrections officers no longer need this training.

11B-35.0021(8)(a): Removes the “Cross-Over Handgun Transition Course” as a course that requires instructor to student ratio of proficiency demonstration. The course is being retired from cross-over programs involving the Corrections Officer BRTP because corrections officers no longer need this training.

11B-35.0023(2)(c): Updates the title of the ATMS Global Profile Report to ATMS Global Profile Sheet for consistency within the rule. Also adds text to allow for other documentation as proof of a student’s course completion.

11B-35.0023(3): Adds new text that allows high liability courses completed in one Basic Recruit Training Program to be transferred to another Program and identifies the requirements which must be met in order to transfer the courses.

11B-35.0023(3)(a)-(d): Includes rule language that identifies the requirements which must be met in order to transfer from one Basic Recruit Training Program to another Program.

11B-35.0023(4)-(6): Renumbers paragraphs because a new paragraph (11B-35.0023(3), F.A.C.) was added.

11B-35.0024(3): Removes the “Cross-Over Handgun Transition Course” as a proficiency demonstration course. The course is being retired from cross-over programs involving the Corrections Officer BRTP because corrections officers no longer need this training.

11B-35.0024(3)(a)3.: Revises the rule text to require a basic recruit student to complete the Physician's Assessment form (Form CJSTC-75) prior to beginning a Basic Recruit Training Program, instead of completing the Physical Fitness Assessment form (Form CJSTC-75B), which is being repealed.

11B-35.0024(4): Removes the specialized Role-play Scenario for Facilitative Learning course, number 2001, from a list of courses that require students to demonstrate proficiency as such a demonstration is no longer required. Also removes related text.

11B-35.0024(4)(m): Removes the statement that Role-play Scenarios for Facilitative Learning course, number 2001, does not require a proficiency demonstration as such a demonstration is no longer required.

11B-35.003(2): Updates the rule text to require an applicant to complete the Florida Correctional Probation Officer Training Academy in its entirety in order to become a certified law enforcement or correctional auxiliary officer.

11B-35.003(8): Revises the rule text to require an individual to complete the new Florida Correctional Probation Officer Training Academy, number 3000, instead of the Florida Correctional Probation Basic Recruit Training Program, number 1176, in order to become a correctional probation auxiliary officer.

11B-35.009(3)(c): Updates the topics and exemption-from-training requirements for correctional probation officer training to complete the new Florida Correctional Probation Officer Training Academy, number 3000, instead of the Florida Correctional Probation Basic Recruit Training Program, number 1176.

11B-35.009(5): Incorporates the revised Exemption-From-Training form (Form CJSTC-76), changes the discipline field name to “Florida Correctional Probation Officer Training Academy,” and revises the deficiency topics.

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-35.0010	eLearning Instruction
11B-35.002	Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation
11B-35.0021	Courses and Requirements for Basic Recruit Training, Advanced, Specialized, and Instructor Training Requiring Proficiency Demonstration
11B-35.0023	Student Transfers within Basic Recruit Training Programs
11B-35.0024	Student Performance in Commission-approved High-Liability Basic Recruit Training Courses, Instructor Training Courses, and Specialized and Advanced Training Program Courses Requiring Proficiency Demonstration
11B-35.003	Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation Auxiliary Training
11B-35.009	Exemption from Basic Recruit Training

PURPOSE AND EFFECT:

Paragraphs 11B-35.001(9)-(15), F.A.C.: Deletes subsection 11B-35.001(9), F.A.C., because the Correctional Probation Basic Recruit Training Program was developed and approved with an effective date of November 1, 2016; and renumbers subsections 11B-35.001(9)-(15), F.A.C.

Paragraph 11B-35.001(10)(b), F.A.C.: Incorporates and revises the Academy Physical Fitness Standards Report, form CJSTC-67A, to update the rule reference and only request the last four digits of the student’s social security number; updates the name of the Florida Correctional Probation BRTP by adding “BRTP”; and adds the Florida Correctional Probation Officer Training Academy course as another course that requires the submission of form CJSTC-67A.

Sub-paragraph 11B-35.001(10)(d)8., F.A.C.: Updates the title of the ATMS Global Profile Report to reflect ATMS Global Profile Sheet for consistency within the rule and incorporates the revised Instructor Exemption, form CJSTC-82, which adds a certification statement to ensure the training center director or designee is aware of their responsibility to verify individual meets the eligibility requirements.

Sub-paragraphs 11B-35.001(10)(d)9.-10., F.A.C.: Updates the rule reference.

Sub-paragraph 11B-35.001(10)(d)13., F.A.C.: Updates the rule reference.

Sub-paragraph 11B-35.001(10)(d)14., F.A.C.: Incorporates the revised Physician’s Assessment, form CJSTC-75, which combines the original Physician’s Assessment, form CJSTC-75, and the Physical Fitness Assessment, form CJSTC-75B, to create the revised Physician’s Assessment, form CJSTC-75, to replace the repealed Physical Fitness Assessment, form CJSTC-75B.

Paragraph 11B-35.001(11)(c), F.A.C.: Updates the rule reference.

Paragraph 11B-35.001(12)(a), F.A.C.: Updates the rule reference.

Paragraph 11B-35.001(12)(b), F.A.C.: Updates the rule reference.

Subsection 11B-35.001(13), F.A.C.: Updates the rule reference.

Paragraph 11B-35.001(14)(b), F.A.C.: Revises the rule text to require a student to complete the Physician's Assessment, form CJSTC-75, prior to beginning a Basic Recruit Training Program, instead of completing the Physical Fitness Assessment, form CJSTC-75B, which is being repealed.

Paragraph 11B-35.0010(4)(a), F.A.C.: Makes a grammatical change.

Paragraph 11B-35.0010(4)(b), F.A.C.: Updates the forms website link.

Subparagraph 11B-35.002(1)(a)7., F.A.C.: Retires the Correctional Officer Cross-Over Training to Florida Law Enforcement Academy, number 2003, because it is being replaced with the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy, number 3002.

Subparagraph 11B-35.002(1)(a)8., F.A.C.: Retires the Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy, number 2004 because it is being replaced with the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy, number 3005.

Sub-paragraph 11B-35.002(1)(a)9., F.A.C.: Adds the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 3002 to the list of Law Enforcement Basic Recruit Training Programs, effective July 1, 2016, to replace the retired Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 2003.

Sub-paragraph 11B-35.002(1)(a)10., F.A.C.: Adds the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy number 3005 to the list of Law Enforcement Basic Recruit Training Programs, effective July 1, 2016, to replace the retired Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy number 2004.

Sub-paragraph 11B-35.002(1)(b)5., F.A.C.: Retires the Correctional Probation Officer Training to Florida CMS Correctional BRTP, number 1193, because it is being replaced with the new Correctional Probation Officer Training to Florida CMS Correctional BRTP, number 3004.

Sub-paragraphs 11B-35.002(1)(b)8.-9., F.A.C.: Retires the Law Enforcement Officer Cross-Over Training to Florida CMS Correctional BRTP, number 2005, because it is being replaced with the new Law Enforcement Officer Cross-Over Training to Florida CMS Correctional BRTP, number 3001. Commission staff is no longer using crossover-specific courses in the cross-over programs. Instead staff is only using existing courses in their entirety from the discipline to be learned.

Sub-paragraph 11B-35.002(1)(b)10., F.A.C.: Adds the new Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 3004 to the list of Correctional Basic Recruit Training Programs, effective July 1, 2016, to replace the retired Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 1193 because crossover-specific courses are no longer being used.

Sub-paragraph 11B-35.002(1)(c)1., F.A.C.: Retires the Florida Correctional Probation BRTP number 1176.

Sub-paragraph 11B-35.002(1)(c)2., F.A.C.: Retires the Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy number 1183 and replaces it with the new Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy number 3003.

