

AGENDA
FLORIDA DEPARTMENT OF LAW ENFORCEMENT
June 4, 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 February 26, 2019 Cabinet Meeting.**

(See Attachment 1)

RECOMMEND APPROVAL

ITEM 2 Respectfully submit **Department's Contracts Agreements and Purchases over \$100,000 for FY 18-19 3rd Quarter (January 1 to March 31, 2019).**

(See Attachment 2)

RECOMMEND APPROVAL

ITEM 3 Respectfully submit **Notice of Rules for Final Adoption** 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



CONTRACTS, AGREEMENTS AND PURCHASES OVER \$100,000

Q3 - FY 2018-19 (January 1 – March 31, 2019)

<u>P.O.#</u>	<u>VENDOR/SERVICE</u>	<u>AMOUNT</u>
PO2001089	Capax Discovery, LLC Capax Archive Solutions (CAS) implementation, migration maintenance and support services. <ul style="list-style-type: none">▪ Single Source▪ Term: 1/7/2019 - 6/30/2020	\$114,600
PO2071651	DLT Solutions, LLC Maintenance and support renewal for Informatica Identity Resolution software. <ul style="list-style-type: none">▪ Alternate Contract▪ Term: 4/1/2019 - 3/31/2022	\$453,433
FDLE-019-19	DNA Labs International, Inc. Sexual assault and non-sexual assault kit testing fees. <ul style="list-style-type: none">▪ Invitation to Bid▪ Term: 4/1/2019 - 3/31/2024	\$4,625,000
FDLE-030-19	Georgia Tech Research Institute Consulting services to research, assess and analyze current and future license plate reader technology. <ul style="list-style-type: none">▪ State Term Purchase▪ Term: One Time Purchase	\$195,990
B46CB1 B46FAE B4B003	Life Technologies Corp. Reagents for Tallahassee, Tampa Bay and Orlando Regional Crime Laboratories. <ul style="list-style-type: none">▪ Single Source▪ Term: One Time Purchase	\$328,865 \$174,768 \$166,718
B4D1E4	Microsoft Corp. Support services for Microsoft Premier annual agreement. <ul style="list-style-type: none">▪ State Term Contract▪ Term: 4/1/2019 - 3/31/2020	\$128,620
PO2021627	Qiagen, LLC Maintenance of QIAgility instruments for the Tallahassee, Jacksonville, Orlando, Pensacola, Ft. Myers and Tampa Bay Regional Crime Laboratories <ul style="list-style-type: none">▪ Single Source▪ Term: 2/1/2019 - 1/31/2020	\$ 232,395
FDLE-029-19	Siemens Industry, Inc. Maintenance for chemical fume hoods located in Tallahassee Regional Crime Laboratory. <ul style="list-style-type: none">▪ Single Source▪ Term: 2/5/2019 - 2/4/2022	\$123,027



CONTRACTS, AGREEMENTS AND PURCHASES OVER \$100,000

Q3 - FY 2018-19 (January 1 – March 31, 2019)

710:0265	STAG III Pensacola, LLC 3-year facilities lease for 30,620 square feet of office/ lab space for Pensacola Regional Operations Center. <ul style="list-style-type: none">▪ Replacement Lease▪ Term: 4/9/2019 - 4/8/2022	\$ 3,421,785
FDLE-021-19	Watch Systems, LLC Support and maintenance for the Florida Offender Alert System. <ul style="list-style-type: none">▪ Request for Proposal▪ Term: One Time Purchase	\$165,000
710:0259	William Gremillion and Joe Loft 3-year facilities lease for 3,500 square feet of warehouse space located in Pensacola. <ul style="list-style-type: none">▪ Competitive Quotes▪ Term: 3/1/2019 - 9/30/2022	\$213,386

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-~~http://www.flrules.org/Gateway/reference.asp?No=Ref 07383~~](http://www.flrules.org/Gateway/reference.asp?No=Ref-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-~~http://www.flrules.org/Gateway/reference.asp?No=Ref 07384~~](http://www.flrules.org/Gateway/reference.asp?No=Ref-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-~~http://www.flrules.org/Gateway/reference.asp?No=Ref-09673~~](http://www.flrules.org/Gateway/reference.asp?No=Ref-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-~~http://www.flrules.org/Gateway/reference.asp?No=Ref-09676~~](http://www.flrules.org/Gateway/reference.asp?No=Ref-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-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-_____](http://www.flrules.org/Gateway/reference.asp?No=Ref-____) ~~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, _____.

