



AGENDA
FLORIDA DEPARTMENT OF LAW ENFORCEMENT
March 5, 2025

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 **Notice of Proposed Rules** for the following: **Rule Chapter 11D-8 F.A.C.** The department also requests approval to file for final adoption if no substantive changes to the rule is required following publication of the notice of proposed rules.

(See Attachment 1)

RECOMMEND APPROVAL

- ITEM 2 Respectfully submit report on **Department's Contracts, Agreements and Purchases over \$100,000 for FY 24-25 2nd Quarter (October 1 to December 31).**

(See Attachment 2)

RECOMMEND ACCEPT REPORT

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11D-8, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11D-8.002, 11D-8.003, 11D-8.0035, 11D-8.0036, 11D-8.004, 11D-8.006,
11D-8.007, 11D-8.0075, 11D-8.008, 11D-8.011, 11D-8.013, 11D-8.014, 11D-8.019

IMPLIED CONSENT PROGRAM

SUMMARY OF THE RULE

Updates the definitions, approvals of breath test methods, breath test instruments, alcohol reference solutions and sources, and dry gas standards source; adding references applicable to Intoxilyzer 9000, removing revision date and location information for certain forms; adding requirements for blood alcohol analyst permits and specifications for gas chromatographic analytical procedures.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11D-8.002(1): Removes text that shall be moved into the standard operating procedures.

11D-8.002(3): Amends rule to remove the requirements of the department to provide acetone solution.

11D-8.002(12): Amends rule text to remove a reference to a form.

11D-8.002(26): Amends text to specify breath alcohol permits.

11D-8.002(28): Amends text to remove definition.

11D-8.003(2): Amends text to remove revision date and location of a form.

11D-8.003(4): Amends text to remove revision date of a form.

11D-8.0035(1)(a): Amends text to add concentrations.

11D-8.0035(2)(a): Amends text to remove revision date and location of a form.

11D-8.0036(1)(c): Amends text to add concentrations.

11D-8.004(3): Amends text to remove revision date and location of a form.

11D-8.006(1): Amends text to specify procedures for both Intoxilizer 8000 and Intoxilizer 9000. Amends text to remove revision date and location of forms.

11D-8.007(4): Amends text to specify procedures for both Intoxilizer 8000 and Intoxilizer 9000. Amends text to remove revision date and location of forms.

11D-8.0075(2): Amends text to not specify Intoxilizer 8000.

11D-8.008(1)(d): Amends text to specify applicable instrument.

11D-8.008(1)(e): Amends text to remove revision date and location of forms.

11D-8.008(2)(a): Amends text to include all evidentiary breath instruments.

11D-8.008(2)(b): Amends text to include all evidentiary breath instruments.

11D-8.011: Amends text to add specifications for gas chromatographic analytical procedures.

11D-8.013: Amends text to add requirements for blood alcohol analyst permits; Removing gas chromatographic analytical procedures; removing revision date and location information for certain forms.

11D-8.014: Amends text to specify blood alcohol analyst proficiency requirements.

11D-8.019: Amends text to add revision dates and location information for rule forms.

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

No requests for a public hearing or written comments have been received.

Notice of Proposed Rule

NAME OF AGENCY: Department of Law Enforcement

Division or Board: Division of Local Law Enforcement Assistance

RULE NO.:	RULE TITLE:
11D-8.002	Definitions
11D-8.003	Approval of Breath Test Methods and Instruments
11D-8.0035	Approval of Alcohol Reference Solution and Sources
11D-8.0036	Approval of Dry Gas Standards Source
11D-8.004	Department Inspection and Registration of Breath Test Instruments
11D-8.006	Agency Inspection of Breath Test Instruments
11D-8.007	Approved Breath Test Instruments – Access, Facility Requirements, Observation Period, and Operational Procedures
11D-8.0075	Agency Retention of Records
11D-8.008	Breath Test Operator and Agency Inspector
11D-8.011	Approval of Blood Alcohol Test Methods
11D-8.013	Blood Alcohol Permit - Analyst
11D-8.014	Blood Alcohol Permit – Analyst: Renewal
11D-8.019	Forms

PURPOSE AND EFFECT:

Rule 11D-8.001, F.A.C.: Updating rule to include Intoxilizer 9000 forms and to provide clarity for blood alcohol permitting.

Rule 11D-8.002, F.A.C.: Amending definition of “Acceptable Range,” “Acetone Solution,” “Approved Breath Alcohol Test,” and removing the definition of “Target Concentration.”