Sub-paragraph 11B-35.002(1)(c)4., F.A.C.: Revises the rule text to require a basic recruit student to complete the new Florida Correctional Probation Officer Training Academy instead of the Correctional Probation BRTP in order to become a certified Correctional Probation Auxiliary Officer. Also updates the rule references.

Sub-paragraph 11B-35.002(1)(c)5., F.A.C.: Adds the new Florida Correctional Probation Officer Training Academy number 3000 to the list of Correctional Probation Basic Recruit Training Programs, effective November 1, 2016.

Sub-paragraph 11B-35.002(1)(c)6., F.A.C.: Adds the new Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy number 3003 to the list of Correctional Probation Basic Recruit Training Programs to replace the Correctional Officer Cross-Over Training to Florida Correctional Probation BRTP number 1183, effective November 1, 2016.

Paragraph 11B-35.002(5)(d), F.A.C.: Retires the Florida Correctional Probation Basic Recruit Training Program number 1176 and deletes the table of associated courses.

Paragraph 11B-35.002(5)(f), F.A.C.: Includes the new Florida Correctional Probation Officer Training Academy number 3000 and associated courses to the list of Correctional Probation Basic Recruit Training Programs, effective November 1, 2016.

Sub-paragraph 11B-35.002(6)(d)2., F.A.C.: Replaces the Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 2003 with the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 3002 because crossover-specific courses are no longer used in the crossover programs.

Sub-paragraphs 11B-35.002(6)(d)3.-7., F.A.C.: Renumbers the rule subsections because the list of Correctional Probation Basic Recruit Training Programs was updated.

Sub-paragraph 11B-35.002(6)(d)3., F.A.C.: Includes the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 3002 and associated courses to the Law Enforcement Cross-Over Basic Recruit Training Programs because crossover-specific courses are no longer used in the crossover programs.

Sub-paragraph 11B-35.002(6)(d)5., F.A.C.: Replaces the Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy number 2004 with the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy number 3005 because crossover-specific courses are no longer used in the crossover programs.

Sub-paragraph 11B-35.002(6)(d)6., F.A.C.: Includes the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy number 3005 to the list of Correctional Probation Basic Recruit Training Programs, effective July 1, 2016.

Sub-paragraph 11B-35.002(6)(e)2., F.A.C.: Replaces the retired Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 2005 with the Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 3001; and renumbers subparagraphs in Rule 11B-35.002(6)(e), F.A.C.

Sub-paragraph 11B-35.002(6)(e)3., F.A.C.: Adds the new Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 3001 and associated courses to the list of Correctional Cross-Over Basic Recruit Training Programs, effective July 1, 2016.

Sub-paragraph 11B-35.002(6)(e)6., F.A.C.: Replaces the retired Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 1193 with the Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 3004.

Sub-paragraph 11B-35.002(6)(e)7., F.A.C.: Adds the new Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 3004 and associated courses to the list of Correctional Cross-Over Basic Recruit Training Programs, effective July 1, 2016.

Sub-paragraph 11B-35.002(6)(f)5., F.A.C.: Replaces the retired Correctional Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program number 1183 with the Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy number 3003.

Sub-paragraph 11B-35.002(6)(f)6., F.A.C.: Adds the new Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy number 3003 and associated courses to the list of Correctional Probation Cross-Over Basic Recruit Training Programs, effective November 1, 2016.

Sub-paragraph 11B-35.0021(1)(e), F.A.C.: Removes the “Cross-Over Handgun Transition Course” from the High-Liability Basic Recruit Training Program and retires the course from crossover programs involving the Corrections Officer BRTP because corrections officers no longer need this training.

Paragraph 11B-35.0021(8)(a), F.A.C.: Removes the “Cross-Over Handgun Transition Course” as a course that requires instructor to student ratio of proficiency demonstration. The course is being retired from cross-over programs involving the Corrections Officer BRTP because corrections officers no longer need this training.

Paragraph 11B-35.0023(2)(c), F.A.C.: Updates the title of the ATMS Global Profile Report to reflect ATMS Global Profile Sheet for consistency within the rule; and adds text to allow for other documentation as proof of a student’s course completion.

Subsection 11B-35.0023(3), F.A.C.: Adds new paragraph to include text that allows high liability courses completed in one Basic Recruit Training Program to be transferred to another Program and identify the requirements which must be met in order to transfer the courses.

Paragraphs 11B-35.0023(3)(a)-(d), F.A.C.: Includes rule language to identify the requirements which must be met in order to transfer from one Basic Recruit Training Program to another Program.

Paragraphs 11B-35.0023(4)-(6), F.A.C.: Renumbers paragraphs because the new paragraph 11B-35.0023(3), F.A.C., was added.

Subsection 11B-35.0024(3), F.A.C.: Removes the “Cross-Over Handgun Transition Course” as a proficiency demonstration course. The course is being retired from cross-over programs involving the Corrections Officer B RTP because corrections officers no longer need this training.

Sub-paragraph 11B-35.0024(3)(a)3., F.A.C.: Revises the rule text to require a basic recruit student to complete the Physician’s Assessment, form CJSTC-75, prior to beginning a Basic Recruit Training Program, instead of completing the Physical Fitness Assessment, form CJSTC-75B, which is being repealed.

Subsection 11B-35.0024(4), F.A.C.: Removes the specialized “Role-play Scenario for Facilitative Learning” course from a list of courses that require students to demonstrate proficiency. Also, removes related text stating the same.

Paragraph 11B-35.0024(4)(m), F.A.C.: Removes the unnecessary statement that the Role-play Scenarios for Facilitative Learning course, number 2001, does not require a proficiency demonstration.

Subsection 11B-35.003(2), F.A.C.: Updates the rule text to reflect that an applicant must complete the Florida Correctional Probation Officer Training Academy in its entirety in order to become a certified law enforcement or correctional auxiliary officer.

Subsection 11B-35.003(8), F.A.C.: Revises the rule text to require an individual to complete the new Florida Correctional Probation Officer Training Academy number 3000 instead of the Florida Correctional Probation Basic Recruit Training Program, number 1176, in order to become a correctional probation auxiliary officer.

Paragraph 11B-35.009(3)(c), F.A.C.: Updates the topics and exemption-from-training requirements for correctional probation officer training to complete the new Florida Correctional Probation Officer Training Academy number 3000 instead of the Florida Correctional Probation Basic Recruit Training Program, number 1176.

Subsection 11B-35.009(5), 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.

**SUMMARY:**

Criminal justice officer training programs and course requirements; revised Academy Physical Fitness Standards Report, form CJSTC-67A; and Physician’s Assessment, form CJSTC-75; repealed Physical Fitness Assessment, form CJSTC-75B; grammatical change and updated rule references, forms website link, and title of the ATMS Global Profile Sheet.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE**

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

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

**OTHER RULES INCORPORATING THIS RULE:** N/A. **EFFECT ON THOSE OTHER RULES:** N/A. The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a

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

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

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

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

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

**DATE AND TIME:** 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-35.001 General Training Programs; Requirements and Specifications.

(1) through (8) No change.

~~(9) 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 2016. 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.~~

~~(9)(10)~~ Reporting requirements for Commission-approved Basic Recruit, Advanced, and Specialized Training Program Courses are as follows:

(a) No change.

(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 August 4, 2016 ~~November 6, 2014~~, effective \_\_\_\_\_ ~~7/2015~~, hereby incorporated by reference, is required for the Florida CMS Law Enforcement, Florida Law Enforcement Academy, Florida Correctional Probation B RTP, Florida Correctional Probation Officer Training Academy, 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/cms/CJSTC/Publications/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. through 7. No change.

8. List of course instructor(s) to include full name and a copy of the instructor's current ATMS Global Profile ~~Sheet Report~~ filed alphabetically in a master file, or maintained in the course file, or completion of Instructor Exemption, form CJSTC-82, revised August 4, 2016 ~~November 6, 2014~~, effective \_\_\_\_\_ 7/2015, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref-05651> if applicable. Form CJSTC-82 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.

