

AGENDA
FLORIDA DEPARTMENT OF LAW ENFORCEMENT
February 26, 2019

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 June 13, 2018 Cabinet Meeting.**

(See Attachment 1)

RECOMMEND APPROVAL

ITEM 2 Respectfully submit **Department's Contracts Agreements and Purchases over \$100,000 for FY 17-18 4th Quarter (April 1 to June 30, 2018), FY 18-19 1st Quarter (July 1 to September 30, 2018) and FY 18-19 2nd Quarter (October 1 to December 31, 2018).**

(See Attachment 2)

RECOMMEND APPROVAL

ITEM 3 Respectfully submit **Notice of Proposed Rules** for the following: **Rule Chapters 11B-20, 11B-27, 11B-30, 11B-35, 11C-6, 11C-7, 11D-9, 11D-10 and 11N-1 F.A.C.**

(See Attachment 3)

RECOMMEND APPROVAL

ITEM 4 Respectfully submit the **2019 Florida Law Enforcement Hall of Fame nominees.**

(See Attachment 4)

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
JEFF ATWATER
COMMISSIONER OF AGRICULTURE
ADAM PUTNAM

DATE: WEDNESDAY, JUNE 13, 2018

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

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

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FLORIDA DEPARTMENT OF LAW ENFORCEMENT

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

6 COMMISSIONER SWEARINGEN: Good morning, again.
7 The Department has three items today. First I
8 respectfully submit the minutes from the March 7th
9 Cabinet meeting for your approval.

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

12 ATTORNEY GENERAL BONDI: So move.

13 GOVERNOR SCOTT: Is there second?

14 CFO PATRONIS: Second.

15 GOVERNOR SCOTT: Comments or objections?

16 (NO RESPONSE).

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

19 COMMISSIONER SWEARINGEN: Thank you.

20 Item Number 2 is the fiscal year '17/'18 third
21 quarter performance report and contracts over
22 \$100,000. Six of the Department's measures
23 exceeded expectations. The other three are annual
24 reports, so they won't be included today.

25 GOVERNOR SCOTT: Is there a motion to accept

1 the report?

2 COMMISSIONER PUTNAM: So move.

3 GOVERNOR SCOTT: Is there a second?

4 ATTORNEY GENERAL BONDI: Second.

5 GOVERNOR SCOTT: Any comments or objections?

6 (NO RESPONSE).

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

9 COMMISSIONER SWEARINGEN: And our final item
10 is notice of final approval for ten sets of rules
11 which I presented at the March 7th Cabinet meeting.

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

14 ATTORNEY GENERAL BONDI: So moved.

15 GOVERNOR SCOTT: Is there a second?

16 CFO PATRONIS: Second.

17 GOVERNOR SCOTT: Comments or objections?

18 (NO RESPONSE).

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

21 Thanks, Rick.

22 COMMISSIONER SWEARINGEN: That's all I have.
23 Thank you.

24 ATTORNEY GENERAL BONDI: Commissioner,
25 thank you for everything you're doing. Thank you.

1 COMMISSIONER SWEARINGEN: Thank you, Attorney
2 General.

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CONTRACTS, AGREEMENTS AND PURCHASES OVER \$100,000

Q4 - FY 2017-18 (April 1 – June 30, 2018)

<u>P.O.#</u>	<u>VENDOR/SERVICE</u>	<u>AMOUNT</u>
B31269	Dell Marketing LP Purchase of 8 Dell PowerEdge R740 servers. <ul style="list-style-type: none">▪ Alternate Contract▪ Term: 5/02/2018 - 6/30/2018	\$162,637
B16C65	DNA Labs International, Inc. Sexual Assault Kit testing fees. Adjustment to Purchase Order. <ul style="list-style-type: none">▪ Alternate Contract▪ Term: 7/1/2017 - 6/30/2018	\$738,900
PO1764622	DSM Technology Consultants, LLC Disaster Recovery Direct Connect Layer 2 1GB point to point circuit. <ul style="list-style-type: none">▪ State Term Contract▪ Term: 5/18/2018 - 6/30/2021	\$129,600
FDLE-003-18	Georgia Tech Applied Research Professional Information Technology and business consulting services for creating a National Incident-Based Reporting System Uniform Reporting System. Adjustment to Contract. <ul style="list-style-type: none">▪ Exempt▪ Term: 8/1/2017 - 6/30/2019	\$816,000
B308A8	Life Technologies Corp.	\$171,278
B2EB4B	Reagents and supplies for Tampa Bay, Pensacola and Tallahassee	\$124,630
B303B3	Regional Operations Center Laboratories. <ul style="list-style-type: none">▪ Single Source▪ One Time Purchase	\$308,908
FDLE-023-18	Porter Lee Corp. Modifications to the existing Forensic Laboratory Information Management System to Microsoft .NET (Web) architecture. <ul style="list-style-type: none">▪ Single Source▪ Term: 5/1/2018 - 4/30/2019	\$ 116,420
FDLE-025-18	Stacs DNA, Inc. Support and maintenance to the DNA Database Sample Tracking and Control Software Database Enterprise. <ul style="list-style-type: none">▪ Single Source▪ Term: 7/1/2018 - 6/30/2023	\$450,423
FDLE-026-18	Tri-Tech Forensics, Inc. Software upgrade, subscription and maintenance of 9 Cellebrite Universal Forensic Extraction Devices (UFED) from UFED Touch to UFED Touch 2. <ul style="list-style-type: none">▪ Invitation to Bid▪ Term: 6/7/2018 - 6/30/2021	\$ 343,699



CONTRACTS, AGREEMENTS AND PURCHASES OVER \$100,000

Q1 - FY 2018-19 (July 1 – September 30, 2018)

<u>P.O.#</u>	<u>VENDOR/SERVICE</u>	<u>AMOUNT</u>
B3534D	A Child Is Missing A Child is Missing notification and alert services. <ul style="list-style-type: none">▪ Exempt▪ Term: 07/1/2018 - 6/30/2019	\$232,461
B2E9FC	AB Sciex, LLC Maintenance and repair service for laboratory spectrometers located at Orlando and Tallahassee Regional Operations Centers. <ul style="list-style-type: none">▪ Single Source▪ Term: 07/1/2018 - 6/30/2019	\$170,920
CA-FDLE-17051000	Affiliated Engineers, Inc. Commissioning services for HVAC / mechanical work competitively procured by DMS for Tampa Bay Regional Operations Center repairs and maintenance project. <ul style="list-style-type: none">▪ Consultant's Competitive Negotiation Act▪ Term: 5/4/2018 - 6/30/2020	\$101,670
B35A06	Bode Cellmark Forensics, Inc. Sexual Assault Kit testing fees. <ul style="list-style-type: none">▪ Invitation to Bid▪ Term: 7/1/2018 - 2/5/2019	\$354,116
FDLE-005-19	Cutcom Software, Inc. FortifyFL Reporting System. <ul style="list-style-type: none">▪ Invitation to Negotiate▪ Term: 7/31/2018 - 7/30/2021	\$254,400
FDLE-011-19	Diverse Computing, Inc. eAgent Client Messaging System license, maintenance and technical support for FCIC, NCIC, NLETS and other messages. <ul style="list-style-type: none">▪ Single Source▪ Term: 10/15/2018 - 10/14/2021	\$ 795,000
FDLE-010-19	Diverse Computing, Inc. FCIC IPC XML Communications Library and Gateway Production Enterprise License with 24 x 7 server support. <ul style="list-style-type: none">▪ Single Source▪ Term: 9/26/2018 - 9/25/2021	\$ 294,000
PO1901087	Diverse Computing, Inc. Maintenance and after hours services for FCIC II Message Switch / Hot Files System. <ul style="list-style-type: none">▪ Single Source▪ Term: 10/1/2018 - 6/30/2022	\$ 331,650



CONTRACTS, AGREEMENTS AND PURCHASES OVER \$100,000

Q1 - FY 2018-19 (July 1 – September 30, 2018)

B3711D	DLT Solutions, LLC Maintenance and technical support for Oracle database software. <ul style="list-style-type: none"> ▪ Alternate Contract ▪ Term: 7/1/2018 - 6/30/2019 	\$640,766
B35A0E	DNA Labs International, Inc. Non-Sexual Assault Kit testing fees. <ul style="list-style-type: none"> ▪ Alternate Contract ▪ Term: 7/1/2018 - 4/1/2019 	\$242,950
B35A12	DNA Labs International, Inc. Sexual Assault Kit testing fees. <ul style="list-style-type: none"> ▪ Alternate Contract ▪ Term: 7/1/2018 - 4/1/2019 	\$652,325
B3F071	Emergent, LLC Software license for Red Hat Enterprise Linux operating system and Jboss middleware platforms. <ul style="list-style-type: none"> ▪ Alternate Contract ▪ Term: 9/26/2018 - 6/30/2019 	\$475,059
B3E07A	Garber Chrysler Dodge Truck, Inc. Purchase of 7 Jeep Grand Cherokees. <ul style="list-style-type: none"> ▪ State Term Contract ▪ Term: One Time Purchase 	\$168,861
710:0226 710:0170	Lee County Port Authority Facilities 5-year lease renewal for 17,256 square feet of office space for Fort Myers Regional Operations Center. <ul style="list-style-type: none"> ▪ Lease Agreement ▪ Term: 11/1/2018 - 10/31/2023 	\$2,418,859 \$9,082,845 <small>Amounts reflect total lease beginning 11/1/1998</small>
B3412B	LexisNexis Risk Solutions FL, Inc. 121 Software licenses for LexisNexis Accurint LE Plus. <ul style="list-style-type: none"> ▪ State Term Contract ▪ Term: One Time Purchase 	\$113,329
B3BDAF B3DAA3 B37DED B3653B B3C18F	Life Technologies Corp. Reagents used for the Orlando, Pensacola, Tampa Bay and Tallahassee Regional Operations Centers. <ul style="list-style-type: none"> ▪ Single Source ▪ Term: One Time Purchase 	\$166,383 \$101,749 \$220,194 \$294,594 \$317,344



CONTRACTS, AGREEMENTS AND PURCHASES OVER \$100,000

Q1 - FY 2018-19 (July 1 – September 30, 2018)

FDLE-009-19	National Law Enforcement NLETS access to International Justice Public Safety Network. <ul style="list-style-type: none">▪ Single Source▪ Term: 10/1/2018 - 9/30/2021	\$180,000
FDLE-024-18	NCS Pearson, Inc. Computer-based testing and facilitation for State Officer Certification Exam. <ul style="list-style-type: none">▪ Invitation to Negotiate▪ Term: 2/14/2019 - 02/13/2024	\$2,214,000
CP1031	Pen Link, LTD Software and maintenance support. <ul style="list-style-type: none">▪ Single Source▪ Term: 2/14/2019 - 02/13/2024	\$130,837
CP1031	Presidio Networked Solutions, LLC Maintenance and technical support for Cisco Enterprise routers, network switches, and VoIP phone systems. <ul style="list-style-type: none">▪ Alternate Contract▪ Term: 6/1/2018 - 6/30/2019	\$173,587
B35A14	Sorenson Forensics, LLC Sexual Assault Kit testing fees. <ul style="list-style-type: none">▪ Invitation to Bid▪ Term: 07/1/2018 - 2/5/2019	\$295,350
B37FC7	Summit East Investors Lodging for Special Agent Training Class 40. <ul style="list-style-type: none">▪ Direct Pay to Hotel / Motel▪ Term: 09/9/2018 - 11/2/2018	\$170,640
B37535	Tampa Electric Company Utility services for Tampa Bay Regional Operations Center. <ul style="list-style-type: none">▪ Exempt▪ Term: 7/1/2018 - 6/30/2019	\$282,000
CA-FDLE-17051000	Wilder Architecture, Inc. Architect-Engineer services competitively procured by Department of Management Services for the Tampa Bay Regional Operations Center repairs and maintenance project. <ul style="list-style-type: none">▪ Consultant's Competitive Negotiation Act▪ Term: 5/4/2018 - 6/30/2020	\$139,020



CONTRACTS, AGREEMENTS AND PURCHASES OVER \$100,000

Q1 - FY 2018-19 (July 1 – September 30, 2018)

IT Staff Augmentation (Multiple Vendors)

Staff augmentation from multiple vendors to support various criminal justice applications and agency systems including: Sexual Offender / Predator Registry Improvement Project, Computerized Criminal History System Modernization project, FCIC, Automated Training Management System, Career Offender Application for Statewide Tracking, Missing Endangered Persons Information Clearinghouse, Firearm Eligibility System, Concealed Weapons Permitting, Revenue Accounting Management System and FDLE Modernization to Counter 21st Century Threats.

- State Term Contracts
- Term: Various

*Minority Vendor

B371FC	3k Technologies, LLC	\$ 170,000
B37281	3k Technologies, LLC	\$ 156,000
B3713D	ADO Staffing, Inc.	\$ 180,000
B371EB*	Advanced Systems Design, Inc.	\$ 156,000
B371E6*	Advanced Systems Design, Inc.	\$ 156,000
B371DB*	Advanced Systems Design, Inc.	\$ 160,000
B3716A	Brandt Information Services, Inc.	\$ 176,000
B37294	Brandt Information Services, Inc.	\$ 152,000
B3728E	Brandt Information Services, Inc.	\$ 152,000
B371CC*	Global Information Services, Inc.	\$ 152,000
B374B3*	Global Information Services, Inc.	\$ 196,000
B37216*	Global Information Services, Inc.	\$ 160,000
B37229*	Global Information Services, Inc.	\$ 162,000
B37183*	Global Information Services, Inc.	\$ 180,000
B37206*	Global Information Services, Inc.	\$ 165,000
B371E1*	Global Information Services, Inc.	\$ 164,000
B3729C*	Global Information Services, Inc.	\$ 160,000
B3715C*	Global Information Services, Inc.	\$ 160,000
B37155	KLC Consulting, Inc.	\$ 156,000
B37201*	Kyra Solutions, Inc.	\$ 169,000
B37187*	Kyra Solutions, Inc.	\$ 154,000
B37284*	Kyra Solutions, Inc.	\$ 175,000
B37282*	Kyra Solutions, Inc.	\$ 242,000
B371F0*	Kyra Solutions, Inc.	\$ 164,000
B37207*	Kyra Solutions, Inc.	\$ 168,000
B3714B*	Kyra Solutions, Inc.	\$ 160,000
B37159*	Kyra Solutions, Inc.	\$ 160,000
B37170	Optimum Software Solutions, Inc.	\$ 152,000
B37153	Optimum Software Solutions, Inc.	\$ 200,000



CONTRACTS, AGREEMENTS AND PURCHASES OVER \$100,000

Q1 - FY 2018-19 (July 1 – September 30, 2018)

B36EBB	Optimum Software Solutions, Inc.	\$ 158,000
B37297	Optimum Software Solutions, Inc.	\$ 164,000
B3727E	Randstad Technologies, LLC	\$ 170,000
B372AA*	Sanrose Information Services, Inc.	\$ 140,000
B3A4C8*	Sanrose Information Services, Inc.	\$ 156,000
B3720B	Seva Technologies, LLC	\$ 158,000
B37234	Strategic IT Alignment Group, LLC	\$ 158,000
B371ED	Strategic IT Alignment Group, LLC	\$ 156,000
B3727B*	System Soft Technologies, LLC	\$ 160,000
B3720D*	System Soft Technologies, LLC	\$ 160,000
B37286*	System Soft Technologies, LLC	\$ 150,000
B37279	Tal Search Group, Inc.	\$ 180,000
B371C9	Tal Search Group, Inc.	\$ 156,000
B3728F	Tal Search Group, Inc.	\$ 150,000
B37126*	Vitaver and Associates, Inc.	\$ 193,000



CONTRACTS, AGREEMENTS AND PURCHASES OVER \$100,000

Q2 - FY 2018-19 (October 1 – December 31, 2018)

