

AGENDA
FLORIDA DEPARTMENT OF LAW ENFORCEMENT
June 13, 2018

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

ITEM 1 Respectfully submit the **Minutes of the March 7, 2018 Cabinet Meeting.**

(See Attachment 1)

RECOMMEND APPROVAL

ITEM 2 Respectfully submit the **Department's FY 17-18 3rd Quarter Performance Measures Report and Contracts Agreements and Purchases over \$100,000 for January 1 to March 31, 2018.**

(See Attachment 2)

RECOMMEND APPROVAL

ITEM 3 Respectfully submit **Notice of Rules for Final Adoption** for the following: **Chapters 11B-14, 11B-20, 11B-21, 11B-27, 11B-30, 11B-35, 11C-4, 11C-6, 11C-7 and 11G-5 F.A.C.**

(See Attachment 3)

RECOMMEND APPROVAL

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STATE OF FLORIDA

IN RE: MEETING OF THE GOVERNOR AND CABINET

_____ /

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

DATE: WEDNESDAY, MARCH 7, 2018

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

REPORTED BY: LISA SNYDER
COURT REPORTER

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FLORIDA DEPARTMENT OF LAW ENFORCEMENT

1
2 GOVERNOR SCOTT: Next I'd like to recognize Rick
3 Swearingen, with the Florida Department of Law
4 Enforcement.

5 COMMISSIONER SWEARINGEN: Good morning.

6 The Department has three agenda items for you this
7 morning. First, the minutes from the January 18, 2018
8 Cabinet meeting, which I respectfully submit for your
9 approval.

10 GOVERNOR SCOTT: Is there a motion on the item?

11 ATTORNEY GENERAL BONDI: So moved.

12 GOVERNOR SCOTT: Is there second.

13 CFO PATRONIS: Second.

14 GOVERNOR SCOTT: Comments or objections?

15 (NO RESPONSE)

16 GOVERNOR SCOTT: Hearing none, the motion carries.

17 WHEREUPON, the Governor left the meeting room.

18 COMMISSIONER SWEARINGEN: Second item is fiscal
19 year 17-18 2nd Quarter Performance Report and contracts
20 over \$100,000. I'm happy to report that five of the
21 Department's six measures exceeded expectations this
22 quarter. I'd be happy to answer any questions you
23 have.

24 ATTORNEY GENERAL BONDI: Any questions?

25 Questions?

1 Is there a motion to accept?

2 COMMISSIONER PUTNAM: So moved.

3 ATTORNEY GENERAL BONDI: Is there a second?

4 CFO PATRONIS: Second.

5 ATTORNEY GENERAL BONDI: Motion carries.

6 COMMISSIONER SWEARINGEN: Thank you.

7 Our last item is notice of proposed rules. While
8 the package looks extensive, a majority of these
9 changes are clean-up, technical, the result of
10 statutory changes. I can highlight the substantive
11 changes, if you wish.

12 ATTORNEY GENERAL BONDI: I think we need the
13 Governor to vote on this one though.

14 WHEREUPON, after a brief break, the Governor
15 re-entered the meeting room.

16 ATTORNEY GENERAL BONDI: Governor, we just need
17 your vote on the final report.

18 GOVERNOR SCOTT: For?

19 ATTORNEY GENERAL BONDI: Majority.

20 GOVERNOR SCOTT: For it.

21 COMMISSIONER SWEARINGEN: These are the notice of
22 proposed rule changes.

23 ATTORNEY GENERAL BONDI: Governor votes for it.

24 Is there a second?

25 CFO PATRONIS: Second.

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ATTORNEY GENERAL BONDI: So moved.

COMMISSIONER SWEARINGEN: And, that's all I have
for you.

GOVERNOR SCOTT: Thanks, Rick.

* * * *

FDLE Performance Measures - 3rd Quarter FY 17-18

Number	Objective	Weight	Range	Result	Score	Weighted Score
1	Percentage of investigative resources dedicated to conducting major investigative activities	15%	5 = 70% or more 4 = 68-69% 3 = 66-67% 2 = 64-65% 1 = 63% and below	74.0%		
2	Percentage of service requests completed as function of staffing and optimal performance	15%	5 = 25% and above 4 = 18-24% 3 = 11-17% 2 = 4-10% 1 = 3% and below	20.0%		
3	Percentage of criminal history records compiled accurately	10%	5 = 97-100% 4 = 93-96% 3 = 89-92% 2 = 85-88% 1 = 84% and below	N/A		
4	Percentage of criminal history record checks responded to within the defined timeframe	5%	5 = 100% 4 = 98-99% 3 = 96-97% 2 = 94-95% 1 = 93% and below	100.0%		
5	Percentage of Biometric Identification System searches performed in 10 minutes or less	5%	5 = 97-100% 4 = 93-96% 3 = 89-92% 2 = 85-88% 1 = 84% and below	97.0%		
6	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%		
7	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 (708)		
8	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	99.8%		
9	Percentage of customers with positive service rating	10%	5 = 95-100% 4 = 90-94% 3 = 85-89% 2 = 80-84% 1 = 79% and below	N/A		
Total		80%				



CONTRACTS, AGREEMENTS AND PURCHASES OVER \$100,000

Q3 - FY 2017-18 (Jan. 1 – Mar. 31, 2018)

<u>P.O.#</u>	<u>VENDOR/SERVICE</u>	<u>AMOUNT</u>
PO1712159	DLT Solutions, LLC Maintenance and support renewal for Informatica Identity Resolution software. <ul style="list-style-type: none">▪ Alternate Contract▪ Term: 4/1/18-3/31/19	\$147,929
B16C65	DNA Labs International, Inc. Sexual assault kit (SAK) testing fees. <ul style="list-style-type: none">▪ Alternate Contract▪ Term: 4/2/18-4/1/19	\$532,900
B2CC8F	Life Technologies Corporation Laboratory equipment for FDLE crime laboratories. <ul style="list-style-type: none">▪ Single Source▪ One Time Purchase	\$301,979
B2B0F1	Life Technologies Corporation	\$106,148
B26C40	Reagents and supplies for offender DNA (Biology) casework	\$325,933
B29CB3	for Tampa Bay and Tallahassee Regional Crime Laboratories. <ul style="list-style-type: none">▪ Single Source▪ One Time Purchase	\$171,923
B2B360	Microsoft Corp. Support services for Microsoft Premier. <ul style="list-style-type: none">▪ State Term Contract▪ Term: 4/1/18-3/31/19	\$ 116,420
B2A6AA	QIAGEN, Inc. QIAgility HEPA Liquid Handling Systems and QIAgility instruments for the Tallahassee, Orlando, Ft. Myers and Tampa Bay Regional Operations Centers. <ul style="list-style-type: none">▪ Single Source▪ One Time Purchase	\$132,272
PO1646886	QIAGEN, Inc. Maintenance and support for QIAGEN laboratory equipment for FDLE crime laboratories. <ul style="list-style-type: none">▪ Single Source▪ Term: 2/1/2018-1/31/2019	\$ 212,350

MEMORANDUM

DATE: April 30, 2018
TO: Ron Draa
FROM: Assistant General Counsel Chris Bufano 
SUBJECT: 2017-2018 Rules Package

FDLE received six comment letters from JAPC on the CJSTC proposed rules and two comment letters on the CJIS proposed rules. The letters and my responses are attached. We received no comment letters in reference to the MEC proposed rules.

Although there are some changes that need to be made no rules need to be withdrawn from the package at this point. I am attempting to contact attorney Sharon Jones at JAPC to discuss our responses.

11B-14 involves a hyperlink issue which we can correct with a technical revision post promulgation.

11B-20 also involves hyperlink issues in addition to a definition question and clarification request on the elements of the moral character violation rule.

11B-21 and 27 are also only hyperlink issues.

11B-30 is in need of a corrective notice which I will file as well as a hyperlink issue.

11B-35 requires a change to the language in 11B-35.001(17)(f); removal of subparagraph (17)(h); a punctuation change in 11B-35.011; and a technical revision for the hyperlink.

11C-4.008 and 11C-7.006 will likely only require technical revisions.

As a reminder under 11C-6, we filed a notice of withdrawal for 11C-6.010 (only 11C-6.010) as we have filed for a technical revision in lieu of formal rule promulgation for that particular change. In addition, it has come to our attention that there was a relabeling of 11B-35.001(17). It appears that CJSTC sent to you the wrong version for submission to the Cabinet. Attached are the two versions. The Cabinet version of 11B-35.001(17) only went up to 11B-35.001(17)(d)(3)(d). The version that went to JAPC contained (17)a-h. There was an error on the prior version by having the second set of a-d. They should have properly been listed as e-h. No content was different, only the labeling.

JOE NEGRON
President



Senator Kevin Rader, Chair
Representative George R. Moraitis, Jr., Vice Chair
Senator Daphne Campbell
Senator George B. Gainer
Senator Rene Garcia
Senator Keith Perry
Representative Jason Fischer
Representative Michael Grant
Representative Sam H. Killebrew
Representative Amy Mercado
Representative Barrington A. "Barry" Russell

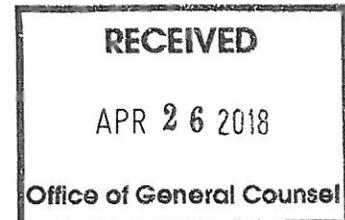
RICHARD CORCORAN
Speaker



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THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

April 24, 2018



Mr. Christopher Bufano
Assistant General Counsel
Florida Department of Law Enforcement
2331 Phillips Road
Tallahassee, Florida 32308

**RE: Department of Law Enforcement
Rules 11B-14.001 and .005**

Dear Mr. Bufano:

After reviewing the above-referenced rules, I offer the following comment for your consideration and written response:

11B-14.005

The proposed rule states that the Advanced Training Program Courses approved for salary incentive payments may be found at: <http://www.fdle.state.fl.us/cms/CJSTC/Curriculum/Active-Courses.aspx>. However, when utilized, that address returns the result of, "the web address you are trying to reach is no longer valid." Please revise.

Should you have any questions, please do not hesitate to contact me. Otherwise, I look forward to your written response.

Sincerely,

A handwritten signature in black ink, appearing to read "Sharon Jones".

Sharon Jones
Senior Attorney

April 30, 2018

Sharon Jones, Senior Attorney
Joint Administrative Procedures Committee
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, FL 32399-1400

RE: Department of Law Enforcement
Rule 11B-14.001 and .005, F.A.C.

Dear Ms. Jones:

I am writing in response to your letter dated April 24, 2018, regarding the JAPC review and findings of the proposed rule revisions to Rule Chapter 11B-14.001 and .005, F.A.C. FDLE provides the following:

JAPC Comment:

11B-14.001 and .005: The proposed rule states that the Advanced Training Program Courses approved for salary incentive payments may be found at: <http://www.fdle.state.fl.us/cms/CJSTC/Curriculum/Active-Courses.aspx>. However, when utilized, that address returns the result of, "the web address you are trying to reach is no longer valid." Please revise.

FDLE Response:

As a result of a recent FDLE computer system upgrade, the hyperlink is no longer active. FDLE is in the process of providing a working hyperlink on its website to access the Advanced Training Program Courses approved for salary incentive payments. FDLE requests that the proposed rule change be considered a technical revision after promulgation of the proposed rules. If that is not satisfactory to you, then FDLE will revise the link in the next rule promulgation package, which should begin in October or November of 2018.

If you have any additional questions or concerns, please do not hesitate to contact me.

Sincerely,



Chris Bufano
Assistant General Counsel

Office of General Counsel
Post Office Box 1489, Tallahassee, Florida 32302-1489
(850) 410-7676
www.fdle.state.fl.us

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11B-14, FLORIDA ADMINISTRATIVE CODE
AMENDING RULES 11B-14.001 and 11B-14.005
SALARY INCENTIVE PROGRAM
SUMMARY OF THE RULE

Updates the rule reference; changes the reference to the list of Advanced Training Program courses; renumbers the sub-subparagraphs of Rule 11B-14.005(3)(b), F.A.C.; and adds the following courses to the list of inactive Advanced Training Program Courses that were eligible for salary incentive payments: Criminal Law, number 019; Sex Crimes Investigations, number 033; Organized Crime, number 054; Supervision of the Youthful Offender, number 058; Firefighting for Correctional Officers, number 072; Community and Human Relations, number 073; Computers and Technology in Criminal Justice, number 080; Computer Crimes Investigations, number 1153; Financial Fraud Investigations, number 1154; Managing and Communicating With Inmates and Offenders, number 1161; Inmate Manipulation, number 1164; Investigating Crimes Against Children, number 1187; and Field Training Officer Course for Correctional Probation Officers, number 1188.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-14.001(9): Updates the rule reference because paragraphs were added to Rule 11B-35.001, F.A.C.

11B-14.005(3)(a): Removes the reference to Rule 11B-35.006(1)(b), F.A.C., and adds a link to the Active CJSTC Curricula web page.

11B-14.005(3)(b)11.-70.: Renumbers the sub-subparagraphs of Rule 11B-14.005(3)(b), F.A.C., because retired courses were added to the list of inactive Advanced Training Program Courses that were eligible for salary incentive payments.

11B-14.005(3)(b)11.: Updates the list of inactive salary incentive Advanced Training Program Courses by adding Criminal Law, number 019, which was retired by the Commission, effective September 4, 2016.

11B-14.005(3)(b)16.: Updates the list of inactive salary incentive Advanced Training Program Courses by adding Sex Crimes Investigations, number 033, which was retired by the Commission, effective September 4, 2016.

11B-14.005(3)(b)33.: Updates the list of inactive salary incentive Advanced Training Program Courses by adding Organized Crime, number 054, which was retired by the Commission, effective September 4, 2016.

11B-14.005(3)(b)35.: Updates the list of inactive salary incentive Advanced Training Program Courses by adding Supervision of the Youthful Offender, number 058, which was retired by the Commission, effective September 4, 2016.

11B-14.005(3)(b)48.-49.: Updates the list of inactive salary incentive Advanced Training Program Courses by adding Firefighting for Correctional Officers, number 072; and Community and Human Relations, number 073, which were retired by the Commission, effective September 4, 2016.

11B-14.005(3)(b)54.: Updates the list of inactive salary incentive Advanced Training Program Courses by adding Computers and Technology in Criminal Justice, number 080, which was retired by the Commission, effective September 4, 2016.

11B-14.005(3)(b)65.-70.: Updates the list of inactive salary incentive Advanced Training Program Courses by adding the following courses which were retired by the Commission, effective September 4, 2016: Computer Crimes Investigations, number 1153; Financial Fraud Investigations, number 1154; Managing and Communicating With Inmates and Offenders, number 1161; Inmate Manipulation, number 1164; Investigating Crimes Against Children, number 1187; and Field Training Officer Course for Correctional Probation Officers, number 1188.

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-14.005	Annual Salary Incentive Compensation Report

PURPOSE AND EFFECT:

Subsection 11B-14.001(9), F.A.C.: Updates the rule reference because paragraphs were added to Rule 11B-35.001, F.A.C.

Paragraph 11B-14.005(3)(a), F.A.C.: Removes the reference to Rule 11B-35.006(1)(b), F.A.C., and adds a link to the Active CJSTC Curricula web page.

Sub-paragraphs 11B-14.005(3)(b)11.-70., F.A.C.: Renumbers the sub-subparagraphs of Rule 11B-14.005(3)(b), F.A.C., because retired courses were added to the list of inactive Advanced Training Program Courses that were eligible for salary incentive payments.

Sub-paragraph 11B-14.005(3)(b)11., F.A.C.: Updates the list of inactive salary incentive Advanced Training Program Courses by adding Criminal Law, number 019, which was retired by the Commission, effective September 4, 2016.

Sub-paragraph 11B-14.005(3)(b)16., F.A.C.: Updates the list of inactive salary incentive Advanced Training Program Courses by adding Sex Crimes Investigations, number 033, which was retired by the Commission, effective September 4, 2016.

Sub-paragraph 11B-14.005(3)(b)33., F.A.C.: Updates the list of inactive salary incentive Advanced Training Program Courses by adding Organized Crime, number 054, which was retired by the Commission, effective September 4, 2016.

Sub-paragraph 11B-14.005(3)(b)35., F.A.C.: Updates the list of inactive salary incentive Advanced Training Program Courses by adding Supervision of the Youthful Offender, number 058, which was retired by the Commission, effective September 4, 2016.

Sub-paragraphs 11B-14.005(3)(b)48.-49., F.A.C.: Updates the list of inactive salary incentive Advanced Training Program Courses by adding Firefighting for Correctional Officers, number 072; and Community and Human Relations, number 073, which were retired by the Commission, effective September 4, 2016.

Sub-paragraph 11B-14.005(3)(b)54., F.A.C.: Updates the list of inactive salary incentive Advanced Training Program Courses by adding Computers and Technology in Criminal Justice, number 080, which was retired by the Commission, effective September 4, 2016.

Sub-paragraphs 11B-14.005(3)(b)65.-70., F.A.C.: Updates the list of inactive salary incentive Advanced Training Program Courses by adding the following courses which were retired by the Commission, effective September 4, 2016: Computer Crimes Investigations, number 1153; Financial Fraud Investigations, number 1154; Managing and Communicating With Inmates and Offenders, number 1161; Inmate Manipulation, number 1164; Investigating Crimes Against Children, number 1187; and Field Training Officer Course for Correctional Probation Officers, number 1188.

SUMMARY:

Updated rule references; link to the Active CJSTC Curricula web page; updated list of inactive salary incentive Advanced Training Program Courses by adding the following retired courses that were eligible for salary incentive payments: Criminal Law, number 019; Sex Crimes Investigations, number 033; Organized Crime, number 054; Supervision of the Youthful Offender, number 058; Firefighting for Correctional Officers, number 072; Community and Human Relations, number 073; Computers and Technology in Criminal Justice, number 080; Computer Crimes Investigations, number 1153; Financial Fraud Investigations, number 1154; Managing and Communicating With Inmates and Offenders, number 1161; Inmate Manipulation, number 1164; Investigating Crimes Against Children, number 1187; and Field Training Officer Course for Correctional Probation Officers, number 1188.

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), 943.22(2)(h) FS.

LAW IMPLEMENTED: 943.22, 943.25(4) 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, April 11, 2018 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: March 7, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2017

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 (8) No change.

(9) For Commission-approved Basic Recruit and Advanced Training Program Courses, the terms “successfully completed,” “successfully complete,” and “pass” are defined in subsection 11B-35.001(10)(9), F.A.C., or for federal or private training programs, a letter from the agency head attached to the Certificate of Completion that confers the successful completion of a federal or private training program.

(10) No change.

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, 7-19-17, _____.

11B-14.005 Annual Salary Incentive Compensation Report.

(1) through (2) No change.

(3)(a) The active Commission-approved Advanced Training Program Courses approved for salary incentive payments are listed in ~~paragraph 11B-35.006(1)(b), F.A.C.~~ on the Active CJSTC Curricula web page at <http://www.fdle.state.fl.us/cms/CJSTC/Curriculum/Active-Courses.aspx>.

(b) The following inactive Advanced Training Program Courses were eligible for salary incentive payments for the dates as indicated:

1. through 10. No change.