Rule 11D-8.003, F.A.C.: Removing revision date and location information for certain forms.

Rule 11D-8.0035, F.A.C.: Adding to the requirements of a source of alcohol reference solution; removing revision date and location information for certain forms.

Rule 11D-8.0036, F.A.C.: Adding to the required capabilities for a source.

Rule 11D-8.004, F.A.C.: Adding references to applicable forms for Intoxilyzer 9000; removing revision date and location information for certain forms.

Rule 11D-8.006, F.A.C.: Removing revision date and location information for certain forms.

Rule 11D-8.007, F.A.C.: Removing references to a specific instrument; adding references for Intoxilyzer 9000; removing revision date and location information for certain forms.

Rule 11D-8.0075, F.A.C.: Removing references to a specific instrument.

Rule 11D-8.008, F.A.C.: Requiring permit requirements to be associated with a particular instrument; removing revision date and location information for certain forms.

Rule 11D-8.011, F.A.C.: Adding specifications for gas chromatographic analytical procedures.

Rule 11D-8.013, F.A.C.: Adding requirements for blood alcohol analyst permits; Removing gas chromatographic analytical procedures; removing revision date and location information for certain forms.

Rule 11D-8.014, F.A.C.: Specifying blood alcohol analyst proficiency requirements.

Rule 11D-8.019, F.A.C.: Adding revision dates and location information for rules forms.

SUMMARY:

Revises rules for inclusion of Intoxilyzer 9000 forms and revisions blood alcohol permitting.

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: 316.1932(1)(a)2., 316.1932(1)(f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a), 322.63(b), 327.352(1)(b)3., 943.03(4) FS

LAW IMPLEMENTED: 316.1932(1)(b)2., 316.1933(2)(b), 316.1934(3), 322.63(3), 322.63(3)(b), 327.352(1)(e), 327.353(2), 327.354(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: Tuesday, April 1, 2025, at 10:00 a.m.

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

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

Jeff Dambly at 850-410-7676, or JeffDambly@fdle.state.fl.us, or write to Florida Department of Law Enforcement, 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:

Jeff Dambly at 850-410-7676, or JeffDambly@fdle.state.fl.us, or write to Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bureau Chief Chris Carney

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 5, 2025

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 7, 2025

THE FULL TEXT OF THE PROPOSED RULE IS:

11D-8.002 Definitions.

(1) Acceptable Range – the results of alcohol reference solutions and dry gas standard analyses which fall within the following ranges at each alcohol vapor concentration: 0.05 g/210L range is 0.045 to 0.055 g/210L; 0.08 g/210L range is 0.075 to 0.085 g/210L; 0.15 g/210L range is 0.143 to 0.158 g/210L; 0.20 g/210L range is 0.190 to 0.210 g/210L; 0.300 g/210L range is 0.285 to 0.315 g/210L; ~~or the Alcohol Reference Solution gas chromatographic results which fall within the following ranges: 0.0605 g/100mL range is 0.0586 to 0.0623 g/100mL; 0.0968 g/100 mL range is 0.0938 to 0.0997 g/100mL; 0.2420 g/100mL range is 0.2347 to 0.2492 g/100mL.~~

(2) no change

(3) Acetone Stock Solution – a mixture of acetone and distilled or deionized water. ~~provided by the Department.~~

(4) through (11) no change

(12) Approved Breath Alcohol Test – a minimum of two samples of breath collected within fifteen minutes of each other, analyzed using an approved breath test instrument, producing two results within 0.020 g/210L, and reported as the breath alcohol level, on a single ~~Form 38~~ breath test affidavit. If the results of the first and second samples are more than 0.020 g/210L apart, a third sample shall be analyzed. Refusal or failure to provide the required number of valid breath samples constitutes a refusal to submit to the breath test. Notwithstanding the foregoing sentence, the result(s) obtained, if proved to be reliable, shall be acceptable as a valid breath alcohol level.

(13) through (25) no change

(26) Permit Cycle – the 4-year period in which continuing education requirements for breath alcohol permits shall be satisfied. The initial cycle due date is June 30th of the fourth year following the initial permit date. Subsequent cycles will run for 4-year periods from the initial cycle due date.