<u>P.O.#</u>	<u>VENDOR/SERVICE</u>	<u>AMOUNT</u>
B3FE2A	Unisys Corp. Maintenance and support for Libra 460 system. <ul style="list-style-type: none">▪ State Term Contract▪ Term: 11/1/2018-1/31/19	\$326,925
B4084E	Seva Technologies, LLC Information Technology staff augmentation – Systems Analyst for Sexual Offender/Predator Improvement Project. <ul style="list-style-type: none">▪ State Term Contract▪ Term: 10/22/2018-06/30/2019	\$117,936
B4109B	SHI International Corp. Microsoft SQL Server 2017 Enterprise – 12 Linux licenses. <ul style="list-style-type: none">▪ State Term Contract▪ Term: One Time Purchase	\$101,392
B3E075	Coggin Chevrolet, LLC Purchase of 8 Chevrolet Traverses. <ul style="list-style-type: none">▪ State Term Purchase▪ Term: One Time Purchase	\$213,024
B43B36	Coggin Chevrolet, LLC Purchase of 4 Chevrolet Traverses. <ul style="list-style-type: none">▪ State Term Purchase▪ Term: One Time Purchase	\$106,512
B44282	ESCAL Institute of Advanced Technologies, Inc. Training for Windows Forensic Analysis. <ul style="list-style-type: none">▪ Single Source▪ Term: 12/5/2018-6/30/2019	\$219,520
B45026	Life Technologies Corp. Upgrade Genemapper ID-X software for Life Technologies 3500 model Genetic Analyzers. <ul style="list-style-type: none">▪ Single Source▪ Term: 12/20/2018-06/30/2019	\$836,936
FDLE-018-19	Parabon Nanolabs DNA Genetic Genealogy, DNA Phenotyping and Kinship Inference Analysis. <ul style="list-style-type: none">▪ Single Source▪ Term: 11/16/2018-11/15/2019	\$130,000
B455DF	Life Technologies Corp. Reagents for Orlando Regional Operations Center Laboratory. <ul style="list-style-type: none">▪ Single Source▪ Term: One Time Purchase	\$166,760



CONTRACTS, AGREEMENTS AND PURCHASES OVER \$100,000

Q2 - FY 2018-19 (October 1 – December 31, 2018)

B414BC	Life Technologies Corp. Reagents for Tallahassee Regional Operations Center Laboratory. <ul style="list-style-type: none">▪ Single Source▪ Term: One Time Purchase	\$332,953
B4011A	Life Technologies Corp. Reagents for Tampa Bay Regional Operations Center Laboratory. <ul style="list-style-type: none">▪ Single Source▪ Term: One Time Purchase	\$202,278

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-20, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11B-20.001 and 11B-20.0014

CERTIFICATION OF CRIMINAL JUSTICE TRAINING INSTRUCTORS

SUMMARY OF THE RULE

Revised Instructor Competency Checklist, form CJSTC-81.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-20.001(3)(a)3.a., and 11B-20.0014(1)(d): Incorporates the revised Instructor Competency Checklist, form CJSTC-81, to clarify that a signature is required by the training center director, agency administrator, or designee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND

LEGISLATIVE RATIFICATION

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

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

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

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

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Department of Law Enforcement

Division or Board: Criminal Justice Standards and Training Commission

Rule Chapter: 11B-20; Certification of Criminal Justice Training Instructors

RULE NO.:	RULE TITLE:
11B-20.001	Definitions and Minimum Requirements for General Certification of Instructors
11B-20.0014	Minimum Requirements for High-Liability and Specialized Instructor Certifications

PURPOSE AND EFFECT:

Sub-subparagraph 11B-20.001(3)(a)3.a., F.A.C.: Incorporates the revised Instructor Competency Checklist, form CJSTC-81, to clarify that a signature is required by the training center director, agency administrator, or designee.

Paragraph 11B-20.0014(1)(d), F.A.C.: Incorporates the revised Instructor Competency Checklist, form CJSTC-81, to clarify that a signature is required by the training center director, agency administrator, or designee.

SUMMARY:

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

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

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

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

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

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

DATE AND TIME: Wednesday, April 10, 2019 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: February 26, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2018

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) through (2) No change.

(3) General Instructor Certification.

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

1. through 2. No change.

3. After successful completion of the mandatory instructor training, instructor applicants shall complete an internship.

a. The instructor applicant shall be supervised by and have his or her instructional abilities evaluated by a training center director or agency administrator, who is currently an instructor, or a designee who is currently an instructor. The training center director, agency administrator, or designee shall complete the Instructor Competency Checklist, form CJSTC-81, revised _____, effective ~~November 5, 2015, effective 9/2016~~, hereby incorporated by reference ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-07383>~~. Form CJSTC-81 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615.

b. through c. No change.

4. through 5. No change.

(b) through (c) No change.

(4) 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, 8-15-18, _____.

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

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

(a) through (b) No change.

(d) Be evaluated by his or her students. Student evaluation shall be reviewed with the instructor applicant by a training center director, agency administrator, or an instructor designated by the training center director or agency administrator and documented on the Instructor Competency Checklist form CJSTC-81, revised _____, effective ~~November 5, 2015, effective 9/2016~~, hereby incorporated by reference ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-07384>~~.

(e) through (f) No change.

(2) through (3) No change.

Rulemaking Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.13(6), 943.14(3) FS. History—New 7-29-01, Amended 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 3-13-13, 5-29-14, 7-29-15, 9-4-16, 7-19-17, _____.

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-27, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11B-27.002, 11B-27.004, and 11B-27.014

CERTIFICATION AND EMPLOYMENT OR APPOINTMENT

SUMMARY OF THE RULE

Adds completion of Equivalency of Training as meeting the training requirement; adds special operations forces members as eligible for Equivalency of Training class; incorporates the revised Exemption-From-Training, form CJSTC-76, and the Exemption-From-Training Proficiency Demonstration, form CJSTC-76A; adds the specific training required if a person qualifies for an Equivalency of Training as a special operations forces member; removes unnecessary rule language and renumbers Rule 11B-27.004(13), F.A.C.; and adds language to clarify what firearms can be used.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-27.002(1)(h): Adds completion of Equivalency of Training as meeting the training requirement pursuant to Section 943.13(9), F.S., which specifies a person can be exempt from completing a Basic Recruit Training Program by complying with s. 943.131(2), F.S., and Rule 11B-35.009 F.A.C.

11B-27.002(3)(a)11.: Implements the mandates of CS/HB 333 by adding special operations forces members as eligible for Equivalency of Training class. Also, incorporates the revised Exemption-From-Training, form CJSTC-76, and the Exemption-From-Training Proficiency Demonstration, form CJSTC-76A, to update the rule references and add the training requirements for Special Operations Forces.

11B-27.002(4)(b)1.: Implements the mandates of CS/HB 333 by adding the specific training required if a person qualifies for an Equivalency of Training as a special operations forces member.

11B-27.004(12)-(13): Removes unnecessary rule language regarding an obsolete procedure and renumbers Rule 11B-27.004(13), F.A.C.

11B-27.014(2)(b): Clarifies that the qualification only applies to handguns and identifies the types of handguns.

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-27.002	Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers
11B-27.004	Certification and Employment or Appointment: Probable Cause Determination
11B-27.014	Implementation of the Federal Law Enforcement Officers Safety Act of 2004

PURPOSE AND EFFECT:

Paragraph 11B-27.002(1)(h), F.A.C.: Adds completion of Equivalency of Training as meeting the training requirement pursuant to Section 943.13(9), F.S., which specifies a person can be exempt from completing a Basic Recruit Training Program by complying with s. 943.131(2), F.S., and Rule 11B-35.009 F.A.C.

Sub-paragraph 11B-27.002(3)(a)11., F.A.C.: Implements the mandates of CS/HB 333 by adding special operations forces members as eligible for Equivalency of Training class. Also, incorporates the revised Exemption-From-Training, form CJSTC-76, and the Exemption-From-Training Proficiency Demonstration, form CJSTC-76A, to update the rule references and add the training requirements for Special Operations Forces.

Sub-paragraph 11B-27.002(4)(b)1., F.A.C.: Implements the mandates of CS/HB 333 by adding the specific training required if a person qualifies for an Equivalency of Training as a special operations forces member.

Subsection 11B-27.004(12)-(13), F.A.C.: Removes unnecessary rule language regarding an obsolete procedure and renumbers Rule 11B-27.004(13), F.A.C.

Paragraph 11B-27.014(2)(b), F.A.C.: Clarifies that the qualification only applies to handguns and identifies the types of handguns.

SUMMARY:

Adds special operations forces members as eligible for Equivalency of Training class; incorporates the revised Exemption-From-Training, form CJSTC-76, and the Exemption-From-Training Proficiency Demonstration, form CJSTC-76A; adds the specific training required if a person qualifies for an Equivalency of Training as a special operations forces member; and adds language to clarify what firearms can be used.

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), 943.1395, FS.

LAW IMPLEMENTED: 943.12, 943.12(3), 943.13, 943.132, 943.133, 943.139, 943.1395, 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 10, 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: February 26, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2018

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) through (g) No change.

(h) Evidence that the applicant has successfully completed a Commission-approved Basic Recruit Training Program, pursuant to Rules 11B-35.002 and 11B-35.003, F.A.C., or is exempt, pursuant to Rule 11B-35.009, F.A.C., and has achieved a passing score on the State Officer Certification Examination for the discipline for which certification is being sought pursuant to Section 943.13(10), F.S.

(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/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 _____, effective _____ ~~August 10, 2017,~~ effective ~~8/2018,~~ hereby incorporated by reference ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-09673>,~~ and an Exemption-From-Training Proficiency Demonstration, form CJSTC-76A, revised _____, effective _____ ~~August 10, 2017,~~ effective ~~8/2018,~~ hereby incorporated by reference ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-09676>,~~ for previous Florida and out-of-state, federal, ~~or~~ military officers, or special operations forces as defined in s. 943.10(22), F.S., 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/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

12. through 15. No change.

(b) No change.

(4)(a) No change.

(b) An individual who fails to comply with the requirements in paragraph (4)(a) of this rule section for the discipline in which the training was completed, within four years of the date of beginning such training, shall as a condition for obtaining employment, comply with the following:

1. Successfully complete a Commission-approved Basic Recruit Training Program pursuant to Rule 11B-35.002, F.A.C., or qualify for an exemption from a Commission-approved Basic Recruit Training Program, pursuant to Section 943.131(2), F.S., to include demonstration of proficiency in the High-Liability Basic Recruit Training Courses pursuant to Rule 11B-35.0024, F.A.C., and, if applicable, completion of the Special Operations Forces Training Program, pursuant to Rule 11B-35.009, F.A.C.; and

2. 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, 8-15-18, _____.

11B-27.004 Probable Cause Determination. At the conclusion of the preliminary investigation and when the reports and documents are received as directed by Sections 943.139 and 943.1395, F.S., a determination of probable cause shall be made before the Commission initiates proceedings to take disciplinary action against the certification of an officer.

(1) through (11) No change.

~~(12) Commission staff shall submit annually to the Commission, a listing of those agencies that fail to impose significant agency disciplinary action pursuant to subsections 11B-27.005(1)-(2), F.A.C.~~

~~(12)~~(13) When the Probable Cause Panel has insufficient information to determine the existence of probable cause, but in good faith believes that Commission staff can obtain the information necessary to reach a decision, the panel shall enter a finding of “Insufficient Information.” The case shall be continued until reasonable efforts by Commission staff have been concluded to obtain the additional information requested by the panel, at which time the case shall be scheduled before a Probable Cause Panel for further review.

Rulemaking Authority 943.03(4), 943.12(1), 943.1395 FS. Law Implemented 943.1395 FS. History—New 12-13-92, Amended 1-19-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 4-11-04, 11-30-04, 6-9-08, 6-3-10, 5-29-14, 9-4-16,_____.

11B-27.014 Implementation of the Federal Law Enforcement Officers Safety Act of 2004.

(1) No change.

(2) Requirements for administering the course of fire are as follows:

(a) No change.

(b) The range master shall issue a Commission-approved Firearms Proficiency Verification Card, form CJSTC-600, created on July 9, 2007, hereby incorporated by reference, to each retiree who successfully completes the course of fire as required on form CJSTC-86A using a revolver or a semi-automatic handgun.

(c) No change.

(3) through (6) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12, 943.132 FS. History—New 3-3-08, Amended 6-3-10, 3-13-13,_____.

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

Revised Exemption-From-Training, and add special operations forces members as eligible for Equivalency of Training class.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-30.006(2)(b): Incorporates the revised Exemption-From-Training, form CJSTC-76, to add the training requirements for Special Operations Forces.

11B-30.006(2)(c): Implements the mandates of CS/HB 333 to allow special operations forces members to take the Equivalency of Training class.

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

PURPOSE AND EFFECT:

Paragraph 11B-30.006(2)(b), F.A.C.: Incorporates the revised Exemption-From-Training, form CJSTC-76, to add the training requirements for Special Operations Forces.

Paragraph 11B-30.006(2)(c), F.A.C.: Implements the mandates of CS/HB 333 to allow special operations forces members to take the Equivalency of Training class.

SUMMARY:

Revises Exemption-From-Training, form CJSTC-76, and adds training requirements for Special Operations Forces.

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

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

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

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

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

LAW IMPLEMENTED: 943.12(17), 943.131(2), 943.1397 FS.

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

DATE AND TIME: Wednesday, April 10, 2019 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: February 26, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2018

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) No change.

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

(a) No change.

(b) Inactive Florida law enforcement, correctional, and correctional probation officers, defined in Section 943.1395(3), F.S., who comply with paragraph 11B-27.00212(12)(a), and Rule 11B-35.009, F.A.C., shall pass the SOCE within one year of notification of approval of the Exemption-From-Training, form CJSTC-76, revised _____, effective _____ ~~August 10, 2017, effective 8/2018,~~ hereby incorporated by reference, ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref->~~ ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-09674>~~. Form CJSTC-76 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(c) Out-of-state, military, and federal law enforcement, correctional, and correctional probation officers or members of the special operations forces who comply with Rule 11B-35.009, F.A.C., shall pass the SOCE within one year of notification of approval of the Exemption-From-Training form CJSTC-76.

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, 8-15-18, _____.

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11B-35, FLORIDA ADMINISTRATIVE CODE
AMENDING RULES 11B-35.001 and 11B-35.009
TRAINING PROGRAMS
SUMMARY OF THE RULE

Adds the Special Operations Forces Training Programs as Commission-approved training programs; clarifies that Commission-certified instructors are required to teach the Special Operations Forces Training Programs; adds a requirement for new and existing defensive tactics instructors; adds the proficiency demonstrations required in the Special Operations Forces Training Programs to the list of courses exempt from having an end-of-course examination; changes the sentence structure; adds a definition for Special Operations Forces; adds Special Operations Forces service as a qualifier for an Equivalency of Training; specifies out-of-state and federal officers; and adds training center as an entity allowed to approve an Equivalency of Training; adds training center as an entity allowed to approve an Equivalency of Training; renumbers paragraphs 11B-35.009(5)-(11), F.A.C., to include Special Operations Forces members as eligible for an Equivalency of Training; adds the training requirements for Special Operations Forces as eligible for an Equivalency of Training; adds the documentation requirements for Special Operations Forces; and incorporates the revised Exemption-From-Training, form CJSTC-76, and the Exemption-From-Training Proficiency Demonstration, form CJSTC-76A.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-35.001(1)(b)-(d): Renumbers the subparagraphs of Rule 11B-35.001(1), F.A.C., and implements the mandates of CS/HB 333 by adding the Special Operations Forces Training Programs as Commission-approved training programs.

11B-35.001(3): Implements the mandates of CS/HB 333 to clarify that Commission-certified instructors are required to teach the Special Operations Forces Training Programs.

11B-35.001(3)(b): The defensive tactics curriculum was updated with different techniques which required new training for instructors.

11B-35.001(7)-(8): Implements the mandates of CS/HB 333.

11B-35.001(9)(a): Implements the mandates of CS/HB 333.

11B-35.001(10)(b): Implements the mandates of CS/HB 333 by adding the Special Operations Forces Training Program as a Commission-approved training program.

11B-35.001(10)(c): Implements the mandates of CS/HB 333.

11B-35.001(11): Implements the mandates of CS/HB 333.

11B-35.001(11)(a)-(b): Implements the mandates of CS/HB 333.

11B-35.001(11)(d): Implements the mandates of CS/HB 333.

11B-35.001(12): Adds the Special Operations Forces Training Program as a Commission-approved training program.

11B-35.001(12)(c): Implements the mandates of CS/HB 333.

11B-35.001(12)(c)2.: Implements the mandates of CS/HB 333.

11B-35.001(13)(a): Implements the mandates of CS/HB 333.