	Course Title	Course Code	Course Hours	Inactive
11.	<u>Criminal Law</u>	<u>019</u>	<u>40</u>	<u>9/4/16</u>
12.11.	Officer Skills Improvement and Stress Reduction	028	40	7/1/88
13.12.	Police Officer Procedures and Techniques	029	40	7/1/88
14.13.	Introduction to Police Operations and Leadership	030	40	7/1/88
15.14.	Crime Scene Photography, effective 7/1/85	031	40	7/1/88
16.	<u>Sex Crimes Investigations</u>	<u>033</u>	<u>40</u>	<u>9/4/16</u>
17.15.	Crimes Against Property	034	40	7/1/88
18.16.	Confidential Informants and Other Source of Information	035	40	7/1/88
19.17.	Crime Prevention	037	40	7/1/88
20.18.	Traffic Accident Investigation	038	40	7/1/88
21.19.	Traffic Homicide Investigation	039	40	7/1/98
22.20.	Surveillance Techniques	040	40	7/1/88
23.21.	Environmental Law Enforcement and Investigation	041	40	10/1/85
24.22.	Marine Enforcement and Investigation	042	40	7/1/88
25.23.	Economic Crimes - An Overview	043	40	7/1/88
26.24.	Economic Crimes - Crime Scheme Identification	044	40	10/1/85
27.25.	Economic Crimes - Frauds and Schemes	045	40	7/1/88
28.26.	Economic Crimes - Tangible Property Frauds and Schemes	046	40	10/24/86
29.27.	Crimes Against Persons	048	40	7/1/88
30.28.	Tactical Police Driving	049	40	7/1/88
31.29.	Field Training Officer	051	40	7/1/02
32.30.	Crime and the Elderly	052	40	7/1/88
33.	<u>Organized Crime</u>	<u>054</u>	<u>40</u>	<u>9/4/16</u>

34,34.	Radar Speed Measurement Training Course for Law Enforcement Officers	055	40	12/31/06
<u>35.</u>	<u>Supervision of the Youthful Offender</u>	<u>058</u>	<u>40</u>	<u>9/4/16</u>
36,32.	Correctional Operations	059	40	7/1/88
37,33.	Counseling and Communication Skills Program	060	40	7/1/88
38,34.	Supervisory Training - See Course 006	061	40	10/1/85
39,35.	Management Training - See Course 007	062	40	10/1/85
40,36.	Crisis Management Training - See Course 053	063	40	10/1/85
41,37.	Stress Awareness and Resolution - See Course 050	064	40	10/1/85
42,38.	Self Defense and Use of Force	065	40	7/1/88
43,39.	First Responder to Medical Emergencies	066	40	7/1/91
44,40.	Firearms Qualification	067	40	9/30/83
45,41.	Residential Security	069	40	7/1/88
46,42.	Commercial Security	070	40	7/1/88
47,43.	Developing and Managing Crime Prevention Programs	071	40	7/1/88
<u>48.</u>	<u>Firefighting for Correctional Officers</u>	<u>072</u>	<u>40</u>	<u>9/4/16</u>
<u>49.</u>	<u>Community and Human Relations</u>	<u>073</u>	<u>40</u>	<u>9/4/16</u>
50,44.	Community Relations	075	40	10/24/86
51,45.	Health Training	076	40	10/1/85
52,46.	Proficiency Skills Enhancement, effective 4/25/85	078	40	7/1/88
53,47.	Prevention of Delinquency and Juvenile Victimization, effective 4/25/85	079	40	7/1/88
<u>54.</u>	<u>Computers and Technology in Criminal Justice</u>	<u>080</u>	<u>40</u>	<u>9/4/16</u>
55,48.	Instructor Techniques, effective 7/1/85	081	80	7/1/88
56,49.	Foreign Language Skills, effective 7/25/85	082	80	7/1/88
57,50.	Advanced Neighborhood Watch, effective 7/25/85	083	40	7/1/88
58,51.	Models for Management	084	40	7/1/87
59,52.	Background Investigations	086	40	7/1/88
60,53.	Investment in Excellence, effective 3/17/86	089	40	7/1/88
61,54.	Fingerprints Science, effective 10/24/86	092	120	7/1/88
62,55.	Laser Speed Measurement Operators Course for Law Enforcement Officers	095	40	12/31/06
63,56.	Learning To Supervise, effective 4/25/85	200	40	7/1/88
64,57.	Learning To Manage, effective 4/25/85	201	40	7/1/88
<u>65.</u>	<u>Computer Crimes Investigations</u>	<u>1153</u>	<u>40</u>	<u>9/4/16</u>
<u>66.</u>	<u>Financial Fraud Investigations</u>	<u>1154</u>	<u>40</u>	<u>9/4/16</u>
<u>67.</u>	<u>Managing and Communicating With Inmates and Offenders</u>	<u>1161</u>	<u>40</u>	<u>9/4/16</u>
<u>68.</u>	<u>Inmate Manipulation</u>	<u>1164</u>	<u>60</u>	<u>9/4/16</u>
<u>69.</u>	<u>Investigating Crimes Against Children</u>	<u>1187</u>	<u>40</u>	<u>9/4/16</u>
<u>70.</u>	<u>Field Training Officer Course for Correctional Probation Officers</u>	<u>1188</u>	<u>40</u>	<u>9/4/16</u>

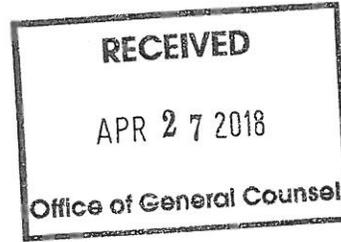
Rulemaking Authority 943.03(4), 943.12(1), 943.22(2)(i) FS. Law Implemented 943.22 FS. History--New 11-5-02. Amended 11-30-04, 6-9-08, 3-13-13,_____.

JOE NEGRON
President



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Representative Amy Mercado
Representative Barrington A. "Barry" Russell

THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**



RICHARD CORCORAN
Speaker



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April 25, 2018

Mr. Christopher Bufano
Assistant General Counsel
Florida Department of Law Enforcement
2331 Phillips Road
Tallahassee, Florida 32308

**RE: Department of Law Enforcement
11B-20.001, .0012, and .0017**

Dear Mr. Bufano:

After reviewing the above-referenced rules, I offer the following comments for your consideration and written response:

11B-20.001 The proposed rule states that various forms may be found at <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>. However, when utilized, this address returns the result of, "the web address you are trying to reach is no longer valid." Please revise.

11B-20.001(1)(j) Is this definition intended to reach instances where the interaction is not physical? If so, please revise.

11B-20.0012(2)(f) Should paragraph (2)(f) end after the second time the word "trainee" is used? Please explain the necessity of the subparagraphs for paragraph (2)(f).

These subparagraphs seem to present onerous proof problems for either the department or a basic recruit trainee. It would appear to be extremely difficult for a basic recruit trainee, first, to come forward and, second, to attempt to prove not only that the romantic

Mr. Christopher Bufano
April 25, 2018
Page 2

or sexual relationship existed but that it also resulted in the enumerated consequences. Likewise, it would appear difficult for the department to have to prove these conditions or assert that the trainee gained an undue advantage or benefit.

Please provide the department's reason for requiring the elements in subparagraphs (2)(f)1.-3. *See* §120.52(8)(e), Fla. Stat. (2017).

11B-20.0017

Please see the comment for rule 11C-20.001.

Should you have any questions, please do not hesitate to contact me. Otherwise, I look forward to your written response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sharon Jones', with a long horizontal flourish extending to the right.

Sharon Jones
Senior Attorney

April 26, 2018

Sharon Jones, Senior Attorney
Joint Administrative Procedures Committee
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, FL 32399-1400

RE: Department of Law Enforcement
Rule 11B-20.001, 0012, and .0017, F.A.C.

Dear Ms. Jones:

I am writing in response to your letter dated April 25, 2018, regarding the JAPC review and findings of the proposed rule revisions to Rule Chapter 11B-20.001, 0012, and .0017, F.A.C. FDLE provides the following:

JAPC Comment:

11B-20.001: The proposed rule states that various forms may be found at <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>. However, when utilized, this address returns the result of, "the web address you are trying to reach is no longer valid." Please revise.

FDLE Response:

As a result of a recent FDLE computer system upgrade, the hyperlink is no longer active. FDLE is in the process of providing a working hyperlink on its website to access the forms. FDLE requests that the proposed rule change be considered a technical revision after promulgation of the proposed rules. If that is not satisfactory to you, then FDLE will revise the link in the next rule promulgation package, which should begin in October or November of 2018.

JAPC Comment:

11B-20.001(1)(j): Is this definition intended to reach instances where the interaction is not physical? If so, please revise.

FDLE Response:

The definition under 11B-20.001(1)(j) is not intended to include instances where the interaction is not physical. No revision required.

JAPC Comment:

11B-20.0012(2)(f): Should paragraph (2)(f) end after the second time the word “trainee” is used? Please explain the necessity of the subparagraphs for paragraph (2)(f).

These subparagraphs seem to present onerous proof problems for either the department or a basic recruit trainee. It would appear to be extremely difficult for a basic recruit trainee, first, to come forward and, second, to attempt to prove not only that the romantic or sexual relationship existed but that it also resulted in the enumerated consequences. Likewise, it would appear difficult for the department to have to prove these conditions or assert that the trainee gained an undue advantage or benefit.

Please provide the department’s reason for requiring the elements in subparagraphs (2)(f)1.-3. *See* §120.52(8)(e), Fla. Stat. (2017).

FDLE Response:

The CJSTC’s Officer Discipline Penalty Guideline Taskforce conducted workshops with discussion involving interested individuals and the Commission decided upon majority vote at the May 2017 full Commission meeting to accept the language as written. The reasoning was that with the ability of an instructor to control access to the profession, it is possible for an instructor to use this power to coerce a student to participate in a relationship that he or she feels is required in order to successfully complete the program and become a certified officer. It is the unethical actions related to the factors outlined in subparagraphs (2)(f)1-3 that were the concern of the Commission and the belief that those actions would be the basis of a moral character violation. The rule as written was the result of thorough discussions of the Commission that resulted in the conclusion that the behavior described in subparagraphs (2)(f)1-3 were necessary elements for this particular violation.

JAPC Comment:

11B-20.0017: Please see the comment for rule 11B-20.001.

FDLE Response:

As a result of a recent FDLE computer system upgrade, the hyperlink is no longer active. FDLE is in the process of providing a working hyperlink on its website to access the forms. FDLE requests that the proposed rule change be considered a technical revision after promulgation of the proposed rules. If that is not satisfactory to you, then FDLE will revise the link in the next rule promulgation package, which should begin in October or November of 2018.

If you have any additional questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Bufano', with a long horizontal line extending to the right.

Chris Bufano
Assistant General Counsel

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-20, FLORIDA ADMINISTRATIVE CODE

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

CERTIFICATION OF CRIMINAL JUSTICE TRAINING INSTRUCTORS

SUMMARY OF THE RULE

Adds the definition of “romantic or sexual relationship” as it applies to relationships between certified instructors and students; revises the Internal Investigation Report, form CJSTC-78, and the Instructor Exemption, form CJSTC-82; updates the rule references; adds rule text to impose disciplinary action against an instructor’s certification if he or she engages in a relationship with a student attending basic recruit training; moves the existing rule language to form a new subparagraph; and adds the requirement for instructors whose General Instructor Certification has lapsed to complete an internship.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-20.001(1)(j): Establishes rule language that prohibits romantic or sexual relationships between certified instructors and students attending basic recruit training. Given the ability of an instructor to control access to the profession, it is possible for an instructor to use this power to coerce a student to participate in a relationship that he or she feels is required in order to successfully complete the program and become a certified officer.

11B-20.001(3)(a)5.b.: Incorporates the revised Internal Investigation Report, form CJSTC-78, to change the rule reference and update the name of the form in the instructions.

11B-20.001(4): Incorporates the revised Instructor Exemption, form CJSTC-82, to change the rule reference and update the certification statement to ensure the training center

director or designee is aware of their responsibility to verify individual meets the eligibility requirements.

11B-20.0012(2)(b)-(c): Updates the rule references because paragraphs were added to Rule 11B-35.001, F.A.C.

11B-20.0012(2)(f): Imposes disciplinary action against an instructor's certification if the instructor teaches or supervises a basic recruit trainee in one of the Commission's Basic Recruit Training Programs and engages in a romantic or sexual relationship with that basic recruit trainee.

11B-20.0012(2)(g): Moves the existing rule language from the preceding subparagraph to form a new subparagraph.

11B-20.0017(7)(b): Includes rule language to identify the requirements which must be met for General Instructors whose General Instructor Certification has lapsed to complete an internship in addition to completing the General Instructor Refresher Course and document the completion of both on the Instructor Competency Checklist, form CJSTC-81.

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-20.0012	Denial and Discipline of Instructor Certification
11B-20.0017	Maintenance and Duration of Instructor Certifications

PURPOSE AND EFFECT:

Paragraph 11B-20.001(1)(j), F.A.C.: Establishes rule language that prohibits romantic or sexual relationships between certified instructors and students attending basic recruit training. Given the ability of an instructor to control access to the profession, it is possible for an instructor to use this power to coerce a student to participate in a relationship that he or she feels is required in order to successfully complete the program and become a certified officer.

Sub-subparagraph 11B-20.001(3)(a)5.b., F.A.C.: Incorporates the revised Internal Investigation Report, form CJSTC-78, to change the rule reference and update the name of the form in the instructions.

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

Paragraphs 11B-20.0012(2)(b)-(c), F.A.C.: Updates the rule references because paragraphs were added to Rule 11B-35.001, F.A.C.

Paragraph 11B-20.0012(2)(f), F.A.C.: Imposes disciplinary action against an instructor’s certification if the instructor teaches or supervises a basic recruit trainee in one of the Commission’s Basic Recruit Training Programs and engages in a romantic or sexual relationship with that basic recruit trainee.

Paragraph 11B-20.0012(2)(g), F.A.C.: Moves the existing rule language from the preceding subparagraph to form a new subparagraph.

Paragraph 11B-20.0017(7)(b), F.A.C.: Includes rule language to identify the requirements which must be met for General Instructors whose General Instructor Certification has lapsed to complete an internship in addition to completing the General Instructor Refresher Course and document the completion of both on the Instructor Competency Checklist, form CJSTC-81.

SUMMARY:

Added the definition of “romantic or sexual relationship” as it applies to relationships between certified instructors and students; revised Internal Investigation Report, form CJSTC-78, and Instructor Exemption, form CJSTC-82; updated rule references and new subparagraph; disciplinary action against an instructor’s certification; and requirement for instructors whose General Instructor Certification has lapsed.

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), 943.14(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, April 11, 2018 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: March 7, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2017

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) Definitions:

(a) through (i) No change.

(j) “Romantic or sexual relationship” means a relationship that may be evidenced by one or more of the following: kissing; fondling of the genital area, buttocks, or breasts; oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object.

(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. No change.

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 10, 2017~~ ~~August 4, 2016~~, effective _____ ~~7/2017~~, hereby incorporated by reference ~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-08474>~~ ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-08474>~~, and form CJSTC-61, and submit to Commission staff or immediately transmit through the Commission’s ATMS. Form CJSTC-78 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.

(b) through (c) No change.

(4) Exemption from General Instructor Certification. An individual, who has a professional or technical certification or three years of experience in the specified subject matter to be instructed, shall be exempt from General Instructor Certification. The training center director or designee shall document the individual’s qualifications by completing the Instructor Exemption, form CJSTC-82, revised ~~August 10, 2017~~ ~~August 4, 2016~~, effective _____ ~~7/2017~~, hereby incorporated by reference ~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-08447>~~ ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-08447>~~, 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, 7-19-17, _____.

11B-20.0012 Denial and Discipline of Instructor Certification.

(1) No change.

(2) The Criminal Justice Standards and Training Commission is authorized to impose disciplinary action against an instructor’s certification if:

(a) No change.

(b) The instructor willfully compromises or circumvents the student attendance requirements set forth in Rule subsection 11B-35.001(4), F.A.C.; or

(c) The instructor willfully compromises or circumvents the trainee performance requirements pursuant to Rules subsection 11B-35.001(9) and Rule 11B-35.0024, F. A. C.; or

(d) through (e) No change.

(f) The instructor teaches or supervises a basic recruit trainee in any Commission-approved Basic Recruit Training Program and engages in a romantic or sexual relationship, as defined in Rule 11B-20.001(1)(j), F.A.C.,

~~with that basic recruit trainee and The instructor commits an act or acts establishing a “lack of good moral character,” defined in subsection 11B-27.0011(4), F.A.C.~~

1. Submission to the relationship is made either explicitly or implicitly a term or condition of the basic recruit trainee’s ability to complete the Basic Recruit Training Program; or

2. Submission to or rejection of the relationship by the basic recruit trainee is used as a basis for decisions affecting the basic recruit trainee’s participation in the Basic Recruit Training Program; or

3. The relationship is consensual and results in the basic recruit trainee receiving an undue advantage or some benefit in the Basic Recruit Training Program as a result thereof.

(g) The instructor commits an act or acts establishing a “lack of good moral character,” defined in subsection 11B-27.0011(4), F.A.C.

(3) through (8) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.14(3) FS. History–New 10-26-88, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04, 3-21-07, 6-9-08, 5-29-14,_____.

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) No change.

(b) General Instructor Certification. Instructors whose General Instructor Certification has lapsed shall complete the General Instructor Refresher Course and an internship documented on the Instructor Competency Checklist, form CJSTC-81.

(c) through (e) No change.

(8) through (9) No change.

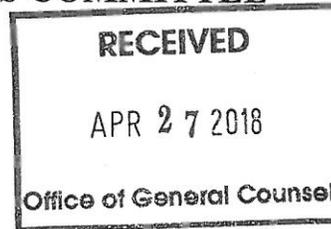
Rulemaking Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), 943.14(3) FS. History–New 7-29-01, Amended 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 6-3-10, 3-13-13, 5-29-14, 7-29-15,9-4-16, 7-19-17,_____.

JOE NEGRON
President



Senator Kevin Rader, Chair
Representative George R. Moraitis, Jr., Vice Chair
Senator Daphne Campbell
Senator George B. Gainer
Senator Rene Garcia
Senator Keith Perry
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THE FLORIDA LEGISLATURE
JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE



RICHARD CORCORAN
Speaker



KENNETH J. PLANTE
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April 25, 2018

Mr. Christopher Bufano
Assistant General Counsel
Florida Department of Law Enforcement
2331 Phillips Road
Tallahassee, Florida 32308

**RE: Department of Law Enforcement
11B-21.005 and .018**

Dear Mr. Bufano:

After reviewing the above-referenced rules, I offer the following comment for your consideration and written response:

Passim

The proposed rules state that various forms may be found at <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>. However, when utilized, this address returns the result of, "the web address you are trying to reach is no longer valid." Please revise.

Should you have any questions, please do not hesitate to contact me. Otherwise, I look forward to your written response.

Sincerely,

A handwritten signature in black ink, appearing to read "Sharon Jones".

Sharon Jones
Senior Attorney



Florida Department of
Law Enforcement

Richard L. Swearingen
Commissioner

50 Years of
Service

1 9 6 7 - 2 0 1 7

April 30, 2018

Sharon Jones, Senior Attorney
Joint Administrative Procedures Committee
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, FL 32399-1400

RE: Department of Law Enforcement
Rule 11B-21.005 and .018, F.A.C.

Dear Ms. Jones:

I am writing in response to your letter dated April 25, 2018, regarding the JAPC review and findings of the proposed rule revisions to Rule Chapter 11B-21.005 and .018, F.A.C. FDLE provides the following:

JAPC Comment:

Passim: The proposed rules state that various forms may be found at <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>. However, when utilized, this address returns the result of, "the web address you are trying to reach is no longer valid." Please revise.

FDLE Response:

As a result of a recent FDLE computer system upgrade, the hyperlink is no longer active. FDLE is in the process of providing a working hyperlink on its website to access the forms. FDLE requests that the proposed rule change be considered a technical revision after promulgation of the proposed rules. If that is not satisfactory to you, then FDLE will revise the link in the next rule promulgation package, which should begin in October or November of 2018.

If you have any additional questions or concerns, please do not hesitate to contact me.

Sincerely,

Chris Bufano
Assistant General Counsel

Office of General Counsel
Post Office Box 1489, Tallahassee, Florida 32302-1489
(850) 410-7676
www.fdle.state.fl.us

Service • Integrity • Respect • Quality

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11B-21, FLORIDA ADMINISTRATIVE CODE
AMENDING RULES 11B-21.005 and 11B-21.018
CERTIFICATION OF CRIMINAL JUSTICE TRAINING SCHOOLS
SUMMARY OF THE RULE

Revises the following forms to restrict the tourniquet in the first aid kit to “commercially produced tourniquet”: the Driving Range Facility and Equipment Requirements, form CJSTC-202; the Defensive Tactics Facility and Equipment Requirements, form CJSTC-203; the Firing Range Facility and Equipment Requirements, form CJSTC-201; and the First Aid Instructional Requirements, form CJSTC-208; and updates the rule reference.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-21.005(4)(a): Updates the Driving Range Facility and Equipment Requirements, form CJSTC-202, to clarify that the tourniquet that is to be available in the first aid kit for use in the event of an injury to a student or instructor is a complete commercially available kit.

11B-21.005(5): Updates the Defensive Tactics Facility and Equipment Requirements, form CJSTC-203, to clarify that the tourniquet that is to be available in the first aid kit for use in the event of an injury to a student or instructor is a complete commercially available kit.

11B-21.005(6): Updates the Firing Range Facility and Equipment Requirements, form CJSTC-201, to clarify that the tourniquet that is to be available in the first aid kit for use in the event of an injury to a student or instructor is a complete commercially available kit.