EXAMPLE:	
Initial Permit Date	November 21, 2012
4-year Anniversary Date	November 21, 2016
Continuing Education Due Date/Initial Cycle Due Date	June 30, 2017

(27) no change

~~(28) Target Concentration – a gas chromatographic result equivalent to the following known alcohol vapor concentrations of alcohol reference solution: for 0.05 g/210L the target concentration is 0.0605 g/100mL; for 0.08 g/210L the target concentration is 0.0968 g/100mL; for 0.20 g/210L the target concentration is 0.2420 g/100mL.~~

Rulemaking Authority 316.1932(1)(a)2., (f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a), (b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2), 327.354(3) FS. History– New 10-31-93, Amended 1-1-97, 7-6-99, 7-29-01, 11-5-02, 12-9-04, 3-27-06, 7-29-15,_____.

11D-8.003 Approval of Breath Test Methods and Instruments.

(1) no change

(2) The Department approves breath test methods and new instrumentation to ensure the accuracy and reliability of breath test results. The approved breath test instrument make and model is the CMI, Inc. Intoxilyzer 8000 and

Intoxilyzer 9000 using software evaluated by the Department in accordance with Instrument Evaluation Procedures FDLE/ATP Form 34, ~~revised March 2004, effective date July 2015, hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref 05645>. This form may be obtained by contacting the Florida Department of Law Enforcement, Alcohol Testing Program, P.O. Box 1489, Tallahassee, Florida 32302.~~

(3) no change

(4) The Department shall conduct evaluations for approval of new instrumentation under subsection (2) in accordance with Instrument Evaluation Procedures FDLE/ATP Form 34 ~~Rev. March 2004.~~

(5) no change

Rulemaking Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), (b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04, 7-29-15, 7-22-24, _____.

11D-8.0035 Approval of Alcohol Reference Solution and Sources.

(1) The Department shall approve a source of alcohol reference solution for use by agencies in the State of Florida. The source approved by the Department shall be an ISO 17034 or similarly accredited entity that manufactures alcohol reference solutions and meets the following requirements:

(a) The source must prepare alcohol reference solution, and be capable of producing a minimum batch volume of 800 bottles, each containing at least 500 milliliters, to produce the following vapor alcohol concentrations: 0.05 g/210L, 0.08 g/210L, 0.20 g/210L; and 0.320g/210L;

(b) no change

(2) If an ISO 17034 or similiary accredited provider is not available the Department shall approve each lot prior to distribution in Florida by determining the alcohol concentration in a minimum of ten (10) sample bottles of each lot of alcohol reference solution using gas chromatography or other scientifically accepted method at the time such lots are submitted for approval. Duplicate analyses will be performed on each sample bottle of alcohol reference solution. If any result falls outside the alcohol reference solution acceptable range, a second set of analyses will be performed. If the second set of results are within the alcohol reference solution acceptable range, the alcohol reference solution shall be approved. If any of the results fall outside the alcohol reference solution acceptable range a second time, the alcohol reference solution shall be disapproved.

(a) When the Department approves a lot it shall notify the source that the approved lots may be distributed for use in Florida, and shall issue a Certificate of Assurance, FDLE/ATP Form 32 ~~revised March 2001, effective date July 2015, hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref 05643> This form may be obtained by contacting the Florida Department of Law Enforcement, Alcohol Testing Program, P.O. Box 1489, Tallahassee, Florida 32302.~~

(3) Alcohol reference solution lots shall be used in agency or Department inspections within two (2) years of the date of manufacture.

Rulemaking Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3., (d) FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History—New 7-6-99, Amended 7-29-01, 12-9-04, 7-29-15, 9-4-16, 7-22-24, _____.

11D-8.0036 Approval of Dry Gas Standards Source.

(1)(a-b) no change

(c) The source must be capable of producing a minimum of 300 cylinders of dry gas standard during a thirty day period at an alcohol vapor concentration of 0.05 g/210L, 0.08 g/210L, 0.15 g/210L, and 0.30 g/210L.

(d) no change

(2) no change

Rulemaking Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), (b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History—New 11-5-02, Amended 12-9-04, _____.

11D-8.004 Department Inspection and Registration of Breath Test Instruments.

(1)-(2) no change

(3) Department inspections shall be conducted in accordance with the applicable procedures. For the Intoxilyzer 8000- Department Inspection Procedures FDLE/ATP Form 36, revised August 2005, effective date July 2015, hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref 05654>, and results reported on -Department Inspection Report – Intoxilyzer 8000, FDLE/ATP Form 41, revised August 2005, effective date July 2015, hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref 05647>. These forms may be obtained by contacting the Florida Department of Law Enforcement, Alcohol Testing Program, P.O. Box 1489, Tallahassee, Florida 32302. For the Intoxilyzer 9000- Department Inspection Procedures FDLE/ATP Form 36a, and results reported on Department Inspection Report- Intoxilyzer 9000, FDLE/ ATP Form 41a.

