

AUGUST 11, 2011

*CRIMINAL JUSTICE STANDARDS AND TRAINING
COMMISSION MEETING*

Amended Business Agenda on 8-1-11

*HYATT REGENCY TAMPA
TAMPA, FLORIDA*



**Florida Department of Law Enforcement
Commissioner Gerald M. Bailey**

**Criminal Justice Professionalism Program
Program Director Michael D. Crews**

Criminal Justice Standards and Training Commission

**Chairman Ernie W. George
Florida Citizen**

**Vice-Chairman Ric L. Bradshaw
Palm Beach County Sheriff's Office**



CRIMINAL JUSTICE STANDARDS AND TRAINING COMMISSION MEETING SCHEDULE

Monday, August 8, 2011

- ◆ Florida Criminal Justice Educators Association Meeting 8:30 a.m.

Tuesday, August 9, 2011

- ◆ Training Center Director Meetings:
 - ◆ Board Meeting 1:00 p.m.
 - ◆ Special Committee Meetings (Technology and Physical Fitness Committees) 2:00 p.m.
 - ◆ Basic Recruit Training, Advanced Training, and Rule Committees 3:00 p.m.
 - ◆ Open Forum 4:00 p.m.

Wednesday, August 10, 2011

- ◆ Training Center Directors Association Business Meeting 8:30 a.m.
- ◆ Probable Cause Determination Hearings 10:00 a.m.
- ◆ CJSTC Workshop: Correctional Basic Recruit Training Program Hours 2:00 p.m.
- ◆ Regional Criminal Justice Selection Center Directors Association 3:00 p.m.

Thursday, August 11, 2011

- ◆ Criminal Justice Standards and Training Commission Business Agenda 8:00 a.m.
- ◆ Officer Disciplinary Proceedings 9:30 a.m.

HOTEL INFORMATION

Address: Hyatt Regency Tampa, 211 North Tampa Street, Tampa, Florida 33602
Telephone Number: 813-225-1234 or 888-421-1442
Fax Number: 813-273-0234
Group Name: Florida Department of Law Enforcement
Guestroom Rate: \$114.00 each night for Single/Double from 8/7/11 – 8/12/11
Reservation Deadline: July 22, 2011
On-Line Reservations: Click link to make an on-line reservation: <https://resweb.passkey.com/go/flDeptLawEnforcement2011>
Reservations Cancellation: You may cancel your reservation 72 hours prior to your scheduled arrival date without a penalty.
Check-in/Check-out: Check-in is 3:00 p.m. and Check-out is 12 Noon

Commission Meeting Information can be accessed at <http://www.fdle.state.fl.us/>, Click on "A-Z Index," Click on "Criminal Justice Standards and Training Commission," Click on "Commission Meeting Schedule," or Click on "Meeting Packet."

AUGUST 11, 2011
CRIMINAL JUSTICE STANDARDS AND TRAINING
COMMISSION MEETING BUSINESS AGENDA
8:00 A.M.

Business Meeting Called to Order	Chairman Ernie George
Posting of Colors	Tampa Police Department Honor Guard
Pledge of Allegiance	Director John Meeks Hillsborough Community College
Officer Deaths in the Line of Duty: Deputy John Mcklinberg of Hernando County Sheriff's Office	Chairman Ernie George
Invocation	Chaplain John Garbreana Hillsborough County Sheriff's Office
Security	Florida Highway Patrol: Troopers Cynthia Cayce, Michael Wilder, and John Sessa
Welcome and Introductions	Chairman Ernie George
Roll Call	Commission Secretary Donna Hunt
Approval of the August 11, 2011 Business Agenda	Commission Secretary Donna Hunt
Approval of the May 19, 2011 Commission Meeting Minutes	Commission Secretary Donna Hunt
Approval of the June 10, 2011 Conference Call Commission Meeting Minutes	Commission Secretary Donna Hunt
Resolution(s): Commission Members Mary Holcomb and Gerald Monahan, and Program Members Branch Ocampo, Christie Kimbrel, and Clinton Bryant	Commission Secretary Donna Hunt
Training Center Directors' (TCDA) Association Chairman Remarks	Chairman Ian Moffett Miami Police Training Center
Regional Criminal Justice Selection Center Directors' Association	Chairman Mike Dwyer Gulf Coast State College
<hr/>	
1. Florida Criminal Justice Executive Institute Policy Board Membership Recommendation	Program Director Michael Crews
2. Criminal Justice Standards and Training Trust Fund Officer Training Monies:	Bureau Chief Glen Hopkins
A. Final Trust Fund Revenue Report for Fiscal Year 2010 – 2011	
B. Trust Fund Audit Recommendations for Fiscal Year 2009 – 2010 for Region(s) I, II, VI, VIII, and XIII	
Perfect Audits: Broward College, Broward County Sheriff's Office, George Stone Vo-Tech Center, Gulf Coast State College, South Florida Community College, Washington-Holmes Technical Center, and College of Central Florida	