11B-21.005(7): Updates the First Aid Instructional Requirements, form CJSTC-208, to clarify that the training tourniquet(s) can be comprised of improvised material and the tourniquet

that is to be available in the first aid kit for use in the event of an injury to a student or instructor is a complete commercially available kit.

11B-21.018(1)(d): Updates the rule reference because paragraphs were added to Rule 11B-35.001, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND
LEGISLATIVE RATIFICATION

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

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

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

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

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Department of Law Enforcement

Division or Board: Criminal Justice Standards and Training Commission

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

RULE NO.:	RULE TITLE:
11B-21.005	Criminal Justice Training School Requirements for Certification and Re-Certification
11B-21.018	Criminal Justice Training School Disciplinary Guidelines and Revocation of Certification

PURPOSE AND EFFECT:

Paragraph 11B-21.005(4)(a), F.A.C.: Updates the Driving Range Facility and Equipment Requirements, form CJSTC-202, to clarify that the tourniquet that is to be available in the first aid kit for use in the event of an injury to a student or instructor is a complete commercially available kit.

Subsection 11B-21.005(5), F.A.C.: Updates the Defensive Tactics Facility and Equipment Requirements, form CJSTC-203, to clarify that the tourniquet that is to be available in the first aid kit for use in the event of an injury to a student or instructor is a complete commercially available kit.

Subsection 11B-21.005(6), F.A.C.: Updates the Firing Range Facility and Equipment Requirements, form CJSTC-201, to clarify that the tourniquet that is to be available in the first aid kit for use in the event of an injury to a student or instructor is a complete commercially available kit.

Subsection 11B-21.005(7), F.A.C.: Updates the First Aid Instructional Requirements, form CJSTC-208, to clarify that the training tourniquet(s) can be comprised of improvised material and the tourniquet that is to be available in the first aid kit for use in the event of an injury to a student or instructor is a complete commercially available kit.

Paragraph 11B-21.018(1)(d), F.A.C.: Updates the rule reference because paragraphs were added to Rule 11B-35.001, F.A.C.

SUMMARY:

Updated rule reference; and revised Driving Range Facility and Equipment Requirements, form CJSTC-202; Defensive Tactics Facility and Equipment Requirements, form CJSTC-203; Firing Range Facility and Equipment Requirements, form CJSTC-201; and First Aid Instructional Requirements, form CJSTC-208.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

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

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

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

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

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

LAW IMPLEMENTED: 943.12(2), (3), (8), 943.14, 943.17(1)(g), 943.25(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, April 11, 2018 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: March 7, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2017

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) through (3) No change.

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

(a) When conducting Commission-approved vehicle operations training, comply with the driving range facility, equipment, and instructor to student ratio requirements set forth in subsection 11B-35.0021(8), F.A.C., and in the Driving Range Facility and Equipment Requirements, form CJSTC-202, revised August 10, 2017 ~~November 7, 2013~~, effective 5/2014, hereby incorporated by reference ~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-03943>~~ <https://www.flrules.org/Gateway/reference.asp?No=Ref-03944>. Form CJSTC-202 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(b) No change.

(5) Defensive Tactics Facility, Equipment, and Instructor to Student Ratio Requirements. When conducting Commission-approved defensive tactics training, comply with the defensive tactics equipment, facility, and instructor to student ratio requirements set forth in subsection 11B-35.0021(8), F.A.C., and in the Defensive Tactics Facility and Equipment Requirements, form CJSTC-203, revised August 10, 2017 ~~November 7, 2013~~, effective 5/2014, hereby incorporated by reference ~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-03943>~~ <https://www.flrules.org/Gateway/reference.asp?No=Ref-03944>. Form CJSTC-203 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.

(6) Firing Range Facility, Equipment, and Instructor to Student Ratio Requirements. When conducting Commission-approved firearms training, comply with the firing range equipment, facility, and instructor to student ratio requirements set forth in subsection 11B-35.0021(8), F.A.C., and in the Firing Range Facility and Equipment Requirements, form CJSTC-201, revised August 10, 2017, effective ~~December 16, 2010~~ (effective 3/2013), hereby incorporated by reference ~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-02239>~~ <https://www.flrules.org/Gateway/reference.asp?No=Ref-02239>. Form CJSTC-201 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. Firearms training shall be supervised directly by a Commission-certified firearms instructor and the instructor shall have access to at least one firearms range designed for criminal justice firearms instruction.

(7) First Aid Facility, Equipment, and Instructor to Student Ratio Requirements. When conducting Commission-approved first aid training, comply with the first aid equipment, facility, and instructor to student ratio requirements set forth in subsection 11B-35.0021(8), F.A.C., and in the First Aid Instructional Requirements, form CJSTC-208, revised August 10, 2017 ~~November 5, 2015~~, effective 9/2016, hereby incorporated by reference ~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-07389>~~ <https://www.flrules.org/Gateway/reference.asp?No=Ref-07389>. Form CJSTC-208 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.

(8) through (12) No change.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(2), (3), (8), 943.14, 943.17(1)(g) FS. History—New 7-21-82, Formerly 11B-21.05, Amended 1-28-86, 8-30-89, 12-24-89, 6-3-91, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 5-21-12, 3-13-13, 5-29-14, 9-4-16, _____.

11B-21.018 Criminal Justice Training School Disciplinary Guidelines and Revocation of Certification.

(1) The certification of a training school shall be revoked, suspended, or placed on probation if any of the following violations occur:

(a) through (c) No change.

(d) Failure to comply with trainee attendance and performance standards pursuant to subsections 11B-35.001(10)(9) and (12), F.A.C.

(e) No change.

(2) through (4) No change.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(3), 943.14, 943.25(3) FS. History—New 10-17-90, Amended 12-13-92, 8-7-94, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04, 6-9-08, 9-4-16, _____.

JOE NEGRON
President



Senator Kevin Rader, Chair
Representative George R. Moraitis, Jr., Vice Chair
Senator Daphne Campbell
Senator George B. Gainer
Senator Rene Garcia
Senator Keith Perry
Representative Jason Fischer
Representative Michael Grant
Representative Sam H. Killebrew
Representative Amy Mercado
Representative Barrington A. "Barry" Russell

RICHARD CORCORAN
Speaker

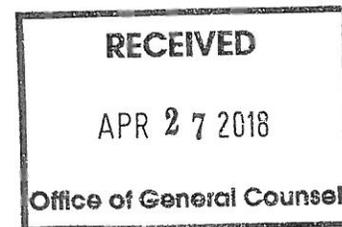


KENNETH J. PLANTE
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Room 680, Pepper Building
111 W. Madison Street
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Fax (850) 922-6934
www.japc.state.fl.us
joint.admin.procedures@leg.state.fl.us

THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

April 26, 2018

Mr. Christopher Bufano
Assistant General Counsel
Florida Department of Law Enforcement
2331 Phillips Road
Tallahassee, Florida 32308



**RE: Department of Law Enforcement
Rules 11B-27.0011, .002, .00212, .003 and .005**

Dear Mr. Bufano:

After reviewing the above-referenced rules, I offer the following comment for your consideration and written response:

Passim

The proposed rules state that various forms may be found at <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>. However, when utilized, this address returns the result of, "the web address you are trying to reach is no longer valid." Please revise.

Should you have any questions, please do not hesitate to contact me. Otherwise, I look forward to your written response.

Sincerely,

A handwritten signature in black ink, appearing to be "Sharon Jones".

Sharon Jones
Senior Attorney

April 30, 2018

Sharon Jones, Senior Attorney
Joint Administrative Procedures Committee
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, FL 32399-1400

RE: Department of Law Enforcement
Rule 11B-27.0011, .002, .00212, .003 and .005, F.A.C.

Dear Ms. Jones:

I am writing in response to your letter dated April 26, 2018, regarding the JAPC review and findings of the proposed rule revisions to Rule Chapter 11B-27.0011, .002, .00212, .003 and .005, F.A.C. FDLE provides the following:

JAPC Comment:

Passim: The proposed rules state that various forms may be found at <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>. However, when utilized, this address returns the result of, "the web address you are trying to reach is no longer valid." Please revise.

FDLE Response:

As a result of a recent FDLE computer system upgrade, the hyperlink is no longer active. FDLE is in the process of providing a working hyperlink on its website to access the forms. FDLE requests that the proposed rule change be considered a technical revision after promulgation of the proposed rules. If that is not satisfactory to you, then FDLE will revise the link in the next rule promulgation package, which should begin in October or November of 2018.

If you have any additional questions or concerns, please do not hesitate to contact me.

Sincerely,



Chris Bufano
Assistant General Counsel

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-27, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11B-27.0011, 11B-27.002, 11B-27.00212, 11B-27.003 and 11B-27.005

CERTIFICATION AND EMPLOYMENT OR APPOINTMENT

SUMMARY OF THE RULE

Adds the violations of “sexual cyberharassment” and “threats” to the list of enumerated misdemeanor moral character violations; adds a new sub-paragraph to include “discriminatory conduct” as a moral character violation; adds new sub-paragraphs to define “discriminatory conduct” violation; adds a new sub-paragraph to define an “expression of public concern” as it relates to discriminatory course of conduct; incorporates the revised Affidavit of Applicant, form CJSTC-68; the Exemption-From-Training, form CJSTC-76; and the Exemption-From-Training Proficiency Demonstration, form CJSTC-76A; renumbers the subparagraphs, removes the specific names of courses, sets parameters for specific training in the CJSTC training programs, and adds clarification for elder abuse training courses; revises the Internal Investigation Report, form CJSTC-78, to update the rule reference and instructions; adds the violation of “falsifying records” (Section 839.13(1), F.S.) to the enumerated penalty guidelines; adds the violation of “sexual cyberharassment” to the enumerated penalty guidelines; adds the violation of “felony threats” to the enumerated penalty guidelines; adds the violation of “malicious battery” to the enumerated penalty guidelines; adds the violation of “falsifying records” (Section 839.13(1), F.S.) to the enumerated penalty guidelines; adds the new violation of “threats” to the enumerated penalty guidelines; adds the violation of “sexual cyberharassment” to the enumerated penalty guidelines; adds the violation of “discriminatory conduct” to the penalty guidelines.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-27.0011(4)(b)1.: Amends current rule language as a result of the 2015 Legislature, which created Chapter 784.049, F.S., Sexual Cyberharassment. This charge applies to persons who publish a sexually explicit image of another to Internet websites without the depicted person's consent, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person.

11B-27.0011(4)(c)15.: Adds a new sub-paragraph to include "discriminatory conduct" as a moral character violation.

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

11B-27.0011(4)(c)15.c.: Adds a new sub-paragraph to define an "expression of public concern" as it relates to discriminatory course of conduct.

11B-27.002(1)(f): Incorporates the revised Affidavit of Applicant, form CJSTC-68, to only request the last four digits of the applicant's social security number and removes the specific Florida Statute (F.S.) reference for sealed and expunged records, which will require applicants to disclose sealed and expunged records "outside" of Florida that would impact their ability to become certified.

11B-27.002(3)(a)11.: Incorporates the revised Exemption-From-Training, form CJSTC-76, to add a field for the applicant's email address; and revises the Exemption-From-Training Proficiency Demonstration, form CJSTC-76A, to update the instructions and allow training center directors to appoint a "designee" as an authorized signer on the form.

11B-27.00212(15)(c)1.-7.: Clarifies that elder abuse training in any of the CJSTC law enforcement basic recruit training programs, or Advanced and Specialized Training Programs, starting on or after a specified date, may count toward the requirement for completion of elder abuse training. New courses on the topic that are approved by the Commission will immediately qualify without rule change. Also, renumbers the subparagraphs and removes the specific names of courses.

11B-27.003(2)(a): Incorporates the revised Internal Investigation Report, form CJSTC-78, to change the rule reference and update the name of the form in the instructions.

11B-27.005(5)(a)8.: Adds the violation of “falsifying records” (Section 839.13(1), F.S.) to the enumerated penalty guideline for felonies.

11B-27.005(5)(a)9.: Adds the violation of “sexual cyberharassment” to the enumerated penalty guidelines for felonies.

11B-27.005(5)(a)19.: Adds the violation of “felony threats” to the enumerated penalty guideline for felonies.

11B-27.005(5)(b)2.: Adds the violation of “malicious battery” to the enumerated penalty guidelines.

11B-27.005(5)(b)4.: Adds the violation of “falsifying records” (Section 839.13(1), F.S.) to the enumerated penalty guideline for misdemeanors involving false reports or statements.

11B-27.005(5)(b)16.: Adds the new violation of “threats” to the enumerated penalty guidelines and includes recommended penalty range of “prospective suspension to revocation”.

11B-27.005(5)(b)17.: Adds the violation of “sexual cyberharassment” to the enumerated penalty guidelines and includes recommended penalty range of “probation with counseling”.

11B-27.005(5)(c)16.-17.: Adds the violation of “discriminatory conduct” to the penalty guidelines and includes recommended penalty ranges of “written reprimand to revocation” and “revocation”.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND
LEGISLATIVE RATIFICATION

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

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

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

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

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Department of Law Enforcement

Division or Board: Criminal Justice Standards and Training Commission

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

RULE NO.:	RULE TITLE:
11B-27.0011	Moral Character
11B-27.002	Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers
11B-27.00212	Maintenance of Officer Certification
11B-27.003	Duty to Report, Investigations, Procedures
11B-27.005	Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT:

Sub-paragraph 11B-27.0011(4)(b)1., F.A.C.: Amends current rule language as a result of the 2015 Legislature, which created Chapter 784.049, F.S., Sexual Cyberharassment. This charge applies to persons who publish a sexually explicit image of another to Internet websites without the depicted person’s consent, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person.

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

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

Sub-paragraph 11B-27.0011(4)(c)15.c., F.A.C.: Adds a new sub-paragraph to define an “expression of public concern” as it relates to discriminatory course of conduct.

Paragraph 11B-27.002(1)(f), F.A.C.: Incorporates the revised Affidavit of Applicant, form CJSTC-68, to only request the last four digits of the applicant’s social security number and removes the specific Florida Statute (F.S.) reference for sealed and expunged records, which will require applicants to disclose sealed and expunged records “outside” of Florida that would impact their ability to become certified.

Sub-paragraph 11B-27.002(3)(a)11., F.A.C.: Incorporates the revised Exemption-From-Training, form CJSTC-76, to add a field for the applicant’s email address; and revises the Exemption-From-Training, Proficiency Demonstration, form CJSTC-76A, to update the instructions and allow training center directors to appoint a “designee” as an authorized signer on the form.

Sub-paragraphs 11B-27.00212(15)(c)1.-7., F.A.C.: Clarifies that elder abuse training in any of the CJSTC law enforcement basic recruit training programs, or Advanced and Specialized Training Programs, starting on or after a specified date, may count toward the requirement for completion of elder abuse training. New courses on the topic that are approved by the Commission will immediately qualify without rule change. Also, renumbers the subparagraphs and removes the specific names of courses.

Paragraph 11B-27.003(2)(a), F.A.C.: Incorporates the revised Internal Investigation Report, form CJSTC-78, to change the rule reference and update the name of the form in the instructions.

Sub-paragraph 11B-27.005(5)(a)8., F.A.C.: Adds the violation of “falsifying records” (Section 839.13(1), F.S.) to the enumerated penalty guideline for felonies.

Sub-paragraph 11B-27.005(5)(a)9., F.A.C.: Adds the violation of “sexual cyberharassment” to the enumerated penalty guidelines for felonies.

Sub-paragraph 11B-27.005(5)(a)19., F.A.C.: Adds the violation of “felony threats” to the enumerated penalty guideline for felonies.

Sub-paragraph 11B-27.005(5)(b)2., F.A.C.: Adds the violation of “malicious battery” to the enumerated penalty guidelines.

Sub-paragraph 11B-27.005(5)(b)4., F.A.C.: Adds the violation of “falsifying records” (Section 839.13(1), F.S.) to the enumerated penalty guideline for misdemeanors involving false reports or statements.

Sub-paragraph 11B-27.005(5)(b)16., F.A.C.: Adds the new violation of “threats” to the enumerated penalty guidelines and includes recommended penalty range of “prospective suspension to revocation”.

Sub-paragraph 11B-27.005(5)(b)17., F.A.C.: Adds the violation of “sexual cyberharassment” to the enumerated penalty guidelines and includes recommended penalty range of “probation with counseling”.

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

SUMMARY:

Updated rule references; violations of “sexual cyberharassment”, “threats”, “malicious battery”, “falsifying records”, “felony threats”, “discriminatory conduct”; and definition of “expression of public concern” as it relates to discriminatory course of conduct; removal of specific names of courses; parameters for specific training in the CJSTC training programs; clarification for elder abuse training courses; revised Affidavit of Applicant, form CJSTC-68; Exemption-From-Training, form CJSTC-76; and the Exemption-From-Training Proficiency Demonstration, form CJSTC-76A.

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

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

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

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

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

LAW IMPLEMENTED: 943.12, 943.12(3), 943.13, 943.13(7), (11), 943.133, 943.135, 943.139, 943.1395(3), (7) 943.1701, 943.1715, 943.1716, 943.253, 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, April 11, 2018 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: March 7, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2017

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-27.0011 Moral Character.

(1) through (3)

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

(a) No change.

(b) Except as otherwise provided in Section 943.13(4), F.S., a plea of guilty or a verdict of guilty after a criminal trial for any of the following misdemeanor or criminal offenses, notwithstanding any suspension of sentence or withholding of adjudication, or the perpetration by an officer of an act that would constitute any of the following misdemeanor or criminal offenses whether criminally prosecuted or not:

1. Sections 316.193, 327.35, 365.16(1)(c),(d), 414.39, 741.31, 784.011, 784.03, 784.047, 784.048, 784.05, 784.049(3)(a), 784.046(15), 790.01, 790.10, 790.15, 790.27, 794.027, 796.07, 800.02, 800.03, 806.101, 806.13, 810.08, 810.14, 812.014, 812.015, 812.14, 817.235, 817.49, 817.563, 817.565, 817.61, 817.64, 827.04, 828.12, 831.30, 831.31(1)(b), 832.05, 836.12(2), 837.012, 837.05, 837.055, 837.06, 839.13, 839.20, 843.02, 843.03, 843.06, 843.085, 847.011, 856.021, 870.01, 893.13, 893.147, 901.36 914.22, 934.03, 944.35, 944.37, and 944.39, F.S.

2. through 3. No change.

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

1. through 14. No change.

15. Discriminatory Conduct:

a. The perpetration by the officer of either a course of conduct or a single egregious act that evidences discriminatory conduct based on race, color, religion, sex, pregnancy, national origin, age, handicap, or sexual orientation, which does not involve an expression of public concern, and which causes a clear and substantial belief in the mind of a reasonable person that the officer cannot perform the duties of office in a fair and impartial manner, with respect for the rights of others and laws of the state and nation; or

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

c. For the purposes of this section, an expression of public concern shall mean an expression by an individual as a citizen that relates to any matter of political, social, or other concern of the community. Expressions of public concern are determined by the content, form, and context of the given act or course of conduct, viewed by the totality of the record.

(d) No change.

(5) through (7) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.13(7), 943.1395(7) FS. History--New 1-7-85, Formerly 11B-27.011, Amended 7-13-87, 10-25-88, 12-13-92, 9-5-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 4-11-04, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 4-16-09, 6-3-10, 5-21-12, 3-13-13, 5-29-14, 7-29-15, 9-4-16, _____.

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

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

(a) through (e) No change.

(f) An Affidavit of Applicant, form CJSTC-68, revised August 10, 2017, effective ~~December 16, 2010~~ ~~(effective 3/2013)~~, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref> ~~02236~~, executed by the applicant attesting that the applicant complies with the employment or appointment qualifications pursuant to Sections 943.13(1)-(10), F.S. Form CJSTC-68 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.

(g) through (h) No change.

(2) No change.

(3) Employment requirements pursuant to Sections 943.13, F.S., shall be documented on an Agency New Hire Report, form CJSTC-207, revised November 8, 2007, hereby incorporated by reference. Form CJSTC-207 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

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

1. through 10. No change.

11. An Exemption-From-Training, form CJSTC-76, revised ~~August 10, 2017~~ ~~August 4, 2016~~, effective ~~7/2017~~, hereby incorporated by reference ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-08443>~~, and an Exemption-From-Training Proficiency Demonstration, form CJSTC-76A, revised ~~August 10, 2017~~ ~~November 6, 2014~~, effective ~~7/2015~~, hereby incorporated by reference ~~<https://www.flrules.org/Gateway/reference.asp?No=Ref>~~, for previous Florida and out-of-state, federal, or military officers, if the officer used this training option. Forms CJSTC-76 and CJSTC-76A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

12. through 15. No change.