(4) no change

Rulemaking Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04, 3-27-06, 7-29-15, _____.

11D-8.006 Agency Inspection of Breath Test Instruments.

(1) Evidentiary breath test instruments shall be inspected by an agency inspector at least once each calendar month. The agency inspection shall be conducted in accordance with the applicable procedures. For the Intoxilyzer 8000- Agency Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 39, revised August 2005, effective date July 2015, hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref 05652> and the results reported on Agency Inspection Report – Intoxilyzer 8000 FDLE/ATP Form 40, created March 2004, effective date July 2015, hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref 056653> These forms may be obtained by contacting the Florida Department of Law Enforcement, Alcohol Testing Program, P.O. Box 1489, Tallahassee, Florida 32302. Agencies will be provided blank forms upon request and without cost for their alcohol testing program use. Intoxilyzer 9000 - Agency Inspection Procedures FDLE/ATP Form 39a, and results reported on Agency Inspection Report- Intoxilyzer 9000, FDLE/ ATP Form 40a.

(2) no change

Rulemaking Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04, 3-27-06, 7-29-15, _____.

11D-8.007 Approved Breath Test Instruments – Access, Facility Requirements, Observation Period, and Operational Procedures

(1) through (3) no change

(4) When operating an Intoxilyzer 8000 evidentiary breath test instrument, a breath test operator shall conduct a breath test in accordance with the applicable operating procedures. For the Intoxilyzer 8000- Operational Procedures – Intoxilyzer 8000 FDLE/ATP Form 37, revised August 2005, effective date July 2015, hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref 05648>, and the results of the test shall be recorded on the Breath Alcohol Test Affidavit – Intoxilyzer 8000 FDLE/ATP Form 38, created March 2004, effective date July 2015, hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref 05649> For the Intoxilyzer 9000- Operational Procedures- Intoxilyzer 9000 FDLE/ATP Form 37a, and the results of the test shall be recorded on the Breath Alcohol Test Affidavit- Intoxilyzer 9000 FDLE/ATP Form 38a. Forms FDLE/ATP 37 and FDLE/ATP 38 may be obtained by contacting the Florida Department of Law Enforcement,

~~Alcohol Testing Program, P.O. Box 1489, Tallahassee, Florida 32302. Agencies will be provided blank forms upon request and without cost for their alcohol testing program use.~~

Rulemaking Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04, 3-27-06, 7-29-15,_____.

11D-8.0075 Agency Retention of Records.

(1) no change

(2) At least once each calendar month each agency shall electronically transmit to the Department all breath tests conducted on that agency's ~~Intoxilyzer 8000~~ evidentiary breath test instruments.

(3) no change

Rulemaking Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 322.63(3), 327.354(3) FS. History—New 7-29-01, Amended 11-5-02, 12-9-04, 7-29-15,_____.

11D-8.008 Breath Test Operator and Agency Inspector.

(1) Qualifications for Breath Test Operator Permit – An applicant for a breath test operator permit must meet

(a) through (c) no change

(d) Successful completion of the basic Breath Test Operator Course for the applicable instrument approved by the Criminal Justice Standards and Training Commission. Successful completion shall require obtaining a passing score of at least 80% on a written examination, and demonstrating proficiency by:

1. no change

2. Properly completing the required forms.

(e) Submit to the Department a complete written application, Breath Test Permit Application, FDLE/ATP Form 8, ~~revised October 2007, effective date July 2015, hereby incorporated by reference,~~

~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-05642>, upon successful completion of the breath test operator course, but no later than 90 days after completion. This form may be obtained by contacting the Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, Florida 32302. Agencies will be provided blank forms upon request and without cost for their alcohol testing program use.~~

(2) Qualifications for Agency Inspector Permit – An applicant for an agency inspector permit must meet the following qualifications:

(a) Has been issued a breath test operator permit for the corresponding instrument by the Department valid at the time that the application is submitted;

(b) Successfully completes the basic Agency Inspector Course for the applicable instrument approved by the Criminal Justice Standards and Training Commission. Successful completion shall require a passing score of at least 80% on a written examination and a demonstration of proficiency by:

1. through 2. no change

(c) through (d) no change

(3) through (8) no change

Rulemaking Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1934(3), 322.63(3)(b), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04, 3-27-06, 7-29-15, _____.