11B-35.001(13)(b): Implements the mandates of CS/HB 333.

11B-35.001(16): Implements the mandates of CS/HB 333.

11B-35.009(1)(h): Revises the sentence structure to make the sections within this paragraph uniform.

11B-35.009(1)(i): Implements the mandates of CS/HB 333 by adding a definition for Special Operations Forces.

11B-35.009(2)(c): Implements the mandates of CS/HB 333 by adding Special Operations Forces service as a qualifier for an Equivalency of Training.

11B-35.009(3): Clarifies the requirements that out-of-state and federal officers must meet when requesting an Equivalency of Training; and implements the mandates of CS/HB 333.

11B-35.009(4): Implements the mandates of CS/HB 333.

11B-35.009(5)-(11): Renumbers paragraphs 11B-35.009(5)-(11), F.A.C., to implement the mandates of CS/HB 333.

11B-35.009(5)(a)-(c): Implements the training requirements and mandates of CS/HB 333.

11B-35.009(6): Implements the mandates of CS/HB 333 by adding the documentation requirements for Special Operations Forces and adds training center as an entity allowed to approve an Equivalency of Training. Also incorporates the revised Exemption-From-Training, form CJSTC-76, to add the training requirements for Special Operations Forces.

11B-35.009(7): Incorporates the revised Exemption-From-Training Proficiency Demonstration, form CJSTC-76A, to update the rule reference and update the instructions and allow training center directors to appoint a “designee” as an authorized signer on the form.

11B-35.009(8): Implements the mandates of CS/HB 333 by adding training requirements for Special Operations Forces.

11B-35.009(10): Implements the mandates of CS/HB 333 by defining the amount of time for a Special Operations Forces member who is exempt to gain employment.

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-35.009	Exemption from Basic Recruit Training

PURPOSE AND EFFECT:

Paragraphs 11B-35.001(1)(b)-(d), F.A.C.: Renumbers the subparagraphs of Rule 11B-35.001(1), F.A.C., and implements the mandates of CS/HB 333 by adding the Special Operations Forces Training Programs as Commission-approved training programs.

Subsection 11B-35.001(3), F.A.C.: Implements the mandates of CS/HB 333 to clarify that Commission-certified instructors are required to teach the Special Operations Forces Training Programs.

Paragraph 11B-35.001(3)(b), F.A.C.: The defensive tactics curriculum was updated with different techniques which required new training for instructors.

Subsections 11B-35.001(7)-(8), F.A.C.: Implements the mandates of CS/HB 333.

Paragraph 11B-35.001(9)(a), F.A.C.: Implements the mandates of CS/HB 333.

Paragraph 11B-35.001(10)(b), F.A.C.: Implements the mandates of CS/HB 333 by adding the Special Operations Forces Training Program as a Commission-approved training program.

Paragraph 11B-35.001(10)(c), F.A.C.: Implements the mandates of CS/HB 333.

Subsection 11B-35.001(11), F.A.C.: Implements the mandates of CS/HB 333.

Paragraphs 11B-35.001(11)(a)-(b), F.A.C.: Implements the mandates of CS/HB 333.

Paragraph 11B-35.001(11)(d), F.A.C.: Implements the mandates of CS/HB 333.

Subsection 11B-35.001(12), F.A.C.: Adds the Special Operations Forces Training Program as a Commission-approved training program.

Paragraph 11B-35.001(12)(c), F.A.C.: Implements the mandates of CS/HB 333.

Sub-paragraph 11B-35.001(12)(c)2., F.A.C.: Implements the mandates of CS/HB 333.

Paragraph 11B-35.001(13)(a), F.A.C.: Implements the mandates of CS/HB 333.

Paragraph 11B-35.001(13)(b), F.A.C.: Implements the mandates of CS/HB 333.

Subsection 11B-35.001(16), F.A.C.: Implements the mandates of CS/HB 333.

Paragraph 11B-35.009(1)(h), F.A.C.: Revises the sentence structure to make the sections within this paragraph uniform.

Paragraph 11B-35.009(1)(i), F.A.C.: Implements the mandates of CS/HB 333 by adding a definition for Special Operations Forces.

Paragraph 11B-35.009(2)(c), F.A.C.: Implements the mandates of CS/HB 333 by adding Special Operations Forces service as a qualifier for an Equivalency of Training.

Subsection 11B-35.009(3), F.A.C.: Clarifies the requirements that out-of-state and federal officers must meet when requesting an Equivalency of Training; and implements the mandates of CS/HB 333.

Subsection 11B-35.009(4), F.A.C.: Implements the mandates of CS/HB 333.

Subsections 11B-35.009(5)-(11), F.A.C.: Renumbers paragraphs 11B-35.009(5)-(11), F.A.C., to implement the mandates of CS/HB 333.

Paragraphs 11B-35.009(5)(a)-(c), F.A.C.: Implements the training requirements and mandates of CS/HB 333.

Subsection 11B-35.009(6), F.A.C.: Implements the mandates of CS/HB 333 by adding the documentation requirements for Special Operations Forces and adds training center as an entity allowed to approve an Equivalency of Training. Also incorporates the revised Exemption-From-Training, form CJSTC-76, to add the training requirements for Special Operations Forces.

Subsection 11B-35.009(7), F.A.C.: Incorporates the revised Exemption-From-Training Proficiency Demonstration, form CJSTC-76A, to update the rule reference and update the instructions and allow training center directors to appoint a “designee” as an authorized signer on the form.

Subsection 11B-35.009(8), F.A.C.: Implements the mandates of CS/HB 333 by adding training requirements for Special Operations Forces.

Subsection 11B-35.009(10), F.A.C.: Implements the mandates of CS/HB 333 by defining the amount of time for a Special Operations Forces member who is exempt to gain employment.

SUMMARY:

Adds the Special Operations Forces Training Programs as Commission-approved training programs; requirement for defensive tactics instructors; Equivalency of Training for Special Operations Forces; out-of-state and federal officers; documentation requirements for Special Operations Forces; revised 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), (2), 943.17 FS.

LAW IMPLEMENTED: 943.12, 943.131(2), 943.17 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 10, 2019 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: February 26, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2018

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) Throughout this rule chapter “training programs,” “courses,” “instructors,” and “training schools” refer to Commission-approved training programs, courses, instructors, and training schools. Commission-approved Basic Recruit, Advanced, and Specialized Training Programs are intended to provide job-related training to law enforcement, correctional, and correctional probation officers. The training programs are:

(a) No change.

(b) Special Operations Forces Training Programs that provide training for special operations forces members seeking officer certification.

~~(c)~~(b) Advanced Training Programs that maintain officer certification, enhance officer knowledge, skills, and abilities, and assist in an officer’s promotion to a higher rank.

~~(d)~~(e) Specialized Training Programs that provide for officer post-basic or in-service training that enhance an officer’s knowledge, skills, and abilities in a specific area.

(2) No change.

(3) Instructors who teach Commission-approved Basic Recruit, Advanced, ~~and~~Specialized, and Special Operations Forces Training Program Courses at a training school shall:

(a) No change.

(b) Be required to hold additional certifications for specified areas of instruction in Commission courses pursuant to Rule 11B-20.0014, F.A.C. Commission-certified defensive tactics instructors who instruct defensive tactics courses on or after July 1, 2020, must have completed the Defensive Tactics Instructor Course, effective May 2, 2019, as a part of their initial defensive tactics instructor certification or have completed the Defensive Tactics Instructor Update Course effective April 1, 2018.

(4) 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, F.S., and the Special Operations Forces Training Program, pursuant to Section 943.131(3), F.S.

(8) The Commission shall publish on the Active CJSTC Curricula web page the official list of approved and active Commission courses and programs for Basic Recruit, Advanced, ~~and~~ Specialized, and the Special Operations Forces 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, and the Special Operations Forces Training Programs within the Florida Department of Law Enforcement.

(b) through (d) No change.

(10) 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 or a Special Operations Forces 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 paragraph (10)(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, Special Operations Forces, Advanced, Specialized Instructor Training, and Specialized Training Program Courses, pursuant to paragraph (10)(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) No change.

(e) End-of-course examinations shall be developed and administered for each course in a basic recruit training program ~~and the Special Operations Forces Training Programs~~ based on the learning objectives in each course, with the exception of the physical fitness ~~and officer wellness courses, and proficiency demonstration courses, pursuant to Rule 11B-35.009(8), F.A.C.~~

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

(a) The training center director or designee shall determine the beginning and ending dates of each Basic Recruit Training Program ~~and Special Operations Forces Training Program~~, and within thirty days following the class starting date shall forward a 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-07376>, to Commission staff through the Commission's Automated Training Management System (ATMS). Form CJSTC-67 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(b) Following the completion of a Commission-approved Basic Recruit Training Program, Advanced Training Program Course, Special Operations Forces Training Program, 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 Law Enforcement, Correctional Probation, and 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/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~~, and Special Operations Forces 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 16. No change.

(12) Student attendance requirements for Commission-approved Basic Recruit Training Programs outlined in subsection 11B-35.002, 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), F.A.C., and the Special Operations Forces Training Program outlined in subsection 11B-35.009, 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, the Special Operations Forces Training Program, and courses created from specialized goals and objectives, defined in subparagraph (12)(c)1., of this rule section.

1. No change.

2. Training schools are permitted to use competency-based instruction for courses within the basic recruit training programs except for the physical fitness and officer wellness courses and within the Special Operations Forces Training Program. The delivery of basic recruit training programs and the Special Operations Forces Training Program shall adhere to total program hours.

3. No change.

(13) 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), F.A.C., on all end-of-course examinations in a Commission-approved Basic Recruit Training Program or a Special Operations Forces Training Program to successfully complete a program. A student who has failed a written end-of-course examination may be granted a re-examination by the training center director if:

1. through 3. No change.

(b) Exclusive of the Commission's Basic Recruit Training Courses or the Special Operations Forces Training Program courses requiring proficiency demonstration and re-examinations in paragraph (13)(a) of this rule section, a student may be granted one written end-of-course re-examination during a single Basic Recruit Training Program or Special Operations Forces 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) through (15) No change.

(16) Proof of course completion. A training school shall, within thirty days following the completion of a Commission-approved Basic Recruit, Advanced, ~~or Specialized~~, or Special Operations Forces 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~~, or Special Operations Forces 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) No change.

Rulemaking Authority 943.03(4), 943.12(1), (2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History—New 12-13-92, Amended 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, 8-15-18, _____.

11B-35.009 Exemption from Basic Recruit Training.

(1) Definitions. For the purpose of this rule section, the following definitions shall apply:

(a) through (g) No change.

(h) ~~Pursuant to Section 943.1395(3), F.S., and subsection 11B-27.00212(11), F.A.C., an~~ "Inactive Florida Officer" means an individual who has met the certification and employment requirements of Section 943.13, F.S., and has not been employed as an officer in the discipline for which the individual was a Florida certified officer for a period of four to eight years.

(i) "Special Operations Forces" means those active and reserve component forces of the military services designated by the Secretary of Defense and specifically organized, trained, and equipped to conduct and support special operations. The term includes, but is not limited to, service members of the United States Army Special Forces and the United States Army 75th Ranger Regiment; the United States Navy SEALs and Special Warfare Combatant-Craft Crewmen; the United States Air Force Combat Control; Pararescue, and Tactical Air Control Party specialists; the United States Marine Corps Critical Skills Operators; and any other component of the United States Special Operations Command approved by the Commission.

(2) An individual who applies for certification as a Florida officer shall qualify for exemption from completing a Commission-approved Basic Recruit Training Program if the applicant has:

(a) through (b) No change.

(c) Prior service as a special operations forces member for a minimum of five years with no more than a four-year break in service which is measured from the separation date of the most recent qualifying special operations forces service to the time a complete application is submitted for an exemption under this rule section.

(3) Out-of-state or federal officers ~~For individuals~~ who request an exemption from a Commission-approved Basic Recruit Training Program, the employing agency, training center, or Criminal Justice Selection Center shall:

(a) through (e) No change.

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

(a) through (b) No change.

(5) Special operations forces members who served in special operations forces for at least five years and have not been separated from special operations forces for more than four years as measured from the separation date from the special operations forces to the time a complete application for an exemption is received under this Rule section. The employing agency, training center, or Criminal Justice Selection Center shall:

(a) Verify that the applicant has served at least five years in special operations forces; and

(b) Verify that the applicant has not been separated from special operations forces for more than four years; and

(c) Document the specific training and experience the applicant received during his or her special operations forces service.

~~(6)(5)~~ Documentation requirements for out-of-state, federal, and inactive Florida Officers and special operations forces members. Upon verification of an individual's request for exemption of training, pursuant to this rule section, an employing agency, training center, or Criminal Justice Selection Center shall submit to Commission staff a completed Exemption-From-Training, form CJSTC-76, revised _____, effective August 10, 2017, ~~effective 8/2018~~, hereby incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-09675>, for out-of-state, federal, and inactive Florida Officers and special operations forces members. 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 as a special operations forces member or with comparable basic recruit training and sworn criminal justice experience pursuant to this rule section shall be maintained on file by the employing agency, training center, or Criminal Justice Selection Center and submitted to Commission staff for review upon request. 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.

~~(7)(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 _____, effective _____ August 10, 2017, effective 8/2018, hereby incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-https://www.flrules.org/Gateway/reference.asp?No=Ref-09677>, 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/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.

(8) Training requirements for special forces operations members. Prior to applying for certification as a law enforcement, corrections, or correctional probation officer, a special forces operations member who is exempt from completing a Commission-approved Basic Recruit Training Program, pursuant to Section 943.131(2), F.S., shall complete the Commission-approved Special Operations Forces Training Program for the discipline for which certification is sought and demonstrate proficiency in the required High-Liability Basic Recruit Training Proficiency Skills of firearms, defensive tactics, and first aid, pursuant to Rule 11B-35.0024, F.A.C., at a Commission-certified training center. Such individuals shall achieve a passing score on the State Officer Certification Examination, pursuant to Rules 11B-30.0062, F.A.C., and 11B-30.008, F.A.C. Completion of the Special Operations Forces Training Program, 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 Special Operations Forces Training Program, 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, and provide a copy to the officer of form CJSTC-76A. The training center director or designee shall, within thirty days of program completion, electronically transmit a completed Training Report form CJSTC-67 through the Commission's ATMS, or submit an updated form CJSTC-67.

(9)(7) Regardless of the number of exemptions from training an individual receives, the individual shall not take the State Officer Certification Examination more than three times without enrolling in and completing a Commission-approved Basic Recruit Training Program pursuant to Section 943.1397(2), F.S.

(10)(8) Individuals, who have qualified for an exemption from a Commission-approved Basic Recruit Training Program, pursuant to this rule section, shall become employed within four years from the earlier of the beginning date of the required proficiency demonstration as entered on the Training Report form CJSTC-67 or the beginning date of the Special Operations Forces Training Program.

(11)(9) Individuals applying for exemption from a Commission-approved Basic Recruit Training Program, outlined in this rule section, shall not engage in conduct that subverts or attempts to subvert the State Officer Examination process pursuant to Rule 11B-30.009, F.A.C.

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, 8-15-18, _____.

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

The amendments to rule 11C-6.009 include revising the rule due to statutory changes and providing language that authorizes FDLE to suspend electronic access to dealers who act unethically.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

The rule is amended to be consistent with statutory language and to allow FDLE to suspend electronic payment access to dealers who act unethically. If access is suspended, dealers may pay the invoice by check.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND
LEGISLATIVE RATIFICATION

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

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

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

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

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

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Department of Law Enforcement
Division or Board: Division of Criminal Justice Information Systems
Rule Chapter: 11C-6 Criminal History Records Dissemination Policy

RULE NO.: **RULE TITLE:**

11C-6.009 Sale and Delivery of Firearms

PURPOSE AND EFFECT:

The rule is amended to be consistent with statutory changes and to allow FDLE to suspend electronic payment access to dealers who act unethically. If access is suspended, dealers may pay the invoice by check.

SUMMARY:

The amendments to rule 11C-6.009 include revising the rule due to statutory changes and providing language that authorizes FDLE to suspend electronic access to dealers who act unethically.