(b) No change.

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

(5) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.133, 943.139, 943.1395 FS. History—New 10-6-82, Amended 4-26-84, 1-7-85, Formerly 11B-27.02, Amended 9-3-87, 3-29-89, 5-14-92, 12-13-92, 9-5-93, 1-19-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 6-3-10, 5-21-12, 3-13-13, 5-29-14, 7-29-15, 9-4-16, 9-14-17, _____.

11B-27.00212 Maintenance of Officer Certification.

(1) through (14) No change.

(15) Elder Abuse Training. As a part of basic recruit training or the officer's continuing education or training, a law enforcement officer shall be required to complete training on identifying and investigating elder abuse and neglect.

(a) through (b) No change.

(c) Law enforcement officers who have successfully completed one of the following programs will have satisfied this training requirement:

1. Any CJSTC approved law enforcement basic recruit training program entered into on or after 4/1/08. Florida CMS Law Enforcement B RTP number 1177 (Effective 4/1/08).

~~2. Correctional Officer Cross Over Training to Florida CMS Law Enforcement B RTP number 1178 (Retired 6/30/12). Correctional Officer Cross Over Training to Florida CMS Law Enforcement B RTP number 1191 (Retired 6/30/14).~~

~~3. Correctional Probation Officer Cross Over Training to Florida CMS Law Enforcement B RTP number 1179 (Retired 6/30/14).~~

~~4. CMS Law Enforcement Auxiliary Officer B RTP number 1180 (Effective 4/1/08).~~

~~2.5. Any CJSTC Advanced Training Program course on elder abuse or investigation of crimes against the elderly entered into on or after 4/1/06. Crimes Against the Elderly advanced training course number 100 (Effective 4/1/06).~~

~~3.6. Elder Abuse Training for Law Enforcement course by the Department of Elder Affairs (Effective 10/30/08).~~

~~4.7. Any CJSTC Specialized Training Program course on elder abuse or investigation of crimes against the elderly entered into on or after 8/1/12. Elder Abuse Investigations specialized training program course number 1185. There are no required minimum training hours for mandatory retraining, however, training schools are permitted to teach the course as a specialized training program course requiring a minimum of four contact hours.~~

(d) through (e) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12, 943.13(11), 943.135, 943.1395(3), 943.1701, 943.1715, 943.1716, 943.253 FS. History—New, 11-5-02. Amended 12-3-03, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 4-16-09, 9-28-09, 6-3-10, 5-21-12, 3-13-13, 9-4-16, _____. Editorial Note: See 11B-27.0023, F.A.C.

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

(1) No change.

(2) Upon concluding the investigation:

(a) If the allegations are sustained, the employing agency shall complete an Internal Investigation Report, form CJSTC-78, revised ~~August 10, 2017~~ ~~August 4, 2016~~, effective ~~7/2017~~, hereby incorporated by reference ~~https://www.flrules.org/Gateway/reference.asp?No=Ref_08476~~ ~~http://www.flrules.org/Gateway/reference.asp?No=Ref_08476~~, regardless of whether any civil service appeal, arbitration, employment hearing, administrative, civil, or criminal action is pending or contemplated. Form CJSTC-78 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(b) through (c) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.1395(5) FS. History--New 10-6-82, Amended 1-7-85, Formerly 11B-27.03, Amended 12-13-92, 9-5-93, 7-7-99, 8-22-00, 11-5-02, 11-30-04, 6-9-08, 9-14-17, _____.

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

(1) through (4) No change.

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

(a) For the perpetration by the officer of an act that would constitute any felony offense, pursuant to paragraph 11B-27.0011(4)(a), F.A.C., but where there was not a violation of Section 943.13(4), F.S., the action of the Commission shall be to impose a penalty ranging from suspension of certification to revocation. Specific violations and penalties that shall be imposed, absent mitigating circumstances, include the following:

1. through 7. No change.

	Violation	Recommended Penalty Range
8.	False Statements (Sections 837.02, 837.021, 837.05(2), 838.022, 839.13(2), F.S.)	Prospective Suspension to revocation
9.	Felony stalking, <u>Sexual Cyberharassment</u> (Section 784.048, 784.049(3)(b), F.S.)	Revocation

10. through 18. No change.

	Violation	Recommended Penalty Range
19.	<u>Felony threats</u> (Section 836.12(3), F.S.)	<u>Revocation</u>

(b) For the perpetration by the officer of an act that would constitute any of the misdemeanor offenses, pursuant to paragraph 11B-27.0011(4)(b), F.A.C., but where there was not a violation of Section 943.13(4), F.S., the action of the Commission shall be to impose a penalty ranging from probation of certification to suspension of certification. Specific violations and penalties that shall be imposed, absent aggravating or mitigating circumstances, include the following:

1. No change.

	Violation	Recommended Penalty Range
2.	Battery; <u>Malicious Battery</u> (Section 784.03, 944.35(3)(a)(1), F.S.)	Suspension

3. No change.

	Violation	Recommended Penalty Range
4.	False reports and statements (Sections 817.49, 837.012, 837.05(1), 837.055, 837.06, <u>839.13(1)</u> , 901.36, 944.35(4)(b), F.S.).	Prospective suspension to revocation

5. through 15. No change.

	Violation	Recommended Penalty Range
16.	<u>Threats (836.12(2), F.S.)</u>	<u>Prospective suspension to revocation</u>
17.	<u>Sexual Cyberharassment, (Section 784.049(3)(a), F.S.)</u>	<u>Prospective suspension, and probation with counseling to revocation</u>

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

1. through 15. No change.

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

(d) No change.

(6) through (10) No change.

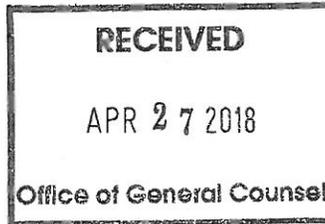
Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.1395(8) FS. History—New 10-6-82, Amended 1-7-85, Formerly 11B-27.05, Amended 3-29-89, 12-13-92, 2-17-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 4-11-04, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 6-3-10,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

JOE NEGRON
President



Senator Kevin Rader, Chair
Representative George R. Moraitis, Jr., Vice Chair
Senator Daphne Campbell
Senator George B. Gainer
Senator Rene Garcia
Senator Keith Perry
Representative Jason Fischer
Representative Michael Grant
Representative Sam H. Killebrew
Representative Amy Mercado
Representative Barrington A. "Barry" Russell

THE FLORIDA LEGISLATURE
JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE



RICHARD CORCORAN
Speaker



KENNETH J. PLANTE
COORDINATOR
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, Florida 32399-1400
Telephone (850) 488-9110
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www.japc.state.fl.us
joint.admin.procedures@leg.state.fl.us

April 26, 2018

Mr. Christopher Bufano
Assistant General Counsel
Florida Department of Law Enforcement
2331 Phillips Road
Tallahassee, Florida 32308

**RE: Department of Law Enforcement
Rules 11B-30.006 and .012**

Dear Mr. Bufano:

After reviewing the above-referenced rules, I offer the following comments for your consideration and written response:

Notice The notice provides an entity as the person to be contacted regarding the proposed rule. Please publish a corrective notice that provides a person and a phone number and/or email address whom the public may contact regarding the proposed rule.

11B-30.006 The proposed rule states that two forms may be found at <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>. However, when utilized, this address returns the result of, "the web address you are trying to reach is no longer valid." Please revise.

Should you have any questions, please do not hesitate to contact me. Otherwise, I look forward to your written response.

Sincerely,
A handwritten signature in black ink, appearing to read "Sharon Jones".
Sharon Jones
Senior Attorney

April 30, 2018

Sharon Jones, Senior Attorney
Joint Administrative Procedures Committee
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, FL 32399-1400

RE: Department of Law Enforcement
Rule 11B-30.006 and .012, F.A.C.

Dear Ms. Jones:

I am writing in response to your letter dated April 26, 2018, regarding the JAPC review and findings of the proposed rule revisions to Rule Chapter 11B-30.006 and .012, F.A.C. FDLE provides the following:

JAPC Comment:

Notice: The notice provides an entity as the person to be contacted regarding the proposed rule. Please publish a corrective notice that provides a person and a phone number and/or email address whom the public may contact regarding the proposed rule.

FDLE Response:

FDLE will publish a corrective notice to include the standard Commission secretary's phone number for the public to contact regarding the proposed rule. A specific person's full name, phone number, and email address are not preferred, as the individual handling this rule section may change on a regular basis and this would require ongoing rule changes to update the contact information.

11B-30.006 The proposed rule states that two forms may be found at <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>. However, when utilized, this address returns the result of, "the web address you are trying to reach is no longer valid." Please revise.

FDLE Response:

As a result of a recent FDLE computer system upgrade, the hyperlink is no longer active. FDLE is in the process of providing a working hyperlink on its website to access the forms. FDLE requests that the proposed rule change be considered a technical revision after promulgation of the proposed rules. If that is not satisfactory to you, then FDLE will revise the link in the next rule promulgation package, which should begin in October or November of 2018.

If you have any additional questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'CB', with a long horizontal flourish extending to the right.

Chris Bufano
Assistant General Counsel

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

Updates the rule references; incorporates the revised Exemption-From-Training, form CJSTC-76; deletes the rule text relating to paper and pencil or computer-based examination, paper and pencil examination reviews, and repeals the State Officer Certification Examination Grade Review Request, form CJSTC-510; moves the rule text to the subparagraph of Rule 11B-30.012(3)(a), F.A.C., because the original text in this subparagraph will be deleted; adds text removed from Rule 11B-30.012(3), F.A.C., as the new subparagraph (3)(a) to precede subparagraph (3)(b); and repeals the State Officer Certification Examination Review, form CJSTC-511.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-30.006(1): Updates the rule reference because paragraphs were added to Rule 11B-35.001, F.A.C.

11B-30.006(2)(a): Updates the rule reference because paragraphs were removed from Rule 11B-35.001, F.A.C., and other paragraphs added.

11B-30.006(2)(b): Incorporates the revised Exemption-From-Training, form CJSTC-76, to add the “Applicant’s Email Address” field as another method of communication with the applicant.

11B-30.012(1): Removes the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered. Also deletes the rule text relating to reviews of the paper and pencil examination because as of June 2018, students will not be eligible to review a paper and pencil examination. Therefore, reviews of the paper and pencil examination will no longer be offered. Also repeals the State Officer Certification Examination Grade Review Request, form CJSTC-510.

11B-30.012(2): Deletes the rule text relating to reviews of the paper and pencil examination because as of June 2018, students will not be eligible to review a paper and pencil examination. Therefore, reviews of the paper and pencil examination will no longer be offered.

11B-30.012(3): Moves the rule text to subparagraph of Rule 11B-30.012(3)(a), F.A.C., because the original text in this subparagraph will be deleted.

11B-30.012(3)(a): Deletes the rule text relating to reviews of the paper and pencil exam because as of June 2018, students will not be eligible to review a paper and pencil exam. Therefore, reviews of the paper and pencil examination will no longer be offered. Also, repeals the State Officer Certification Examination Review, form CJSTC-511.

11B-30.012(3)(b): Deletes 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-30.012	Post Examination Review of Missed Questions, Answers, and Grading Key

PURPOSE AND EFFECT:

Subsection 11B-30.006(1), F.A.C.: Updates the rule reference because paragraphs were added to Rule 11B-35.001, F.A.C.

Paragraph 11B-30.006(2)(a), F.A.C.: Updates the rule reference because paragraphs were removed from Rule 11B-35.001, F.A.C., and other paragraphs added.

Paragraph 11B-30.006(2)(b), F.A.C.: Incorporates the revised Exemption-From-Training, form CJSTC-76, to add the "Applicant's Email Address" field as another method of communication with the applicant.

Subsection 11B-30.012(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. Also deletes the rule text relating to reviews of the paper and pencil examination because as of June 2018, students will not be eligible to review a paper and pencil examination. Therefore, reviews of the paper and pencil examination will no longer be offered. Also repeals the State Officer Certification Examination Grade Review Request, form CJSTC-510.

Subsection 11B-30.012(2), F.A.C.: Deletes the rule text relating to reviews of the paper and pencil examination because as of June 2018, students will not be eligible to review a paper and pencil examination. Therefore, reviews of the paper and pencil examination will no longer be offered.

Subsection 11B-30.012(3), F.A.C.: Moves the rule text to subparagraph of Rule 11B-30.012(3)(a), F.A.C., because the original text in this subparagraph will be deleted.

Paragraph 11B-30.012(3)(a), F.A.C.: Deletes the rule text relating to reviews of the paper and pencil exam because as of June 2018, students will not be eligible to review a paper and pencil exam. Therefore, reviews of the paper and pencil examination will no longer be offered. Also, repeals the State Officer Certification Examination Review, form CJSTC-511.

Paragraph 11B-30.012(3)(b), F.A.C.: Deletes the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered.

SUMMARY:

Updated rule references; deleted rule text relating to paper and pencil or computer-based examination, paper and pencil examination reviews; revised Exemption-From-Training, form CJSTC-76; repealed State Officer Certification Examination Grade Review Request, form CJSTC-510; and repealed State Officer Certification Examination Review, form CJSTC-511.

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), (17) 943.17 FS.

LAW IMPLEMENTED: 943.12, 943.12(17), 943.131(2), 943.1397, 943.17, 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, April 11, 2018 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: March 7, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2017

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) For the purposes of this rule chapter, the terms “successfully completed” and “successfully complete” are defined as being denoted with a “Pass,” pursuant to subsection 11B-35.001(10)(8), F.A.C., on the completed Training Report, form CJSTC-67, revised November 5, 2015, effective 9/2016, hereby incorporated by reference, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07375>. Form CJSTC-67 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.

(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 10, 2017 ~~August 4, 2016~~, effective 7/2017, hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref-08444>. ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-08444>~~. 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, 7-19-17, _____.

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

(1) ~~Individuals who have failed the State Officer Certification Examination (SOCE) shall have the right to review their missed examination questions and corresponding grading key at a post-examination review. The post-examination review shall be scheduled and conducted by Commission staff or their authorized agent. The post-examination review shall be limited to one-half the time regularly allowed for the corresponding SOCE. Individuals reviewing the a computer-based SOCE shall schedule their review via the Commission’s test administration vendor. ~~Individuals reviewing a paper and pencil SOCE shall schedule their review by submitting a State Officer Certification Examination Grade Review Request, form CJSTC 510, revised November 8, 2007, hereby incorporated by reference, and shall be received by the Florida Department of Law Enforcement by the established deadline date for the Examination Review Session requested. Form CJSTC-510 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.~~~~

(2) ~~The SOCE post-examination reviews shall be conducted in the presence of Commission staff or the Commission’s authorized agents. All paper and pencil SOCE reviews shall be held at regularly scheduled monthly post-examination review sessions conducted at the Florida Department of Law Enforcement, Criminal Justice Professionalism Program. The SOCE paper and pencil post-examination review schedule is produced annually and is available on the Florida Department of Law Enforcement’s (FDLE) website at <http://www.fdle.state.fl.us>, or from FDLE, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention SOCE Section.~~

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

(a) ~~Individuals who fail to attend a post-examination review session within 120 days of their SOCE shall not be allowed to challenge questions on the SOCE, but shall be allowed to review their missed questions, their chosen answer, and the correct answer. Participants in the post-examination review session shall be permitted to review only one examination during each session and shall only review each examination once. Individuals shall not be permitted to review their SOCE after the expiration of their examination eligibility pursuant to Rule 11B-30.006, F.A.C. Individuals reviewing a paper and pencil SOCE shall be provided with the SOCE test results and the State~~

~~Officer Certification Examination Review, form CJSTC 511, revised November 8, 2007, hereby incorporated by reference. Form CJSTC 511 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615. Form CJSTC 511 shall be signed by the individual requesting the review at the conclusion of a post-examination review session. Only individuals scheduled for the Examination Review Session shall be present during an Examination Review Session.~~

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

(4) through (6) No change.

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, 7-19-17,_____.

JOE NEGRON
President



THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

RICHARD CORCORAN
Speaker



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Representative George R. Moraitis, Jr., Vice Chair
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Senator George B. Gainer
Senator Rene Garcia
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Representative Michael Grant
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Representative Amy Mercado
Representative Barrington A. "Barry" Russell

KENNETH J. PLANTE
COORDINATOR
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, Florida 32399-1400
Telephone (850) 488-9110
Fax (850) 922-6934
www.japc.state.fl.us
joint.admin.procedures@leg.state.fl.us

April 27, 2018

Mr. Christopher Bufano
Assistant General Counsel
Florida Department of Law Enforcement
2331 Phillips Road
Tallahassee, Florida 32308

**RE: Department of Law Enforcement
Rules 11B-35.001, .0011, .002, .003, .006, .007 and .009**

Dear Mr. Bufano:

After reviewing the above-referenced rules, I offer the following comments for your consideration and written response:

Passim

The proposed rules state that various forms may be found at <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>. However, when utilized, this address returns the result of, "the web address you are trying to reach is no longer valid." Please revise.

11B-35.001(17)(f)

The proposed rule requires students receiving field-test training to show proficiency in accordance with CJSTC Form 6A. The department may not mandate compliance with a form that has not been incorporated by reference in rule. Please revise.

11B-35.001(17)(g)

This subparagraph states that: "This rule section shall expire upon Commission acceptance and approval of the enhanced CMS Criminal Justice Defensive Tactics curriculum and promulgation of the updated CJSTC Form 6." In order to remove or amend a portion of an existing rule, the department must go through the proper rulemaking process and may not simply declare the rule "expired." Please revise.

Mr. Christopher Bufano
April 27, 2018
Page 2

11B-35.0011(1) Please capitalize the “s” in the word “state” in the second sentence.

11B-35.002(1) In this paragraph, did the department mean to cite the definitions found in section 943.10, Fla. Stat. (2017)?

Should you have any questions, please do not hesitate to contact me. Otherwise, I look forward to your written response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sharon Jones', with a stylized flourish at the end.

Sharon Jones
Senior Attorney

SJ:TL WORD/JONES/11B_35.001LS042718_164461_164467

April 30, 2018

Sharon Jones, Senior Attorney
Joint Administrative Procedures Committee
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, FL 32399-1400

RE: Department of Law Enforcement
Rule 11B-35.001, .0011, .002, .003, .006, .007 and .009, F.A.C.

Dear Ms. Jones:

I am writing in response to your letter dated April 27, 2018, regarding the JAPC review and findings of the proposed rule revisions to Rule Chapter 11B-35.001, .0011, .002, .003, .006, .007 and .009, F.A.C. FDLE provides the following:

JAPC Comment:

Passim: The proposed rules state that various forms may be found at <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>. However, when utilized, this address returns the result of, "the web address you are trying to reach is no longer valid." Please revise.

FDLE Response:

As a result of a recent FDLE computer system upgrade, the hyperlink is no longer active. FDLE is in the process of providing a working hyperlink on its website to access the forms. FDLE requests that the proposed rule change be considered a technical revision after promulgation of the proposed rules. If that is not satisfactory to you, then FDLE will revise the link in the next rule promulgation package, which should begin in October or November of 2018.

11B-35.001(17)(f): The proposed rule requires students receiving field-test training to show proficiency in accordance with CJSTC Form 6A. The department may not mandate compliance with a form that has not been incorporated by reference in rule. Please revise.

FDLE Response:

It has been determined that form CJSTC-6A is a repealed form and must not be utilized for any other purpose. As a result, FDLE end the text of this subparagraph following the word: “curriculum” and will assign a different number to the newly created form which will be utilized for the field-test training. Since the new form has not been incorporated by reference in rule, FDLE will file a Notice of Change with the Bureau of Administrative Code (BAC) to include the form name and a working hyperlink on its website to access the CJSTC form. Further, FDLE requests to include the new form in the current rule promulgation process and electronically file the form as material incorporated by reference for adoption with the BAC along with the remainder of the proposed rules and materials incorporated by reference. If that is not satisfactory to you, then FDLE will be required to include the new form in the next rule promulgation package, which should begin in October or November of 2018. This would prevent customers from utilizing the new form and significantly impact the overall success of the field-test training.