11D-8.011 Approval of Blood Alcohol Test Methods.

(1) The Department approves the following test methods for determining blood alcohol level:

Gas Chromatography.

(2) The Department shall approve gas chromatographic analytical procedures which meet the following specifications:

(a) Includes the approved method used and a description of the method, and the equipment, reagents, standards, and controls used;

(b) Uses commercially-prepared standards and controls certified by the manufacturer, or laboratory-prepared standards and controls verified using gas chromatography against certified standards. For commercially-prepared standards and controls, the manufacturer, lot number and expiration date must be documented for each sample or group of samples being analyzed. For laboratory-prepared standards and controls, date, person preparing the solution, method of preparation and verification must be documented;

(c) A statement of the concentration range over which the procedure is calibrated. The calibration curve must be linear over the stated range;

(d) Uses a new or existing calibration curve. A new calibration curve must be generated using at least three (3) standards: one at 0.05 g/100mL or less, one between 0.05 and 0.20 g/100mL (inclusive) and one at 0.20 g/100mL or higher, and must be verified using a minimum of two (2) controls, one at 0.05 g/100mL or less and one at 0.20g/100mL or higher. An existing calibration curve must be verified using a minimum of two (2) controls, one at 0.05 g/100mL or less and one at 0.20g/100mL or higher;

(e) Includes the analysis of an alcohol-free control, and the analysis of a whole blood or serum control. The whole blood or serum control may be used to satisfy the control requirement(s) in paragraph (d);

(f) The gas chromatographic analytical procedure must discriminate between methanol, ethanol, acetone and

isopropanol and employ an internal standard technique;

(4) Any substantial change to the method or analytical procedure must receive prior approval by the Department before being used to determine the blood alcohol level of a sample submitted by an agency. The following changes are always deemed substantial:

- (a) A change in the type or thickness of the stationary phase in the analytical column(s)
- (b) A change in the nominal length of the analytical column(s)
- (c) A change in the injection port or inlet settings such as temperature or split ratio
- (d) A change in the gas chromatograph oven temperature or temperature program
- (e) A change in the type of carrier gas used
- (f) A change in the column flow or pressure settings

For changes not specifically listed above, the Department shall determine if the changes are substantial on a case-by-case basis.

(5) An analyst shall only use a Department-approved procedure to determine the blood alcohol level of samples submitted. Approval of blood alcohol analysis methods and procedures shall be based on rule requirements in effect at the time they were submitted for approval.

Rulemaking Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3., (d) FS. Law Implemented 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2), 327.354(3) FS. History--New 10-31-93, Amended 7-29-15,_____.

11D-8.013 Blood Alcohol Permit – Analyst.

(1) The application for a permit to determine the alcohol level of a blood sample shall be made on the Application for Permit to Conduct Blood Alcohol Analyses FDLE/ATP Form 4, ~~revised December 2014, effective date July 2015, hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref 05640>~~, provided by the Department and shall include the following information:

- (a) Name and address of applicant;
- (b) A copy of state license if licensed, or college transcript;
- (c) Name and address of employer and laboratory facility where applicant performs analyses;
- (d) Identify at least one Agency for which blood analyses are to be performed pursuant to Chapters 316, 322 and 327, F.S.; and,
- (e) ~~A complete description of proposed~~ Title of the Department approved analytical procedure(s) to be used in determining blood alcohol level.

(2) Qualifications for blood analyst permit – To qualify, the applicant must meet ~~all of the following requirements in paragraphs (a)1.-5. and (b):~~

(a) Successful completion of a blood alcohol training program that includes the following components, however named:

- 1. Overview of the chemistry of alcohol and other relevant volatiles such as methanol, acetone, and isopropanol
- 2. Gas chromatography theory
- 2. Gas chromatography for use in blood alcohol testing
- 3. Performance of blood alcohol testing using Department approved procedure(s)
- 4. Quantitation, quality control, and reliability of alcohol analysis
- 5. Completion of a practical competency test consisting of a minimum of 10 unknown samples using Department approved procedure(s). At a minimum, the samples must cover the range of 0.05 to 0.20 g/100mL (inclusive). For this test to be deemed successful, the analyst must achieve quantitative alcohol results for all samples that fall within 0.005 or 5% of the expected result, whichever is greater.