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| <p>3. Request for Evaluation of Good Moral Character by the Commission from Bradley Stafford</p> | <p>Staff Attorney Grace Jaye</p> |
| <p>4. Request for Variance or Waiver(s) by:</p> <ul style="list-style-type: none"> A. Request for Waiver of Commission Rules by City of DeLand Police Department on behalf of Benjamin Moon B. Request for Waiver of Commission Rules by Oakland Police Department on behalf of 24 Officers C. Request for Variance of Commission Rules by William M. Lamb D. Request for Waiver of Commission Rules by Eatonville Police Department on behalf of 18 Officers E. Request for Waiver of Commission Rules by Ocoee Police Department on behalf of 106 Officers (8-1-11 Addendum) F. Request for Waiver of Commission Rules by Boca Raton Police Services Department of behalf of 114 Officers G. Request for Waiver of Commission Rules by Gadsden County Sheriff's Office on behalf of 14 Officers H. Request for Waiver of Commission Rules by Miramar Police Department on behalf of 189 Officers I. Request for Waiver of Commission Rules by Crestview Police Department on behalf of 44 Officers J. Request for Waiver of Commission Rules by Pembroke Pines Police Department on behalf of 271 Officers K. Request for Waiver of Commission Rules by University of West Florida Police Department on behalf of 19 Officers (7-26-11 Addendum) L. Request for Waiver of Commission Rules by Barry Garcia (7-26-11 and 8-1-11 Addendums) M. Request for Waiver of Commission Rules by Bradford County Sheriff's Office on behalf of 14 Officers (7-28-11 Addendum) N. Request for Waiver of Commission Rules by St. Augustine Police Department on behalf of 49 Officers (7-29-11 Addendum) O. Request for Waiver of Commission Rules by Lake Technical Center (7-29-11 Addendum) | <p>Staff Counsel Grace Jaye</p> |
| <p>5. Florida CMS Correctional Basic Recruit Training Program Rewrite</p> | <p>Bureau Chief Dwight Floyd</p> |
| <p>6. Computer-Based Testing Update</p> | <p>Bureau Chief Dwight Floyd</p> |
| <p>7. Officer Training:</p> <ul style="list-style-type: none"> A. Specialized Training Program Course Update: Domestic Violence Course 1136 B. Advanced Training Program Course Updates: <ul style="list-style-type: none"> 1. Domestic Intervention Course 091 2. Financial Fraud Investigations Course 1154 3. Organized Crime Course 054 | <p>Bureau Chief Dwight Floyd</p> |

-GENERAL INFORMATION AGENDA ITEMS-

Agenda Items A. through H. are general informational items that do not require Commission action. If Commission members wish to discuss any of these agenda items, the chairman will entertain a Commission member's request to do so.

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|--|---------------------------|
| A. Criminal Justice Standards and Training Trust Fund Officer Training Monies Quarterly Report | Bureau Chief Glen Hopkins |
| B. Officer Records Quarterly Report | Bureau Chief Glen Hopkins |
| C. Automated Training Management System Quarterly Report | Bureau Chief Glen Hopkins |
| D. Field Specialist Quarterly Report for April 2011 – June 2011 | Bureau Chief Glen Hopkins |
| E. Basic Abilities Test Quarterly Report for April 2011 – June 2011 | Bureau Chief Dwight Floyd |
| F. State Officer Certification Examination Quarterly Report for the 4th Quarter for FY 2010 – 2011 | Bureau Chief Dwight Floyd |
| G. Quarterly Update for the Commission's Basic Recruit Training Programs, and Advanced and Specialized Training Program Courses | Bureau Chief Dwight Floyd |
| H. Officer Discipline Quarterly Report for January 2011 – June 2011 | Bureau Chief Glen Hopkins |

OFFICER DISCIPLINE CASES AGENDA

AUGUST 11, 2011

9:30 A.M.