11B-35.001(17)(g): This subparagraph states that: “This rule section shall expire upon Commission acceptance and approval of the enhanced CMS Criminal Justice Defensive Tactics curriculum and promulgation of the updated CJSTC Form 6.” In order to remove or amend a portion of an existing rule, the department must go through the proper rulemaking process and may not simply declare the rule “expired.” Please revise.

FDLE Response:

After review of the referenced rule it has been determined that the language:

“This rule section shall expire upon Commission acceptance and approval of the enhanced CMS Criminal Justice Defensive Tactics curriculum and promulgation of the updated CJSTC Form 6”

is contained in **11B-35.001(17)(h)**. FDLE will revise to strike this subparagraph from the rule language.

11B-35.001(1): Please capitalize the “s” in the word “state” in the second sentence.

FDLE Response:

FDLE will make the appropriate revision.

11B-35.002(1): In this paragraph, did the department mean to cite the definitions found in section 943.10, Fla. Stat. (2017)?

FDLE Response:

No. The Rule as stated contains references to all relevant subparagraphs of 943.10.

If you have any additional questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Bufano", with a long horizontal flourish extending to the right.

Chris Bufano
Assistant General Counsel

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-35, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11B-35.001, 11B-35.0011, 11B-35.002, 11B-35.003,

11B-35.006, 11B-35.009 and 11B-35.007

TRAINING PROGRAMS

SUMMARY OF THE RULE

Renumbers the paragraphs of Rule 11B-35.001(7)-(16), F.A.C.; establishes procedure for maintaining current list of Commission-approved courses and programs on a public internet web page; updates the rule references; establishes means for designating on the Active CJSTC Curricula web page Specialized Training Program and Specialized Instructor courses that require end-of-course examinations and removes names of active courses from rule; removes the Specialized Training Program Courses; removes the specific name of the program and clarifies that the Academy Physical Fitness Standards Report form CJSTC-67A is not required for Law Enforcement Auxiliary or Cross-Over programs; adds a statement that physical examinations are not required for cross-over basic recruit training programs; adds a section that governs implementation of the CMS Criminal Justice Defensive Tactics Course revision field-test; removes invalid rule reference; updates the statutory reference; adds rule text to clarify that after a program is officially retired, the basic recruit has 4 years in which to become employed and certified; clarifies that the four year requirement for completing a basic recruit program, passing the SOCE, and becoming employed and certified continues even after a program is officially retired; lists the basic recruit training programs that are still eligible for completion by basic recruits for a period up to 4 years after the training programs are retired; deletes the specific

listing of basic recruit training programs by name that are still eligible for completion by basic recruits for a period up to 4 years after the training programs are retired; removes unnecessary rule language and deletes the specific listing of basic recruit training programs by name that are still eligible for completion by basic recruits for a period up to 4 years after the training programs are retired; removes specific names of Advanced Training Program Courses eligible for salary incentive; adds rule text to clarify officers who are eligible for salary incentive payment, renumbers the paragraphs, and updates the subparagraph rule reference; incorporates the revised Exemption-From-Training, form CJSTC-76; the Exemption-From-Training. Proficiency Demonstration, form CJSTC-76A; and the Instructor Exemption, form CJSTC-82.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-35.001(7)-(16): Renumbers the paragraphs of Rule 11B-35.001(7)-(16), F.A.C., because new paragraphs were added to the requirements and specifications section.

11B-35.001(7)-(9): Provides an official list of active Commission-approved courses on a public web page that will be available to the training schools and instructors. Removes specific names of courses and training programs from rule and provides for the CJSTC to be more responsive to legislative changes and new trends in developing and implementing new officer training.

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

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

11B-35.001(10)(d): Provides instructors and agencies public web page access to an official list of specialized courses and instructor courses that require an end-of-course examination. Removes specific names of courses and training programs from rule and provides

for the CJSTC to be more responsive to legislative changes and new trends in developing and implementing new officer training.

11B-35.001(10)(d)1.-10.: Removes the Specialized Training Program Courses.

11B-35.001(11)(b): Makes reference to the basic recruit programs by type rather than by the specific name, which is subject to change; and clarifies that the Academy Physical Fitness Standards Report form CJSTC-67A is not required for Law Enforcement Auxiliary or Cross-Over programs.

11B-35.001(11)(d)8.: Incorporates the revised Instructor Exemption, form CJSTC-82, to change the rule reference and update the certification statement to ensure the training center director or designee is aware of their responsibility to verify individual meets the eligibility requirements.

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

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

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

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

11B-35.001(14): Updates the rule reference.

11B-35.001(15)(b): Specifies that a physical examination is not required for cross-over basic recruit training programs.

11B-35.001(17): Establishes procedures for implementing the field test of significant changes to the basic recruit training program CMS Criminal Justice Defensive Tactics Course.

11B-35.001(1)(b): Removes rule reference that no longer applies.

11B-35.002(1)-(5): Updates the statutory references to include all impacted training programs and removes specific names of courses from rule and provides for the CJSTC to be

more responsive to legislative changes and new trends in developing and implementing new officer training.

11B-35.002(6)(a)-(b): Specifies that a four-year requirement is established for basic recruits to complete a basic recruit program, pass the State Officer Certification Examination (SOCE), and become employed and certified even after a program is officially retired.

11B-35.002(6)(c): Specifies that students who entered into a basic recruit training program and have not completed the program at the time that it is retired, are still eligible to complete the program, provided they completed the training within four years of the beginning date.

11B-35.002(6)(c)1.-10.: Identifies the basic recruit training programs that are still eligible for completion by basic recruits currently enrolled or previously enrolled for a period up to 4 years after the training programs are retired.

11B-35.002(1)(a)-(c): Deletes the specific listing of basic recruit training programs by name that are still eligible for completion by basic recruits for a period up to 4 years after the training programs are retired.

11B-35.002(2)(a)-(6): Removes unnecessary rule language and deletes the specific listing of basic recruit training programs by name that are still eligible for completion by basic recruits for a period up to 4 years after the training programs are retired.

11B-35.002(6)(a)-(f): Removes unnecessary rule language and deletes the specific listing of basic recruit training programs by name that are still eligible for completion by basic recruits for a period up to 4 years after the training programs are retired.

11B-35.003(2)-(5): Removes the specific names of courses and training programs from rule and provides for the CJSTC to be more responsive to legislative changes and new trends in developing and implementing new officer training; and updates the rule reference.

11B-35.003(6)-(8): Removes the specific names of courses and training programs from rule.

11B-35.006(1)(b): Removes specific names of Advanced Training Program Courses eligible for salary incentive.

11B-35.006(2)-(7): Adds rule text to clarify officers who are eligible for salary incentive payment, renumbers the paragraphs, and updates the subparagraph rule reference.

11B-35.007(3)-(5): Makes available to instructors and agencies on public web page an official list of Advanced Training Program Courses. Removes specific names of courses and training programs from rule and provides for the CJSTC to be more responsive to legislative changes and new trends in developing and implementing new officer training.

11B-35.009(5): Incorporates the revised Exemption-From-Training, form CJSTC-76, to add a field for the applicant's email address which provides another method of communication with the applicant.

11B-35.009(6): Incorporates the revised Exemption-From-Training, Proficiency Demonstration, form CJSTC-76A, to update the instructions and allow training center directors to appoint a "designee" as an authorized signer on the form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND

LEGISLATIVE RATIFICATION

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate

within one year after the implementation of the rule. A SERC has not been prepared by the agency.

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

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

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

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Department of Law Enforcement

Division or Board: 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-35.0011	Requirements for Applicant Admission into a Law Enforcement, Correctional, and Correctional Probation Basic Recruit Training Program
11B-35.002	Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation
11B-35.003	Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation Auxiliary Training
11B-35.006	Advanced Training Program
11B-35.007	Specialized Training Program
11B-35.009	Exemption from Basic Recruit Training

PURPOSE AND EFFECT:

Subsections 11B-35.001(7)-(16), F.A.C.: Renumbers the paragraphs of Rule 11B-35.001(7)-(16), F.A.C., because new paragraphs were added to the requirements and specifications section.

Subsections 11B-35.001(7)-(9), F.A.C.: Provides an official list of active Commission-approved courses on a public web page that will be available to the training schools and instructors. Removes specific names of courses and training programs from rule and provides for the CJSTC to be more responsive to legislative changes and new trends in developing and implementing new officer training.

Paragraph 11B-35.001(10)(b), F.A.C.: Updates the rule reference.

Paragraph 11B-35.001(10)(c), F.A.C.: Updates the rule reference.

Paragraph 11B-35.001(10)(d), F.A.C.: Provides instructors and agencies public web page access to an official list of specialized courses and instructor courses that require an end-of-course examination. Removes specific names of courses and training programs from rule and provides for the CJSTC to be more responsive to legislative changes and new trends in developing and implementing new officer training.

Sub-paragraphs 11B-35.001(10)(d)1.-10., F.A.C.: Removes the Specialized Training Program Courses.

Paragraph 11B-35.001(11)(b), F.A.C.: Makes reference to the basic recruit programs by type rather than by the specific name, which is subject to change; and clarifies that the Academy Physical Fitness Standards Report form CJSTC-67A is not required for Law Enforcement Auxiliary or Cross-Over programs.

Sub-paragraph 11B-35.001(11)(d)8., F.A.C.: Incorporates the revised Instructor Exemption, form CJSTC-82, to change the rule reference and update the certification statement to ensure the training center director or designee is aware of their responsibility to verify individual meets the eligibility requirements.

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

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

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

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

Subsection 11B-35.001(14), F.A.C.: Updates the rule reference.

Paragraph 11B-35.001(15)(b), F.A.C.: Specifies that a physical examination is not required for cross-over basic recruit training programs.

Subsection 11B-35.001(17), F.A.C.: Establishes procedures for implementing the field test of significant changes to the basic recruit training program CMS Criminal Justice Defensive Tactics Course.

Paragraph 11B-35.0011(1)(b), F.A.C.: Removes rule reference that no longer applies.

Subsections 11B-35.002(1)-(5), F.A.C.: Updates the statutory references to include all impacted training programs and removes specific names of courses from rule and provides for the CJSTC to be more responsive to legislative changes and new trends in developing and implementing new officer training.

Paragraphs 11B-35.002(6)(a)-(b), F.A.C.: Specifies that a four-year requirement is established for basic recruits to complete a basic recruit program, pass the State Officer Certification Examination (SOCE), and become employed and certified even after a program is officially retired.

Paragraph 11B-35.002(6)(c), F.A.C.: Specifies that students who entered into a basic recruit training program and have not completed the program at the time that it is retired, are still eligible to complete the program, provided they completed the training within four years of the beginning date.

Sub-paragraph 11B-35.002(6)(c)1.-10., F.A.C.: Identifies the basic recruit training programs that are still eligible for completion by basic recruits currently enrolled or previously enrolled for a period up to 4 years after the training programs are retired.

Paragraphs 11B-35.002(1)(a)-(c), F.A.C.: Deletes the specific listing of basic recruit training programs by name that are still eligible for completion by basic recruits for a period up to 4 years after the training programs are retired.

Paragraphs 11B-35.002(2)(a)-(6), F.A.C.: Removes unnecessary rule language and deletes the specific listing of basic recruit training programs by name that are still eligible for completion by basic recruits for a period up to 4 years after the training programs are retired.

Paragraphs 11B-35.002(6)(a)-(f), F.A.C.: Removes unnecessary rule language and deletes the specific listing of basic recruit training programs by name that are still eligible for completion by basic recruits for a period up to 4 years after the training programs are retired.

Subsections 11B-35.003(2)-(5), F.A.C.: Removes the specific names of courses and training programs from rule and provides for the CJSTC to be more responsive to legislative changes and new trends in developing and implementing new officer training; and updates the rule reference.

Subsections 11B-35.003(6)-(8), F.A.C.: Removes the specific names of courses and training programs from rule.

Paragraph 11B-35.006(1)(b), F.A.C.: Removes specific names of Advanced Training Program Courses eligible for salary incentive.

Subsections 11B-35.006(2)-(7), F.A.C.: Adds rule text to clarify officers who are eligible for salary incentive payment, renumbers the paragraphs, and updates the subparagraph rule reference.

Subsections 11B-35.007(3)-(5), F.A.C.: Makes available to instructors and agencies on public web page an official list of Advanced Training Program Courses. Removes specific names of courses and training programs from rule and provides for the CJSTC to be more responsive to legislative changes and new trends in developing and implementing new officer training.

Subsection 11B-35.009(5), F.A.C.: Incorporates the revised Exemption-From-Training, form CJSTC-76, to add a field for the applicant's email address which provides another method of communication with the applicant.

Subsection 11B-35.009(6), F.A.C.: Incorporates the revised Exemption-From-Training, Proficiency Demonstration, form CJSTC-76A, to update the instructions and allow training center directors to appoint a "designee" as an authorized signer on the form.

SUMMARY:

Updated rule references; established procedure for maintaining current list of Commission-approved courses and programs on a public internet web page; use of the Academy Physical Fitness Standards Report form CJSTC-67A; physical examination requirements; implementation of the CMS Criminal Justice Defensive Tactics Course revision field-test; deleted the specific listing of basic recruit training programs by name; clarified four year requirement for completing a basic recruit program after the training programs are retired; removed the specific names of courses and training programs from rule; clarified officers who are eligible for salary incentive payment; updated Active CJSTC Curricula web page; inactive salary incentive Advanced Training Program Courses; and revised Exemption-From-Training, form CJSTC-76; 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), (2), 943.17 FS.

LAW IMPLEMENTED: 943.12, 943.12(5), 943.131(2), 943.17, 943.17(1)(a), (b), 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, April 11, 2018 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: March 7, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2017

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) through (6) No change.

(7) The Commission shall approve new and revised curricula in the CJSTC basic recruit, advanced, specialized training programs pursuant to Section 943.17. Training curricula and delivery requirements shall be maintained for Commission approved Basic Recruit, Advanced, and Specialized Training Programs within the Florida Department of Law Enforcement, Criminal Justice Professionalism Program.

(8) The Commission shall publish on the Active CJSTC Curricula web the official list of approved and active Commission courses and programs for Basic Recruit, Advanced, and Specialized Training Programs. The Active CJSTC Curricula web page can be accessed at the following FDLE Internet address: <http://www.fdle.state.fl.us/CJSTC/Curriculum/Active-Courses.aspx>.

(9) Maintenance of training curricula.

(a) Training curricula shall be maintained for Commission approved Basic Recruit, Advanced, and Specialized Training Programs within the Florida Department of Law Enforcement.

(b) Upon approval of new or revised curricula, the Commission shall establish an effective date for implementation.

(c) A course description of approved new or revised curricula shall be published on the Active CJSTC Curricula web page within 10 days of Commission approval.

(d) Each course description shall include, at a minimum, the course code, name, hours, and effective date. Each basic recruit program description shall include, at a minimum, an outline of courses by name, course number, and hours.

(10)(8) Student academic performance in courses.

(a) No change.

(b) The terms “successfully completed” and “successfully complete” are denoted with a “Pass” on the completed Training Report form CJSTC-67 and are defined as follows: A student enrolled in a Commission-approved Basic Recruit Training Program shall achieve a score of no less than 80% on each of the written end-of-course examinations, exclusive of demonstration of proficiency skills in the Basic Recruit Training Courses. A student enrolled in a Commission-approved Advanced or Specialized Training Program Course pursuant to subparagraph (10)(8)(d), of this rule section shall achieve a score of no less than 80% on the written end-of-course examination. A student enrolled in a Specialized Instructor Training Course shall achieve a score of no less than 85% on the written end-of-course examination, exclusive of demonstration of any proficiency skills.

(c) The training center director or designee is responsible for the development, maintenance, and administration of comprehensive end-of-course examinations. The training center director or designee is authorized to develop, maintain, and administer additional academic tests for courses and is not limited to only the utilization of a comprehensive end-of-course examination. Training schools shall maintain examinations for Commission-approved Basic Recruit, Advanced, Specialized Instructor Training, and Specialized Training Program Courses, pursuant to subparagraph (10)(8)(d), of this rule section and in compliance with the administration, confidentiality, and security requirements of subsections 11B-35.0085(2)-(5), F.A.C.

(d) The Commission shall designate on the Active CJSTC Curricula web page the Specialized Instructor Courses and Specialized Training Program Courses that require an end-of-course examination. Specialized Instructor Training Courses outlined in subsection 11B 35.007(3), F.A.C., and the following Specialized Training Program Courses require an end of course examination:

	Course Number	Course Title	Course Hours
1.	1198	Canine Team Training Course	480
2.	1132	Parking Enforcement Specialist for Civilians	16
3.	1133	Selective Traffic Enforcement Program for Civilians	80
4.	732	Traffic Control Officer for Civilians	8
5.	851	Breath Test Operator Course	16
6.	951	Breath Test Operator Renewal Course	4
7.	850	Agency Inspector Course	24
8.	950	Agency Inspector Renewal Course	6
9.	2007	Safe Handling of Firearms	16
10.	2008	District Courts of Appeal Marshal Minimum Standards Training	32

	Program	
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(e) No change.

~~(11)~~(9) 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, effective 7/2017, hereby incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-08440>, is required for the Florida CMS Law Enforcement, Florida Law Enforcement Academy, Florida Correctional Probation ~~BRT~~Florida Correctional Probation Officer Training Academy, and Florida CMS Correctional Basic Recruit Training Programs within thirty days of the course completion. Submission of form CJSTC-67A is not required for the Law Enforcement Auxiliary and Cross-Over Basic Recruit Training Programs. 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 filed alphabetically in a master file, or maintained in the course file, or completion of Instructor Exemption, form CJSTC-82, revised ~~August 10, 2017~~ August 4, 2016, effective 7/2017, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref-08448> 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. through 16. No change.

~~(12)~~(10) Student attendance requirements for Commission-approved Basic Recruit Training Programs outlined in subsection 11B-35.002(4), 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 ~~(12)~~(10)(c)1., of this rule section.

1. through 3. No change.

~~(13)~~(11) 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(10)(8), 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 2. No change.

3. The end-of-course testing instrument is shown to be invalid.

(b) Exclusive of the Commission's Basic Recruit Training Courses requiring proficiency demonstration and re-examinations in paragraph ~~(13)~~(11)(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.

~~(14)~~(12) 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 ~~(13)~~(11)(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) 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.

~~(15)(13)~~ 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, which shall be maintained in the student or course file at the training school. A physical examination is not required for cross-over basic recruit training programs.

(c) No change.

~~(16)(14)~~ 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.

(17) CMS Criminal Justice Defensive Tactics Course Field Test – The Criminal Justice Standards and Training Commission is currently evaluating defensive tactic techniques taught to law enforcement, corrections, and correctional probation recruits in the respective basic recruit training programs. The purpose of the evaluation is to determine the usefulness of current defensive tactics techniques training and identify ways to enhance the training. As part of the evaluation, CJSTC staff conducted a study of the current defensive tactics techniques training program. The study concluded that because few recruits have fighting experience and few officers do defensive tactics training off-duty, any techniques taught during the basic recruit program should be easy for novices to learn and remember. Effective techniques that rely on gross motor skills and can apply to multiple situations would be the ideal techniques to teach. Reducing the number of tactics would allow instructors to have students do multiple repetitions of techniques without increasing training hours. Officers must be able to make quick decisions about how to react and, when appropriate, perform defensive moves fluidly. More realistic simulation training will allow recruits to practice what they learn in basic recruit training and be more confident when entering the field. A revised defensive tactic techniques course is under development in response to the study results. A CMS Criminal Justice Defensive Tactics field-test in a classroom environment with student participation is necessary to evaluate the changes to the course and make modifications if needed before certain course criteria can be established and final rules adopted. In order to accomplish these goals:

(a) The Commission authorizes field-testing of the CMS Criminal Justice Defensive Tactics Basic Recruit Training Program curriculum, effective August 1, 2018.

(b) For those participating in the field-test, the Commission approves the CMS Criminal Justice Defensive Tactics field-test as the required high liability defensive tactics training curriculum for the law enforcement, corrections, and correctional probation basic recruit training programs.

(c) Training curricula for the CMS Criminal Justice Defensive Tactics field-test shall be maintained within the Florida Department of Law Enforcement, Criminal Justice Professionalism Division.

(d) Testing of CMS Criminal Justice Defensive Tactics Curriculum shall be conducted in three phases by Commission-certified criminal justice training schools. Schools conducting the field-test must remain with the field-test throughout its duration. The Professionalism Division will be responsible for ensuring participating schools have the most up-to-date defensive tactics field-test curriculum.