~~(a) Department approval of analytical procedure(s). All proposed analytical procedures will be reviewed and a determination of approval will be made by the Department;~~

~~(b) Satisfactory determination of blood alcohol level in five proficiency samples provided by the Department using the proposed analytical procedure. Satisfactory determination shall be made by reporting results for blood alcohol proficiency samples within the acceptable range for the samples. For blood alcohol testing, acceptable ranges shall mean the calculated proficiency sample mean \pm or \pm 3 standard deviations iterated twice. The mean and~~

standard deviations will be calculated using the results reported by the analysts and reference laboratories;

(c) Identify at least one Agency for which blood analyses are to be performed pursuant to Chapters 316, 322 and 327, F.S.; and,

~~(d)~~ (b) Meet one of the following:

1. Possess a clinical laboratory license in clinical chemistry as a technologist, supervisor or director, under Chapter 483, F.S.; or

2. Be a licensed physician pursuant to Chapter 458, F.S.; or

3. Complete a minimum of 60 semester credit hours or equivalent of college, at least 15 semester hours of which must be in college chemistry.

(3) ~~The department shall approve gas chromatographic analytical procedures which meet the following requirements:~~

~~(a) Includes the approved method used and a description of the method, and the equipment, reagents, standards, and controls used;~~

~~(b) Uses commercially prepared standards and controls certified by the manufacturer, or laboratory prepared standards and controls verified using gas chromatography against certified standards. For commercially prepared standards and controls, the manufacturer, lot number and expiration date must be documented for each sample or group of samples being analyzed. For laboratory prepared standards and controls, date, person preparing the solution, method of preparation and verification must be documented;~~

~~(c) A statement of the concentration range over which the procedure is calibrated. The calibration curve must be linear over the stated range;~~

~~(d) Uses a new or existing calibration curve. The new calibration curve must be generated using at least three (3) standards: one at 0.05 g/100mL or less, one between 0.05 and 0.20 g/100mL (inclusive) and one at 0.20 g/100mL or higher, and must be verified using a minimum of two (2) controls, one at 0.05 g/100mL or less and one at 0.20g/100mL or higher. The existing calibration curve must be verified using a minimum of two (2) controls, one at 0.05 g/100mL or less and one at 0.20g/100mL or higher;~~

~~(e) Includes the analysis of an alcohol free control, and the analysis of a whole blood or serum control. The whole blood or serum control may be used to satisfy the control requirement(s) in paragraph (d);~~

~~(f) A gas chromatographic analytical procedure must discriminate between methanol, ethanol, acetone and isopropanol and employ an internal standard technique;~~

~~(4) The permit shall be issued by the Department for a specific method and procedure. Any substantial change to the method or analytical procedure must receive prior approval by the Department before being used to determine the blood alcohol level of a sample submitted by an agency. The Department shall determine what constitutes a substantial change.~~

~~(5) An analyst shall only use a Department approved procedure to determine the blood alcohol level of samples submitted by an agency. Approval of blood alcohol analysis methods and procedures shall be based on rule requirements in effect at the time they were submitted for approval.~~

Rulemaking Authority 316.1932(1)(a)2., (f)1., 316.1933(2)(b), 316.1934(3) 322.63(3)(b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(b), (e), 327.353(2), 327.354(3) FS. History—New 10-31-93, Amended 4-1-94, 2-1-95, 1-1-97, 11-5-02, 12-9-04, 7-29-15,_____.

11D-8.014 Blood Alcohol Permit – Analyst: Renewal.

(1) Permits to conduct blood alcohol analyses shall remain valid until otherwise suspended or revoked by the Department.

(2) In order to remain qualified for such permit, an analyst must satisfactorily determine the blood alcohol level of at least 2-1 proficiency test samples provided by the Department semiannually using a Department approved procedure.

(a) The laboratory will use a proficiency test provider that is accredited to ISO/IEC 17043 and has the applicable proficiency test on its scope of accreditation.