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

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

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

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

RULEMAKING AUTHORITY: 790.065, 943.03(4) FS

LAW IMPLEMENTED: 790.065 FS

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

DATE AND TIME: Wednesday, April 10, 2019 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:

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: February 26, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2018

THE TEXT OF THE PROPOSED RULE IS:

11C-6.009 Sale and Delivery of Firearms.

(1) – (5) No Change.

(6) Based on the status of the criminal history record, FDLE will provide an approval or non-approval number to the dealer during the call when possible or by return call or within the specified time frame as contained in section 790.065, F.S. Unless compliance with the requirements of this section is excused as provided in section 790.065(10), F.S., if the dealer has not received an approval or non-approval number, ~~conditional or otherwise,~~ from FDLE within the time frame specified, the dealer must contact FDLE to inquire about the status of the request for approval, prior to completing the transaction. ~~If a conditional non-approval number is issued, FDLE will attempt to determine the status of the criminal history record so as to respond to the dealer within the time frame contained in section 790.065, F.S., with an approval or non-approval number. At the termination of the time period specified in section 790.065(2)(c)5., F.S., if such a determination is not possible, the conditional non-approval number will become a conditional approval number.~~ The approval number is valid for a single transaction and for a period not to exceed thirty calendar days after receipt of the number. Multiple firearms may be transferred in this transaction.

(7) No Change.

(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, if the non-approval is based on an erroneous record provided by the FBI, 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) – (10) No Change.

(11) 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 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. Dealers who dispute electronic charges as a means of avoiding or delaying payment of an invoice, as evidenced by a pattern of this activity; dealers who are suspected of engaging in fraudulent use of credit card, debit card, or other electronic payment means; and dealers found using a customer's credit card, debit card or electronic fund transfer information to directly pay invoices from FDLE may have electronic payment privileges revoked.

(12) - (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, 8-15-18, _____.

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11C-7, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11C-7.006, 11C-7.007, 11C-7.009, and 11C-7.010

PROCEDURES ON COURT-ORDERED EXPUNCTIONS,
PROCEDURES ON COURT-ORDERED SEALINGS, PROCEDURES
FOR JUVENILE DIVERSION EXPUNCTIONS AND PROCEDURES
ON EARLY JUVENILE EXPUNCTIONS

SUMMARY OF THE RULE

Amending rules to remove an obsolete form, deleting the verbiage incorporating forms, updating the effective date of forms and the website link, providing a revision date for the Federal Bureau of Investigation (FBI) fingerprint card, and clarifying language for the certification of the application.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11C-7.006: The rule change is requested to reflect changes to existing forms, reflect the correct website link, provide a revision date for the FBI fingerprint card, and clarify language related to the certification of the application.

11C-7.007: The rule change is requested to reflect changes to existing forms, provide the correct website link, and include the revision date for the FBI fingerprint card.

11C-7.009: The rule change is requested to be consistent with statutory language, reflect changes to existing forms, update the website link, provide a revision date for the FBI fingerprint card, and to clarify language for the certification of the application.

11C-7.010: The rule change is requested to reflect the correct website link, provide a revision date for the Federal Bureau of Investigation fingerprint card, and the clarify language for the certification of the application.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND
LEGISLATIVE RATIFICATION

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

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

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

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

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Department of Law Enforcement

Division or Board: Division of Criminal Justice Information Systems

Rule Chapter: 11C-7 Criminal History Records, Expunction and Sealing Policy and Procedures

RULE NO.:	RULE TITLE:
11C-7.006	Procedures on Court-Ordered Expunctions
11C-7.007	Procedures on Court-Ordered Sealings
11C-7.009	Procedures on Juvenile Diversion Expunction
11C-7.010	Procedures on Early Juvenile Expunction

PURPOSE AND EFFECT:

11C-7.006: Amending rule to remove an obsolete form, deleting the verbiage incorporating forms, updating the effective date of forms and the website link, and clarifying language for the certification of the application.

11C-7.007: Amending rule to remove an obsolete form and reference current forms.

11C-7.009: Revising rule due to statutory changes, correcting website link and clarifying language for the certification of the application.

11C-7.010: Revising rule to correct the website link and clarifying language for the certification of the application.

SUMMARY:

Amending rules to remove an obsolete form, deleting the verbiage incorporating forms, updating the effective date of forms and the website link, providing a revision date for the Federal Bureau of Investigation (FBI) fingerprint card, and clarifying language for the certification of the application.

11C-7.006: The rule change is requested to reflect changes to existing forms, reflect the correct website link, provide a revision date for the FBI fingerprint card, and clarify language related to the certification of the application.

11C-7.007: The rule change is requested to reflect changes to existing forms, provide the correct website link, and include the revision date for the FBI fingerprint card.

11C-7.009: The rule change is requested to be consistent with statutory language, reflect changes to existing forms, update the website link, provide a revision date for the FBI fingerprint card, and to clarify language for the certification of the application.

11C-7.010: The rule change is requested to reflect the correct website link, provide a revision date for the Federal Bureau of Investigation fingerprint card, and the clarify language for the certification of the application.

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:

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

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

11C-7.009: 943.0582, FS

11C-7.010: 943.0515(1), FS

LAW IMPLEMENTED:

11C-7.006: 943.0585, FS

11C-7.007: 943.059, FS

11C-7.009: 943.0582, FS

11C-7.010: 943.0515(1), FS

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

DATE AND TIME: Wednesday, April 10, 2019 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:

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: February 26, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2018

THE 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~~ October 2018), 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~~ rev. May 2017), 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>~~ <http://www.fdle.state.fl.us/Seal-and-Expunge-Process/Seal-and-Expunge-Home.aspx>

(c) The appropriate state attorney or statewide prosecutor ~~should~~ may provide the required written certified statement by completing 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, rev. 03/10), ~~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>~~ <http://www.fdle.state.fl.us/Seal-and-Expunge-Process/Seal-and-Expunge-Home.aspx>

(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) The complete application packet should be mailed or delivered to Florida Department of Law Enforcement, ATTN: Expunge/~~Seal~~ Section, Post Office Box 1489, Tallahassee, Florida 32302-1489.

(3) – (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 December 2017~~), ~~or~~ (form number FDLE 40-027, ~~created October 2014, effective date July 2015~~ rev. October 2017), or (form number FDLE 40-030, created October 2017, effective December 2017), ~~both 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.

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~~ October 2018 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>~~ <http://www.fdle.state.fl.us/Seal-and-Expunge-Process/Seal-and-Expunge-Home.aspx>

(c) A legible set of fingerprints recorded on an FBI Applicant Fingerprint Card (FD-258, rev. 03/10) 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>~~ <http://www.fdle.state.fl.us/Seal-and-Expunge-Process/Seal-and-Expunge-Home.aspx>

(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) The complete application packet should be mailed or delivered to Florida Department of Law Enforcement, ATTN: Expunge/~~Seal~~ Section, Post Office Box 1489, Tallahassee, Florida 32302-1489.

(3) - (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 December 2017), 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,

_____.

11C-7.009 Procedures on Juvenile Diversion Expunctions.

(1) A minor who has successfully completed a ~~prearrest or postarrest~~ diversion program as authorized by Section

~~985.3065~~985.125, F.S., which program satisfies the requirements found at Section 943.0582, F.S., may apply directly to the Department for expunction of the minor's juvenile nonjudicial arrest record. The application for the Juvenile Diversion Expunction must include:

(a) A completed Application for Juvenile Diversion Expunction. The subject must complete section A of the application. The Application for Juvenile Diversion Expunction, form number FDLE 40-025 (rev. ~~July 2013, effective 5/2014-10/2018~~), hereby incorporated by reference ~~[http://www.fdle.state.fl.us/cms/Seal and Expunge-Process/Documents/JuvenileDiversionExpunctionApplication\(Final2013\).aspx](http://www.fdle.state.fl.us/cms/Seal-and-Expunge-Process/Documents/JuvenileDiversionExpunctionApplication(Final2013).aspx)~~ <https://web.fdle.state.fl.us/intakeweb/formrenderer.xhtml?pageId=se> , 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>~~ <http://www.fdle.state.fl.us/Seal-and-Expunge-Process/Seal-and-Expunge-Home.aspx>

(b) The state attorney ~~should~~ may provide the required written certification statement by completing complete section B of the Application for Juvenile Diversion Expunction ~~and have it certified.~~

(c) A legible set of fingerprints recorded on an FBI Applicant Fingerprint Card (FD-258) (rev. 03/10). The fingerprinting must be done by a law enforcement agency. The law enforcement agency fingerprinting the subject should place the following statement in the "Reason Fingerprinted" section on the card or Fingerprint form: "Application For Juvenile Diversion Expunction." The subject must pay any fees required by the law enforcement agency for providing this service. If a copy of the Applicant Fingerprint Card is needed, it may be obtained from:

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

Expunge Section

Post Office Box 1489

Tallahassee, Florida 32302-1489

Telephone Number: (850)410-7870

Website: ~~<http://www.fdle.state.fl.us/expunge>~~ <http://www.fdle.state.fl.us/Seal-and-Expunge-Process/Seal-and-Expunge-Home.aspx>

(2) The complete application packet should be mailed or delivered to Florida Department of Law Enforcement, ATTN: Expunge/~~Seal~~ Section, Post Office Box 1489, Tallahassee, Florida 32302-1489.

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

(4) No Change.

(5) The Department will expunge the minor subject's juvenile ~~diversion~~ arrest record if the application and the specified criminal history record meet the requirements for Juvenile Diversion Expunction, and will notify the minor subject or his or her parent or legal guardian and the arresting agency of this action. Such expunction shall be as defined at Section 943.0582(2), F.S. If the application and the specified criminal history record do not meet the requirements for Juvenile Diversion Expunction, the Department will send the subject or his or her parent or legal guardian a letter stating the reason for ineligibility with an explanation of appeal rights.

(6) No Change.

Rulemaking Authority 943.0582 FS. Law Implemented 943.0582 FS. History--New 11-5-02, Amended 6-9-08, 5-29-14, 7-20-17, _____.

11C-7.010 Procedures on Early Juvenile Expunction.

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

for the Early Juvenile Expunction must include:

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

(b) A completed Application for Early Juvenile Expunction. The subject must complete section A of the application. The Application for Early Juvenile Expunction, form number FDLE 40-028, hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref-08462>, may be obtained from:

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

Expunge Section

Post Office Box 1489

Tallahassee, Florida 32302-1489

Telephone Number: (850)410-7870

Website: ~~<http://www.fdle.state.fl.us/cms/Seal-and-Expunge-Process/Seal-and-Expunge-Home>~~ <http://www.fdle.state.fl.us/Seal-and-Expunge-Process/Seal-and-Expunge-Home.aspx>

(c) The state attorney for the circuit having jurisdiction over the arrest ~~should~~ may provide the required written certified statement by completing ~~complete~~ section B of the Application for Early Juvenile Expunction ~~and have it certified~~.

(d) A legible set of fingerprints recorded on an FBI Applicant Fingerprint Card (FD-258, rev. 03/10). The fingerprinting must be done by a law enforcement agency. The law enforcement agency fingerprinting the subject should place the following statement in the "Reason Fingerprinted" section on the card or Fingerprint form: "Application For Early Juvenile Expunction." The subject must pay any fees required by the law enforcement agency for providing this service. If a copy of the Applicant Fingerprint Card is needed, it may be obtained from:

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

Expunge Section

Post Office Box 1489

Tallahassee, Florida 32302-1489

Telephone Number: (850)410-7870

Website: ~~<http://www.fdle.state.fl.us/cms/Seal-and-Expunge-Process/Seal-and-Expunge-Home>~~ <http://www.fdle.state.fl.us/Seal-and-Expunge-Process/Seal-and-Expunge-Home.aspx>

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

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

(3) - (4) No Change.

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

Rulemaking Authority 943.0515(1) FS. Law Implemented 943.0515(1) FS. History—New 7-20-17, Amended _____.

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11D-9, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11D-9.001, 11D-9.002, 11D-9.005 and 11D-9.006.

EDWARD BYRNE MEMORIAL STATE AND LOCAL LAW ENFORCEMENT

ASSISTANCE FORMULA GRANT PROGRAM

SUMMARY OF THE RULE

The amendments to Rule 11D-9 include revising definitions, requirements, procedures and forms for the Edward Byrne Memorial Justice Assistance Grant.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Rule 11D-9.001, F.A.C.: Add new definitions for statewide planning requirements for the Edward Byrne Memorial Justice Assistance Grant (JAG) program. Rule 11D-9.002, F.A.C.: Add new requirements for statewide planning for the Edward Byrne Memorial Justice Assistance Grant (JAG) program funding decisions. Rule 11D-9.005, F.A.C.: Revise procedures and forms to incorporate changes with the electronic grant management system. Rule 11D-9.006, F.A.C.: Revise procedures and forms to incorporate changes to the Department's grant management requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND

LEGISLATIVE RATIFICATION

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

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

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

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

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Department of Law Enforcement

Division or Board: Division of Local Law Enforcement Assistance

Rule Chapter: 11D-9; Edward Bryne Memorial State and Local Law Enforcement Assistance Formula Grant Program

RULE NO.:	RULE TITLE:
11D-9.001	Definitions
11D-9.002	Funds Availability
11D-9.005	Application and Award Procedures
11D-9.006	Forms and Instructions

PURPOSE AND EFFECT:

Rule 11D-9.001, F.A.C.: Add new definitions for statewide planning requirements for the Edward Byrne Memorial Justice Assistance Grant (JAG) program.

Rule 11D-9.002, F.A.C.: Add new requirements for statewide planning for the Edward Byrne Memorial Justice Assistance Grant (JAG) program funding decisions.

Rule 11D-9.005, F.A.C.: Revise procedures and forms to incorporate changes with the electronic grant management system.

Rule 11D-9.006, F.A.C.: Revise procedures and forms to incorporate changes to the Department's grant management requirements.

SUMMARY:

The amendments to Rule 11D-9 include revising definitions, requirements, procedures and forms for the Edward Byrne Memorial Justice Assistance Grant.

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: 943.25, 943.403, F.S.

LAW IMPLEMENTED: 943.25, 943.403, F.S

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

DATE AND TIME: Wednesday, April 10, 2019 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:

Chris Bufano at (850)410-7676, or christopherbufano@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:

Chris Bufano at (850)410-7676, or christopherbufano@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: Director Michelle Pyle

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 26, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2018

THE FULL TEXT OF THE PROPOSED RULE IS:

11D-9.001 Definitions.

As used in these rules, except where the context clearly indicates a different meaning, the following terms shall have the meaning indicated:

(1) "Act" means the Omnibus Crime Control and Safe Streets Act of 1968, 34 ~~42~~ U.S.C. 3701, et. seq., as amended.

(2) "BJA" means the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice.

(3) "JAG" means the Edward Byrne Memorial Justice Assistance Grant Program.

(4) "JAG-Countywide" means the 60% funding stream ~~that was~~ formerly known as the Byrne Program.

(5) "JAG-Direct" means the 40% funding stream ~~that was~~ formerly known as the Local Law Enforcement Block Grant Program.

(6) "Criminal Justice System" means agencies established by state and local units of government to apprehend, prosecute, and adjudicate criminal offenders, including correctional agencies established to carry out the sentence imposed upon criminal offenders.

(7) "Department" means the Florida Department of Law Enforcement.

(8) "Eligible Application" is an application for Act funds, which meets the requirements of Rules 11D-9.001, 11D-9.002, 11D-9.005 and 11D-9.006, F.A.C.

(9) "Local Applicant" means any governing body of a city or county, however styled, including that of a consolidated or metropolitan government and including an Indian Tribe which performs law enforcement functions as determined by the Secretary of the Interior.

(10) "OCJG" means the Office of Criminal Justice Grants, Business Support Programs, Florida Department of Law Enforcement.

(11) "State Applicant" means any unit of the executive, legislative or judicial branches of state government which performs functions related to the purposes of the Act.

(12) "Statewide Strategic Plan" means a comprehensive plan developed in consultation with key stakeholders, as identified in the Omnibus Crime Control and Safe Streets Act, Section 502 (6)(a), detailing how grants administered under the JAG-Countywide and JAG-Direct Programs will be used to improve the criminal justice system.

~~(12) "Statewide Strategy for Drug Control, Violence Prevention, and System Improvement" means a policy designed to address the problems of illegal drug use and violent crime and to improve the efficiency and effectiveness of the criminal justice system in accordance with the Act.~~

(13) "Substance Abuse and Violent Crime Identification Matrix" means a set of statistical factors and values used by the Department to ascertain the degree of the drug problem or violent crime within any particular county relative to any other particular county.