9. Student daily attendance records, to include documentation of excused absences, pursuant to subsection (10)~~(11)~~ of this rule section.

10. Documentation of student makeup work, pursuant to subsection (11)~~(12)~~ of this rule section.

11. through 12. No change.

13. Form CJSTC-67A for Basic recruit Training Programs pursuant to subsection 11B-35.001(13)(14), 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 paragraph 11B-35.001(13)(14)(b), F.A.C., which includes a completed Physician's Assessment, form CJSTC-75, revised, August 4, 2016, effective \_\_\_\_\_, hereby incorporated by reference. ~~Physical Fitness Assessment, form CJSTC-75B, revised November 5, 2015, effective 9/2016, hereby incorporated by reference~~ <http://www.flrules.org/Gateway/reference.asp?No=Ref-07379>. Form CJSTC-75 ~~CJSTC-75B~~ 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.

15. through 16. No change.

~~(10)(11)~~ 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) through (b) No change.

(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 ~~(10)(12)~~(c)1., of this rule section.

1. through 3. No change.



~~(11)(12)~~ Student Re-examination Policy for Commission-approved Basic Recruit Training Program Courses.

(a) A student shall achieve a passing score, pursuant to subsection 11B-35.001~~(8)(9)~~, F.A.C., on all end-of-course examinations in a Commission-approved Basic Recruit Training Program to successfully complete a program. A student who has failed a written end-of-course examination may be granted a re-examination by the training center director if:

1. through 3. No change.

(b) Exclusive of the Commission's Basic Recruit Training Courses requiring proficiency demonstration and re-examinations in paragraph ~~(11)(12)~~(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.

~~(12)(13)~~ 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 ~~(11)(12)~~(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 ~~(11)(12)~~ 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.

~~(13)(14)~~ Basic Recruit Student Physical Fitness Program.

(a) No change.

(b) Basic Recruit Student Physical Fitness Test and Chemical Agent Exposure. Prior to beginning a Basic Recruit Training Program, a student shall receive a physical examination and complete the Physician's Assessment, form CJSTC-75 ~~Physical Fitness Assessment form CJSTC 75B, <https://www.flrules.org/Gateway/reference.asp?No=Ref-05637>~~, which shall be maintained in the student or course file at the training school.

(c) No change.

~~(14)~~(15) 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, 7-29-15, 9-4-16,

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11B-35.0010 eLearning Instruction.

(1) through (3) No change.

(4) Training schools are permitted to expend Criminal Justice Standards and Training Trust Fund Officer Training Monies for conducting eLearning instruction for Commission-approved Specialized Training Program Courses and Specialized Instructor Courses, and courses created from Specialized Goals and Objectives, provided the courses are delivered using a learning management system, are instructor led, and the courses meet minimum standards pursuant to (4)(b) of this rule section. Officer Training monies shall be expended pursuant to the requirements of Rule Chapter 11B-18, F.A.C.

(a) “Learning Management System” (LMS) is defined as a web-based software application for the administration, documentation, tracking, and reporting of training programs, classroom and on-line events, eLearning programs, and training content. The LMS shall facilitate:

1. through 11. No change.

(b) eLearning courses shall conform to the minimum standards and criteria established and shall be documented on the eLearning Course Minimum Standards, Form CJSTC-18, Commission-approved December 16, 2010, (effective 3/2013), hereby incorporated by reference, prior to delivery of the course and maintained in the course file. An electronic copy of the corresponding course shall be maintained for a minimum of five years, and upon request shall be made available for review by Commission staff. Form CJSTC-18 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.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.175, 943.25 FS. History—New 3-13-13,\_\_\_\_\_.

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

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

(a) Law Enforcement Discipline

1. through 6. No change.

(a) <b>Law Enforcement Discipline</b>				
	<b>Program Number</b>	<b>Basic Recruit Training Programs</b>	<b>Program Hours</b>	<b>Retired (R) Effective (E)</b>
7.	2003	Correctional Officer Cross-Over Training to Florida Law Enforcement Academy	515	E-7/1/14 <u>R-6/30/16</u>
8.	2004	Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy	567	E-7/1/14 <u>R-6/30/16</u>
<u>9.</u>	<u>3002</u>	<u>Correctional Officer Cross-Over Training to Florida Law Enforcement Academy</u>	<u>518</u>	<u>E-7/1/16</u>
<u>10.</u>	<u>3005</u>	<u>Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy</u>	<u>532</u>	<u>E-7/1/16</u>

(b) Correctional Discipline

1. through 4. No change.

<b>(b) Correctional Discipline</b>				
	<b>Program Number</b>	<b>Basic Recruit Training Programs</b>	<b>Program Hours</b>	<b>Retired (R) Effective (E)</b>
5.	1193	Correctional Probation Officer Cross-Over Training to Florida CMS Correctional B RTP	250	E-7/1/12 <u>R-6/30/16</u>

6. through 7. No change.

8.	2005	Law Enforcement Officer Cross-Over Training to Florida CMS Correctional B RTP	172	E-7/1/14 <u>R-6/30/16</u>
<u>9.</u>	<u>3001</u>	<u>Law Enforcement Officer Cross-Over Training to Florida CMS Correctional B RTP</u>	<u>198</u>	<u>E-7/1/16</u>
<u>10.</u>	<u>3004</u>	<u>Correctional Probation Officer Cross-Over Training to Florida CMS Correctional B RTP</u>	<u>238</u>	<u>E-7/1/16</u>

(c) Correctional Probation Discipline

<b>(c) Correctional Probation Discipline</b>				
	<b>Program Number</b>	<b>Basic Recruit Training Programs</b>	<b>Program Hours</b>	<b>Retired (R) Effective (E)</b>
1.	1176	Florida Correctional Probation B RTP	449	E-4/1/08 <u>R-10/31/16</u>
2.	1183	Correctional Officer Cross-Over Training to Florida Correctional Probation B RTP	194	E-4/1/08 <u>R-10/31/16</u>

3. No change.

4.	NA	Correctional Probation Auxiliary BRTP; there is no course. To become certified as a Correctional Probation Auxiliary Officer, pursuant to subsection 11B-35.003(8), F.A.C., a basic recruit student shall complete the <u>Florida Correctional Probation Officer Training Academy</u> <del>Correctional Probation BRTP</del> , pursuant to paragraph (5)(g)( <del>d</del> ) of this rule section.	NA	NA
<u>5.</u>	<u>3000</u>	<u>Florida Correctional Probation Officer Training Academy</u>	<u>482</u>	<u>E-11/1/16</u>
<u>6.</u>	<u>3003</u>	<u>Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy</u>	<u>290</u>	<u>E-11/1/16</u>

(2)(a) through (4) No change.

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

(a) through (c) No change.

(d) Florida Correctional Probation Basic Recruit Training Program number 1176, Version 2008.04 (Retired October 31, 2016). ~~(Effective April 1, 2008):~~

	<b>Course Name</b>	<b>Course Hours</b>
1.	<del>Correctional Probation Legal</del>	57
2.	<del>Correctional Probation Interpersonal Communication Skills</del>	44
3.	<del>Correctional Probation Caseload Management</del>	40
4.	<del>Correctional Probation Supervision</del>	88
5.	<del>Correctional Probation Investigations</del>	39
6.	<del>Correctional Probation Management Information Systems</del>	27
7.	<del>CMS Criminal Justice Defensive Tactics</del>	80
8.	<del>CMS First Aid for Criminal Justice Officers</del>	40
9.	<del>Criminal Justice Officer Physical Fitness Training</del>	34
	<del>TOTAL</del>	449

(e) No change.