BILL GALVANO
President



Representative Erin Grall, Chair
Senator Linda Stewart, Vice Chair
Senator Janet Cruz
Senator Ed Hooper
Senator Keith Perry
Senator Tom A. Wright
Representative Vance Arthur Aloupis, Jr.
Representative James "J.W." Grant
Representative Brett Thomas Hage
Representative Cindy Polo
Representative Holly Raschein
Representative Clovis Watson, Jr.

JOSE R. OLIVA
Speaker



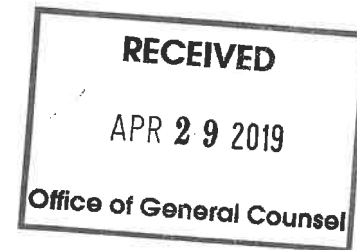
KENNETH J. PLANTE
COORDINATOR
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, Florida 32399-1400
Telephone (850) 488-9110
Fax (850) 922-6934
www.japc.state.fl.us
joint.admin.procedures@leg.state.fl.us

THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

April 25, 2019

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

**RE: Department of Law Enforcement
Rules 11C-7.006, .007, .009, and .010**



Dear Mr. Bufano:

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

- 11C-7.006** The rule incorrectly cites section 943.058(2), Fla. Stat. (2018), as rulemaking authority. This statute does not exist. Please revise as appropriate.
- 11C-7.010(1)(b)** The rule incorporates by reference form FDLE 40-028. However, the rule text should be revised to include the appropriate version date of the form as required by rule 1-1.013, F.A.C.
- FD-258** Please revise either the rule text or the title of the form in each rule that it appears so that they are in accord. Also, please revise the form itself so that it includes the number of the rule in which it is incorporated and the version date.

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

Sincerely,

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

Sharon Jones
Senior Attorney



Florida Department of
Law Enforcement

Richard L. Swearingen
Commissioner

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

Ron DeSantis, *Governor*
Ashley Moody, *Attorney General*
Jimmy Patronis, *Chief Financial Officer*
Nikki Fried, *Commissioner of Agriculture*

April 30, 2019

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

RE: Department of Law Enforcement, Rules: 11C-7.006, .007 and .010, F.A.C.

Dear Ms. Jones:

I am writing in response to your letter dated April 25, 2019, regarding the JAPC review and findings of the proposed rule revisions to Rule Chapter 11C-7.006, .007 and .010, F.A.C. FDLE provides the following:

JAPC Comment:

- 11C-7.006:** The rule incorrectly cites section 943.058(2), Fla. Stat. (2018), as rulemaking authority. This statute does not exist. Please revise as appropriate.
- 11C-7.010(1)(b):** The rule incorporates by reference form FDLE 40-028. However, the rule text should be revised to include the appropriate version date of the form as required by rule 1-1.013, F.A.C.
- FD-258:** Please revise either the rule text or the title of the form in each rule that it appears so that they are in accord. Also, please revise the form itself so that it includes the number of the rule in which it is incorporated and the version date.

FDLE Response:

FDLE requests that the above proposed revisions be considered technical revisions after promulgation of the proposed rules pursuant to 1-1.010(10), F.A.C. FDLE will make the revision in a technical memo to the Bureau of Administrative Code upon filing the rules for adoption. If that is not satisfactory to you, then FDLE will revise the language of the text as required in the next rule promulgation package, which should begin in October or November of 2020.

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

Sincerely,

Chris Bufano
Assistant General Counsel

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11C-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.

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

985.3065985.125, 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 _____.

BILL GALVANO
President



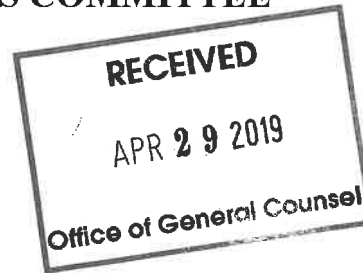
Representative Erin Grall, Chair
Senator Linda Stewart, Vice Chair
Senator Janet Cruz
Senator Ed Hooper
Senator Keith Perry
Senator Tom A. Wright
Representative Vance Arthur Aloupis, Jr.
Representative James "J.W." Grant
Representative Brett Thomas Hage
Representative Cindy Polo
Representative Holly Raschein
Representative Clovis Watson, Jr.