~~(14) "PGI" means Program Generated Income.~~

Rulemaking Authority 943.03(4), 943.403 FS. Law Implemented 943.25(1), 943.402 FS. History—New 2-6-90,

Amended 4-2-92, 2-7-95, Formerly 9G-16.002, Amended 3-8-99, Formerly 9B-61.002, Amended 11-5-02, 3-27-06, 3-13-13, _____.

11D-9.002 Funds Availability for JAG-Countywide and JAG-Direct.

(1) JAG-Countywide. The amount of funds available shall be that amount allocated each federal fiscal year to the State of Florida by the federal government under the Act and appropriated by the legislature.

(2) The Department shall attempt to obligate all of the funds available in the current federal fiscal year, but may obligate part or all of the funds in a later federal fiscal year, when permitted by Federal law and applicable Florida Statutes.

(3) The Department shall establish a Substance Abuse and Violent Crime Identification Matrix, comprised of population and crime data, which shall be used, ~~in conjunction with population~~, to determine the amount of funds allocated to each county in accordance with paragraph 11D-9.002(4)(c), F.A.C., of this subsection. Through analysis of statewide databases, the Department shall determine the rate, trend and magnitude of the following group indices and their identified variables for the most recent five years of available data in each of Florida's counties:

(a) Violent Crime Index.

1. Number of Burglary Offenses.

2. Number of Larceny Offenses.

3. Number of Robbery Offenses.

4. Number of Murder Offenses.

(b) Juvenile Involvement in Drugs Index.

1. Number of juveniles arrested for sale and possession of marijuana.

2. Number of juveniles arrested for sale and possession of cocaine.

3. Drug Arrest Index. Number of arrests for sale and possession of any drug.

(c) Cocaine Factor Index. Number of arrests for sale and possession of cocaine.

(4) Based on the rate, trend and magnitude of these indices in each county relative to every other county, the Department shall generate a listing of the counties. Such listing shall be generated every two years.

(5) Each county shall be allocated a percentage of local share federal funds equal to one-half of the sum of that county's percentage of statewide need as determined by the Substance Abuse and Violent Crime Identification Matrix plus that county's percentage of the total state population.

~~(6) Each application for local share JAG Countywide Program funds shall represent agreement on expenditure of grant funds among at least 51% percent of the local units of government which also represent at least 51% percent of the population within the geographic boundaries of the applicant's county.~~

~~(7) In the event that at least 51% percent of the units of government which also represent at least 51% percent of the population in any county are unable to agree upon the expenditure of funds by the application deadline established by the program announcement or are unable to expend all of their allocated funds by the end of the grant period, said funds shall be distributed at the discretion of the Department.~~

(6)-(8) JAG-Direct. BJA determines eligibility of JAG-Direct funds. Distribution of JAG-Direct funds will be determined by using the latest available UCR data and distributed to local units of government.

Rulemaking Authority 943.03(4), 943.403 FS. Law Implemented 943.25(1), 943.402 FS. History--New 2-6-90, Amended 4-2-92, 2-7-95, Formerly 9G-16.003, Amended 3-8-99, Formerly 9B-61.003, Amended 11-5-02, 3-27-06,

11D-9.005 Application and Award Procedures for JAG-Countywide and JAG-Direct.

(1) Statewide Strategic Plan. The Department shall develop a Statewide plan to determine how grants received under the Edward Byrne Memorial Justice Assistance Grant Program will be used to improve the administration of the criminal justice system. The plan shall:

(a) be designed in consultation with local governments and representatives of all segments of the criminal justice systems as outlined in the Act, Section 502(6)(A);

(b) include a description of how the State will allocate funding within the JAG program areas identified in the Act, Section 501(a)(1);

(c) describe the process used by State for gathering evidenced-based data and the use of such data in support of funding decisions; and

(d) be updated every 5 years.

(2)(4) JAG-Countywide Notification Process for State Applicants.

(a) The Department shall notify, in writing, state agencies that are appropriated a portion of the JAG-Countywide funds as determined by the Florida Legislature. Such notice shall identify the funding available, the purposes for which these funds may be used and the procedures required for receipt of such funds.

(b) State agencies so notified shall be obligated the appropriated funds upon receipt of an application for such funds from the affected agency.

(c) Applicants who submit proposals to the Department for consideration shall submit a two originals of the completed application package which is filled out via the Department's electronic grants management system, Subgrant Information ON line System (SIMON).

(3)(2) JAG-Countywide Notification Process for Local Applicants.

~~(a) To initiate a funding cycle, the Department shall notify all eligible agencies and jurisdictions through publication in the Florida Administrative Register. The funding cycle shall be advertised in the Florida Administrative Register at least 30 days prior to the deadline for submitting applications.~~

~~(a)(b) In addition to the notice specified in paragraph (1)(a) of this section, The the Department shall send notice of the funding cycle and a program announcement to the Chairman for the ,Board of County Commissioners; in each county. The Department shall also provide a courtesy copy of said notice and program announcement to the Chief Elected Official of the governing body of each city located in each county so notified.~~

(b) ~~(e)~~ The Chairman for the,Board of County Commissioners; in each county so notified shall return to the Department within 30 days of receiving the funding notification, a statement of participation certification indicating the county's willingness to serve as the coordinating unit of government for at least 51% percent of the units of government which also represent at least 51% percent of the population located in said county. In the event the county declines to serve as the coordinating unit of government, the Department shall request the governing body of

~~each municipality, in descending order of population, to serve as the coordinating unit of government. The county shall also identify a county coordinator. The Department shall provide an announcement code to access the application forms in "Subgrant Information Management On line System "SIMON," and any other needed information to the county coordinator.~~

(c) The county shall designate a county coordinator to serve as the primary point-of-contact for JAG-Countywide local application planning and coordination. The county coordinator shall be responsible for: coordinating the 51% process, coordinating the county's application submission, providing application instructions to approved agencies, and overseeing all applications within the county to ensure timely submission.

~~(d) In the event the county declines to serve as the coordinating unit of government, the Department shall request the governing body of each municipality, in descending order of population, to serve as the coordinating unit of government.~~

(d) Units of government receiving JAG Countywide funds must reach a written consensus on the use of those funds. This written consensus shall be documented through submission of 51% letters which must:

1. Represent at least 51% of the units of government in the county;
2. Represent at least 51% of the population of the county;
3. Be signed by the chief official for the unit of government;
4. Identify each recipient, the amount, and the purpose for use of the funds; and
5. Include the total amount of the county's JAG Countywide allocation.

(4) (3) JAG-Countywide Local Application Process.

(a) Each applicant is encouraged to appoint an ~~a Substance Abuse and Violent Crime Policy~~ Advisory Board, the membership of which shall include at a minimum the following persons or their authorized designee: Chief Circuit Judge, State Attorney, Public Defender, Sheriff, Chief of Police of each municipality within the county or a Chief of Police designated by those Chiefs of Police as their representative, Jail Administrator, Clerk of the Court, Superintendent of Education and a representative of local drug treatment programs. An existing Board or Council whose membership includes the listed representatives may be utilized in lieu of appointing a new Board or Council. The Substance Abuse and Violent Crime Policy Advisory Board shall serve as the primary body for identifying priority areas for funding to improve criminal justice within the local jurisdiction. ~~coordinating drug abuse efforts undertaken with funds provided by the Act.~~

~~(b) Each applicant is encouraged to designate an Office of Substance Abuse and Violent Crime Policy for the purposes of:~~

- ~~1. Providing administrative support to the Substance Abuse and Violent Crime Policy Advisory Board;~~
- ~~2. Preparing an application on behalf of at least 51 percent of the local units of government that also represents at least 51% percent of the population in the applicant's county;~~
- ~~3. Administering funds received from the OCJG, including receipt, review, processing, monitoring, progress and financial report review, technical assistance, grant adjustment, accounting, auditing and fund disbursements; and~~
- ~~4. Coordinating the drug control and violent crime prevention and enforcement activities of the county's criminal justice system, education system and drug treatment systems.~~

~~(c) An office or agency performing other functions within the applicant unit of government may be designated as the Office of Substance Abuse and Violent Crime Policy.~~

~~(b) (d) Applicants who submit proposals to the Department for consideration shall submit a two originals of the completed application package which is filled out via the Department's electronic grant management system. Subgrant Information ON line System (SIMON).~~

~~(c) (e) The Department shall review all applications for JAG-Countywide funds and shall reject any application not meeting the requirements of these rules and applicable federal and state laws.~~

~~(5) (4) JAG-Direct Notification Process for Local Applicants. To initiate a funding cycle, the Department shall send notice of the funding cycle and a program announcement to the Chief Elected Official of the governing body of each unit of government identified by BJA as eligible to receive JAG-Direct funds. city located in each county so notified. local agency head; being the mayor of the city or the chairman, in each county.~~

~~(6) (5) JAG-Direct Local Application Process.~~

~~(a) Applicants who submit proposals to the Department for consideration shall submit a two originals of the completed application package which is filled out via the Department's electronic grant management system. Subgrant Information ON line System (SIMON).~~

~~(b) The Department shall review all applications for Act funds and shall reject any application not meeting the requirements of these rules and applicable federal and state laws.~~

Rulemaking Authority 943.03(4), 943.403 FS. Law Implemented 943.25(1), 943.402 FS. History--New 2-6-90, Amended 2-7-95, Formerly 9G-16.008, Amended 6-22-00, Formerly 9B-61.008, Amended 11-5-02, 3-27-06, 3-13-13, _____.

11D-9.006 Forms and Instructions.

Copies of the materials and forms required for the application process in Rule 11D-9.005, F.A.C., ~~are incorporated by reference herein~~ may be obtained through the electronic grants management system, the Office of Criminal Justice Grants website, by email to criminaljustice@fdle.state.fl.us, or by writing or calling: Office of Criminal Justice Grants, Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, Telephone (850)617-1250.

Forms Required

(1) Project Expenditure Report OCJG-001 (rev. June 2012)

https://www.flrules.org/Gateway/reference.asp?No=Ref_02283

(2) Financial Closeout Audit OCJG-002 (rev. June 2012)

https://www.flrules.org/Gateway/reference.asp?No=Ref_02284

(3) PGI Budget Request OCJG-003 (rev. June 2012)

https://www.flrules.org/Gateway/reference.asp?No=Ref_02285

(4) PGI Earnings and Expenditure Report OCJG-004 (rev. June 2012)

https://www.flrules.org/Gateway/reference.asp?No=Ref_02287

(5) Application for Funding Assistance	OCJG-005 (rev. April 2005)
(6) Confidential Funds Certification	OCJG-008 (rev. October 2005)
(7) Criminal Intelligence System Certification	OCJG-009 (rev. October 2005)
(8) Automated Data Processing (ADP) Equipment and Software and Criminal Justice Information and Communication Systems Request for Approval Form	OCJG-010 (rev. October 2005)
(9) Sole Source Justification for Services and Equipment Request for Approval Form https://www.flrules.org/Gateway/reference.asp?No=Ref_02288	OCJG-011 (rev. June 2012)
(10) Certificate of Acceptance of Subgrant Award https://www.flrules.org/Gateway/reference.asp?No=Ref_02289	OCJG-012 (rev. June 2012)
(11) Refund Form https://www.flrules.org/Gateway/reference.asp?No=Ref_02290	OCJG-018 (created June 2012)
(12) Grant Adjustment Notice https://www.flrules.org/Gateway/reference.asp?No=Ref_02314	OCJG-020 (created June 2012)
(13) Performance Report http://www.flrules.org/Gateway/reference.asp?No=Ref_02292	OCJG-023 (created June 2012)
(14) Certificate of Participation https://www.flrules.org/Gateway/reference.asp?No=Ref_02293	OCJG-024 (created June 2012)
(15) Request for Cash Advance https://www.flrules.org/Gateway/reference.asp?No=Ref_02315	OCJG-025 (created June 2012)
(16) PGI Budget Approval https://www.flrules.org/Gateway/reference.asp?No=Ref_02295	OCJG-026 (created June 2012)
(17) Certification as to Bulletproof Vest Purchase Requirements https://www.flrules.org/Gateway/reference.asp?No=Ref_02296	OCJG-027 (created June 2012)

Rulemaking Authority 943.03(4), 943.403 FS. Law Implemented 943.25(1), 943.402 FS. History—New 2-6-90, Amended 2-7-95, Formerly 9G-16.009, Amended 6-22-00, Formerly 9B-61.009, Amended 11-5-02, 3-27-06, 3-13-13, _____.

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11D-10, FLORIDA ADMINISTRATIVE CODE
AMENDING RULE 11D-10.003
SELECTION COMMITTEE
SUMMARY OF THE RULE

Removes the specific Cabinet meeting that the nominations will be submitted to the Governor and Cabinet for consideration.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11D-10.003(3), F.A.C.: Removes the specification of the January Cabinet meeting from the rule to allow nominations to be submitted at a subsequent Cabinet meeting.

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: Local Law Enforcement Assistance

Rule Chapter: 11D-10; Florida Law Enforcement Officers' Hall of Fame

RULE NO.: RULE TITLE:

11D-10.003 Selection Committee

PURPOSE AND EFFECT:

Subsection 11D-10.003(3), F.A.C.: Removes the specification of the January Cabinet meeting from the rule to allow nominations to be submitted at a subsequent Cabinet meeting.

SUMMARY:

Removes the specific Cabinet meeting that the nominations will be submitted to the Governor and Cabinet for consideration.

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: 265.0041(5), FS.

LAW IMPLEMENTED: 265.0041, 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 10, 2019 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:

Vickie Koenig at 850-410-8600, or vickiekoenig@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Law Enforcement Officers' Hall of Fame, 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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Bureau Chief Vickie Koenig

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 26, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2018

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11D-10.003 Selection Committee,

(1) Nominations for induction into the Florida Law Enforcement Officers' Hall of Fame will be reviewed to ensure nominations were received by the established deadline, nominees meet the eligibility requirements pursuant to subsection 11D-10.001(1), F.A.C., and the nomination package complies with the requirements of Rule 11D-10.002, F.A.C.

(2) A Florida Law Enforcement Officers' Hall of Fame Selection Committee is established. The Selection Committee shall be comprised of an individual from each of the nominating organizations pursuant to subsection 11D-10.002(1), F.A.C.

(3) The Selection Committee shall deliberate and select no more than 5 nominees to be transmitted ~~in January of~~ each calendar year to the Governor and Cabinet for possible induction into the Florida Law Enforcement Officers' Hall of Fame.

Rulemaking Authority 265.0041(5) FS. Law Implemented 265.0041 FS. History—New 7-29-15, Amended_____.

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11N-1, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11N-1.002, 11N-1.0021, 11N-1.0022, 11N-1.003,

11N-1.0031, 11N-1.004, 11N-1.005. 11N-1.0051, 11N-1.006 and 11N-1.009.

VIOLENT CRIME INVESTIGATIVE EMERGENCY AND DRUG CONTROL STRATEGY

IMPLEMENTATION ACCOUNT

SUMMARY OF THE RULE

The amendments to Rule 11N-1 include revising procedures and process for administering the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Rule 11N1-.002, F.A.C.: Amending to simplify procedure and process for funding. Rule 11N-1.0021, F.A.C.: Amending to clarify criteria. Rule 11N-1.0022, F.A.C.: Amended to Clarify Criteria. Rules 11N-1.003, 11N-1.0031, 11N-1.004, 11N-1.005, 11N-1.0051, 11N-1.006, 11N-1.009, F.A.C.: Repeal.

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: Office of Inspector General

Rule Chapter: 11N-1; Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account

RULE NO.:	RULE TITLE:
11N-1.002	Criteria
11N-1.0021	Violent Crime Investigative Reimbursement and Emergency Funding
11N-1.0022	Matching Drug Control Investigative Funding
11N-1.003	Limitations on Violent Crime Investigative Reimbursement Funding
11N-1.0031	Limitations on Matching Drug Control Investigative Funding
11N-1.004	Procedures for Emergency Violent Crime Investigative Funding
11N-1.005	Procedures for Formal Funding Requests for Violent Crime Investigative Reimbursement Funding
11N-1.0051	Procedures for Funding Requests for Drug Control Investigative Funding
11N-1.006	Contributions
11N-1.009	Victim/Witness Protection Program

PURPOSE AND EFFECT:

11N-1.002, F.A.C.: Amending to simplify procedure and process for funding.