(f) Florida Correctional Probation Officer Training Academy number 3000 (Effective November 1, 2016):

	<b><u>Course Name</u></b>	<b><u>Course Hours</u></b>
1.	<u>Introduction to Correctional Probation</u>	<u>14</u>
2.	<u>Legal Foundations for Correctional Probation</u>	<u>44</u>
3.	<u>Communications</u>	<u>46</u>
4.	<u>Intake and Orientation</u>	<u>24</u>

5.	<u>Caseload Management</u>	<u>32</u>
6.	<u>Supervision of Offenders</u>	<u>88</u>
7.	<u>Field Supervision</u>	<u>80</u>
8.	<u>CMS First Aid for Criminal Justice Officers</u>	<u>40</u>
9.	<u>CMS Criminal Justice Defensive Tactics</u>	<u>80</u>
10.	<u>Criminal Justice Officer Physical Fitness Training</u>	<u>34</u>
	<u>TOTAL</u>	<u>482</u>

(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) through (c) No change.

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

1. No change.

2. Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 2003 (Retired June 30, 2016). (~~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:~~

	<b>Course Title</b>	<b>Course Hours</b>
a.	<del>Overview of Law Enforcement</del>	<del>64</del>
b.	<del>Interactions In Crisis Situations</del>	<del>40</del>
e.	<del>Reporting Procedures</del>	<del>32</del>



d.	Fundamentals Of Patrol	35
e.	Calls For Service	36
f.	Criminal Investigations	50
g.	Crime Scene To Courtroom	35
h.	Critical Incidents	44
i.	Traffic Stops	30
j.	DUI Traffic Stops	24
k.	Traffic Crash Investigations	32
l.	Cross Over Program Updates	8
m.	CMS Law Enforcement Vehicle Operations	48
n.	Dart Firing Stun Gun	8
o.	Cross Over Handgun Transition Course	24
p.	Correctional Cross over to Law Enforcement Officer Wellness	35
	TOTAL	515

3. Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 3002 (Effective July 1, 2016). 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>Introduction to Law Enforcement</u>	<u>10</u>
b.	<u>Legal</u>	<u>62</u>

<u>c.</u>	<u>Interactions With a Diverse Community</u>	<u>40</u>
<u>d.</u>	<u>Interviewing and Report Writing</u>	<u>56</u>
<u>e.</u>	<u>Fundamentals of Patrol</u>	<u>35</u>
<u>f.</u>	<u>Calls For Service</u>	<u>36</u>
<u>g.</u>	<u>Criminal Investigations</u>	<u>50</u>
<u>h.</u>	<u>Crime Scene To Courtroom</u>	<u>35</u>
<u>i.</u>	<u>Critical Incidents</u>	<u>44</u>
<u>j.</u>	<u>Traffic Stops</u>	<u>30</u>
<u>k.</u>	<u>DUI Traffic Stops</u>	<u>24</u>
<u>l.</u>	<u>Traffic Crash Investigations</u>	<u>32</u>
<u>m.</u>	<u>Cross-Over Program Updates</u>	<u>8</u>
<u>n.</u>	<u>CMS Law Enforcement Vehicle Operations (See Volume 2: High Liability Textbook and Instructor Guide)</u>	<u>48</u>
<u>o.</u>	<u>Dart-Firing Stun Gun (See Volume 2: High Liability Textbook and Instructor Guide)</u>	<u>8</u>
	<u>TOTAL</u>	<u>518</u>

~~4. 3-~~ Correctional Officer Cross-Over Training to Florida CMS Law Enforcement Basic

Recruit Training Program number 1191 (Retired June 30, 2014).

~~5. 4-~~ Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy number 2004 (Retired June 30, 2016). (~~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:~~

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

6. Correctional Probation Officer Cross-Over Training to Florida Law Enforcement

Academy number 3005 (Effective July 1, 2016). 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>
a.	<u>Legal</u>	<u>62</u>
b.	<u>Interactions in a Diverse Community</u>	<u>40</u>
c.	<u>Fundamentals of Patrol</u>	<u>35</u>
d.	<u>Calls for Service</u>	<u>36</u>
e.	<u>Criminal Investigations</u>	<u>50</u>
f.	<u>Crime Scene to Courtroom</u>	<u>35</u>
g.	<u>Critical Incidents</u>	<u>44</u>
h.	<u>Traffic Stops</u>	<u>30</u>
i.	<u>DUI Traffic Stops</u>	<u>24</u>
j.	<u>Traffic Crash Investigations</u>	<u>32</u>
k.	<u>Cross-Over Program Updates</u>	<u>8</u>
l.	<u>CMS Law Enforcement Vehicle Operations</u>	<u>48</u>
m.	<u>CMS Criminal Justice Firearms</u>	<u>80</u>
n.	<u>Dart-Firing Stun Gun</u>	<u>8</u>
	<u>TOTAL</u>	<u>532</u>

7. 5. Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement

Basic Recruit Training Program number 1179 (Retired June 30, 2014).

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

1. No change.

2. Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 2005 (Retired June 30, 2016). (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:

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

3. Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 3001 (Effective July 1, 2016). 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>
a.	<u>Introduction to Corrections</u>	<u>32</u>
b.	<u>Communications</u>	<u>40</u>
c.	<u>Officer Safety</u>	<u>16</u>
d.	<u>Facility and Equipment</u>	<u>8</u>
e.	<u>Intake and Release</u>	<u>18</u>
f.	<u>Supervising in a Correctional Facility</u>	<u>40</u>
g.	<u>Supervising Special Populations</u>	<u>20</u>
h.	<u>Responding to Incidents and Emergencies</u>	<u>16</u>
i.	<u>Cross-Over Program Updates</u>	<u>8</u>
	<u>TOTAL</u>	<u>198</u>

4. ~~3.~~ Law Enforcement Officer Cross-Over Training to Florida CMS Correctional B RTP number 1192 (Retired June 30, 2014).

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

6. ~~5.~~ Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 1193 (Retired June 30, 2016). (~~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:-~~

	<b>Course Name</b>	<b>Course Hours</b>
a.	Introduction to Corrections	32
b.	<del>Correctional Probation Cross Over to Correctional Radio Communications and Searches</del>	10
e.	Facility and Equipment	8
d.	<del>Intake and Release</del>	18
e.	Supervising in a Correctional Facility	40
f.	<del>Supervising Special Populations</del>	20
g.	<del>Responding to Incidents and Emergencies</del>	16
h.	<del>Cross Over Program Updates</del>	8
i.	CMS Criminal Justice Firearms	80
j.	<del>Correctional Probation Cross Over to Correctional Officer Wellness</del>	18
	TOTAL	250

7. Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 3004 (Effective July 1, 2016). 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:



	<u>Course Name</u>	<u>Course Hours</u>
a.	<u>Introduction to Corrections</u>	<u>32</u>
b.	<u>Officer Safety</u>	<u>16</u>
c.	<u>Facility and Equipment</u>	<u>8</u>
d.	<u>Intake and Release</u>	<u>18</u>
e.	<u>Supervising in a Correctional Facility</u>	<u>40</u>
f.	<u>Supervising Special Populations</u>	<u>20</u>
g.	<u>Responding to Incidents and Emergencies</u>	<u>16</u>
h.	<u>CMS Criminal Justice Firearms</u>	<u>80</u>
i.	<u>Cross-Over Program Updates</u>	<u>8</u>
	<u>TOTAL</u>	<u>238</u>

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

1. through 4. No change.