JOSE R. OLIVA
Speaker



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

THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**



April 25, 2019

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

**RE: Department of Law Enforcement
Rules 11D-9.001, .002, .005, and .006**

Dear Mr. Bufano:

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

11D-9.006 Please explain why the forms are no longer incorporated by reference. Also, if revisions have been made to the form(s) since the last version date then a copy of the revised form(s) should be provided to the committee.

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

Sincerely,

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

Sharon Jones
Senior Attorney



Florida Department of
Law Enforcement

Richard L. Swearingen
Commissioner

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

Ron DeSantis, *Governor*
Ashley Moody, *Attorney General*
Jimmy Patronis, *Chief Financial Officer*
Nikki Fried, *Commissioner of Agriculture*

May 16, 2019

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

RE: Department of Law Enforcement, Rule: 11D-9.001, .002, .005, and .006, F.A.C.

Dear Ms. Jones:

I am writing in response to your letter dated April 25, 2019, regarding the JAPC review and findings of the proposed rule revisions to Rule Chapter 11D-9.001, .002, .005, and .006, F.A.C. FDLE provides the following:

JAPC Comment:

11D-9.006: Please explain why the forms are no longer incorporated by reference. Also, if revisions have been made to the form(s) since the last version date then a copy of the revised form(s) should be provided to the committee.

FDLE Response:

The forms in question were removed due to an anticipated change to FDLE's grant management system that would have incorporated new forms. This transition however was delayed and FDLE now expects to maintain use of the current forms until next summer. As such, they will not be removed from rule as originally contemplated. In accordance with 120.54(3)(d), F.S., FDLE will publish in the Florida Administrative Register, the enclosed Notice of Change.

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

Sincerely,

Chris Bufano
Assistant General Counsel

Notice of Change/Withdrawal

DEPARTMENT OF LAW ENFORCEMENT
Division of Local Law Enforcement Assistance

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 45 No. 62, March 29, 2019 issue of the Florida Administrative Register.

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	OCJG-011 (rev. June 2012)
https://www.flrules.org/Gateway/reference.asp?No=Ref-02288	
(10) Certificate of Acceptance of Subgrant Award	OCJG-012 (rev. June 2012)
https://www.flrules.org/Gateway/reference.asp?No=Ref-02289	
(11) Refund Form	OCJG-018 (created June 2012)
https://www.flrules.org/Gateway/reference.asp?No=Ref-02290	

(12) Grant Adjustment Notice

OCJG-020 (created June 2012)

<https://www.flrules.org/Gateway/reference.asp?No=Ref-02314>

(13) Performance Report

OCJG-023 (created June 2012)

<http://www.flrules.org/Gateway/reference.asp?No=Ref-02292>

(14) Certificate of Participation

OCJG-024 (created June 2012)

<https://www.flrules.org/Gateway/reference.asp?No=Ref-02293>

(15) Request for Cash Advance

OCJG-025 (created June 2012)

<https://www.flrules.org/Gateway/reference.asp?No=Ref-02315>

(16) PGI Budget Approval

OCJG-026 (created June 2012)

<https://www.flrules.org/Gateway/reference.asp?No=Ref-02295>

(17) Certification as to Bulletproof Vest Purchase Requirements

OCJG-027 (created June 2012)

<https://www.flrules.org/Gateway/reference.asp?No=Ref-02296>

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-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)(1) 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	OCJG-011 (rev. June 2012)
https://www.flrules.org/Gateway/reference.asp?No=Ref-02288	
(10) Certificate of Acceptance of Subgrant Award	OCJG-012 (rev. June 2012)
https://www.flrules.org/Gateway/reference.asp?No=Ref-02289	
(11) Refund Form	OCJG-018 (created June 2012)
https://www.flrules.org/Gateway/reference.asp?No=Ref-02290	
(12) Grant Adjustment Notice	OCJG-020 (created June 2012)
https://www.flrules.org/Gateway/reference.asp?No=Ref-02314	
(13) Performance Report	OCJG-023 (created June 2012)
http://www.flrules.org/Gateway/reference.asp?No=Ref-02292	
(14) Certificate of Participation	OCJG-024 (created June 2012)
https://www.flrules.org/Gateway/reference.asp?No=Ref-02293	
(15) Request for Cash Advance	OCJG-025 (created June 2012)
https://www.flrules.org/Gateway/reference.asp?No=Ref-02315	
(16) PGI Budget Approval	OCJG-026 (created June 2012)
https://www.flrules.org/Gateway/reference.asp?No=Ref-02295	
(17) Certification as to Bulletproof Vest Purchase Requirements	OCJG-027 (created June 2012)
https://www.flrules.org/Gateway/reference.asp?No=Ref-02296	

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 _____.