STIPULATION AND SETTLEMENT AGREEMENTS

Todd D. Brownson	Moise Celicourt	Thomas O. Chase	Jheri L. Davis
Anthony D. Hargrove	Oliver W. Hearn	John F. Hodges	Robert T. Magee
Gabriel Mane	William Messer	Clemon Thomas III	Terrie A Webb
Chad D. Wyatt	Joseph A. York	Katrina M. Young	

INFORMAL HEARINGS

Timothy D. Chisholm	Michael J. Coup	David W. Degraw	Jeremy T. Dye
Daniel F. Fernandez	James E. Heaney	Warren R. Marcoux	John Kevin Markham
Edward McKiernan	Lakisha McSwain	Patrick Moore	Marshall W. Muros
Timothy Murphy	Jeremy L. Noegel	Gregory Noffo	Kimberly Perreault
Clifton Reynolds	Michael Roper	Darin Sliker	Tavis L. Smith
Rodney Tillman	William M. Warner	Rofael R. Watts	Shantrell D. Williams

VOLUNTARY RELINQUISHMENTS

Roberto Barrio	Orville A. Broomfield	Edith F. Buffkin	Robin L. Fields
Christopher Hernandez	Jason T. Law	Timothy P. Nevins	Brian Pare
William Rallison	Paul Robinson	Jason B. Stiles	Kimberly Dawn Terrell
Kristopher Drake Wade			

DEFAULTS

Chris A. Abare	Matthew A. Adams	Richard A. Anastasi	Nicholas S. Angel
Jonathan C. Arnold	Christopher Bates	Paul E. Black	Jonathan D. Branch
Darlene Browne	Ethorn Buie, Jr.	Kyle J. Burns	Denzel D. Burnside
Francis E. Busby	Donna T. Carter	Terrance A. Chambers	Jason R. Chase
Joel Chavez	Loyda C. Davidson	Lara E. Dix	Michelle A. Dobbs
Jesus A. Dominguez	Tramine D. Dowe	Elizabeth S. English	Todd B. Fields
Nathaniel Flynt, Jr.	Robert S. Gay	Vally Getejanc	Marie M. Giddens
Takisha L. Golden	Christian O. Gonzaga	Tammy T. Graham	Iris M. Grice
Phillip J. Griffith	Sharona D. Harrell	Sidney R. Harris, Jr.	Easton J. Hart
Jeffrey Harz	Carl H. Heflin	Lorie Ann Hodge	Kista D. Howell
Candace T. Jackson	Derrick B. Jackson	Faith Geornika Jones	Christine M. Lamb
Shellie N. Law	Joe Losada	Keith Macey	Kelly McCrater
Terrel McGowan	Joe McKelton	Tyrell J. Morris	Richard Pilkinton
Ashley M. Potter	Robert Puleo	Camille Y. Rentz	Sean T. Seward
Travis J. Simmons	John E. Six	Slade Sloan	Alteria J. Smith
Phillip Edward Smith	Van A. Strickland	Sheray L. Taylor	Michelle G. Terrien
Eric E. Thomas	Byron L. Thornton	John M. Tomlinson	Sharon M. Turner
Kayla Renee Tyus	Laurie Vaughan	Lawrence T. Vieitez	Adam K. Williams
Patricia A. Williams	Gerald G. Wood		

RECOMMENDED ORDERS: Johnny L. Adkins, Jose R. Rodriguez, Michael T. Scott

EXCEPTION TO RECOMMENDED ORDERS: Jason B. Storey

VOLUNTARY DISMISSALS: Jonathan D. Branch, Shamaro Clayton, Kelly Coopman, Todd B. Fields, Michael Gonzalez, Douglas A. Johnson