11N-1.0021, F.A.C.: Amending to clarify criteria.

11N-1.0022, F.A.C.: Amended to Clarify Criteria.

11N-1.003, 11N-1.0031, 11N-1.004, 11N-1.005, 11N-1.0051, 11N-1.006, 11N-1.009, F.A.C.: Repeal.

SUMMARY:

The amendments to Rule 11N-1 include revising procedures and process for administering the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account.

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: 943.031; 943.042, F.S.

LAW IMPLEMENTED: 943.031; 094.042; 914.25, F.S.

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

DATE AND TIME: Wednesday, April 10, 2019 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:

Chris Bufano at (850)410-7676, or christopherbufano@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:

Chris Bufano at (850)410-7676, or christopherbufano@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 Sherry Gomez

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 26, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2018

CHAPTER 11N-1
VIOLENT CRIME AND DRUG CONTROL INVESTIGATIVE ASSISTANCE AND EMERGENCY AND DRUG CONTROL STRATEGY IMPLEMENTATION ACCOUNT GRANT PROGRAMS

- 11N-1.001 Definitions
- 11N-1.002 Purpose and Funding Criteria
- 11N-1.0021 Criteria for Violent Crime Investigative Reimbursement Assistance and Emergency Funding
- 11N-1.0022 Matching Criteria for Drug Control Investigative Assistance and Emergency Funding
- ~~11N-1.003 Limitations on Violent Crime Investigative Reimbursement Funding (repeal)~~
- ~~11N-1.0031 Limitations on Matching Drug Control Investigative Funding (repeal)~~
- ~~11N-1.004 Procedures for Emergency Violent Crime Investigative Funding (repeal)~~
- ~~11N-1.005 Procedures for Formal Funding Requests for Violent Crime Investigative Reimbursement Funding (repeal)~~
- ~~11N-1.0051 Procedures for Funding Requests for Drug Control Investigative Funding (repeal)~~
- ~~11N-1.006 Contributions (repeal)~~
- 11N-1.007 Annual Audit
- 11N-1.008 Active Criminal Investigative and Active Criminal Intelligence (Repealed)
- ~~11N-1.009 Victim/Witness Protection Program (repeal)~~

11N-1.001 Definitions

As used in these rules, except where the context clearly indicates a different meaning, the following terms shall have the meaning indicated:

- (1) "Allowable Cost" means only those costs or expenditures submitted and approved by the Review Committee and Department that are eligible for funding from the Council.
- (2) "Council" means the Violent Crime and Drug Control Council
- (3) "Department" means the Florida Department of Law Enforcement, which is a "state awarding agency" for purposes of the Single Audit Act, Section 215.97, F.S.
- (4) "Grant" means an award of financial assistance to a qualified eligible recipient pursuant to a written agreement and in accordance with the applicable provisions of the Council's funding programs as authorized in 943.031, F.S.
- (5) "Pre-qualification" means that Council staff or committee will conduct a review and approve an applicant's funding request, overall capabilities, and/or eligibility to perform the duties and responsibilities required by the grant programs. The review may include, but is not limited to, consideration of experience, curriculum vitae, quality and timeliness of past performance, compliance with law enforcement, grant, and other standards and requirements, and professional accreditation of the applicant.
- (6) "Recipient" is as defined in Section 215.97, F.S.
- (7) "Review Committee" means a committee established within the Council responsible for completing the pre-qualification and approval of grant applications and funding requests.
- (8) "Solicitation" means the written document or publication issued by Department in cooperation with the Council, incorporated by reference into this rule containing procedures and policies; announcing available grant funding, program criteria and requirements, eligibility, and application instructions, which shall govern the administration of the Council's grant programs.

11N-1.002 ~~Criteria~~ Purpose and Funding.

~~The Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall be used:~~

- ~~(1) To provide emergency supplemental funds to:
 - ~~(a) State and local law enforcement agencies which are involved in complex and lengthy violent crime investigations, as provided for in subsection 11N-1.0021(1), F.A.C.~~
 - ~~(b) State and local law enforcement agencies which are involved in violent crime investigations which constitute a significant emergency within the state, as provided for in subsection 11N-1.0021(2), F.A.C.~~
 - ~~(c) Counties which demonstrate a significant hardship or an inability to cover extraordinary expenses associated with a violent crime trial, as provided for in subsection 11N-1.0021(3), F.A.C.~~~~
- ~~(2) To provide matching funding, as provided for in Rule 11N-1.0022, F.A.C., to multi agency or statewide drug control or illicit money laundering investigative or task force efforts that:
 - ~~(a) Significantly contribute to achieving the state's goal of reducing drug related crime as articulated by the Office of Drug Control;~~~~

~~(b) Represent a significant illicit money laundering investigative effort; or~~
~~(c) Otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under Section 397.333, F.S.~~

(1) Purpose. It is the intent of the Department and Council to administer financial assistance grant programs to eligible recipients pursuant to authority under Section 943.031 and 943.042, F.S.==

(2) Funding Process.

(a) The amount of funds available shall be that amount allocated each state fiscal year to the Department as appropriated by the Legislature and allocated to each grant program by the Council.

(b) All funds will be used to support priorities and objectives, adhere to grant program criteria, and comply with solicitations as approved by the Council, incorporated by reference herein.

(c) The Department shall issue an annual grant solicitation and begin receiving applications by [date] of each calendar year.

(d) The Department and Council shall attempt to obligate all funds available in the current fiscal year, but may obligate part or all of the funds in a later fiscal year, when permitted by law.

(e) Applications for funding shall be submitted to the Department on application forms as specified by the Council and Department signed by the chief official or head of the requesting agency that complies with Council program requirements.

(f) Applications received from local governmental entities that have not returned to the Department any unexpended or unaccounted-for funds from prior year grants shall be rejected by the Department and Review Committee. Applications from local governmental entities that have not met their obligations under the terms of any previous grant agreements for funds under this Rule or authorizing legislation shall also be rejected by the Department and Review Committee.

(g) Awarded grant funds shall be administered pursuant to a written financial assistance agreement between the Department and recipient, upon approval of the application by the Review Committee.

(h) All expenditures of Council grant funds must comply with the terms and conditions of the grant award and be expended in a manner approved by the Council or Review Committee.

(i) Rapid funds disbursement. The Review Committee and Department shall employ rapid funds disbursement procedures for violent crime investigative assistance and emergency funding as authorized in section 943.031(6).

(3) Allowable costs and limitations on use of funds.

1. Allowable costs for violent crime and drug control investigative assistance and emergency grant programs are case-related investigative expenses, salary and overtime for offices and employees directly linked to a funded investigation and other expenses related to investigations approved by the Council.

2. Allowable costs for violent crime emergency trial-related funding are limited to extraordinary violent crime trial-related expenses and salary overtime payments. Such funding shall not include the payment of salaries for permanent employees, or the purchase of furnishings and equipment. Examples of extraordinary trial-related expenses include expert witness fees, travel expenses of witnesses, extraordinary security measures, and salary payments to temporary security personnel under contractual agreements.

(c) Funding provided by the Council shall not be used to supplant, take the place of, or substitute for existing appropriations of state and local law enforcement agencies and units of government.

(d) Matching funds of ten percent cash or in-kind shall be required for all Council grant programs.

(e) The maximum funding provided by the Council on a single investigation shall be \$100,000. However, an approved investigative effort may consist of multiple investigations, each of which may receive funding up to \$100,000.

(f) No law enforcement agency as defined herein may receive more than \$200,000 in Council funds during the agency's fiscal year..

(g) Payment of overtime with Council funds shall not exceed \$10,000 per officer or employee dedicated to the funded investigative effort.

(h) As used herein, "beyond the resources" means that the expenses claimed by the agency seeking emergency funding assistance under this section are so extraordinary that they currently jeopardize the requester's ability to provide the services or duties required by law or have caused the requestor to terminate providing a service it would otherwise not be providing, and that the requester has demonstrated to the Council that all reasonable alternatives for funding the claimed expenses within the requesting agency's current fiscal year have been exhausted.

(4) Recipients of Council violent crime or drug control investigative assistance or emergency funding shall:

(a) Designate a lead investigative agency that will serve as the liaison between the Council and the participating agencies for the purposes of coordinating the collection of information and in disbursing funds approved by the Council.

(b) Each participating agency shall agree to promptly provide requested information to the Council, to provide regular performance reports and information related to funded investigations as required by the Council, retain documentation and proof of expenditures or personnel efforts as may be required by the Council, and submit to any audit or review of the use of received funds as may be required by the Council.

(c) If an additional agency is brought into the investigation after funding has already been appropriated and no additional monies are being sought and there is no change of focus of the investigation, a lead investigative agency is authorized to request that the additional agency be permitted to share in council funds for the investigation.

(d) The lead agency shall verify and endorse both that agency match funding is available from the new agency and that all requirements will be fulfilled by the new agency.

(e) The new agency shall guarantee its agreements are completed and obtain agency match funding before presenting its package, with the lead agency's endorsement, to the Chairperson of the Council.

(35) Application information, funding criteria, and dates of scheduled Violent Crime & Drug Control Council (Council) meetings can be found at <http://www.fdle.state.fl.us/vcdcc/VCDCC.htm>.

Rulemaking Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History—New 3-10-94, Amended 10-10-95, 10-25-01, 11-5-02, 3-21-07, 6-9-08, _____.

11N-1.0021 Criteria for Violent Crime Investigative ~~Reimbursement~~ Assistance and Emergency Funding.

(1) Eligibility and compliance. Applicants shall meet and comply with eligibility, application, limitations, instructions, and requirements as set forth in the grant guidelines as approved by the Council for this program and published on the Council website at [link].

(2) Purpose for violent crime investigative funding. Provide financial assistance to local and state law enforcement agencies involved in complex and lengthy violent crime investigations. ~~(4)~~—In determining whether requests from state and local law enforcement agencies relate to involvement in a complex and lengthy violent crime investigation, the Council shall consider whether:

(a) The crime under investigation involves multiple victims;

(b) The crime resulted in the death or serious bodily injury to one or more victims;

(c) The crime appears to be part of a pattern of serial or interrelated criminal events; or

(d) The crime evidences a heinous, wicked, or grossly disturbing method of commission; and shall consider the nature and extent of complexity and length of the investigative efforts and whether the expenses claimed are beyond the resources of the investigative agency or agencies making the request for funding, as defined in subsection (4) of this section.

(2) In determining whether requests from state and local law enforcement agencies relate to a violent crime investigation which constitutes a significant emergency within the state, the Council shall consider whether:

(a) The nature and extent of the crime produces a heightened concern within the state for the safety and well-being of Florida's citizens and visitors;

(b) The crime is thought to involve one or more perpetrators who have traveled from one state or local jurisdiction to another committing similar or pattern crimes;

(c) The crime is such that absent successful apprehension and prosecution of the perpetrator, Florida's reputation for being a safe recreational, occupational, and residential location is being jeopardized or is suffering significant deterioration; and the expenses claimed are beyond the resources of the investigative agency or agencies making the request for funding.

~~(3) In determining whether a county has demonstrated a significant hardship or inability to cover extraordinary expenses associated with a violent crime trial, the Council shall consider whether:~~

~~(a) The expenses claimed as extraordinary expenses associated with a violent crime trial are such as to have been reasonably unpredictable, in that at the time its current budget was finalized, the county could not have anticipated and did not anticipate the claimed expenses in meeting its general obligations to the criminal justice system;~~

~~(b) Reasonable witness related expenses associated with a violent crime trial (such as travel and lodging expenses) have exceeded or are anticipated to exceed those incurred for similar trials in the trial's geographic location;~~

~~(c) Special security needs associated with a violent crime trial have generated expenses or are anticipated to generate expenses not regularly incurred in providing security for similar trials in the geographic location;~~

~~(d) A change of venue or jury selection or sequestration needs associated with a violent crime trial have generated expenses or are anticipated to generate expenses not regularly incurred for similar trials in the geographic location; and the extraordinary expenses claimed are beyond the resources of the county making the request for funding.~~

(4) As used herein, "beyond the resources" means that the expenses claimed by the agency seeking emergency supplemental funding under this section are so extraordinary that they currently jeopardize the requester's ability to provide the services or duties required by law or have caused the requestor to terminate providing a service it would otherwise not be providing, and that the

~~requester has demonstrated to the Council that all reasonable alternatives for funding the claimed expenses within the requesting agency's current fiscal year have been exhausted.~~

Rulemaking Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History—New 10-25-01, Amended 11-5-02, _____.

11N-1.0022 Criteria for Drug Control Investigative Assistance and Emergency Funding.

(1) Eligibility and compliance. Applicants shall meet and comply with eligibility, application, limitations, instructions, and requirements as set forth in the grant guidelines as approved by the Council for this program and published on the Council website at [link].

(2) Purpose for drug control investigative funding. Provide financial assistance to local and state law enforcement agencies involved in complex and lengthy drug control investigations. In determining whether requests for drug control funding relate to multi-agency or statewide drug control or illicit money laundering investigative or task force efforts that:

(4a) Significantly contribute to achieving the state's goal of reducing drug-related crime as articulated by the Office of Drug Control;

(2b) Represent a significant illicit money laundering investigative effort; or

(3c) Otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council, and adhering to the following criteria ~~shall be considered~~: approved by the Council in the grant program solicitation.

~~(a) Mandatory Factors:~~

~~1. The investigative effort focuses on a drug trafficking operation shown to have, or reasonably believed of having, activities such that involvement of multiple investigative agencies is necessary; and,~~

~~2. At least two agencies of the State of Florida, counties, cities, or combination thereof within the State of Florida are involved; and,~~

~~3. The investigative effort demonstrates a commitment of participating agencies to cooperate with one another in a collaborative investigative effort; and,~~

~~4. The operation to be investigated has, or is reasonably believed to have, a structure that directs, finances, and engages in illegal drug trafficking and related crimes (such as money laundering, tax violations, corruption of public officials and employees, illegal immigration, weapons violations, and crimes of violence) that have the same or similar intents, results, accomplices, victims, or methods of commission or that otherwise are interrelated by distinguishing characteristics and are not isolated incidents; and,~~

~~5. The proposed investigative effort demonstrates a specific strategy:~~

~~a. To achieve successful prosecutions of those within the organization who hold a position of organizer, supervisor, or any other position of management or who obtains substantial assets or resources from the illegal acts of the operation being investigated as they may become identified; and,~~

~~b. To utilize a multi agency and cross discipline approach to disrupt and dismantle the criminal operation, such as licensure action, charter revocation, regulatory sanctions and tax assessments.~~

~~6. The proposed investigative plan demonstrates a level of participating agency resource commitment that suggests a substantial likelihood of investigative and prosecution success; and,~~

~~7. The proposed effort includes a commitment from one or more State Attorneys in Florida, U.S. Attorneys in Florida, or Florida's Statewide Prosecutor having jurisdiction over the activities of the organization under investigation to assist and support the investigation, through efforts such as issuance of subpoenas, use of grand juries, obtaining search warrants, securing court orders regarding the interception of communications, coordinating multiple prosecutions, assisting in securing plea agreements with those in the organization in return for cooperation and testimony, and certifying witnesses for witness protection under applicable law and a commitment to cooperate with other prosecuting entities having jurisdiction over activities of the organization to maximize the success of the investigative effort.~~

8. The proposed investigative effort shall provide that all known targets in a drug investigation proposed to be funded by the Council funds shall be entered into the "InSite" database maintained by the Florida Department of Law Enforcement. The funding request shall indicate that such entry has been accomplished. All targets becoming known after application to the Council or after funding by the Council or both shall be promptly entered into "InSite." All drug seizures related to drug control Council funded investigations shall be entered into "InSite." Upon failure to make such entry, the Council is authorized to suspend funding not yet provided and to direct refund of all unexpended funds previously provided by the Council.