(b) Results will be deemed satisfactory if they fall within the expected range indicated by the proficiency test

- provider.
- (c) Results will be deemed unsatisfactory if they fall outside the expected range indicated by the proficiency test provider.
- (3) The laboratory must provide the Department with all proficiency test results for permitted analysts within 30 days of receipt from the proficiency test provider.~~Satisfactory determination shall be made by reporting results for blood alcohol proficiency samples within the acceptable range for the samples. For blood alcohol testing acceptable ranges shall mean the calculated proficiency sample mean \pm or -3 standard deviations iterated twice. The mean and standard deviations will be calculated using the results reported by the analysts and reference laboratories.~~
- (42) Upon notification by the Department that an analyst has failed to satisfactorily determine the blood alcohol level on a any set of proficiency test samples, the analyst shall be required to satisfactorily determine the blood alcohol level of a second set of five proficiency samples provided by the Department not perform any duties authorized by the analyst's permit. For the analyst to resume conducting permitted duties the following must occur
- (a) The laboratory will review the unsatisfactory result, determine a cause, and take actions to remediate the cause.
- (b) Remediation must include a requirement for the analyst to successfully complete a competency test as outlined in Rule 11D-8.013(2)(a)(5).
- (c) Documentation of successful remediation will be provided to the Department.
- (d) The Department will review the remediation documentation, determine if the analyst's permit remains valid, and provide notification of this decision to the laboratory.
- (3) Upon notification by the Department that an analyst has failed to satisfactorily determine the blood alcohol level on a second set of proficiency samples, the analyst shall not perform any duties authorized by the analyst's permit until the analyst satisfactorily determines the blood alcohol level of a subsequent set of proficiency samples provided by the Department. This section shall not preclude the Department from taking further action in accordance with Rule 11D-8.015, F.A.C.
- (54) Failure to satisfactorily determine the blood alcohol level of any 4 sets of 2 proficiency tests in a row samples provided by the Department within a 12 month period shall result in revocation of the blood analyst permit. If the permit is revoked for this reason, the analyst may reapply for a new permit no sooner than 12 months following the date of revocation.

Rulemaking Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2), 327.354(3) FS. History--New 10-31-93, Amended 1-1-97, 11-5-02, 5-29-14, _____.

11D-8.019 Forms.

These forms may be obtained by contacting the Florida Department of Law Enforcement, Alcohol Testing Program, P.O. Box 1489, Tallahassee, Florida 32302.

Application for Permit to Conduct Blood Alcohol Analyses FDLE/ATP Form 4, revised September 2024, effective date July 2025, hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref-05640>

Breath Test Permit Application, FDLE/ATP Form 8, revised September 2024, effective date July 2015, hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref-05642>

Certificate of Assurance, FDLE/ATP Form 32 revised March 2001, effective date July 2015, hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref-05643>

Instrument Evaluation Procedures FDLE/ATP Form 34, revised March 2004, effective date July 2015, hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref-05645>.

Department Inspection Procedures FDLE/ATP Form 36, revised August 2005, effective date July 2015, hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref-05654>.

Department Inspection Procedures FDLE/ATP Form 36a created September 2024, effective date July 2015, hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref-05654>.

Operational Procedures – Intoxilyzer 8000 FDLE/ATP Form 37, revised August 2005, effective date July 2015, hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref-05648>

Operational Procedures – Intoxilyzer 9000 FDLE/ATP Form 37a, created September 2024, effective date July 2015, hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref-05648>

Breath Alcohol Test Affidavit – Intoxilyzer 8000 FDLE/ATP Form 38, created March 2004, effective date July 2015, hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref-05649>

Breath Alcohol Test Affidavit – Intoxilyzer 9000 FDLE/ATP Form 38a, created September 2024, effective date July 2015, hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref-05649>

Agency Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 39, revised August 2005, effective date July 2015, hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref-05652>

Agency Inspection Procedures – Intoxilyzer 9000 FDLE/ATP Form 39a, created September 2024, effective date July 2015, hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref-05652>

Agency Inspection Report – Intoxilyzer 8000 FDLE/ATP Form 40, created March 2004, effective date July 2015, hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref-056653>

Agency Inspection Report – Intoxilyzer 9000 FDLE/ATP Form 40a, created September 2024, effective date July 2015, hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref-056653>

Department Inspection Report – Intoxilyzer 8000, FDLE/ATP Form 41, revised August 2005, effective date July 2015, hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref-05647>.

Department Inspection Report – Intoxilyzer 9000, FDLE/ATP Form 41a, created September 2024, effective date July 2015, hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref-05647>

Rulemaking Authority 316.1932(1)(a)2., (f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a), (b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2)(b), 327.354(3) FS. History,_____, New,_____.