5. Correctional Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program number 1183 (Retired October 31, 2016). (~~Effective April 1, 2008~~). ~~An individual who has successfully completed the Correctional Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a correctional probation officer:~~

	<u>Course Name</u>	<u>Course Hours</u>

a.	<del>Correctional Cross Over to Correctional Probation Legal and Communications</del>	18
b.	<del>Correctional Cross Over to Correctional Probation Supervision</del>	57
e.	<del>Correctional Cross Over to Correctional Probation Investigations</del>	30
d.	<del>Correctional Probation Management Information Systems</del>	27
e.	<del>Correctional Probation Caseload Management</del>	40
g.	<del>Cross Over Program Updates</del>	8
h.	<del>Correctional Cross Over to Correctional Probation Officer Wellness</del>	14
	<b>TOTAL</b>	<b>194</b>

6. Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy number 3003 (Effective November 1, 2016). An individual who has successfully completed the Correctional Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a correctional probation officer:

	<u>Course Name</u>	<u>Course Hours</u>
a.	<u>Introduction to Correctional Probation</u>	<u>14</u>
b.	<u>Legal Foundations for Correctional Probation Officers</u>	<u>44</u>
c.	<u>Intake and Orientation</u>	<u>24</u>
d.	<u>Caseload Management for Correctional Probation</u>	<u>32</u>
e.	<u>Supervision of Offenders</u>	<u>88</u>
f.	<u>Field Supervision</u>	<u>80</u>

g.	<u>Cross-Over Program Updates</u>	<u>8</u>
	<u>TOTAL</u>	<u>290</u>

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, 7-29-15, 9-4-16, \_\_\_\_\_.

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

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

(a) through (d) No change.

~~(e) Cross-Over Handgun Transition Course.~~

(2) through (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~~, 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) through (j) No change.

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, 7-29-15, 9-4-16,\_\_\_\_\_.

11B-35.0023 Student Transfers within Basic Recruit Training Programs.

(1) No change.

(2) A student may transfer courses from a Commission-approved Basic Recruit Training Program to another training school, for the same training program, provided:

(a) through (b) No change.

(c) Verification has been made by reviewing the student’s grade on the ATMS Global Profile Sheet Report or other documentation provided by the school where the courses were completed.

(d) No change.

(3) A student may transfer Commission-approved Basic Recruit Training High Liability Courses, pursuant to Rule 11B-35.0021(1), F.A.C., completed in one Basic Recruit Training Program to another Basic Recruit Training Program provided:

(a) The courses have been successfully completed within four years from the beginning date of the Commission-approved Basic Recruit Training Program; and

(b) The student has not been dismissed for disciplinary reasons from the previous Commission-approved Basic Recruit Training Program; and

(c) Verification has been made by reviewing the student's grade on the ATMS Global Profile Sheet or other documentation provided by the school where the courses were completed.

(d) Demonstration of proficiency skills required by the rule at the time of the requested transfer shall be met by the student. The training center director or designee shall evaluate the student's completed performance evaluation form(s) and ensure the student meets the current proficiency standards. Demonstration of the new skills shall be documented on the applicable performance evaluation form pursuant to Section 11B-35.0024, F.A.C.

~~(4)(3)~~ Both the transferring student and the receiving training school shall request the transferring training school to complete and submit the appropriate student records. Upon receipt of such request, the transferring training school is responsible for submitting the transferring student's records to the receiving training school.

~~(5)(4)~~ When a student has successfully completed courses included in a Commission-approved Basic Recruit Training Program at two or more training schools, and has met all requirements for completion of the program set forth in the requirements of this rule section, the training school where the student has successfully completed the greatest number of courses in that program, shall upon receipt of the student records from the other training school(s), submit a Training Report form CJSTC-67 to Commission staff. The training school submitting form CJSTC-67, may require the student to demonstrate the required proficiency skills not completed at that school, pursuant to subsection 11B-35.0024(1), F.A.C. The training school submitting form CJSTC-67 shall provide the student with written evidence of the student's successful completion of the Basic Recruit Training Program.

~~(6)(5)~~ Nothing in this rule section shall be construed to prevent a training school from admitting a student for the limited purpose of completing a course(s) required for completion of

a Commission-approved Basic Recruit Training Program at another training school where the student is enrolled.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 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, 6-9-08, 9-28-09, 3-13-13,\_\_\_\_\_.

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

(1) through (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. through 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 Law Enforcement, Correctional, or Correctional Probation Basic Recruit Training Program, a student shall complete the Physician's Assessment, form CJSTC-75 ~~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.

(b) through (i) 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) through (l) No change.

(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, 7-29-15, 9-4-16,\_\_\_\_\_.

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

(1) No change.

(2) To become certified as a law enforcement or correctional auxiliary officer, an applicant shall meet the requirements outlined in Sections 943.13(1) – (9), and (11), 943.14(7), and

943.17(1)(g), F.S. To become certified as a correctional probation auxiliary officer, an applicant shall meet the requirements outlined in Sections 943.13(1)-(9), and (11), and 943.14(7), F.S., and shall complete the Florida Correctional Probation Officer Basic Recruit Training Program Academy in its entirety. Applicants requesting certification as a correctional officer shall complete the Florida CMS Correctional Basic Recruit Training Program in its entirety. Applicants requesting certification as a law enforcement auxiliary officer shall successfully complete the following Auxiliary Officer Basic Recruit Training Program requirements:

(a) through (c) No change.

(3) through (7) No change.

(8) Correctional Probation Auxiliary Officer Basic Recruit Training Program. To become a Correctional Probation Auxiliary Officer an individual shall complete the Florida Correctional Probation Officer Training Academy, number 3000 ~~Florida Correctional Probation Basic Recruit Training Program, number 1176~~, pursuant to paragraph 11B-35.002(5)(i)(~~d~~), F.A.C.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(5), 943.17(1)(a) FS. History—New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 6-3-10, 3-13-13, 5-29-14, 9-4-16, .

11B-35.009 Exemption from Basic Recruit Training.

(1) through (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) through (b) No change.



(c) Verify that the applicant's correctional probation officer training is comparable to the Commission's Florida Correctional Probation Officer Training Academy ~~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-Training form CJSTC-76, for the topics of Legal Foundations for Correctional Probation, ~~Interpersonal Communications Skills~~, Intake and Orientation, Caseload Management, Supervision of Offenders, ~~Investigations~~, Field Supervision, ~~Management Information Systems~~, Defensive Tactics, and First Aid or equivalent.

(d) through (e) No change.

(4) Inactive Florida officers who have been separated from employment for a period of four to eight years, may apply for exemption from re-taking the Basic Recruit Training Program for which the officer has been previously certified as a sworn officer. There shall be no more than an eight-year break in employment, which is measured from the separation date of the most recent qualifying employment to the time a complete application is submitted, for an exemption under this rule section. The employing agency or Criminal Justice Selection Center shall verify that the applicant has:

(a) through (b) 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-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-07382>, for out-of-state, federal, and

inactive Florida Officers. Form CJSTC-76 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. 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) through (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, 7-29-15, 9-4-16,\_\_\_\_\_.

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11C-6, FLORIDA ADMINISTRATIVE CODE

AMENDING RULE 11C-6.004 and 11C-6.009

SALE AND DELIVERY OF FIREARMS

SUMMARY OF THE RULE

11C-6 is amended to reflect the addition of an entity authorized to receive the reduced fee for state criminal history checks, to include the revised FDLE Firearm Purchase Program Non-Approval form and the ATF 4473 form, and to update the hyperlink.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11C-6.004: Adds an entity authorized to receive the reduced fee for state criminal history records checks to maintain consistency with the Florida Statutes.

11C-6.009: Incorporates revised forms ATF 4473 and the Firearms Purchase Program Non-Approval form, which now reflect the correct effective dates. Also updated the hyperlink 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 and no written comments were submitted.

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Department of Law Enforcement

Division or Board: Division of Criminal Justice Information Systems

Rule Chapter: 11C-6; CRIMINAL HISTORY RECORDS DISSEMINATION POLICY

RULE NO.:	RULE TITLE:
11C-6.004	Procedures for Requesting Criminal History Records
11C-6.009	Sale and Delivery of Firearms

PURPOSE AND EFFECT:

Subsection 11C-6.004: Adds an entity authorized to receive the reduced fee for a state criminal history record check.