~~(b) Non-Mandatory Factors Enhancing the Significance of the Proposed Effort:~~

~~1. The activities of the operation under investigation are responsible for known specified significant criminal activity in multiple regions of the State;~~

~~2. The activities of the operation are primarily associated with, and the investigative plan focuses upon, the illicit trafficking of cocaine, heroin, or other controlled substances of current major state concern, including substances commonly referred to as "rave drugs" or "designer drugs" such as "Ecstasy" (3,4-methylenedioxymethamphetamine "MDMA"), gamma-hydroxybutyrate ("GHB"), methamphetamine ("Meth"), lysergic acid diethylamide ("LSD"); and other substances;~~

~~3. The proposed investigative plan has identified the types and methods of money laundering violations under state or federal law actually, or suspected to be, occurring, and articulates a dedicated strategy to identify, trace, and address persons, institutions or other entities that are likely involved;~~

~~4. The operation under investigation is known to have and identifies, or is reasonably believed to have, assets and property that constitute contraband under Florida or other law that may be seized and forfeited and the investigative plan contains a strategy to identify such assets and property and to use forfeiture options to disrupt the underlying organization;~~

~~5. Persons in the operation under investigation are, upon successful prosecution, likely to receive sentences involving substantial terms of incarceration in state or federal prisons (as specified in Section 893.135, F.S., or Title 21, U.S.C. for drug trafficking offenses), paying a substantial fine (as specified in Section 893.135, F.S., or Title 21, U.S.C., for drug trafficking offenses), or both;~~

~~6. The proposed investigative effort appears to be likely to be lengthy and complex (as specified in Rule 11N 1.0021, F.A.C.), and will likely require sophisticated electronic, undercover or other investigative techniques;~~

~~7. The operation under investigation is such that if investigation and prosecutions are successful it is likely that seizures or reductions in trafficking quantities of illegal controlled substances within the State of Florida will result; or~~

~~8. The proposal presents an innovative plan with a likelihood of success for addressing a significant drug trafficking organization. In determining what constitutes a significant drug trafficking organization, the Council shall, in conjunction with its review of factors found at paragraph 11N 1.0022(1)(e), F.A.C., consider the following factors related to the organization under investigation as may be demonstrated in the request:~~

- ~~a. The trafficking amounts of illicit controlled substances believed to be involved in the organization's activities;~~
- ~~b. The amounts of currency or other means of exchange, and the amount of money laundering activity as prohibited by Chapter 896, F.S., Title 18 or 31, U.S.C., that are believed to be involved in the organization's activities;~~
- ~~c. The number of persons believed to be involved in the organization's illicit activities;~~
- ~~d. The regional, statewide, national, or multi-national impact expected to occur if the investigation successfully disrupts the organization under investigation;~~
- ~~e. The perceived potential or propensity of the organization for violence, injury to innocent persons, or for any activity reasonably believed to be hazardous to persons or property;~~
- ~~f. Known or suspected links of the organization or its members to individuals or organizations suspected to be or known to be involved in acts of terrorism as defined at Section 775.30, F.S., or in promoting, planning, or executing acts of violence to further political or other beliefs;~~
- ~~g. The numbers of users of illicit controlled substances whose source of supply to such estimated substances will be curtailed or restricted if the investigation successfully disrupts the organization under investigation; and,~~
- ~~h. The contraband, as defined in Section 932.701, F.S., or Title 18, 21, or 31, U.S.C., believed to be subject to forfeiture if the investigation is successful.~~

Rulemaking Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 10-25-01, Amended 11-5-02, 12-3-03, 3-27-06, _____.

~~11N 1.003 Limitations on Violent Crime Investigative Reimbursement Funding.~~

~~(1) Requests for Violent Crime Investigative Reimbursement Funding.~~

~~(a) Requests for violent crime investigative reimbursement funding from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall be limited to case related investigative expenses and salary overtime payments. This excludes the purchase of equipment or payment of salaries for permanent employees; however, salary payments may be made to temporary employees under contractual agreements.~~

~~(b) Because an investigation may involve multiple law enforcement agencies, funds awarded to the requesting agency may be used for expenses incurred by assisting agencies.~~

~~(c) Funding provided under this section from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account is available to Florida law enforcement agencies for violent crime investigative purposes. Law enforcement agencies include police departments, sheriffs' offices, and state law enforcement agencies; however, for the purposes of this rule, the term excludes state prosecutors' offices except for criminal investigations.~~

~~(d) In order to provide for a rapid investigative response to violent crime incidents, law enforcement agencies may, under this section, apply for emergency violent crime investigative funding up to a maximum of \$25,000.~~

~~(e) In addition to or instead of emergency violent crime investigative funding, law enforcement agencies may make a formal request under this section for violent crime investigative funding from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account. Additional requests may be submitted on a single case if the investigation must be extended.~~

~~(f) Funding provided under this section from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall not be used to supplant, take the place of, or substitute for existing appropriations of state and local law enforcement agencies and counties.~~

~~(2) Requests for Violent Crime Trial Funding.~~

~~(a) Requests under this section for funding from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall be limited to extraordinary violent crime trial related expenses and salary overtime payments. Such funding shall not include the payment of salaries for permanent employees, or the purchase of furnishings and equipment. Examples of extraordinary trial related expenses include expert witness fees, travel expenses of witnesses, extraordinary security measures, and salary payments to temporary security personnel under contractual agreements.~~

~~(b) Violent crime trial funding from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account is available only for expenses incurred on or after July 1, 1994. Such funding shall not be used to supplant, take the place of, or substitute for existing appropriations of state and local law enforcement agencies and counties.~~

~~(3) Overall Limits to Violent Crime Funding.~~

~~(a) The maximum funding limit on the amount that may be disbursed on a single violent crime's investigation shall be \$100,000.~~

~~(b) A single agency may receive no more than \$200,000 Violent Crime Investigative Reimbursement funds during an agency's fiscal year.~~

~~(c) Reimbursement shall be available only for expenses incurred in an agency's current fiscal year, and shall not be provided for expenses incurred in an agency's previous fiscal years.~~

~~(d) The maximum funding available to each county for all trials for which that county is financially responsible of all defendants derived from a criminal event shall be \$100,000. As used herein "a criminal event" means a violent crime or series of violent crimes interrelated to one another in such a way that the crime constitutes a single criminal transaction or related transactional series of crimes, regardless of the number of criminal acts that may have been committed during the event or the number of perpetrators involved in the event. No reimbursement request for trial expenses incurred in a county's previous fiscal year shall be funded.~~

Rulemaking Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History New 3-10-94, Amended 10-10-95, 10-25-01, 12-3-03.

11N-1.0031 Limitations on Drug Control Investigative Funding.

(1) Requests for funding from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall be limited to case related investigative expenses, salary and overtime for the efforts of officers and employees directly linked to a funded investigation and other expenses related to investigations approved for funding by the Council.

(2) Each funding request shall designate a lead investigative agency that will serve as the liaison between the Council and the participating agencies for the purposes of coordinating the collection of information and in disbursing funds approved by the Council. Each participating agency shall agree to promptly provide requested information to the Council, to provide regular performance reports and information related to funded investigations as required by the Council, retain documentation and proof of expenditures or personnel efforts as may be required by the Council, and submit to any audit or review of the use of received funds as may be required by the Council.

(3) If an additional agency is brought into the investigation after funding has already been appropriated and no additional monies are being sought and there is no change of focus of the investigation, a lead investigative agency is authorized to request that

the additional agency be permitted to share in council funds for the investigation.

(a) The lead agency shall verify and endorse both that agency match funding is available from the new agency and that all requirements of Rule 11N 1.0031, F.A.C., will be fulfilled by the new agency.

(b) Pursuant to Rule 11N 1.0031, F.A.C., the new agency shall guarantee its agreements are completed and obtain agency match funding before presenting its package, with the lead agency's endorsement, to the Chairperson of the Council.

(c) The Council Chairperson shall have the ability to make interim ratification of additional agencies participation in a specific funded investigation until the next regularly scheduled council meeting at which time the entire Council shall vote upon the issue.

(4) Supplemental funding requests shall be presented by the lead investigative agency at the next regularly scheduled Council meeting. Mutually agreed upon investigations may be adopted by reference by the Council when there is no change in the original investigative focus and mission of the originally funded investigation.

(5) Funding from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account is available only to a Florida state or local law enforcement agency, and such funding shall be used for investigative purposes directly linked to the investigative effort approved for funding by the Council. As used herein, "law enforcement agency" includes a Florida police department, a Florida sheriff's office, a regional office of the Florida Department of Law Enforcement or other Florida state law enforcement agency, the Department of Financial Services, or a troop of the Florida Highway Patrol. However, the term excludes state attorneys' offices and the Office of Statewide Prosecution except for resources provided by such offices exclusively dedicated to investigative efforts approved for funding by the Council.

~~(6) Limits Upon Drug Control Funding.~~

~~(a) The maximum funding provided by the Council on a single investigation shall be \$100,000. However, an approved investigative effort may consist of multiple investigations, each of which may receive funding up to \$100,000.~~

~~(b) No law enforcement agency as defined herein may receive more than \$200,000 in Council drug control funds during the agency's fiscal year.~~

~~(c) In each agency fiscal year, payment of overtime with Council funds shall not exceed \$10,000 per officer or employee dedicated to the funded investigative effort.~~

~~(d) The Council may fund all, a portion, or none of a proposed investigative effort seeking drug control funding.~~

~~(e) Previously approved drug investigation initiatives are eligible for additional funding from the Council, up to the funding limits set by Rules 11N 1.003 and 11N 1.0031, F.A.C. and Section 943.031, F.S. In order to receive consideration for additional funding, an entity seeking such consideration must demonstrate:~~

- ~~1. That it has complied fully with reporting and accountability obligations for the initial funding; and,~~
- ~~2. That the request for additional funding conforms with Council requirements for funding, and comports with the originally funded request; and,~~
- ~~3. That any supplemental funds sought must be matched dollar for dollar by the requesting entity as required for any drug investigation funding.~~

Rulemaking Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History New 10-25-01, Amended 12-3-03, 3-27-06, 3-21-07.

11N 1.004 Procedures for Emergency Violent Crime Investigative Funding.

(1) Requests for violent crime investigative emergency funding up to the maximum of \$25,000 shall be made by a detailed written request demonstrating how emergency funding criteria established in this rule are satisfied and certifying that the requesting agency cannot initiate or continue the investigation without immediate supplemental funding. The request shall be accompanied by Form FDLE/IFS-001, Violent Crime Investigative Reimbursement Application, revised 08/01/07, hereby incorporated by reference, and FDLE/IFS-006, State Financial Assistance Form, revised 08/01/07, hereby incorporated by reference, and shall be mailed to the Chairperson of the Florida Violent Crime & Drug Control Council, c/o Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attn.: Investigations and Forensic Science Program. This form can be obtained by written request to the above address.

(2) The Chairperson of the Council, as authorized by the Council, shall review all requests for emergency funding, and approve or disapprove each request based upon the criteria specified in this rule chapter, the needs outlined by the requesting agency, and funds available in the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account. In the event the Chairperson determines a conflict of interest or becomes unavailable, the Vice Chairperson shall make the decision.

~~(3) Agencies receiving emergency violent crime investigative funding from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall provide a written bi annual report to the Chairperson of the Florida Violent Crime and Drug Control Council of all expenditures from the Account funds. The report shall be accompanied by Form FDLE/IFS-002, Violent Crime Investigative Bi Annual Report, revised 08/01/07, hereby incorporated by reference, and shall be mailed to the Chairperson of the Florida Violent Crime & Drug Control Council, c/o Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attn.: Investigations and Forensic Science Program. This form can be obtained by written request to the above address. Requesting agencies shall retain documentation supporting expenditures from the Account and make these available during the annual evaluation and audit of the trust fund.~~

~~(4) Within 60 days of the conclusion of the violent crime investigation or 180 days after disbursement of the emergency funding, whichever is sooner, the receiving agency shall return any unexpended funds to the Department of Law Enforcement for deposit back into the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account, unless the Council authorizes an extension of the funding based upon a determination that the receiving agency is continuing in good faith to utilize such funds or upon a request of the receiving agency that additional time is needed to prepare and submit a final reconciliation and report to the Council.~~

~~Rulemaking Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History New 3-10-94, Amended 10-10-95, 8-22-00, 10-25-01, 12-3-03, 3-21-07, 6-9-08.~~

~~11N-1.005 Procedures for Formal Funding Requests for Violent Crime Investigative Reimbursement Funding.~~

~~(1) The Department of Law Enforcement has established in each area of the state served by a Department regional office a Regional Violent Crime Investigative Coordinating Team (RCT). All formal funding requests for violent crime investigation or violent crime trial expense reimbursement funding must be submitted to the RCT in the region from which the request is made. Upon receipt, the RCT shall review the request to determine whether it appears to conform with the requirements of rule and statute. If the request is determined to not conform with such requirements, it shall be returned to the submitting agency, with the deficiencies specifically noted along with suggestions on how the request may be revised to bring it into conformance with requirements. If the request is determined to conform with such requirements, the Chairperson (Chair) of the RCT shall signify in writing the RCT's review and endorsement for Council consideration, and forward the request to the Council as noted below.~~

~~(2) In order to assure careful consideration of requests before presentation to the Council, written requests for funding shall be submitted by the Chair of the RCT so that they are received at least 30 days prior to the next scheduled Violent Crime and Drug Control Council meeting. Requests shall be mailed to: Florida Violent Crime and Drug Control Council, c/o Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302-1489, Attn.: Investigations and Forensic Science Program.~~

~~(3) Agencies making formal funding requests under this section, shall submit to the Council via the RCT a detailed and itemized written request and the head of the requesting agency shall certify in writing that the request complies with the requirements established by this rule for funding. The request shall be accompanied by Forms FDLE/IFS 001 and FDLE/IFS 006. The request shall describe the violent crime case in relation to the criteria established in this rule chapter and shall state details and specifics demonstrating that the resources of each requesting agency are insufficient to meet the investigative or trial expenses in the agency's current fiscal year.~~

~~(4) The Council shall review all formal funding requests and approve or disapprove all or part of each request based upon the criteria specified in this rule chapter, the needs outlined by the requesting agency, and funds available in the Violent Crime Emergency Account.~~

~~(5) Monies provided in response to a formal funding request for a violent crime investigation or trial shall be available on a reimbursement basis with written documentation of expenses from cases approved by the Council. When advance funding is necessary in order to continue an investigation or prepare for a trial, moneys provided in response to an approved formal funding request shall be available in advance with documentation of critical need for advance funding.~~

~~(6) Agencies receiving advance funding under this section from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall provide a written bi annual report to the Chairperson of the Council of all expenditures from the Account funds. The report for such advance funding shall be accompanied by Form FDLE/IFS-002. Requesting agencies shall retain documentation supporting expenditures from the Account and make these available during the annual evaluation and audit of the trust fund.~~

~~(7) Within 60 days of the conclusion of the violent crime investigation or trial, or 180 days after disbursement of the advance~~

funding, whichever is sooner, the receiving agency shall return any unexpended funds to the Department of Law Enforcement for re-deposit in the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account, unless the Council authorizes an extension of the funding based upon a determination that the receiving agency is continuing in good faith to utilize such funds or upon a request of the receiving agency that additional time is needed to prepare and submit a final reconciliation and report to the Council.

(8) If a receiving agency subsequently is reimbursed from another source of funding for the expenditures funded by the Council, the receiving agency shall repay the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account an amount that is the lesser of the subsequent reimbursement or the advance funding.

(9) Requests for emergency supplemental funds for extraordinary expenses associated with a violent crime trial shall be accompanied by written documentation from the county's chief financial officer demonstrating the significant hardship or inability to cover extraordinary trial expenses in the county's current fiscal year. Such documentation shall also bear the signature of the head of each agency seeking funds.

Rulemaking Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History New 3-10-94, Amended 10-10-95, 10-25-01, 12-3-03, 3-27-06, 3-21-07, 6-9-08.

11N-1.0051 Procedures for Funding Requests for Drug Control Investigative Funding.

(1) The Department of Law Enforcement has established in each area of the state served by a Department regional office a Regional Drug Enforcement Coordinating Team (RCT) to coordinate the identification and development of multi-agency or statewide drug control or illicit money laundering investigative or task force efforts that significantly contribute to achieving the state's goal of reducing drug-related crime as articulated by the Office of Drug Control, that represent a significant illicit money laundering investigative effort, or that otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under Section 397.333, F.S. Each RCT will be under the direction of the Florida Department of Law Enforcement Special Agent in Charge for the area of the State in which the RCT operates. The RCT should be made up of representatives of state, local, and federal law enforcement and prosecuting entities working within the area.