CONTRACTS, AGREEMENTS AND PURCHASES OVER \$100,000

Q2 - FY 2024-2025 (October 1 to December 31, 2024)

VENDOR	PURCHASE ORDER	SERVICE	TYPE	TERM	AMOUNT
Angel Armor, LLC	C482CA	Purchase of body armor for Haines City Police Department	Alternate Contract	One time purchase	\$105,890.68
Cognyte Software, LP	C4910C	Confidential hardware and software	Single Source	One time purchase	\$2,130,000.00
Compunnel Software Group, Inc.	C4A973	1,253 hours of IT staff augmentation - Security Analysis & Configuration for FDLE Network Security	State Term Contract	11/18/24-6/30/25	\$106,505.00
Dell Marketing, LP	C4CF76	Purchase of 77 laptops and docking stations	Alternate Contract	One time purchase	\$117,253.29
Department of Management Services	CAA-FDLE-0245270	Renovations to the Orlando Regional Operations Center crime scene investigations garage	Exempt - Transaction with Governmental Agency	One time purchase	\$500,000.00
Diverse Computing, Inc.	FDLE-008-25	36 months of eAgent Client Messaging System maintenance	Single Source	10/15/24-10/14/27	\$921,588.00
Florida State University	FDLE-015-25	Enhance Florida Statistical Analysis Center's capacity to analyze, report, and share statistical insights on crime and justice trends in Florida	Exempt - Transaction with Governmental Agency	12/20/24-9/30/26	\$210,000.00
GCOM Software, LLC*	C4AA11	2,360 hours of work for modifications to Computerized Criminal History system	Invitation to Negotiate	11/18/24-3/11/25	\$283,200.00
GCOM Software, LLC*	FDLE-003-25 FDLE-005-25	Florida Computerized Criminal History product maintenance, support services, technical support services, and as needed consulting services	Single Source	12/15/24-6/30/30	\$13,065,644.37 \$14,928,050.45
Gejits Infotech, Inc	C47DA7	1,500 hours of IT staff augmentation - Missing and Endangered Persons Clearinghouse technology upgrade project data conversion	State Term Contract	10/22/24-6/30/25	\$127,500.00
Gejits Infotech, Inc	C4C5ED	1,000 hours of IT staff augmentation - systems analyst for PALM Project	State Term Contract	1/6/25-6/30/25	\$100,000.00
Insight Public Sector, Inc.	C4CFC2	Purchase of 113 license plate recognition cameras and 17 licenses	Alternate Contract	12/6/24-9/30/25	\$405,234.00
Insight Public Sector, Inc.	C4D0F8	Forensic Image API digitization of paper forensic casefiles and documents into Axiom Pro document management software as a service solution	Alternate Contract	12/20/24-6/30/25	\$399,081.00
Insight Public Sector, Inc.	EP189217	Microsoft Enterprise Agreement Software Renewals - enterprise agreement for PowerBI and Azure	Alternate Contract	10/1/23-9/30/26	\$150,346.65
IT Staffing and Consulting, Inc.	C4A961	1,253 hours of IT staff augmentation - business analyst for PALM Project	State Term Contract	11/18/24-6/30/25	\$119,035.00
KLC Consulting, Inc.	C4B993	1,115 hours of IT staff augmentation - business analyst for PALM Project	State Term Contract	12/11/24-6/30/25	\$103,695.00



CONTRACTS, AGREEMENTS AND PURCHASES OVER \$100,000

Q2 - FY 2024-2025 (October 1 to December 31, 2024)

VENDOR	PURCHASE ORDER	SERVICE	TYPE	TERM	AMOUNT
KPMG LLP	C4CED8	Criminal Justice Information Services feasibility study management consulting services	State Term Contract	12/19/24-6/30/25	\$690,000.00
Lee County Port Authority	710:0286 710:0287	Facilities lease - one year lease for 14,856 sqft and 28,168 sqft of office space in Fort Myers	Exempt - Transaction with Governmental Agency	11/1/24-10/31/25	\$445,680.00 \$845,040.00
Life Technologies Corporation	C488C1	Reagents for the Tallahassee Regional DNA Laboratory	Single Source	One time purchase	\$429,256.85
Pen-Link, Ltd	C4844C	Confidential Software Licenses	Single Source	One time purchase	\$844,634.00
Tropical Ford*	C48C9D	Purchase of three 2025 Ford F-150 trucks	State Term Contract	One time purchase	\$133,488.21