1. Phase I – the first phase of the field-test will include four Commission-certified training schools and involve at least one law enforcement, corrections, and correctional probation basic recruit class. To participate, schools must request in writing approval from the Director of the Criminal Justice Professionalism Division. The Professionalism Division will select schools to participate in this phase.

2. Phase II – the second phase will include schools from the initial field test with the addition of seven Commission-certified training schools. To participate, schools must request in writing approval from the Director of the Criminal Justice Professionalism Division. The Professionalism Division will select schools to participate in this phase, giving consideration to small, medium, and large training schools, and schools representing the various regions of the state.

3. Phase III – the final phase is open to all Commission-certified training schools. Prior to starting a field test, Phase III schools must request in writing approval from the Director of the Criminal Justice Professionalism Division.

~~(a)~~(e) All field-tests of the CMS Criminal Justice Defensive Tactics Basic Recruit Training Program curriculum revision must include a lead instructor who has completed the Specialized Defensive Tactics Instructor Update Course number TBA.

~~(b)~~(f) Students receiving the field-test training must show proficiency in accordance with the CMS Criminal Justice Defensive Tactics field-test curriculum. ~~and field test CJSTC Form 6A.~~

~~(c)~~(g) Students participating in the CMS Criminal Justice Defensive Tactics field-test shall be students seeking Commission training for the purpose of completing a law enforcement, corrections, or correctional probation basic recruit training program.

~~(d) This rule section shall expire upon Commission acceptance and approval of the enhanced CMS Criminal Justice Defensive Tactics curriculum and promulgation of the updated CJSTC Form 6.~~

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, 7-19-17, _____.

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

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

(a) No change.

(b) BAT providers shall restrict access to the BAT to those applicants who produce valid photo identification pursuant to paragraph 11B-30.008 F.A.C. Providers shall validate the name, date of birth, gender, and social security number of each applicant to ensure that the information given by the applicant is consistent with the applicant's driver license and social security record.

(c) through (h) No change.

(2) No change.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.17 FS. History–New 7-29-01. Amended 11-5-02, 11-30-04, 3-21-07, 6-9-08, 5-21-12, 3-13-13, 5-29-14, 9-4-16, _____.

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), ~~(6)-(9), (18), (19)~~, 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 active at the time of enrollment, or be exempt pursuant to Section 943.131(2), F.S.:

(2) 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 an active Commission-approved Basic Recruit Training Program pursuant to this rule section.

(3) The Commission has established basic recruit cross-over training programs to provide lateral movement of officers between criminal justice disciplines. Officers requesting employment in another discipline must comply with Section 943.17(1)(g), F.S.

(a) To be eligible to attend a cross-over training program the applicant shall:

1. Comply with the employment requirements of Section 943.1395(3), F.S., and subsections 11B-27.002(4) and 11B-35.002(2), F.A.C.; and

2. Be an active certified officer in the discipline the officer is moving from; or

3. Have not been separated from employment in the discipline the officer is moving from for more than four years; or

4. Within four years of the beginning date of the Commission-approved Basic Recruit Training Program for the discipline the officer is moving from, have successfully completed the Commission-approved Basic Recruit Training Program and passed the State Officer Certification Examination (SOCE).

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

(5) A basic recruit student shall successfully complete all courses in a Commission-approved Basic Recruit Training Program for the discipline in which certification is being requested to be eligible to take the applicable State Officer Certification Examination pursuant to Rule 11B-30.0062, F.A.C.

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

(b) An individual who fails to comply with the requirements in paragraph (6)(a) of this rule section for the discipline in which the training was completed, within four years of the date of beginning such training, shall as a condition for obtaining employment comply with the following:

1. Successfully complete the applicable Commission-approved Basic Recruit Training Program pursuant to Rule 11B-35.002, F.A.C.; and

2. Achieve a passing score on the applicable State Officer Certification Examination pursuant to Rule 11B-30.0062, F.A.C.

(c) Students who entered into a basic recruit training program and have not completed it at the time that it is retired, remain eligible to complete the program, provided they complete the training within four years of the beginning date, pursuant to this rule section. Retired programs eligible for completion are:

1. Florida Correctional Probation Basic Recruit Training Program number 1176, Version 2008.04 (Retired October 31, 2016). Eligible until October 31, 2020.

2. Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 2003 (Retired June 30, 2016). Eligible until June 30, 2020.

3. Correctional Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1191 (Retired June 30, 2014). Eligible until June 30, 2018.

4. Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy number 2004 (Retired June 30, 2016). Eligible until June 30, 2020.

5. Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1179 (Retired June 30, 2014). Eligible until June 30, 2018.

6. Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 2005 (Retired June 30, 2016). Eligible until June 30, 2020.

7. Law Enforcement Officer Cross-Over Training to Florida CMS Correctional BRTP number 1192 (Retired June 30, 2014). Eligible until June 30, 2018.

8. Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 1193 (Retired June 30, 2016). Eligible until June 30, 2020.

9. Law Enforcement Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program number 1184 (Retired June 30, 2014). Eligible until June 30, 2018.

10. Correctional Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program number 1183 (Retired October 31, 2016). Eligible until June 30, 2020.

(a) Law Enforcement Discipline				
	Program Number	Basic Recruit Training Programs	Program Hours	Retired (R) Effective (E)
1.	1177	Florida CMS Law Enforcement BRTP	770	E 4/1/08 R 6/30/14
2.	1178	Correctional Officer Cross Over Training to Florida CMS Law Enforcement BRTP	457	E 4/1/08 R 6 30 12
3.	1191	Correctional Officer Cross Over Training to Florida CMS Law Enforcement BRTP	489	E 7/1/12 R 6 30 14
4.	1179	Correctional Probation Officer Cross Over Training to Florida CMS Law Enforcement BRTP	579	E 4/1/08 R 6 30 14
5.	1180	CMS Law Enforcement Auxiliary Officer BRTP	319	E 4/1/08
6.	2000	Florida Law Enforcement Academy	770	E 7/1/14
7.	2003	Correctional Officer Cross Over Training to Florida Law	515	E 7/1/14

		Enforcement Academy		R-6/30/16
8.	2004	Correctional Probation Officer Cross Over Training to Florida Law Enforcement Academy	567	E-7/1/14 R-6/30/16
9.	3002	Correctional Officer Cross Over Training to Florida Law Enforcement Academy	518	E-7/1/16
10.	3005	Correctional Probation Officer Cross Over Training to Florida Law Enforcement Academy	532	E-7/1/16

(b) Correctional Discipline				
	Program Number	Basic Recruit Training Programs	Program Hours	Retired (R) Effective (E)
1.	502	Traditional Correctional BRTP	552	R-6/30/12
2.	1181	Law Enforcement Officer Cross Over Training to Traditional Correctional BRTP	199	R-6/30/12
3.	1192	Law Enforcement Officer Cross Over Training to Florida CMS Correctional BRTP	156	E-7/1/12 R-6/30/14
4.	1182	Correctional Probation Officer Cross Over Training to Traditional Correctional BRTP	256	R-6/30/12
5.	1193	Correctional Probation Officer Cross Over Training to Florida CMS Correctional BRTP	250	E-7/1/12 R-6/30/16
6.	501	Correctional Auxiliary Officer BRTP To become certified as a Correctional Auxiliary Officer, pursuant to subsection 11B-35.003(8), F.A.C., a basic recruit student shall complete the Florida CMS Correctional BRTP, pursuant to paragraph (5)(h) of this rule section.	254	R-6/30/12
7.	1190	Florida CMS Correctional BRTP	420	E-7/1/12
8.	2005	Law Enforcement Officer Cross Over Training to Florida CMS Correctional BRTP	172	E-7/1/14 R-6/30/16
9.	3001	Law Enforcement Officer Cross Over Training to Florida CMS Correctional BRTP	198	E-7/1/16
10.	3004	Correctional Probation Officer Cross Over Training to Florida CMS Correctional BRTP	238	E-7/1/16

(e) Correctional Probation Discipline				
	Program Number	Basic Recruit Training Programs	Program Hours	Retired (R) Effective (E)
1.	1176	Florida Correctional Probation BRTP	449	E-4/1/08 R-10/31/16
2.	1183	Correctional Officer Cross Over Training to Florida Correctional Probation BRTP	194	E-4/1/08 R-10/31/16
3.	1184	Law Enforcement Officer Cross Over Training to Florida Correctional Probation BRTP	130	E-4/1/08 R-6/30/14
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 Florida Correctional Probation Officer Training Academy, pursuant to paragraph (5)(g) of this rule section.	NA	NA
5.	3000	Florida Correctional Probation Officer Training Academy	482	E-11/1/16
6.	3003	Correctional Officer Cross Over Training to Florida Correctional Probation Officer Training Academy	290	E-11/1/16

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

(b) An individual who fails to comply with the requirements in paragraph (2)(a) of this rule section for the discipline in which the training was completed, within four years of the date of beginning such training, shall as a condition for obtaining employment comply with the following:

1. Successfully complete the applicable Commission-approved Basic Recruit Training Program pursuant to Rule 11B-35.002, F.A.C.; and

2. Achieve a passing score on the applicable State Officer Certification Examination pursuant to Rule 11B-30.0062, F.A.C.

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

(4) A basic recruit student shall successfully complete all courses in a Commission approved Basic Recruit Training Program to be eligible to take the applicable State Officer Certification Examination for the discipline.

(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) Traditional Correctional Basic Recruit Training Program number 502 (Retired June 30, 2012).

(b) Florida CMS Law Enforcement Basic Recruit Training Program number 1177 (Retired June 30, 2014).

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

	Course Name	Course Hours
1.	Introduction to Law Enforcement	10
2.	Legal	62
3.	Interactions in a Diverse Community	40
4.	Interviewing and Report Writing	56
5.	Fundamentals of Patrol	35
6.	Calls for Service	36
7.	Criminal Investigations	50
8.	Crime Scene to Courtroom	35
9.	Critical Incidents	44
10.	Traffic Stops	30
11.	DUI Traffic Stops	24
12.	Traffic Crash Investigations	32
13.	CMS Law Enforcement Vehicle Operations	48
14.	CMS First Aid for Criminal Justice Officers	40
15.	CMS Criminal Justice Firearms	80
16.	CMS Criminal Justice Defensive Tactics	80
17.	Dart Firing Stun Gun	8
18.	Criminal Justice Officer Physical Fitness Training	60
	TOTAL	770

(d) Florida Correctional Probation Basic Recruit Training Program number 1176, Version 2008.04 (Retired October 31, 2016).

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

	Course Name	Course Hours
1.	Introduction to Corrections	32
2.	Communications	40
3.	Officer Safety	16
4.	Facility and Equipment	8
5.	Intake and Release	18
6.	Supervising in a Correctional Facility	40

7.	Supervising Special Populations	20
8.	Responding to Incidents and Emergencies	16
9.	CMS First Aid for Criminal Justice Officers	40
10.	CMS Criminal Justice Firearms	80
11.	CMS Criminal Justice Defensive Tactics	80
12.	Officer Wellness and Physical Abilities	30
	TOTAL	420

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

	Course Name	Course Hours
1.	Introduction to Correctional Probation	14
2.	Legal Foundations for Correctional Probation	44
3.	Communications	46
4.	Intake and Orientation	24
5.	Caseload Management	32
6.	Supervision of Offenders	88
7.	Field Supervision	80
8.	CMS First Aid for Criminal Justice Officers	40
9.	CMS Criminal Justice Defensive Tactics	80
10.	Criminal Justice Officer Physical Fitness Training	34
	TOTAL	482

(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) Officers entering a basic recruit cross over training program shall comply with the employment requirements of Section 943.1395(3), F.S., and subsections 11B-27.002(4) and 11B-35.002(2), F.A.C.; and

(b) An applicant requesting to attend a Commission approved Basic Recruit Cross Over Training Program shall:

1. Be an active certified officer in the discipline the officer is moving from; or
2. Have not been separated from employment in the discipline the officer is moving from for more than four years; or
3. Within four years of the beginning date of the Commission approved Basic Recruit Training Program for the discipline the officer is moving from, have successfully completed the Commission approved Basic Recruit Training Program and passed the State Officer Certification Examination (SOCE).

(c) A Commission approved Basic Recruit Cross Over Training Program requires that an officer comply with Section 943.17(1)(g), F.S., successfully complete the required courses in the cross over training program for the discipline in which cross over certification is being requested, successfully complete the applicable high liability training requirements pursuant to subsection (6) of this rule section, if applicable, and achieve a passing score on the applicable State Officer Certification Examination pursuant to Rule 11B-30.0062, F.A.C.

(d) Law Enforcement Cross Over Basic Recruit Training Programs:

1. Correctional Officer Cross Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1178 (Retired June 30, 2012).
2. Correctional Officer Cross Over Training to Florida Law Enforcement Academy number 2003 (Retired June 30, 2016).
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:

	Course Title	Course Hours
a.	Introduction to Law Enforcement	10
b.	Legal	62
c.	Interactions With a Diverse Community	40
d.	Interviewing and Report Writing	56
e.	Fundamentals of Patrol	35

f.	Calls For Service	36
g.	Criminal Investigations	50
h.	Crime Scene To Courtroom	35
i.	Critical Incidents	44
j.	Traffic Stops	30
k.	DUI Traffic Stops	24
l.	Traffic Crash Investigations	32
m.	Cross-Over Program Updates	8
n.	CMS Law Enforcement Vehicle Operations (See Volume 2: High Liability Textbook and Instructor Guide)	48
o.	Dart Firing Stun Gun (See Volume 2: High Liability Textbook and Instructor Guide)	8
TOTAL		518

4. Correctional Officer Cross Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1191 (Retired June 30, 2014).

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

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:

	Course Title	Course Hours
a.	Legal	62
b.	Interactions in a Diverse Community	40
c.	Fundamentals of Patrol	35
d.	Calls for Service	36
e.	Criminal Investigations	50
f.	Crime Scene to Courtroom	35
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.	CMS Criminal Justice Firearms	80
n.	Dart Firing Stun Gun	8
TOTAL		532

7. 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. Law Enforcement Officer Cross Over Training to Traditional Correctional Basic Recruit Training Program number 1181 (Retired June 30, 2012).

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

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:

	Course Title	Course Hours
a.	Introduction to Corrections	32
b.	Communications	40
c.	Officer Safety	16
d.	Facility and Equipment	8

e.	Intake and Release	18
f.	Supervising in a Correctional Facility	40
g.	Supervising Special Populations	20
h.	Responding to Incidents and Emergencies	16
i.	Cross-Over Program Updates	8
	TOTAL	198

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

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

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

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:

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

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

1. Traditional Correctional Cross-Over to Traditional Correctional Probation Basic Recruit Training Program number 667 (Retired March 31, 2008).

2. CMS Application-Based Law Enforcement Cross-Over to Traditional Correctional Probation Basic Recruit Training Program number 1156 (Retired March 31, 2008).

3. Law Enforcement Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program number 1184 (Retired June 30, 2014).

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

5. Correctional Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program number 1183 (Retired October 31, 2016).

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:

	Course Name	Course Hours
a.	Introduction to Correctional Probation	14
b.	Legal Foundations for Correctional Probation Officers	44
c.	Intake and Orientation	24
d.	Caseload Management for Correctional Probation	32
e.	Supervision of Offenders	88
f.	Field Supervision	80
g.	Cross-Over Program Updates	8
	TOTAL	290

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, 7-19-17,_____.

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 in its entirety the Florida Correctional Probation Basic Recruit Training Program active at the time of enrollment. ~~Officer Training Academy in its entirety.~~ Applicants requesting certification as a correctional officer shall complete in its entirety the Florida CMS Correctional Basic Recruit Training Program active at the time of enrollment 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 (b) No change.

(c) Instruction of the vehicle operations course ~~CMS Law Enforcement Vehicle Operations Course~~ is based on the employing agency requirements. Auxiliary officers operating an agency vehicle are required to complete this training.

(3) A training school shall submit form CJSTC-67 to Commission staff upon an individual's successful completion of ~~a CMS Law Enforcement Officer~~ the Prerequisite Course. The training school or agency shall document the student's successful completion of the applicable Basic Recruit Training High-Liability Courses, pursuant to subsection 11B-35.0024(3), F.A.C. Regardless of where the Basic Recruit Training High-Liability Course is completed, the employing agency shall maintain the training documentation in the officer's file.

(4) Commission-approved Basic Recruit Training High-Liability Courses instructed at a Commission-certified training school shall be recognized by the Commission for applicants requesting certification as a law enforcement, correctional, or correctional probation officer, if the applicant has completed training within the past four years pursuant to subsection 11B-35.002~~(6)(2)~~, F.A.C. Recognition of completed Basic Recruit Training High-Liability Courses shall comply with paragraph 11B-35.0023(2)(d), F.A.C.

(5) Individuals exempt from completing the 40-hour ~~CMS~~ First Aid for Criminal Justice Officers course in the ~~CMS~~ Law Enforcement Auxiliary Officer Basic Recruit Training Program, based on education and training experience in the United States or its territories, shall complete the ~~111-hour CMS~~ Law Enforcement Auxiliary Officer Prerequisite Course, pursuant to paragraph ~~(6)(a)~~ of this rule section, and the applicable high-liability courses pursuant to paragraphs ~~(6)(b)-(d)~~ of this rule section. The following individuals shall possess an active certificate or license that shall be maintained in the course file to be eligible for the exemption:

(a) through (f) No change.

(6) ~~CMS Law Enforcement Auxiliary Officer Basic Recruit Training Program number 1180 (Effective April 1, 2008).~~

(a) CMS Law Enforcement Auxiliary Officer Prerequisite Course		Course Hours
1.	Law Enforcement Auxiliary Introduction	27
2.	Law Enforcement Auxiliary Patrol and Traffic	19
3.	Law Enforcement Auxiliary Investigations	17
4.	Dart Firing Stun Gun	8
5.	CMS First Aid for Criminal Justice Officers	40
CMS Law Enforcement Auxiliary Officer Prerequisite Course		111
(b)	CMS Criminal Justice Firearms This course shall be taught by a Commission-certified high liability instructor at a training school or agency.	80
(e)	CMS Criminal Justice Defensive Tactics This course shall be taught by a Commission-certified high liability instructor at a training school or agency.	80

(d)	CMS Law Enforcement Vehicle Operations **CMS Law Enforcement Vehicle Operations is optional and is based on employing agency requirements. If required, the course shall be taught by a Commission-certified high liability instructor at a training school or agency. If CMS Law Enforcement Vehicle Operations is not instructed, the total program hours will be reduced to 271 hours.	48
CMS Law Enforcement Auxiliary Officer Program		TOTAL
		**319

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

(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, pursuant to paragraph 11B-35.002(5)(i), 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, 7-19-17, _____.

11B-35.006 Advanced Training Program.

(1) Commission-approved Advanced Training Program Courses were created to enhance an officer's knowledge, skills, and abilities for the job the officer performs and are used by an officer to satisfy mandatory retraining requirements or eligibility for salary incentive monies pursuant to Rule Chapter 11B-14, F.A.C.

(a) No change.

(b) The Commission shall designate on the Active CJSTC Curricula web page courses that are eligible for salary incentive credit. The following is a complete list of active Advanced Training Program Courses:

	Course Number	Course Name	Course Hours
1.	006	Line Supervision	80
2.	011	Developing and Maintaining a Sound Organization	40
3.	012	Planning the Effective Use of Financial Resources	40
4.	013	Building and Maintaining a Sound Behavioral Climate	40
5.	016	Narcotics and Dangerous Drugs Investigations	40
6.	020	Case Preparation and Court Presentation	40
7.	032	Special Tactical Problems	40
8.	036	Injury and Death Investigations	40
9.	047	Interviews and Interrogations	40
10.	050	Stress Management Techniques	40
11.	053	Crisis Intervention	40
12.	057	Discipline and Special Confinement Techniques	40
13.	068	Advanced Report Writing and Review	40
14.	074	Substance Abuse Awareness and Education	40
15.	077	Underwater Police Science and Technology	80
16.	085	Emergency Preparedness for Correctional Officers	40
17.	087	Advanced Traffic Homicide Investigations	80
18.	088	Traffic Crash Reconstruction	80
19.	090	School Resource Officer	40
20.	091	Domestic Intervention and Investigations	40
21.	093	Hostage Negotiation	40
22.	094	Drug Abuse Resistance Education (D.A.R.E.) — FDLE instructed only	80
23.	096	Drug Abuse Resistance Education (D.A.R.E.)	40
24.	094 & 097	Drug Abuse Resistance Education (D.A.R.E.)	40
25..	098	Basic Traffic Homicide Investigations	80
26.	100	Crimes Against the Elderly	40
27.	107	Middle Management	40

28.	809	*Field Training Officer Course for Law Enforcement Officers (This course is not mandated for field training officers)	40
29.	1100	*Field Training Officer Course for Correctional Officers (This course is not mandated for field training officers)	40
30.	1151	Conducting Background Investigations	40
31.	1152	Investigation and Supervision of Officer Involved Deadly Force Incidents	40
32.	1158	Speed Measurement Course	40
33.	1163	Gangs and Security Threat Groups	40
34.	1165	Spanish for Criminal Justice Professionals	40
35.	1166	Advanced Investigative Techniques of Human Trafficking Offenses	40
36.	1137	Violent Crime Investigator Training Course	40

*Officers who are currently receiving salary incentive payment for completion of the Field Training Officer Course number 051, are not eligible to receive additional salary incentive credit for course number 809 or 1100.