Subsection 11C-6.009: Revises the FDLE Firearm Purchase Non-Approval form and the ATF 4473 form. Also updates the hyperlink to reflect the correct link at which the forms are available.

SUMMARY:

The update reflects the addition of an entity authorized to receive the reduced fee for a state criminal history record check to comply with new statutory language, revises the FDLE Firearm Purchase Program Non-Approval form and the ATF 4473 form, and updates the hyperlink.

**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:** 790.065, 943.03(4), 943.053(3), 943.0542, 943.056, F.S.

**LAW IMPLEMENTED:** 790.065, 943.053(3), 943.0542, 943.056, 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 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:

Robin Sparkman at 850-410-8105, or robinsparkman@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:**

Robin Sparkman at 850-410-8105, or robinsparkman@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Robin Sparkman

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

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** March 14, 2017

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

THE FULL TEXT OF THE PROPOSED RULE IS:

**11C-6.004 Procedures for Requesting Criminal History Records.**

(1) through (2) No change.

(3) Fees.

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

(b) As provided in Section 943.053(3)(b), F.S., a processing fee of \$24 shall be charged for each subject inquired upon under paragraphs (2)(d) through (f), except that the fee for the guardian ad litem program, and vendors of the Department of Children and Families, the Department of Juvenile Justice, the Agency for Persons with Disabilities, and the Department of Elderly Affairs shall be \$8 for each name submitted; the fee for a state criminal history provided for application processing as required by law to be performed by the Department of Agriculture and Consumer Services shall be \$15 for each name submitted; and the fee for requests under Section 943.0542, F.S., which implements the National Child Protection Act of 1993, shall be \$18 for each volunteer name submitted. The state offices of the Public Defender shall not be assessed a fee for Florida criminal history information or wanted person information.

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

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

1. Criminal history record requests submitted in writing shall be payable by cash, check or money order.
2. Criminal history record requests submitted electronically shall be payable by debit or credit card.
3. Agencies or entities invoiced for criminal history record checks shall submit payment for invoices by check, money order or journal transfer.

(4) No change

*Rulemaking Authority 943.03(4), 943.053(3), 943.0542, 943.056 FS. Law Implemented 943.053(3), 943.0542, 943.056 FS. History—New 12-30-76, Amended 11-7-83, Formerly 11C-6.04, Amended 9-1-88, 4-1-93, 7-7-99, 8-22-00, 7-29-01, 12-3-03, 6-9-08, 6-3-10, 5-21-12, 3-13-13, 5-29-14, 9-4-16,\_\_\_\_\_.*

THE FULL TEXT OF THE PROPOSED RULE IS:

**11C-6.009 Sale and Delivery of Firearms.**

(1) No change.

(2) Section A of the ATF F-4473 [5300.9] Part 1 (04/12) form must be completed by the potential buyer or transferee. The dealer must ensure that items ~~9-13~~ 1-17 are completed by the buyer prior to the dealer contacting the Florida Department of Law Enforcement (FDLE). In addition to the above requirements, the social security number of the potential buyer or transferee may be recorded in block number ~~7~~ 8 of ATF F-4473 [5300.9] Part 1 (04/12) form. The dealer is required to advise the potential buyer that the disclosure of his or her social security number is voluntary, of the authority for the disclosure, and of the use to be made of the number.

(3) through (6) No change.

(7) The dealer will record the decision and number provided by FDLE in box ~~19b~~ 21b and in the box in the top right corner labeled, Transferor's Transaction Serial Number of ATF form F-4473 (5300.9) Part 1 (04/12). When the transaction is approved, the dealer should complete Section B of the ATF form F-4473.

(8) To any potential buyer or transferee intending to formally appeal a non-approval decision, the dealer will provide a Firearm Purchase Program Non-Approval Appeal Form (form number FDLE 40-020, ~~January 2002~~ September 2016), incorporated herein by reference,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-07401>,  
[http://www.fdle.state.fl.us/cms/FPP/Documents/2013\\_AppealFormHDworking.aspx](http://www.fdle.state.fl.us/cms/FPP/Documents/2013_AppealFormHDworking.aspx), and on file with Secretary of State, that must

be completed by the dealer and the potential buyer or transferee. The potential buyer or transferee must take the form to a law enforcement agency, be fingerprinted there, and return the Firearm Purchase Program Non-approval Appeal form and fingerprints to FDLE within 60 calendar days. Using the procedures as described in Chapter 11C-8, F.A.C., FDLE will process the formal appeal request. A supply of the appeal forms will be provided by FDLE to dealers upon request. Such requests should be directed to:

Florida Department of Law Enforcement

Firearm Purchase Program

Post Office Box 1489

Tallahassee, Florida 32302-1489

Telephone Number: (850)410-8139

As an alternative to this procedure, the potential buyer or transferee may at any time appeal his non-approval directly to the FBI, as authorized by Title 28, C.F.R., Section 25.10.

(9) through (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, 7-29-15, 9-4-16, \_\_\_\_\_.*



STATE OF FLORIDA  
DEPARTMENT OF LAW ENFORCEMENT  
CHAPTER 11C-7, FLORIDA ADMINISTRATIVE CODE  
AMENDING RULE 11C-7.009 AND CREATING NEW RULE  
CRIMINAL HISTORY RECORDS; EXPUNCTION AND SEALING  
AND PROCEDURES

SUMMARY OF THE RULE

11C-7 is amended to eliminate the deadline for submission of the application for early juvenile expunction and to create a new application that allows a juvenile to apply for an early expunction of a juvenile arrest.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11C-7.009: Eliminates the deadline for submission of an application for early juvenile expunction to reflect recent changes to s. 943.0582, F.S.

11C-7....: Creates a new application that allows a juvenile to apply for an early expunction of juvenile arrest events to meet the statutory requirements recently set forth in s. 943.0515, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND  
LEGISLATIVE RATIFICATION

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

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

#### FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

#### SUMMARY OF HEARING

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

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Department of Law Enforcement

Division or Board: Division of Criminal Justice Information Systems

Rule Chapter: 11C-7; CRIMINAL HISTORY RECORDS; EXPUNCTION AND SEALING POLICY AND PROCEDURES

RULE NO.:	RULE TITLE:
11C-7.009	Procedures for Juvenile Diversion Expunction
11C-7....	(NEW RULE)

PURPOSE AND EFFECT:

Subsection 11C-7.009: Eliminates the deadline for submission of an application for early juvenile expunction to reflect recent changes to s. 943.0582, F.S.

Subsection 11C-7....: Creates a new application that allows a juvenile to apply for an early expunction of juvenile arrest events to meet the statutory requirements recently set forth in s. 943.0515, F.S.

SUMMARY:

The update eliminates the deadline for submission of the application for early juvenile expunction and creates a new application that allows juveniles to apply for an early expunction of a juvenile arrest.

**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: 943.0582, 943.0515(1) FS

LAW IMPLEMENTED: 943.0582, 943.0515(1) 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:

Timothy Giesecke at 850-410-7980, or timothygiesecke@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Timothy Giesecke at 850-410-7980, or timothygiesecke@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308.

NAME OF PERSON ORIGINATING PROPOSED RULE: Timothy Giesecke

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 14, 2017

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

THE FULL TEXT OF THE PROPOSED RULE IS:

**11C-7.009 Procedures on Juvenile Diversion Expunctions.**

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

~~(a) A money order, cashier's check, or certified check for \$75.00 made payable to the Florida Department of Law Enforcement. This processing fee is non refundable, regardless of whether the application for expunction is granted. A fee waiver may be granted by the Executive Director of the Department, upon submission of a written request, and in determination that the waiver is in the best interests of criminal justice.~~

~~(b)~~ (a) A completed Application for Juvenile Diversion Expunction. The subject must complete section A of the application. The Application for Juvenile Diversion Expunction, form number FDLE 40-025 (rev. July 2013, effective 5/2014), hereby incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-03946>, [http://www.fdle.state.fl.us/cms/Seal-and-Expunge-Process/Documents/JuvenileDiversionExpunctionApplication\(Final2013\).aspx](http://www.fdle.state.fl.us/cms/Seal-and-Expunge-Process/Documents/JuvenileDiversionExpunctionApplication(Final2013).aspx), 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)~~ (b) The state attorney should complete section B of the Application for Juvenile Diversion Expunction and have it certified.