BELL GALVANO
President



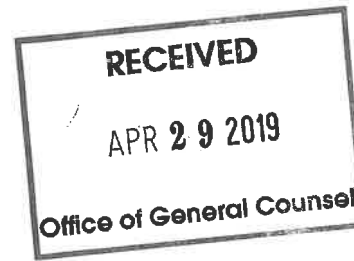
Representative Erin Grall, Chair
Senator Linda Stewart, Vice Chair
Senator Janet Cruz
Senator Ed Hooper
Senator Keith Perry
Senator Tom A. Wright
Representative Vance Arthur Aloupis, Jr.
Representative James "J.W." Grant
Representative Brett Thomas Hage
Representative Cindy Polo
Representative Holly Raschein
Representative Clovis Watson, Jr.

THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

JOSE R. OLIVA
Speaker



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



April 25, 2019

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

**RE: Department of Law Enforcement
Rules 11N-1.002, .0021, .0022, .003, .0031, .004, .005, .0051, .006, and .009**

Dear Mr. Bufano:

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

- 11N-1.001(8)** This definition refers to a document or publication issued by the department or council and states that it is incorporated by reference in this rule. Please provide a copy of the referenced document to the committee for review. Additionally, the rule should refer to the incorporated material by title and include the version date and where the material may be obtained as required by rule 1-1.013, F.A.C.
- 11N-1.002(b)** Please revise. The word solicitation is misspelled and, while incorporation by reference has been alluded to at the end of the sentence, nothing has been incorporated by reference.
- 11N-1.002(f)** There should not be a hyphen between the words "unaccounted" and "for."
- 11N-1.002(3)** The subparagraphs should be identified as (a) and (b) rather than (1.) and (2.). Also, the term "case-related" does not exist in the Merriam-Webster Dictionary. Please revise.

- 11N-1.002(3)(h)** It appears that this definition should be in rule 11N-1.002. Please revise.
- 11N-1.002(5)** The application link results in an error message of “file or directory not found.” Please correct.
- The application should be incorporated by reference and properly identified in the rule text as required by rule 1-1.013, F.A.C. Please do so at the appropriate place in the rule chapter and forward a copy of the application to the committee for review.
- 11N-1.0021** The guidelines should be incorporated by reference and properly identified in the rule text as required by rule 1-1.013, F.A.C. Please do so at the appropriate place in the rule chapter and forward a copy of the application to the committee for review.
- 11N-1.0021(2)(d)** The end of the sentence says, “as defined in subsection (4) of this section.” As subsection (4) does not exist in the proposed rule, the reference should be removed.
- 11N-1.0022(1)** Please see the comment for 11N-1.0021.
- 11N-1.0022(2)(a)** The term “drug-related” does not exist in the Merriam-Webster Dictionary. Please revise.

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

Sincerely,

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

Sharon Jones
Senior Attorney



Florida Department of
Law Enforcement

Richard L. Swearingen
Commissioner

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

Ron DeSantis, *Governor*
Ashley Moody, *Attorney General*
Jimmy Patronis, *Chief Financial Officer*
Nikki Fried, *Commissioner of Agriculture*

May 17, 2019

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

RE: Department of Law Enforcement, Rule: 11N-1.002, .0021, .0022, .003, .0031, .004, .005, .0051, .006, and .009, F.A.C.

Dear Ms. Jones:

I am writing in response to your letter dated April 25, 2019, regarding the JAPC review and findings of the proposed rule revisions to Rule Chapter 11N-1.002, .0021, .0022, .003, .0031, .004, .005, .0051, .006, and .009, F.A.C. FDLE provides the following:

JAPC Comment:

11N-1.001(8): This definition refers to a document or publication issued by the department or council and states that it is incorporated by reference in this rule. Please provide a copy of the referenced document to the committee for review. Additionally, the rule should refer to the incorporated material by title and include the version date and where the material may be obtained as required by rule 1-1.013, F.A.C.

FDLE Response:

The solicitations, requirements, eligibility, and guidelines are created when the legislature provides funding and requirements for a particular grant and are not in existence until funds and criteria are provided by the legislature. When criteria and funds are received by the Department from the granting authority the Department prepares the solicitation based on the directives of the specific grant.