Officers who are currently receiving salary incentive payment for completion of the Radar Speed Measurement Training Course for Law Enforcement Officers number 055 and Laser Speed Measurement Operators Course for Law Enforcement Officers number 095 are not eligible to receive additional salary incentive credit for course number 1158.

(2) Officers who are currently receiving salary incentive payment for completion of the Field Training Officer Course number 051, are not eligible to receive additional salary incentive credit for course number 809 or 1100.

(3) Officers who are currently receiving salary incentive payment for completion of the Radar Speed Measurement Training Course for Law Enforcement Officers number 055 and Laser Speed Measurement Operators Course for Law Enforcement Officers number 095 are not eligible to receive additional salary incentive credit for course number 1158.

(4)(2) Course number 094, Drug Abuse Resistance Education (D.A.R.E.), may be offered only through the certified state D.A.R.E. training school. The Florida certified state D.A.R.E. training school is located within the Florida Department of Law Enforcement. D.A.R.E. course numbers are: Course #094 (80 hours), or #094 split with #097 (40 hours) for salary incentive, and #096 (40 hours) for mandatory retraining.

(5)(3) Only officers and support personnel who have written approval from their respective agency administrator or designee may attend Advanced Training Program Courses. Applicants shall submit evidence of their agency administrator's approval in a format established and agreed upon by the Local Regional Training Council and training school.

(6)(4) To successfully complete an Advanced Training Program Course, a student shall comply with student attendance, performance, and course documentation requirements pursuant to Rule 11B-35.001, F.A.C.

(7)(5) Training schools shall report the successful completion of Advanced Training Program Courses for officers pursuant to paragraph 11B-35.001(11)(b), F.A.C., if they have received written or electronic authorization from the officer's respective agency for salary incentive credit.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(5), 943.17(1)(b) FS. History—New 12-13-92, Amended 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, 3-13-13, 9-4-16, _____.

11B-35.007 Specialized Training Program.

(1) through (2) No change.

(3) The Commission shall designate on the Active CJSTC Curricula web page the active Specialized Instructor Courses and Specialized Training Program Courses. Specialized Instructor Training Courses pursuant to paragraph (1)(b) of this rule section. The following Specialized Instructor Training Courses are developed and approved by the Commission for instructor training and shall be delivered in their entirety by a training school for an individual to qualify to apply as a Commission certified instructor.

	Course Number	Course Names	Course Hours
(a)	1115	General Instructor Refresher Course	8
(b)	800	CMS Vehicle Operations Instructor Course	40
(c)	801	CMS Firearms Instructor Course	44
(d)	802	CMS Defensive Tactics Instructor Course	80
(e)	1114	CMS First Aid Instructor Course	40

(f)	1107 1199	Canine Team Training Instructor Course (Retired 11/6/13) Canine Team Training Instructor Course	40 80
(g)	1110	Breath Test Instructor Course	40
(h)	1111	Breath Test Instructor Renewal Course	8
(i)	1159	Speed Measurement Instructor Course	40
(j)	1186	Florida General Instructor Techniques Course	64
(k)	2001	Role-play Scenarios for Facilitative Learning	16

(4) Specialized Instructor Training Courses are developed and approved by the Commission for instructor training and have not been designated as Commission approved Advanced Training Program courses. They shall be delivered in their entirety by a training school for an individual to qualify to apply as a Commission-certified instructor. Commission approved Specialized Training Program Courses pursuant to paragraph (1)(e) of this rule section. The following Commission approved Specialized Training Program Courses are developed and approved by the Commission and have not been designated as Commission approved Advanced Training Program Courses:

	Course Number	Course Names	Course Hours
(a)	1196	Contraband Forfeiture	16
(b)	1131	Human Diversity In-service Training for Discriminatory Profiling and Professional Traffic Stops	4
(c)	1112 1198	Canine Team Training Course (Retired 11/6/13) Canine Team Training Course (Effective 11/7/13)	400 480
(d)	1113	Laser Speed Measurement Device (LSMD) Transition Operators Course for Radar Operators (Retired 12/31/08)	12
(e)	1132	Parking Enforcement Specialist for Civilians	16
(f)	1133	Selective Traffic Enforcement Program for Civilians	80
(g)	732	Traffic Control Officer for Civilians	8
(h)	1134	Criminal Justice Officer Ethics Course	8
(i)	808	CMS Field Training Officer Transition Course (Retired 12/31/08)	8
(j)	1149	Special Populations	32
(k)	1160	Dart Firing Stun Gun	8
(l)	1167	CMS General Instructor Update Course (Retired 12/31/10)	4
(m)	1169	CMS Defensive Tactics and Firearms Instructor Update Course (Retired 12/31/10)	6
(n)	1185	Elder Abuse Investigations	4
(o)	1189	Physical Fitness Trainer Course	32
(p)	1194	Responding to Veterans	16
(q)	1195	Public Safety Telecommunications for Law Enforcement Officers	40
(r)	1197	STEP Course for Red Light Cameras	40
(s)	2002	Property Repossession Processes	2
(t)	2006	Canine Team Training Instructor Update Course	24
(u)	2007	Safe Handling of Firearms	16
(v)	2008	District Courts of Appeal Marshal Minimum Standards Training Program	32
(w)	019	Criminal Law	40
(x)	054	Organized Crime	40
(y)	2009	Diabetic Emergencies and Officer Response	2

(5) Specialized Training Program Courses are developed and approved by the Commission and have not been designated as Commission-approved Advanced Training Program courses. They shall be delivered in their entirety by a training school for an individual to receive Advanced Training Program credit. The following Commission-approved Specialized Training Program Courses are developed and approved by the Commission and have not been designated as Commission approved Advanced Training Program Courses:

(a)	851	Breath Test Operator Course	16
(b)	951	Breath Test Operator Renewal Course	4
(c)	850	Agency Inspector Course	24
(d)	950	Agency Inspector Renewal Course	6

(6) through (7) No change.
Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.175, 943.25 FS. History—New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 5-21-12, 3-13-13, 5-29-14, 7-29-15, 9-4-16, _____.

11B-35.009 Exemption from Basic Recruit Training.

(1) through (4) No change.

(5) Documentation requirements for out-of-state, federal, and inactive Florida Officers. Upon verification of an individual's request for exemption of training, pursuant to this rule section, an employing agency or Criminal Justice Selection Center shall submit to Commission staff a completed Exemption-From-Training, form CJSTC-76, revised ~~August 10, 2017~~ ~~August 4, 2016~~, effective _____ ~~7/2017~~, hereby incorporated by reference ~~https://www.flrules.org/Gateway/reference.asp?No=Ref_08445~~ ~~http://www.flrules.org/Gateway/reference.asp?No=Ref_08445~~, 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) High-Liability Basic Recruit Training proficiency skills requirements for out-of-state, federal, or inactive Florida officers. Prior to applying for certification, an out-of-state or federal officer, or inactive Florida officer, who is exempt from completing a Commission-approved Basic Recruit Training Program, pursuant to Section 943.131(2), F.S., shall demonstrate proficiency in the required High-Liability Basic Recruit Training Proficiency Skills of vehicle operations, firearms, defensive tactics, and first aid, pursuant to Rule 11B-35.0024, F.A.C., for the discipline for which certification is sought. Such officers shall achieve a passing score on the State Officer Certification Examination, pursuant to Rule 11B-30.0062, F.A.C., and paragraph 11B-30.008, F.A.C. Demonstration of proficiency in the required High-Liability Basic Recruit Training Proficiency Skills and passing the State Officer Certification Examination shall be completed within one year after notification of approval of the Exemption-From-Training form CJSTC-76. Individuals who do not complete the required demonstration of proficiency in the High-Liability Basic Recruit Training Proficiency Skills and achieve a passing score on the State Officer Certification Examination within one year, are permitted to apply for another exemption from training, pursuant to Section 943.131(2), F.S., provided they meet the eligibility requirements outlined in Section 943.131(2), F.S. Upon demonstration of proficiency in the required High-Liability Basic Recruit Training Proficiency Skills, the training school shall complete an Exemption-From-Training Proficiency Demonstration, form CJSTC-76A, revised ~~August 10, 2017~~ ~~November 6, 2014~~, effective _____ ~~7/2015~~, hereby incorporated by reference ~~https://www.flrules.org/Gateway/reference.asp?No=Ref_05646~~ ~~https://www.flrules.org/Gateway/reference.asp?No=Ref_05646~~, and provide a copy to the officer of form CJSTC-76A. Form CJSTC-76A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The training center director or designee shall, within thirty days of course completion, electronically transmit a completed Training Report form CJSTC-67 through the Commission's ATMS, or submit an updated form CJSTC-67.

(7) 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, 7-19-17, _____.

JOE NEGRON
President



Senator Kevin Rader, Chair
Representative George R. Moraitis, Jr., Vice Chair
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Senator George B. Gainer
Senator Rene Garcia
Senator Keith Perry
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Representative Michael Grant
Representative Sam H. Killebrew
Representative Amy Mercado
Representative Barrington A. "Barry" Russell

RICHARD CORCORAN
Speaker

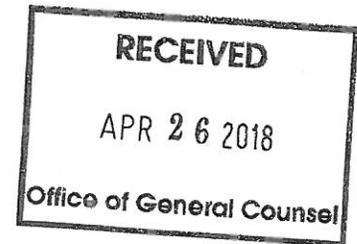


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THE FLORIDA LEGISLATURE
JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE

April 24, 2018

Mr. Christopher Bufano
Assistant General Counsel
Florida Department of Law Enforcement
2331 Phillips Road
Tallahassee, Florida 32308



**RE: Department of Law Enforcement
Rule 11C-4.008**

Dear Mr. Bufano:

After reviewing the above-referenced rule, I offer the following comment for your consideration and written response:

11C-4.008

Please revise the proposed rule text to comport with the requirements of rule 1-1.013, F.A.C., because, as written, the rule fails to state where a copy of the incorporated material may be obtained.

Should you have any questions, please do not hesitate to contact me. Otherwise, I look forward to your written response.

Sincerely,

A handwritten signature in black ink, appearing to read "Sharon Jones". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Sharon Jones
Senior Attorney

April 26, 2018

Sharon Jones, Senior Attorney
Joint Administrative Procedures Committee
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, FL 32399-1400

RE: Department of Law Enforcement
Rule 11C-4.008, F.A.C.

Dear Ms. Jones:

I am writing in response to your letter dated April 24, 2018, regarding the JAPC review and findings of the proposed rule revisions to Rule Chapter 11C-4.008, F.A.C. FDLE provides the following:

JAPC Comment:

11C-4.008: Please revise the proposed rule text to comport with the requirements of rule 1-1.013, F.A.C., because, as written, the rule fails to state where a copy of the incorporated material may be obtained.

FDLE Response:

FDLE requests that the above proposed revision be considered a technical revision after promulgation of the proposed rules pursuant to 1-1.010(10), F.A.C. FDLE will make the revision in a technical memo to the Bureau of Administrative Code upon filing the rules for adoption. If that is not satisfactory to you, then FDLE will revise the language of the text as required in the next rule promulgation package, which should begin in October or November of 2018.

If you have any additional questions or concerns, please do not hesitate to contact me.

Sincerely,



Chris Bufano
Assistant General Counsel

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11C-4, FLORIDA ADMINISTRATIVE CODE
AMENDING RULE 11C-4.008
UNIFORM CRIME REPORTS GUIDE MANUAL
SUMMARY OF THE RULE

Amended to reference the current version of the Uniform Crime Reports Guide Manual.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

The Uniform Crime Reports Guide Manual has been updated. The change reflects the current version of the Uniform Crime Reports Guide Manual.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND

LEGISLATIVE RATIFICATION

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

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

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

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

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Department of Law Enforcement
Division or Board: Division of Criminal Justice Information Systems
Rule Chapter: 11C-4

RULE NO.: RULE TITLE:

11C-4.008 Uniform Crime Reports Guide Manual

PURPOSE AND EFFECT:

The rule change is requested to reflect the current version of the Uniform Crime Reports Guide Manual.

SUMMARY:

The Uniform Crime Reports Guide Manual was recently updated. The change reflects the current version of the manual.

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

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

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

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

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

LAW IMPLEMENTED: 943.05(2), 943.1702 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, April 11, 2018 at 10:00 a.m.

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

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

Rachel Truxell at 850-410-7100 or racheltruxell@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:

Rachel Truxell at 850-410-7100 or racheltruxell@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308.

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-4.008 Uniform Crime Reports Guide Manual.

All state, county, and municipal law enforcement agencies shall submit to the Florida Department of Law Enforcement uniform crime reports data setting forth their activities in connection with law enforcement as required by law. The form, general content, time, and manner of submission of such reports are set forth in the revised Florida Uniform Crime Reports Guide Manual dated ~~January 1, 1996~~ September 2017 incorporated herein by reference and on file with the Secretary of State.

Rulemaking Authority 943.03(4), 943.05(2) FS. Law Implemented 943.05(2), 943.1702 FS. History—New 10-23-75, Formerly 11-2.01, Amended 7-4-79, Formerly 11C-2.03, Amended 3-11-92, Formerly 11C-2.003, Amended 7-7-99, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Director Charles Schaeffer

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 7, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2017

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-4.008 Uniform Crime Reports Guide Manual.

All state, county, and municipal law enforcement agencies shall submit to the Florida Department of Law Enforcement uniform crime reports data setting forth their activities in connection with law enforcement as required by law. The form, general content, time, and manner of submission of such reports are set forth in the revised Florida Uniform Crime Reports Guide Manual dated ~~January 1, 1996~~ September 2017 incorporated herein by reference and on file with the Secretary of State.

Rulemaking Authority 943.03(4), 943.05(2) FS. Law Implemented 943.05(2), 943.1702 FS. History—New 10-23-75, Formerly 11-2.01, Amended 7-4-79, Formerly 11C-2.03, Amended 3-11-92, Formerly 11C-2.003, Amended 7-7-99, Amended _____.

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President



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Representative Amy Mercado
Representative Barrington A. "Barry" Russell

THE FLORIDA LEGISLATURE
JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE

RICHARD CORCORAN
Speaker



KENNETH J. PLANTE
COORDINATOR
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, Florida 32399-1400
Telephone (850) 488-9110
Fax (850) 922-6934
www.japc.state.fl.us
joint.admin.procedures@leg.state.fl.us

March 22, 2018

Ms. Rachel Truxell
Florida Department of Law Enforcement
Criminal Justice Information Services
2331 Phillips Road
Tallahassee, FL 32308

**RE: Department of Law Enforcement
Rule 11C-6.010**

Dear Ms. Truxell:

The department published a notice of proposed rule for rule 11C-6.010 in the Florida Administrative Register. However, there were no substantive changes made to the rule; instead, there were technical changes made to the law implemented section of the rule. Rule 1-1.012(4), F.A.C., mandates that technical changes to a rule are to be made by letter to the Department of State. Please publish a notice of withdrawal for this rule in the Florida Administrative Register at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Sharon Jones".

Sharon Jones
Senior Attorney

April 11, 2018

Via Hand Delivery to:
Ms. Sharon Jones, Esq.
Joint Administrative Procedures Committee
680 Pepper Building
111 West Madison Street
Tallahassee Florida 32399-1400

RECEIVED
2018 APR 11 AM 11:59
JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE

Subject: *Florida Department of Law Enforcement Rules Packages 11B, 11C and 11G*

Dear Ms. Jones,

Thank you for your assistance in this matter. We were not able to locate the rules package in our mail room. As a result we are providing the enclosed package containing a copy of the proposed rules for this year under 11B, 11C and 11G. I apologize for the delay.

We received a letter from you dated March 22, 2018 indicating that part of our rule notice under 11C-6 was improper as there is only a technical change to 11C-6.010. I have included in the packet for 11C the Notice of Withdrawal of rule change for that rule section (11C-6.010) contained in the Notice for 11C-6.004, 11C-6.009 and 11C-6.010. I have also included a copy of my letter to the Department of State regarding the technical change to that rule section. Should there be anything else needed or if there are any errors or omissions that I need to correct please let me know.

Thank you for your courtesy in this matter and I appreciate your understanding and patience.

Sincerely,



Assistant General Counsel

Enclosure

Notice of Change/Withdrawal

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE NO.: RULE TITLE:

11C-6.010 Retention of Applicant Fingerprints

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 44 No. 57, March 22, 2018 issue of the Florida Administrative Register has been withdrawn.



Florida Department of Law Enforcement

Richard L. Swearingen
Commissioner



1 9 6 7 - 2 0 1 7

March 27, 2018

MEMORANDUM

TO: Program Administrator Ernest L. Reddick
Bureau of Administrative Code

FROM: Assistant General Counsel Chris Bufano 

SUBJECT: **Rule 11C-6.010, F.A.C.**
Retention of Applicant Fingerprints

Pursuant to Rule 1-1.012(4) F.A.C. mandates that technical rule changes are to be made by letter to the Department of State without notice of proposed rulemaking in the Florida Administrative Register.

FDLE hereby provides notice under this section as to the following:

11C-6.010 Retention of Applicant Fingerprints.

(1) – (8) No change.

Rulemaking Authority 943.05(2)(g), (h), 1012.32(3), 1012.465, 1012.56 FS. Law Implemented 435.12, 496.4101(3)(c), 550.105(10)(c), 551.107(7)(c), 559.555(2)(c)3., 560.141(1)(c)3., 744.3135(4)(b), 943.13(5), 985.644(3)(c), 1002.395(6)(b)3., 1002.421(3)(a), 1012.32(3), 1012.465, 1012.467, 1012.56, 381.986, 381.988, 493.6105, FS. History–New 11-30-04, Amended 6-9-08, 9-28-09, 5-21-12, 9-4-16, _____.

The Law Implemented section of this rule is amended to add statutes that authorize fingerprint retention.

Contact: Assistant General Counsel Chris Bufano; Government Analyst Rachael Truxell

Address: Florida Department of Law Enforcement
Post Office Box 1489
Tallahassee, Florida 32302-1489

E-mail address: christopherbufano@fdle.state.fl.us; rachaeltruxell@fdle.state.fl.us

Office of General Counsel
Post Office Box 1489, Tallahassee, Florida 32302-1489
(850) 410-7676
www.fdle.state.fl.us

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11C-6, FLORIDA ADMINISTRATIVE CODE
AMENDING RULES 11C-6.004, 11C-6.009 and 11C-6.010
PROCEDURES FOR REQUESTING CRIMINAL HISTORY
RECORDS, SALE AND DEILVERY OF FIREARMS, AND
RETENTION OF APPLICANT FINGERPRINTS

SUMMARY OF THE RULE

11C-6.004: Amended to reflect current methods for requesting a Florida criminal history record check, to correct a statute reference, and reference the current version of the Volunteer and Employee Criminal History System (VECHS) Qualified Entity Application.

11C-6.009: Amended to reflect the current ATF 4473 form (10/2016) and expand options for a licensed firearm dealer to pay his or her monthly invoice.

11C-6.010: Amend Law Implemented section to add statutes that authorize fingerprint retention.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11C-6.004: Amended to be consistent with current methods of Florida criminal history record check requests and correct a statute reference. Additionally, the change reflects the current version of the VECHS Qualified Entity Application.

11C-6.009: Updating references to ATF 4473 form to reflect the current version. In addition to current methods of payment, the change allows for electronic payment by licensed firearm dealers.

11C-6.010: The rule change is requested to be consistent with statutory language.