~~(d)~~ (c) A legible set of fingerprints recorded on an FBI Applicant Fingerprint Card (FD-258) or ~~Fingerprint form 40-024~~. The fingerprinting must be done by a law enforcement agency. The law enforcement agency fingerprinting the subject should place the following statement in the "Reason Fingerprinted" section on the card or Fingerprint form: "Application For Juvenile Diversion Expunction." The subject must pay any fees required by the law enforcement agency for providing this service. If a copy of the Applicant Fingerprint Card is needed, it 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>

(2) The complete application packet should be mailed or delivered, ~~within the time limits prescribed by Section 943.0582, F.S.~~, to Florida Department of Law Enforcement, ATTN: Expunge/Seal Section, Post Office Box 1489, Tallahassee, Florida 32302-1489.

(3) through (6) No change.

*Rulemaking Authority 943.0582 FS. Law Implemented 943.0582 FS. History--New 11-5-02, Amended 6-9-08, 5-29-14, \_\_\_\_\_.*

THE FULL TEXT OF THE PROPOSED RULE IS:

**11C-7.... Procedures on Section 943.0515(1)(b)2., F.S., Early Juvenile Expunctions.**

(1) A person who has not been committed to a juvenile correctional facility or juvenile prison under chapter 985, may apply directly to the Department to have his or her juvenile criminal history record expunged, provided he or she is at least 18 years of age but less than 21 years of age. To be eligible for this form of expunction, the applicant must not have been charged by the state attorney with or found to have committed any criminal offense within the 5-year period before the application date. The application for the Early Juvenile Expunction must include:

(a) A money order, cashier's check, or certified check for \$75.00 made payable to the Florida Department of Law Enforcement. This processing fee is non-refundable, regardless of whether the application for expunction is granted. A fee waiver may be granted by the Executive Director of the Department, upon submission of a written request, and in his or her determination that the waiver is in the best interests of criminal justice.

(b) A completed Application for Early Juvenile Expunction. The subject must complete section A of the application. The Application for Early Juvenile Expunction, form number FDLE 40-028, 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/cms/Seal-and-Expunge-Process/Seal-and-Expunge-Home>

(c) The state attorney for the circuit having jurisdiction over the arrest should complete section B of the Application for Early Juvenile Expunction and have it certified.

(d) A legible set of fingerprints recorded on an FBI Applicant Fingerprint Card (FD-258). The fingerprinting must be done by a law enforcement agency. The law enforcement agency fingerprinting the subject should place the following statement in the "Reason Fingerprinted" section on the card or Fingerprint form: "Application For Early Juvenile Expunction." The subject must pay any fees required by the law enforcement agency for providing this service. If a copy of the Applicant Fingerprint Card is needed, it 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/cms/Seal-and-Expunge-Process/Seal-and-Expunge-Home>

(e) A sworn, written statement from the applicant that he or she is no longer under court supervision applicable to the disposition of the arrest or alleged criminal activity to which the application pertains, and that he or she has not been charged with or found to have committed a criminal offense, in any jurisdiction of the state or within the United States, within the 5-year period before the application date.

(2) The complete application packet should be mailed or delivered, within the time frame prescribed by Section 943.0515(1)(b)2., F.S., to Florida Department of Law Enforcement, ATTN: Expunge/Seal Section, Post Office Box 1489, Tallahassee, Florida 32302-1489.

(3) If the application packet is incomplete the Department will not process it. The incomplete packet, along with the processing fee, will be returned to the subject with an indication as to the reason for non-acceptance. It will be the subject's responsibility to obtain the missing information and return the complete packet to the Department.

(4) If the application packet is complete, the Department will review the submitted information and the subject's criminal history record to determine if the application and the specified record meet the requirements for Early Juvenile Expunction, which are listed in Section 943.0515(1)(b)2., F.S. Questions regarding the status of the review should be directed to the Expunge Section at (850)410-7870.

(5) The Department will expunge the subject's juvenile criminal history record if the application and the specified criminal history record meet the requirements for Early Juvenile Expunction, and will notify the subject or his or her parent or legal guardian. If the application and the specified criminal history record do not meet the requirements for Early Juvenile Expunction, the Department will send the subject a letter stating the reason for ineligibility with an explanation of appeal rights.

*Rulemaking Authority 943.0515(1) FS. Law Implemented 943.0515(1)FS. History - New* \_\_\_\_\_.

STATE OF FLORIDA  
DEPARTMENT OF LAW ENFORCEMENT  
CHAPTER 11D-6, FLORIDA ADMINISTRATIVE CODE  
AMENDING RULES 11D-6.003  
DNA DATABASE COLLECTION  
SUMMARY OF THE RULE

11D-6 is amended to update the revision date, reference of the Oral Swab Collection Kit form FDLE/FOR-005.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11D-6.003(1)(a): Revises the Oral Swab Collection Kit form (FDLE/FOR-005) and adds a new revision date.

11D-6.003(1)(a)1: Corrects a grammatical error.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND  
LEGISLATIVE RATIFICATION

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

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



FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

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

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Department of Law Enforcement  
Division or Board: Division of Local Law Enforcement Assistance  
Rule Chapter: 11D-6; DNA DATABASE COLLECTION

RULE NO.:	RULE TITLE:
11D-6.001	Definitions
11D-6.003	Procedures

PURPOSE AND EFFECT:

Sub-paragraph 11D-6.003(1)(a) , F.A.C.: Updates the revision date and reference of the Oral Swab Collection Kit form FDLE/FOR-005.  
Sub-paragraph 11D-6.003(1)(a)1, F.A.C.: Corrects a grammatical error.

SUMMARY:

Updates the revision date and reference of the Oral Swab Collection Kit form FDLE/FOR-005 and corrects a grammatical error.

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), 943.325(4), (5), (17) FS.

LAW IMPLEMENTED: 943.325 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:

Christopher A. Carney at 850-617-1337, or [chriscarney@fdle.state.fl.us](mailto:chriscarney@fdle.state.fl.us), or write to Florida Department of Law Enforcement, DNA Investigative Support Database, 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 A. Carney at 850-617-1337, or [chriscarney@fdle.state.fl.us](mailto:chriscarney@fdle.state.fl.us), or write to Florida Department of Law Enforcement, DNA Investigative Support Database, 2331 Phillips Road, Tallahassee, Florida 32308.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Christopher A. Carney

**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:

**11D-6.003 Procedures.**

(1) DNA Sample collection.

(a) A qualifying offender providing DNA samples must be identified in the manner specified by the Oral Swab Collection Kit Instructions and Form FDLE/FOR-005, revised September ~~2014~~ 2015, and incorporated by reference, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02350>, prior to taking the DNA samples from such offender. Form FDLE/FOR-005 and additional kits may be obtained from the Florida Department of Law Enforcement, DNA Database, Post Office Box 1489, Tallahassee, Florida 32302-1489. A qualifying offender may also be identified through use of the Falcon Rapid-ID Edge device.