11N-1.002(b): Please revise. The word solicitation is misspelled and, while incorporation by reference has been alluded to at the end of the sentence, nothing has been incorporated by reference.

FDLE Response:

FDLE requests that the above proposed revisions be considered technical revisions after promulgation of the proposed rules pursuant to 1-1.010(10), F.A.C. FDLE will make the revision in a technical memo to the Bureau of Administrative Code upon filing the rules for adoption. If that is not satisfactory to you, then FDLE will revise the language of the text as required in the next rule promulgation package, which should begin in October or November of 2020.

11N-1.002(f): There should not be a hyphen between the words “unaccounted” and “for.”

FDLE Response:

Please see FLDE response to JAPC Comment 11N-1.002(b) above.

11N-1.002(3): The subparagraphs should be identified as (a) and (b) rather than (1.) and (2.). Also, the term “case-related” does not exist in the Merriam-Webster Dictionary. Please revise.

FDLE Response:

Please see FLDE response to JAPC Comment 11N-1.002(b) above.

11N-1.002(3)(h): It appears that this definition should be in rule 11N-1.002. Please revise.

FDLE Response:

Please see FLDE response to JAPC Comment 11N-1.002(b) above.

11N-1.002(5): The application link results in an error message of “file or directory not found.” Please correct.

FDLE Response:

Please see FLDE response to JAPC Comment 11N-1.002(b) above.

11N-1.002(5): The application should be incorporated by reference and properly identified in the rule text as required by rule 1-1.013, F.A.C. Please do so at the appropriate place in the rule chapter and forward a copy of the application to the committee for review.

FDLE Response:

In accordance with 120.54(3)(d), F.S., FDLE will publish in the Florida Administrative Register, the enclosed Notice of Change addressing this comment. Also attached is a copy of the referenced application.

11N-1.0021: The guidelines should be incorporated by reference and properly identified in the rule text as required by rule 1-1.013, F.A.C. Please do so at the appropriate place in the rule chapter and forward a copy of the application to the committee for review.

FDLE Response:

Please see FLDE response to JAPC Comment 11N-1.001(8) above.

11N-1.0021(2)(d): The end of the sentence says, "as defined in subsection (4) of this section." As subsection (4) does not exist in the proposed rule, the reference should be removed.

FDLE Response:

Please see FLDE response to JAPC Comment 11N-1.002(b) above.

11N-1.0022(1): Please see the comment for 11N-1.0021.

FDLE Response:

Please see FLDE response to JAPC Comment 11N-1.001(8) above.

11N-1.0022(2)(a): The term "drug-related" does not exist in the Merriam-Webster Dictionary. Please revise.

FDLE Response:

Please see FLDE response to JAPC Comment 11N-1.002(b) above.

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

Sincerely,



Chris Bufano

Assistant General Counsel

Notice of Change/Withdrawal

DEPARTMENT OF LAW ENFORCEMENT

Office of Inspector General

RULE NO.: RULE TITLE:

11N-1.002 Criteria

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 45 No. 62, March 29, 2019 issue of the Florida Administrative Register.

11N-1.002 Purpose and Funding.

(1) through (4) No change.

(5) Application information, Form FDLE/IFS-005, Victim/Witness Protection Program Reimbursement Application, revised 08/01/07, incorporated by reference, 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, _____.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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 Criteria for Matching 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.

Rulemaking Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History- New

11N-1.002 Purpose and Funding Criteria.

(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.

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.~~

~~(5)(3) 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 Assistance Reimbursement 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 <http://www.fdle.state.fl.us/VCDCC/VCDCC-Home.aspx>.

(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. 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.

(3)(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 <http://www.fdle.state.fl.us/VCDCC/VCDCC-Home.aspx>.

(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:

(a)(1) Significantly contribute to achieving the state's goal of reducing drug-related crime as articulated by the Office of Drug Control;

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

(c)(3) 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-hydroxy butyrate ("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 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)(c), 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.

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, Repealed _____.

11N-1.0031 Limitations on Drug Control Investigative 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, Repealed _____.

11N-1.004 Procedures for Emergency Violent Crime Investigative Funding.

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, Repealed _____.

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

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, Repealed _____.

11N-1.0051 Procedures for Funding Requests for Drug Control Investigative 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, 6-9-08, Repealed _____.

11N-1.006 Contributions.

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, Repealed _____.

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.

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, Repealed _____.