(2) All requests for drug control investigative effort funds from the Council must be developed in conjunction with, and approved by, the RCT in the region from in which the lead requesting agency is located. No request submitted without the endorsement of the RCT will be considered by the Council.

(3) Prior to submitting a request for drug control funds to the Department of Law Enforcement for review and consideration for Council funding, the RCT shall assure that the various requirements of this rule have been satisfied. The RCT shall discuss each mandatory criteria element stated in this rule, explaining in detail how the criteria is met. In addition, the RCT shall identify and discuss each non-mandatory criteria identified in this rule reasonably applicable to the request. The RCT shall assure that the funding proposal has been explained in sufficient detail to promote a fair review and evaluation of the request by the Department and the Council.

(4) All submissions to the Department from a RCT must be approved by the RCT and deemed complete, as indicated by the written certification of the Chair of the RCT.

(5) Submissions from a RCT shall be made to the Department of Law Enforcement's Investigations and Forensic Science Program (IFS). Materials being submitted shall be secured and transmitted in a manner to assure that the criminal investigative and criminal intelligence information contained is not compromised.

(6) The IFS will receive and review all submissions from the various RCTs utilizing the criteria of this rule, and shall prioritize from the pending submissions those proposals that best meet the criteria of this rule and are determined to be multi-agency or statewide drug control or illicit money laundering investigative or task force efforts that are most likely to significantly contribute to achieving the state's goal of reducing drug-related crime as articulated by the Office of Drug Control, that represent the most significant of proposed illicit money laundering investigative efforts, or are cases that are best believed to otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under Section 397.333, F.S.

(7) The IFS shall present to the Council all cases forwarded to it by the RCTs, indicating its prioritization determinations at a meeting of the Council. The presentation must include a recommendation of which cases IFS believes should receive funding priority and the amount of drug control funding recommended and may identify the relative strengths and weaknesses of the cases under consideration in meeting the underlying goals of Council funding.

(8) The Council will make its drug control funding decisions based upon the information presented to it by IFS, or otherwise

made available at a Council meeting, and the availability of funds for use by the Council. The Council may direct that approved funding shall be paid in a lump sum or in installments. The Council may fund all, a portion, or none of a request presented to it.

(9) Denial of all or a part of a request shall not disqualify the request from future consideration by the Council. However, any such request will be considered a new funding request and must be evaluated and approved through the process set forth in this rule, beginning with consideration and approval by the RCT.

(10) Council provided drug control funds shall be expended in a manner consistent with the investigative purposes approved by Council, and may not be utilized to pay any part of the commitment made by the recipient agencies in determining their amount of agency match funds.

(11) If after receipt of funds, it appears that a funded investigative effort will substantially depart from the focus and effort originally approved by the Council, the agencies receiving Council funds shall suspend use of such funds and shall contact the Chair of the RCT and describe the change of focus and effort.

(a) If the new focus and effort is of a type that could be considered for Council funding, the RCT and the participating agencies shall secure Council approval for the continued use of Council funds by the funded agencies. Any such request shall be evaluated and approved through the process set forth in this rule, beginning with consideration and approval by the RCT, but shall be expedited to minimize any negative effect the suspension of spending of Council funds may have on the ongoing investigation.

(b) If authorization for continued use of Council funds must be considered prior to the next regular meeting of the Council, the Council may consider such requests at a special meeting by phone or videoconference.

(c) The Council may endorse changes of focus or efforts and authorize the continued use of Council funds when receiving progress reports during regularly scheduled meetings provided that the RCT and the IFS endorse the new focus or efforts for such continued funding.

(12) In order to assure careful consideration of original requests for drug control funding and resubmitted requests for funding that have been previously denied, the written requests and approvals shall be submitted by the Chair of the RCT to the IFS no later than 30 days prior to the meeting of the Council in which the request for funding might be considered.

(13) Agencies seeking drug control funding under this section shall cooperate with the RCT in the agencies' area, and provide all information as requested by the RCT to assist in the preparation of a funding request, including information to identify the amounts of agency funds being committed by each participating agency to be matched by Council drug control funds. The head of each requesting agency that seeks to receive Council drug control funds shall include in the submission to the RCT a certification in writing that to the agency head's best knowledge and belief, the request complies with the requirements established by law and this rule for funding. The agency head shall also agree to provide requested information to the Council to assist the Council in its performance monitoring obligations and shall agree to retain proof and documentation as may be required by the Council and to submit to any audits or reviews of agency utilization of Council funds or funds derived from any Council funded investigative effort as may be performed. The request shall be accompanied by Form FDLE/IFS 003 Drug Control & Money Laundering Application, and FDLE/IFS 006, the State Financial Assistance Form, both revised 08/01/07, incorporated by reference.

(14) Funding Calculations:

(a) In calculating the amount being provided as an agency match, the Council shall consider:

1. The base salary (including benefits and taxes) and overtime compensation pledged (including benefits and taxes) of agency employees for that portion of the employees' efforts dedicated exclusively to the proposed investigative effort; and,
2. Normal operating costs directly attributable to the proposed investigative effort as specifically identified by the requesting agency, subject to the exclusions listed below.

(b) In calculating the amount being provided by a requesting agency for which matching Council funds may be provided, the Council shall not consider:

1. Funding received by the agencies from federal sources; or
2. Funding utilized for:
 - a. Purchases of equipment that will be retained in a participating agency's inventory;
 - b. The cost of purchased vehicles, vessels, aircrafts, or conveyances;
 - c. Any expense or purchase that appears to be incidental to, or otherwise failing to be shown to substantially support, the proposed investigative effort;
 - d. Seminar and training expenses for employees or officers assigned to the proposed effort; and,
 - e. Rental or purchases of buildings and costs associated with the use or operation of such buildings, such as utilities and

~~maintenance.~~

~~(15) Council provided funds shall not be used for any purposes by the requesting agency in calculating its agency match. Where an employee's overtime has been pledged by an agency as a match, no Council provided funds may be used for the employee's overtime until such time as the agency's match overtime funding has been completely expended. Council funds shall not be used to purchase or lease vehicles, vessels, aircraft or conveyances, computer equipment, or buildings or the maintenance or repair of any such property or equipment. Council funds shall not be used to pay employee base salaries. In each agency's fiscal year, up to \$10,000 in Council funds may be applied to an employee's overtime (including benefits and taxes) for efforts dedicated exclusively to the funded investigative effort. Council funds may be used for the temporary rental of property or equipment for an undercover operation in support of the investigative effort, or for use in surveillance activities tied to the investigative effort. Council funds may be utilized to pay overtime of agency employees' efforts directly in support of the funded investigative effort, limited to \$10,000 per employee in the employee's agency's fiscal year.~~

~~(16) Council Funding Documentation.~~

~~(a) Agencies receiving drug control funding under this section shall provide a written bi annual report of expenditures of Council funds and of the progress of the investigative effort. The report shall be prepared in consultation with the RCT and submitted by the RCT through the IFS for compilation and presentation at a scheduled Council meeting. Form FDLE/IFS 004, the Drug Control Bi Annual Report, revised 08/01/07, incorporated by reference, shall be utilized to make the report. In addition, the Council may require oral progress reports to be made at Council meetings by a representative of the RCT or a designee of the lead investigative agency in a funded investigative effort.~~

~~(b) Agencies receiving Council funding shall retain documentation supporting the amounts and purposes of expenditures made from Council funds, the amounts and purposes of expenditure of agency match funds, the performance and accomplishments of the investigative efforts, and shall make these available to the Council upon request. With regard to agency personnel assigned to investigative efforts receiving Council funds, each agency shall retain, and make available to the Council as requested, each employee's official time and leave records and such other documentation demonstrating the time devoted by the employee to the funded investigative effort, but these records shall not be submitted with Form FDLE/IFS 004.~~

~~(c) Agencies receiving Council funding shall provide such other information as required by the Council or the IFS in its capacity as support staff, to assist in preparing its annual report to the Legislature, to assist audits of Council activities, or to assist the Council and IFS in fulfilling their role to monitor the performance of funded investigations.~~

~~(17) If funds provided by the Council remain unexpended upon the conclusion of any investigative effort, the participating agencies shall return unexpended Council funds to the Council within 90 days of the conclusion of the investigative effort.~~

~~(18) If an agency receiving Council funds is subsequently reimbursed or funded from another source of funding for the expenditures funded by the Council, the receiving agency shall return to the Council an amount that is the lesser of the subsequent reimbursement or the funding received from the Council.~~

~~(19) If agencies receiving Council funding fail to submit the required Form FDLE/IFS 004, by the stated deadline, the Council Chairperson in consultation with FDLE/IFS is authorized to request that all unexpended funds be returned within 30 days. Upon such a finding, the Agency Head of each funded agency will be notified in writing as to the manner in which such funds must be returned. Any agency that is delinquent in submitting Form FDLE/IFS 004 by 90 or more days shall be subject to this provision.~~

~~Rulemaking Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History New 10-25-01, Amended 12-3-03, 3-27-06, 3-21-07, 6-9-08.~~

~~**HN 1.006 Contributions.**~~

~~Local law enforcement agencies may contribute to the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account by submitting funds to the executive director of the Department of Law Enforcement. Contributions should be accompanied by a written statement designating the funds to the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account. Agencies receiving forfeiture proceeds by reason of an investigative effort receiving Council funds may contribute a portion of those proceeds to the Department of Law Enforcement for use by the Council in further funding efforts.~~

~~Rulemaking Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History New 3-10-94, Amended 10-10-95, 10-25-01, 3-27-06.~~

11N-1.007 Annual Audit.

(1) The Department of Law Enforcement will annually arrange for an independent evaluation of the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account to ensure expenditures are consistent with provisions of this rule chapter, and annually arrange for an independent audit of the financial statement.

(2) Prior to the receipt of Council awarded funds, the lead Agency Head and the Chief Financial Officer (CFO) will be required to sign, date, and return the State Financial Assistance Form FDLE/IFS-006, revised 08/01/07 and incorporated by reference, indicating agreement to maintain the requested documentation detailing the actual funds expended during the investigations, and to provide documentation to an auditor upon request.

Rulemaking Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History—New 3-10-94, Amended 10-10-95, 10-25-01, 3-21-07, 6-9-08. FDLE/IFS-006, revised 08/01/07

11N-1.008 Active Criminal Investigative and Active Criminal Intelligence.

Rulemaking Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History—New 10-25-01, Repealed 5-21-12.

~~11N-1.009 Victim/Witness Protection Program.~~

~~(1) Requests for Victim/Witness Protection funding, pursuant to Section 943.031(6), F.S., must be made using the Form FDLE/IFS-005, Victim/Witness Protection Program Application, revised 08/01/07 and incorporated by reference, and FDLE/IFS-006, State Financial Assistance Form, revised 08/01/07, and incorporated by reference.~~

~~(2) In order to be considered for funding, completed applications shall be submitted to FDLE/IFS, at least 30 days prior to the next scheduled Council meeting.~~

~~(3) Completed forms shall be mailed to: Chairperson of the Florida Violent Crime & Drug Control Council, c/o Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302 1489, Attn.: Investigations and Forensic Science Program.~~

~~*Rulemaking Authority 943.03(4) FS. Law Implemented 943.031(6), 914.25 FS. History—New 12-3-03, Amended 3-27-06, 3-21-07, 6-9-08.*~~



The Florida Law Enforcement Officers' Hall of Fame

The Florida Law Enforcement Officers' Hall of Fame recognizes and honors law enforcement officers who put their lives on the line for the safety and protection of Florida's citizens and visitors through their works, service and exemplary accomplishments.

Nominations were accepted from the Florida Sheriffs Association, the Florida Police Chiefs Association, the Police Benevolent Association, the Fraternal Order of Police, and the State Law Enforcement Chiefs' Association. One representative from each association also served as the Selection Committee that identified five nominees for consideration for approval by the Governor and Cabinet. An induction ceremony will be held on May 18, 2019.

2019 Hall of Fame Nominees

Charles F. DuPont was born in 1861 in Tampa to Romeo and Amanda DuPont, who were both freed slaves. Following the Civil War, he moved to Key West to become a carpenter and a Republican activist. In 1889, he was inaugurated as Florida's first popularly elected African-American Sheriff. The Monroe County Grand Jury publicly commended Sheriff DuPont and his deputies for their "Gentlemanly and Courteous behavior", and a circuit court judge wrote the Governor that there was not a more efficient and polite officer than Sheriff DuPont. In 1891, he was ordered to bring two pro-Spain Cubans to Tampa for trial; due to protests, he kept the two men in Key West to avoid a lynching. The two men were tried four times before they were finally found not guilty. He continued to be a strong advocate for equal justice under the law after his term as sheriff ended by founding the local chapter of the NAACP; just two years after the movement began. Sheriff DuPont held a great respect from the community of Key West, which was referred to as the "freest town in the south."

Manuel L. Gonzalez started his career at the Miami-Dade Police Department in 2011 and continues to serve there today. While working off-duty, Officer Gonzalez was involved in an exchange of gunfire and was struck multiple times. Although seriously injured, he fought back for the safety of the citizens around him, killing the suspect. Because of the heroic actions of Officer Gonzalez, he was awarded the Miami-Dade Police Department Gold Medal of Valor for performing an outstanding act of bravery, and the Purple Heart Award for suffering a serious injury on duty. He was also awarded the 2017 Police Officer of the Year from the Police Benevolent Association, as well as the 2017 Lee McGehee-Police Officer of the Year from the Florida Police Chiefs Association. He is seen by the community as a true leader and is proud to still serve the law enforcement community.

Paul R. Hoover began his 30 year commitment to the protection of Florida's natural resources in 1973 as a game manager with the Florida Game and Fresh Water Fish Commission. Not long after, he fulfilled his lifelong dream when he transferred to the Division of Law Enforcement as an officer. He was recognized as Florida's Wildlife Officer of the Year in 1977, and promoted through the ranks. When the Florida Fish and Wildlife Conservation Commission (FWC) was established, he became the chief of inland operations and later served as chief of staff. During this time, he helped lay the foundation of the FWC Division of Law Enforcement. Throughout his career, he mentored and guided hundreds of law enforcement officers. Recognized by various national conservation groups, he was dedicated to protecting our natural resources for future generations. An avid runner, he coached Wakulla High School's cross country and track teams. After he was tragically killed by a hit and run driver while on an evening run in 2017, his legacy remains. The track at Wakulla High School is now named the "Coach Paul Hoover Track and Field", as well as establishing the Paul Hoover Memorial 5k Freedom Run.

Alphonso Lofton joined the Florida Highway Patrol (FHP) in 1970 after witnessing a FHP trooper investigating a hit-and-run accident, becoming the Patrol's first African-American trooper. After graduation from the FHP academy, he assigned to Field Operations in Miami's Troop E. In 1973, he was promoted to Traffic Homicide Investigator, and he was assigned as a recruiter in 1981. He was appointed to FHP's Equal Employment Opportunity Committee to recruit more African-Americans into the Florida Highway Patrol. His recruitment efforts earned him recognition from the patrol and the community, receiving the Martin Luther King Brotherhood Award and a commendation from the Florida Commission of Human Relations for his recruitment efforts. Trooper Lofton succumbed to multiple sclerosis in 1984 at the age of thirty-nine. Because of Lofton's outstanding service to the citizens of Florida, the 1989 Florida Legislature dedicated the Troop E Headquarters building in Miami to his memory.

James D. Sewell began his 32 year law enforcement career in 1972 at the Florida State University (FSU) Department of Public Safety. After rising through the ranks to lieutenant at FSU, he became an inspector with the Florida Department of Law Enforcement (FDLE). During his first tenure at FDLE, he served in a variety of roles including deputy director of two different divisions, Local Law Enforcement Assistance and Criminal Justice Information Systems. He was named the chief of police with the Gulfport Police Department in 1986, and he spent his last nine months in Gulfport as its acting city manager. In 1990, he returned to FDLE, and became the first director of the Florida Criminal Justice Executive Institute (FCJEI), which he helped develop. Today, the FCJEI continues to further the professional development of Florida's law enforcement executives. He was the FDLE Assistant Commissioner when he retired in 2005. Throughout his career, he was seen as a true champion for the continued development of law enforcement at every rank. Since retirement, he has provided consulting services to numerous law enforcement and social services agencies, not for profit organizations, and professional organizations.