1. DNA samples submitted from qualifying offenders without the use of the Falcon Rapid-ID Edge device must be accompanied by a completed Swab Collection Kit form FDLE/FOR-005. The imprinting of the offender's left and right thumbs, by means of an inked impression, in the spaces indicated on the form shall be completed as well. Inked fingerprint impressions must be legible for fingerprint classification and comparison purposes. DNA samples accompanied by one or more illegible inked fingerprint impressions will be unacceptable for entry into the DNA Database and will be rejected ~~requested~~ by FDLE. The collecting agency must then submit a new DNA sample and completed form.

2. DNA Samples submitted from qualifying offenders through use of the FALCON Rapid-ID Edge device must be accompanied by the printout and barcode generated by the application. Any required information not captured by the Falcon/Rapid-ID DNA Availability application shall be filled out on the Swab Collection Kit form FDLE/FOR-005.

(b) When identification of the qualifying offender is accomplished, DNA samples shall be taken from the qualifying offender in the manner described in Section 943.325(3), F.S.

(c) Such samples shall be taken using only the Oral Swab Collection Kit pursuant to paragraph (1)(a) of this rule section.

(d) Collection, labeling, storage, handling, and transmittal of DNA Samples shall be as prescribed in the printed instructions included with each oral swab sample collection kit. The collecting agency should forward DNA samples to the Department within 7 working days of collection.

(2) Removal of DNA Information from the DNA Database. Persons seeking removal of their DNA information from the DNA Investigative Support Database shall mail certified copies of the required documentation as described in Section 943.325(16), F.S., to the FDLE DNA Investigative Support Database, P. O. Box 1489, Tallahassee, Florida 32302-1489.

*Rulemaking Authority 943.03(4), 943.325(4), (5), (17) FS. Law Implemented 943.325 FS. History—New 7-4-90, Amended 7-6-99, 8-22-00, 7-29-01, 11-5-02, 6-3-10, 3-13-13.*

## FDLE Performance Measures - 3rd Quarter FY 16-17

Number	Objective	Weight	Range	Result	Score	Weighted Score
1	Percentage of investigative resources dedicated to conducting major investigative activities	20%	5 = 70% or more 4 = 68-69% 3 = 66-67% 2 = 64-65% 1 = 63% and below	74.0%	5	
2	Percentage of service requests completed as function of staffing and optimal performance	15%	5 = 15% and above 4 = 6-14% 3 = 0-5% 2 = -5 to -1% 1 = -5% and below	33.0%	5	
3	Percentage of criminal history record checks responded to within the defined timeframe	10%	5 = 100% 4 = 98-99% 3 = 96-97% 2 = 94-95% 1 = 93% and below	96.0%	3	
4	Percentage of Biometric Identification System searches performed in 10 minutes or less	10%	5 = 100% 4 = 98-99% 3 = 96-97% 2 = 94-95% 1 = 93% and below	95.0%	2	
5	Percentage of time critical technology systems are online and accessible	10%	5 = 95-100% 4 = 90-94% 3 = 85-89% 2 = 80-84% 1 = 79% and below	99.9%	5	
6	Number of training hours delivered to local, state and federal agencies	5%	5 = 800 or more 4 = 750-799 hours 3 = 700-749 hours 2 = 650-699 hours 1 = less than 650 hours	N/A (593 hrs. through 3rd Q.)	N/A	
7	Percentage of officer certification applications processed within defined timeframe	5%	5 = 97-100% 4 = 94-96% 3 = 90-93% 2 = 89-86% 1 = 85% and below	98.0%	5	
8	Percentage of customers with positive service rating	5%	5 = 95-100% 4 = 90-94% 3 = 85-89% 2 = 80-84% 1 = 79% and below	N/A	N/A	
<b>Total</b>		<b>80%</b>				



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

Q3 - FY 2016-17 (Jan. 1 – Mar. 31, 2017)

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<u>P.O.#</u>	<u>VENDOR/SERVICE</u>	<u>AMOUNT</u>
710:0263	<b>Adams Ranch, Inc.</b> Five year lease for office space located in Fort Pierce Field Office. <ul style="list-style-type: none"><li>▪ Informal Quote</li><li>▪ Term: 3/1/17-2/28/22</li></ul>	\$221,141
B09FE3	<b>Childers Construction Co.</b> Construction services (competitively procured by DMS) for rotunda remodel. <ul style="list-style-type: none"><li>▪ Consultant's Competitive Negotiation Act</li><li>▪ Term: One Time Purchase</li></ul>	\$519,732
B050F3	<b>CNC Technologies, LLC</b> Mapping system with hardware, software and training. <ul style="list-style-type: none"><li>▪ Single Source</li><li>▪ Term: One Time Purchase</li></ul>	\$ 229,490
B09991	<b>Culpepper Construction Co. Inc.</b> Construction management (competitively procured by DMS) for new Pensacola facility. <ul style="list-style-type: none"><li>▪ Consultant's Competitive Negotiation Act</li><li>▪ Term: 10/24/16-6/30/17</li></ul>	\$ 155,420
B07837	<b>Dell Marketing LP</b> Purchase of Dell PowerEdge R730 servers and software renewal. <ul style="list-style-type: none"><li>▪ Alternate Contract</li><li>Term: One Time Purchase</li></ul>	\$ 107,988
PO1359798	<b>DLT Solutions, LLC</b> Maintenance and support renewal for Informatica Identity Resolution software. <ul style="list-style-type: none"><li>▪ Alternate Contract Source</li><li>▪ Term: 4/1/17-3/31/18</li></ul>	\$ 140,896
B091C2	<b>Garber Chevrolet Buick Pontiac GMC Truck, Inc.</b> Purchase of three Chevrolet Tahoe's. <ul style="list-style-type: none"><li>▪ State Term Contract</li><li>▪ Term: State Term Contract</li></ul>	\$113,982
B0ADA7	<b>LDV, Inc.</b> Purchase of three Crime Scene Vehicles. <ul style="list-style-type: none"><li>▪ Invitation to Bid</li><li>▪ One Time Purchase</li></ul>	\$772,815

<b>B0A1E5</b>	<b>Life Technologies Corporation</b>	<b>\$279,433</b>
<b>B07D5B</b>	Reagents and supplies for offender DNA (Biology) casework in Tampa Bay and Tallahassee Regional Crime Laboratories. <ul style="list-style-type: none"> <li>▪ Single Source</li> <li>▪ One Time Purchase</li> </ul>	<b>\$222,592</b>
<b>B094E6</b>	<b>LWRC International, LLC</b> Purchase of 65 rifles. <ul style="list-style-type: none"> <li>▪ Invitation to Bid</li> <li>▪ Term: One Time Purchase</li> </ul>	<b>\$119,925</b>
<b>FDLE-007-16</b>	<b>Northrop Grumman Systems Corporation</b> Maintenance and support for the Regional Law Enforcement Exchange (RLEX) replacement system. <ul style="list-style-type: none"> <li>▪ Invitation to Negotiate</li> <li>▪ Term: 3/15/17-3/14/18</li> </ul>	<b>\$117,335</b>
<b>PO1325683</b>	<b>QIAGEN, Inc.</b> Maintenance and support for Qiagen laboratory equipment. <ul style="list-style-type: none"> <li>▪ Single Source</li> <li>▪ Term: 2/1/17-1/31/18</li> </ul>	<b>\$191,804</b>
<b>AFE00C*</b>	<b>Rolland, DelValle &amp; Bradley, Inc.</b> Architect-engineer services (competitively procured by DMS) for the new Pensacola facility. <ul style="list-style-type: none"> <li>▪ Consultant's Competitive Negotiation Act</li> <li>▪ Term: 9/28/16-6/30/18</li> </ul>	<b>\$1,504,343</b>
<b>B09C59</b>	<b>STaCS DNA, Inc.</b> Enhancement for the Sample Tracking and Control Software in the Tallahassee Regional Crime Laboratory. <ul style="list-style-type: none"> <li>▪ Single Source</li> <li>▪ Term: One Time Purchase</li> </ul>	<b>\$149,042</b>

\*Minority Vendor