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

RULE NO.:	RULE TITLE:
-----------	-------------

11C-6.004 Procedures for Requesting Criminal History Records

11C-6.009 Sale and Delivery of Firearms

11C-6.010 Retention of Applicant Fingerprints

PURPOSE AND EFFECT:

11C-6.004 The rule change is requested to reflect current methods for requesting a Florida criminal history record check, to correct a statute reference, and reference the current version of the Volunteer and Employee Criminal History System (VECHS) Qualified Entity Application.

11C-6.009 The rule change is requested to reflect the current ATF 4473 form (10/2016) and expand options for a licensed firearm dealer to pay his or her monthly invoice.

11C-6.010 The rule change is requested to amend Law Implemented section to add statutes that authorize fingerprint retention.

SUMMARY:

11C-6.004 The rule is amended to be consistent with current methods of Florida criminal history record check requests and to correct a statute reference. Additionally, the change reflects the current version of the VECHS Qualified Entity Application.

11C-6.009 The rule is amended to reflect the current ATF 4473 form (10/2016) and expand options for a licensed firearm dealer to pay his or her monthly invoice.

11C-6.010 The Law Implemented section of the rule is amended to add statutes that authorize fingerprint retention.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

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

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

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

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

RULEMAKING AUTHORITY:

11C-6.004: 943.03(4), 943.053(3), 943.0542, 943.056 FS

11C-6.009: 790.065, 943.03(4) FS

11C-6.010: 943.05(2)(g), (h), 1012.32(3), 1012.465, 1012.56 FS

LAW IMPLEMENTED:

11C-6.004: 943.053(3), 943.0542, 943.056 FS

11C-6.009: 790.065 FS

11C-6.010: 435.12, 496.4101(3)(c), 550.105(10)(c), 551.107(7)(c), 559.555(2)(c)3., 560.141(1)(c)3., 744.3135(4)(b), 943.13(5), 985.644(3)(c), 1002.395(6)(b)3., 1002.421(3)(a), 1012.32(3), 1012.465, 1012.467, 1012.56 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, April 11, 2018 at 10:00 a.m.

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

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

Rachel Truxell at 850-410-7100 or racheltruxell@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:

Rachel Truxell at 850-410-7100 or racheltruxell@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: Director Charles Schaeffer

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 7, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2017

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-6.004 Procedures for Requesting Criminal History Records.

(1) Requests for Florida criminal history records contained in the systems of the Florida Department of Law Enforcement are to be requested through electronic means as provided by the Department or directed to the following address:

Florida Department of Law Enforcement
Division of Criminal Justice Information Services
User Services Bureau
Post Office Box 1489
Tallahassee, Florida 32302-1489.

In order for the Department to respond to requests for Florida criminal history information, the person or entity who wishes to review or secure such information shall provide to the Department the subject's full name, race, sex, and date of birth or approximate age. If available, the social security number may be provided.

(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)(e), 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 Elder 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) Entities applying to the Florida Department of Law Enforcement to be qualified to receive criminal history records under the National Child Protection Act of 1993, as amended, must first complete and submit the following documents to the Florida Department of Law Enforcement, in accordance with the instructions provided: VECHS Qualified Entity Application – Volunteer & Employee Criminal History System (NCPA 1; Rev. ~~May 2015~~ May 2017, Eff. ~~September 2016~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07399>). Entities that are qualified through the Florida Department of Law Enforcement to receive criminal history records under the National Child Protection Act must submit fingerprints electronically for each person to the Florida Department of Law Enforcement for each request for a criminal history record check. Qualified entities that release to another qualified entity any criminal history record information received pursuant to the National Child Protection Act must complete and maintain the following document, in accordance with the instructions provided: VECHS Dissemination Log – Volunteer & Employee Criminal History System (NCPA 4, Rev. May 2015, Eff. September, 2016, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07400>). These forms are incorporated by reference.

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-

11C-6.009 Sale and Delivery of Firearms.

(1) For a federally licensed firearm dealer (including licensed firearm importers, licensed firearm manufacturers and licensed firearm dealers pursuant to Title 27, C.F.R., Part 178) to complete a firearm transaction to another person, other than a licensed importer, licensed manufacturer, licensed dealer or licensed collector, a United States Treasury Department, Bureau of Alcohol, Tobacco and Firearms (ATF) form ATF F-4473 [5300.9] Part 1 (~~04/12, Eff. 09/16~~) (10/16) (Firearms Transaction Record) incorporated here by reference, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07401>, must be completed. These forms are available from the ATF Distribution Center, 7943 Angus Court, Springfield, Virginia 22153. The completion of the ATF F-4473 [5300.9] Part 1 (~~04/12~~ 10/16) form must comply with Title 27, C.F.R. Part 178, Section 178.124, and with Section 790.065, F.S.

(2) Section A of the ATF F-4473 [5300.9] Part 1 (~~04/12~~ 10/16) form must be completed by the potential buyer or transferee. The dealer must ensure that ~~items 1-17 are~~ Section A is 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 8~~ the Social Security Number block of ATF F-4473 [5300.9] Part 1 (~~04/12~~ 10/16) 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) – (4) No change.

(5) Using the provided toll-free telephone number or by other electronic means in addition to the telephone, the dealer must contact FDLE immediately prior to each transaction involving the transfer of one or more firearms to obtain an approval number to complete the firearm transaction. The dealer will provide the dealer's identification number and all identification data of the potential buyer/transferee as contained on ATF form F-4473 [5300.9] Part 1 (~~04/12~~ 10/16) to FDLE.

(6) No change.

(7) The dealer will record the decision and number provided by FDLE in ~~box 21b~~ the NICS or State transaction number block 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~~ 10/16). 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, September 2016), incorporated herein by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref-08463>, 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) Each month, FDLE will provide the dealer with an invoice of the fees due FDLE. Payment must be made by electronic means or by a business or personal check, money order, or cashier's check payable to FDLE. Payment must include a reference to the invoice number in order to be correctly credited. Payments must be in U.S. dollars only. ~~A business or personal check, money order, or cashier's check payable to FDLE will be accepted and must be returned with the return portion of the invoice in the envelope that is provided. Checks must be in U.S. dollars only.~~

(10) No change.

(11) ~~Checks or money orders~~ Payment returned for any reason will be subject to the service fee as provided by Section 215.34, F.S. Failure to pay the amount of the ~~check or money order~~ returned payment plus the service fee by the date specified by FDLE will result in the termination of services provided by FDLE, until all outstanding fees are paid in full.

(12) No change.

(13) All records where the transfer was approved must be maintained by dealers for 20 years as required by Title 27, C.F.R., Part 178. All records where the transfer was non-approved must be kept by dealers in a secure area and kept confidential for five (5) years. This would include the dealers's copy of the ATF Form F-4473 [5300.9] Part 1 (~~04/12~~ 10/16) where the transfer of a firearm was non-approved. Records must be made available to federal, state, county and municipal law enforcement agencies in connection with their official duties upon request during business hours or other reasonable times if the dealer has no regular business hours.

(14) – (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, 7-19-17, _____.

11C-6.010 Retention of Applicant Fingerprints.

(1) – (8) No change.

Rulemaking Authority 943.05(2)(g), (h), 1012.32(3), 1012.465, 1012.56 FS. Law Implemented 435.12, 496.4101(3)(c), 550.105(10)(c), 551.107(7)(c), 559.555(2)(c)3., 560.141(1)(c)3., 744.3135(4)(b), 943.13(5), 985.644(3)(c), 1002.395(6)(b)3., 1002.421(3)(a), 1012.32(3), 1012.465, 1012.467, 1012.56, 381.986, 381.988, 493.6105, FS. History–New 11-30-04, Amended 6-9-08, 9-28-09, 5-21-12, 9-4-16, _____.

JOE NEGRON
President



Senator Kevin Rader, Chair
Representative George R. Moraitis, Jr., Vice Chair
Senator Daphne Campbell
Senator George B. Gainer
Senator Rene Garcia
Senator Keith Perry
Representative Jason Fischer
Representative Michael Grant
Representative Sam H. Killebrew
Representative Amy Mercado
Representative Barrington A. "Barry" Russell

RICHARD CORCORAN
Speaker



KENNETH J. PLANTE
COORDINATOR
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, Florida 32399-1400
Telephone (850) 488-9110
Fax (850) 922-6934
www.japc.state.fl.us
joint.admin.procedures@leg.state.fl.us

THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

April 27, 2018

Mr. Christopher Bufano
Assistant General Counsel
Florida Department of Law Enforcement
2331 Phillips Road
Tallahassee, Florida 32308

**RE: Department of Law Enforcement
Rules 11C-7.006 and .007**

Dear Mr. Bufano:

After reviewing the above-referenced rules, I offer the following comment for your consideration and written response:

11C-7.006

The proposed rule incorporates by reference FBI Applicant Fingerprint Card (FD-258). As required by rule 1-1.013, F.A.C., please revise the rule to include the version date of the form.

Also, please revise either the rule language or the title of form FDLE 40-027 so that they are in accord.

Should you have any questions, please do not hesitate to contact me. Otherwise, I look forward to your written response.

Sincerely,

A handwritten signature in black ink, appearing to read "Sharon Jones".

Sharon Jones
Senior Attorney



Florida Department of
Law Enforcement

Richard L. Swearingen
Commissioner

50 Years of
Service

1 9 6 7 - 2 0 1 7

April 30, 2018

Sharon Jones, Senior Attorney
Joint Administrative Procedures Committee
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, FL 32399-1400

RE: Department of Law Enforcement
Rule 11C-7.006 and .007, F.A.C.

Dear Ms. Jones:

I am writing in response to your letter dated April 27, 2018, regarding the JAPC review and findings of the proposed rule revisions to Rule Chapter 11C-7.006 and .007, F.A.C. FDLE provides the following:

JAPC Comment:

11C-7.006: The proposed rule incorporates by reference FBI Applicant Fingerprint Card (FD-258). As required by rule 1-1.013, F.A.C., please revise the rule to include the version date of the form.

Also, please revise either the rule language or the title of form FDLE 40-027 so that they are in accord.

FDLE Response:

FDLE requests that the above proposed revisions be considered technical revisions after promulgation of the proposed rules pursuant to 1-1.010(10), F.A.C. FDLE will make the revisions in a technical memo to the Bureau of Administrative Code upon filing the rules for adoption. If that is not satisfactory to you, then FDLE will revise the language of the text as required in the next rule promulgation package, which should begin in October or November of 2018.

If you have any additional questions or concerns, please do not hesitate to contact me.

Sincerely,

Chris Bufano
Assistant General Counsel

Office of General Counsel
Post Office Box 1489, Tallahassee, Florida 32302-1489
(850) 410-7676
www.fdle.state.fl.us

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11C-7, FLORIDA ADMINISTRATIVE CODE
AMENDING RULES 11C-7.006 AND 11C-7.007
PROCEDURES ON COURT-ORDERED EXPUNCTIONS AND
PROCEDURES ON COURT-ORDERED SEALINGS

SUMMARY OF THE RULE

Amended to remove an obsolete form and incorporate new expunge and seal Certificates of Eligibility.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

FDLE is replacing its Computerized Criminal History (CCH), which involves the replacement of antiquated equipment and the implementation of new streamlined processes. The new system allows FDLE to customize various forms, including the expunge and seal Certificates of Eligibility. The rule is amended to reflect the new expunge and seal Certificates of Eligibility and the deletion of an obsolete form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND
LEGISLATIVE RATIFICATION

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

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

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

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

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

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Department of Law Enforcement
Division or Board: Division of Criminal Justice Information Systems
Rule Chapter: 11C-7

RULE NO.: RULE TITLE:

11C-7.006 Procedures on Court-Ordered Expunctions
11C-7.007 Procedures on Court-Ordered Sealings

PURPOSE AND EFFECT:

The rule change is requested to reflect the new types of expunge and seal Certificates of Eligibility and the deletion of an obsolete form.

SUMMARY:

11C-7.006 and 11C-7.007 FDLE is replacing its Computerized Criminal History (CCH), which involves the replacement of antiquated equipment and the implementation of new streamlined processes. The new system allows FDLE to customize various forms, including the expunge and seal Certificates of Eligibility. The rule is amended to reflect the new expunge and seal Certificates of Eligibility and the deletion of an obsolete form.

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

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

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:
11C-7.006; 943.03(4), 943.058(2) FS
11C-7.007: 943.03(4), 943.059(2) FS

LAW IMPLEMENTED:
11C-7.006: 943.0585 FS
11C-7.007: 943.059 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, April 11, 2018 at 10:00 a.m.

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

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

Rachel Truxell at 850-410-7100 or racheltruxell@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:

Rachel Truxell at 850-410-7100 or racheltruxell@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: Director Charles Schaeffer

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 7, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2017

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-7.006 Procedures on Court-Ordered Expunctions.

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

(a) 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 the results of the certification review. A fee waiver may be granted by the Executive Director of the Department upon submission of a written request and in his determination that the waiver is in the best interests of criminal justice.

(b) A completed Application for Certification of Eligibility. The subject must complete section A of the application. The Application for Certification of Eligibility (form number FDLE 40-021, rev. December 2009), or for Lawful Self-Defense Expunction under Section 943.0585(5), F.S. (form number FDLE 40-026, created. April 2014, effective date July 2015), both of which are hereby incorporated by reference, may be obtained from:

1. The Clerk of the Court, or
2. Florida Department of Law Enforcement

Expunge Section

Post Office Box 1489

Tallahassee, Florida 32302-1489

Telephone Number: (850)410-7870

Website: <http://www.fdle.state.fl.us/expunge>

(c) The appropriate state attorney or statewide prosecutor should complete section B of the Application for Certification of Eligibility and have it certified.

(d) A legible set of fingerprints recorded on an FBI Applicant Fingerprint Card (FD-258) ~~or Fingerprint form 40-024, (rev. February 2008)~~ and incorporated here by reference. 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 Certification Of Eligibility For 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>

(e) A certified copy of the disposition of the charge or charges to which the petition to expunge pertains. The subject should obtain this document from the Clerk of the Court in the appropriate jurisdiction. The subject must pay any fees required by the Clerk of the Court for providing this service.

(2) – (4) No change.

(5) The Department will send the subject a Certificate of Eligibility (form number FDLE ~~40-023, 40-022, rev. July 2006 created October 2017, effective _____~~), ~~or~~ (form number FDLE 40-027, ~~created October 2014, effective date July 2015 revised October 2017~~), or (form number FDLE 40-030, created October 2017, effective _____), ~~both all~~ of which are incorporated here by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref 05634>, if the specified criminal history record meets the requirements for expunction. If the specified criminal history record does not meet the requirements for expunction, the Department will send the subject a letter stating the reason for ineligibility with an explanation of appeal rights.

(6) No Change.

Rulemaking Authority 943.03(4), 943.058(2) FS. Law Implemented 943.0585 FS. History—New 8-5-92, Amended 7-7-99, 8-22-00, 6-9-08, 6-3-10, 7-29-15, _____.

11C-7.007 Procedures on Court-Ordered Sealings.

(1) Prior to petitioning the court to seal a criminal history record, the subject must apply to the Department for a certificate of eligibility for sealing. The application for the certificate of eligibility 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 the results of the certification review. A fee waiver may be granted by the Executive Director of the Department upon submission of a written request and in his determination that the waiver is in the best interests of criminal justice.

(b) A completed Application for Certification of Eligibility. The subject should complete section A of the application. The Application for Certification of Eligibility (form number FDLE 40-021, rev. December 2009 and incorporated by reference) may be obtained from:

1. The Clerk of the Court, or
2. Florida Department of Law Enforcement

Expunge Section

Post Office Box 1489

Tallahassee, Florida 32302-1489

Telephone Number: (850)410-7870

Website: <http://www.fdle.state.fl.us/expunge>

(c) A legible set of fingerprints recorded on an FBI Applicant Fingerprint Card (FD-258) ~~or Fingerprint form (40-024, rev. February 2008)~~. 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 Certification of Eligibility For Sealing." 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>

(d) A certified copy of the disposition of the charge or charges to which the petition to seal pertains. The subject should obtain this document from the Clerk of the Court in the appropriate jurisdiction. The subject must pay any fees required by the Clerk of the Court for providing this service.

(2) – (4) No change.

(5) The Department will send the subject a Certificate of Eligibility (form number FDLE 40-022, rev. ~~July 2006~~ October 2017), ~~or (form number FDLE 40-029, created October 2017, effective _____)~~, if the specified criminal history record meets the requirements for sealing. If the specified criminal history record does not meet the requirements for sealing, the Department will send the subject a letter stating the reason for ineligibility with an explanation of appeal rights.

(6) No change.

Rulemaking Authority 943.03(4), 943.059(2) FS. Law Implemented 943.059 FS. History—New 8-5-92, Amended 7-7-99, 8-22-00, 6-9-08, 6-3-10, _____.

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11G-5, FLORIDA ADMINISTRATIVE CODE
AMENDING RULES 11G-5.002 and 11G-5.003
DISTRICT MEDICAL EXAMINERS
SUMMARY OF THE RULE

Updates the number of medical examiner districts and the counties assigned to each district; and designates the term of office cycle for each medical examiner district.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11G-5.002(9): Orange and Osceola counties each enacted home rule authority for the appointment of the county's respective medical examiner, which requires each county to become its own medical examiner district. This revision reflects this distinction by removing Osceola County from the counties covered by district 9.

11G-5.002(24): Punctuation change to add another subsection to the list.

11G-5.002(25), F.A.C.: This revision is necessary to add Osceola County as its own medical examiner district.

11G-5.003, F.A.C.: Corrects the number of medical examiner districts from 24 to 25 with the creation of district 25 for Osceola County.

11G-5.003(2), F.A.C.: Includes District 25 in the second year term rotations since District 9 and District 25 serve the same constituency and should be surveyed at the same time.

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 PROPOSE RULE

NAME OF AGENCY: Department of Law Enforcement

Division or Board: Medical Examiners Commission

Rule Chapter: 11G-5; District Medical Examiners

RULE NO.:	RULE TITLE:
11G-5.002	Establishment of Medical Examiner Districts
11G-5.003	District Medical Examiner Terms of Office

PURPOSE AND EFFECT:

Subsection 11G-5.002(9), F.A.C.: Orange and Osceola counties each enacted home rule authority for the appointment of the county’s respective medical examiner, which requires each county to become its own medical examiner district. This revision reflects this distinction by removing Osceola County from the counties covered by district 9.

Subsection 11G-5.002(24), F.A.C.: Punctuation change to add another subsection to the list.

Subsection 11G-5.002(25), F.A.C.: This revision is necessary to add Osceola County as its own medical examiner district.

Section 11G-5.003, F.A.C.: Corrects the number of medical examiner districts from 24 to 25 with the creation of district 25 for Osceola County.

Subsection 11G-5.003(2), F.A.C.: Includes District 25 in the second year term rotations since District 9 and District 25 serve the same constituency and should be surveyed at the same time.

SUMMARY:

Updates the number of medical examiner districts and the counties assigned to each district; and designates the term of office cycle for each medical examiner district.

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

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

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

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

RULEMAKING AUTHORITY: 406.04, FS.

LAW IMPLEMENTED: 406.05, 406.06(1)(a), 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, April 11, 2018 at 10:00 a.m.

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

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

Vickie Koenig at 850-410-8600, or vickiekoenig@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Medical Examiners Commission, P. O. Box 1489, Tallahassee, Florida 32302-1489.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Vickie Koenig, Chief of Policy and Special Programs

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 7, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2017

THE FULL TEXT OF THE PROPOSED RULE IS:

11G-5.002 Establishment of Medical Examiner Districts.

The following districts and counties are designated as Florida's medical examiner districts:

- (1) – (8) No Change
- (9) District 9 – Orange, ~~Osceola~~;
- (10) – (23) No Change
- (24) District 24 – Seminole;
- (25) District 25 – Osceola.

Rulemaking Authority 406.04 FS. Law Implemented 406.05 FS. History–New 2-23-93. Amended _____.

11G-5.003 District Medical Examiner Terms of Office.

The term of office for a district medical examiner appointed by the governor shall be three years. A gubernatorial appointment to fill a vacancy shall be for the unexpired portion of the term. For the purpose of administration, the 25 ~~24~~ district medical examiners serve staggered terms, in accord with the following rotation:

- (1) No Change
- (2) Second year – Districts 8 through 14, and 25;
- (3) No Change

Rulemaking Authority 406.04 FS. Law Implemented 406.06(1)(a) FS. History–New 2-23-93, Amended 5-21-12; _____.