REQUEST FOR RECONSIDERATION: Adrian Perez

BASIC ABILITIES TEST ADMINISTRATIVE PENALTY: Robenson J. Joseph

FUTURE COMMISSION MEETINGS

<p style="text-align: center;">AUGUST 11, 2011 Hyatt Regency Tampa 211 North Tampa Street Tampa, Florida 33602</p> <p>Telephone: 813-225-1234, Fax: 813-273-0234 Guestroom Rate: \$114.00 each night for Single/Double from 8/7/11 – 8/12/11, and includes parking fee Reservation Deadline: July 22, 2011</p>	<p style="text-align: center;">OCTOBER 27, 2011 Sawgrass Marriott Resort 1000 PGA Tour Boulevard Ponte Vedra Beach, Florida 32082</p> <p>Telephone: 904-285-7777; Fax: (904) 285-0906 Guestroom Rate: \$119.00 each night for Single/Double from 10/23/11 – 10/28/11 Reservation Deadline: September 30, 2011</p>
<p style="text-align: center;">FEBRUARY 2, 2012 Hilton Sandestin Beach 4000 Sandestin Blvd. Destin, FL 32550</p> <p>Telephone: 850-267-9500, Fax: 850-267-3076 Guestroom Rate: \$78.00 each night for Single/Double from 1/29/12 – 2/3/12 (An additional \$20.00 for each additional adult) Reservation Deadline: January 13, 2012</p>	<p style="text-align: center;">MAY 10, 2012 Hilton In Naples 5111 Tamiami Trail North Naples, FL 34103</p> <p>Telephone: 239-430-4900, Fax: 239-430-4901 Guestroom Rate: \$97.00 each night for Single/Double from May 6 - 11, 2012 Reservation Deadline: April 20, 2012</p>
<p style="text-align: center;">AUGUST 9, 2012 Sawgrass Marriott 1000 Pga Tour Blvd. Ponte Vedra Beach, FL 32082</p> <p>Telephone: 904-285-7777, Fax: (904) 285-0906 Guestroom Rate: \$97.00 each night for Single/Double from 8/5/12 – 8/10/12 Group Name: FDLE - Criminal Justice Standards and Training Commission Meeting Reservation Deadline: July 20, 2012</p>	<p style="text-align: center;">NOVEMBER 1, 2012 Hyatt Regency Sarasota 1000 Blvd of the Arts Sarasota, FL 34236</p> <p>Telephone: 941-953-1234, Fax: 941-952-1987 Guestroom Rate: \$86.00 each night for Single/Double from 10/28/12 – 11/2/12 Reservation Deadline: October 12, 2012</p>
<p style="text-align: center;">FEBRUARY 1, 2013 The Renaissance At World Golf Village 500 South Legacy Trail St. Augustine, FL 32092</p> <p>Telephone: 888-740-7020, Fax: TBA Guestroom Rate: \$109.00 each night for Single/Double from 1/29/12 – 2/2/12 Reservation Deadline: January 11, 2013</p>	<p style="text-align: center;">MAY 9, 2013 Hyatt Regency Sarasota 1000 Blvd of the Arts Sarasota, FL 34236</p> <p>Telephone: 941-953-1234, Fax: 941-952-1987 Guestroom rate: \$86.00 each night for Single/Double from 5/5/13 – 5/10/13 Reservation Deadline: April 19, 2013</p>
<p style="text-align: center;">AUGUST 8, 2013 Sawgrass Marriott 1000 PGA Tour Blvd. Ponte Vedra Beach, FL 32082</p> <p>Telephone: 904-285-7777, Fax: 904-285-0906 Guestroom Rate: \$97.00 each night for Single/Double from 8/4/13 – 8/9/13 Group Name: FDLE - Criminal Justice Standards and Training Commission Meeting Reservation Deadline: July 19, 2013</p>	<p style="text-align: center;">NOVEMBER 4 - 7, 2013 Hilton Sandestin Beach 4000 Sandestin Blvd. Destin, FL 32550</p> <p>Telephone: 850-267-9500, Fax: 850-267-3076 Guestroom rate: \$78.00 each night for Single/Double from 11/3/13 – 11/8/13 (\$20.00 additional charge for each additional adult). Reservation Deadline: October 18, 2013</p>

19-MEMBER CRIMINAL JUSTICE STANDARDS AND
TRAINING COMMISSION MEMBERSHIP

Secretary of the Department of Corrections	Attorney General
<p>Assistant Secretary Russell Hosford (effective 2/17/11), proxy for Secretary Edwin G. Buss Office of Institutions Florida Department of Corrections 501 South Calhoun Street Tallahassee, Florida 32399-2500 Telephone Number: 850-488-2288 Fax Number: 850-487-3701 E-mail: Hosford.Russell@mail.dc.state.fl.us Secretary or Contact Person(s): April Cox (850-488-4757) and Mary Gonzalez (850-717-3243) E-mail: Cox.April@mail.dc.state.fl.us E-mail: Gonzalez.Mary@mail.dc.state.fl.us E-mail: Buss.Edwin@mail.dc.state.fl.us Term: Not applicable</p>	<p>Lieutenant Steve Courtoy proxy for Attorney General Pam Bondi (effective 4/25/11) Tampa Police Department, District 11 411 N. Franklin Street Tampa, Florida 33602 Telephone Number: 813-913-6500 E-mail: Charles.Courtoy@tampagov.net Term: Not applicable</p>
Director of Florida Highway Patrol	
<p>Colonel David H. Brierton, Jr. (Effective 3/2/2011) Florida Department of Highway Safety and Motor Vehicles Division of Florida Highway Patrol Neil Kirkman Building, Room A437 2900 Apalachee Parkway Tallahassee, Florida 32399-0500 Telephone Number: 850-617-2300 Fax Number: 850-922-0148 E-mail: Brierton.David@hsmv.state.fl.us Secretary: Elizabeth Denmark, 850-617-2309 E-mail: Elizabethdenmark@hsmv.state.fl.us Term: Not applicable</p>	
Sheriffs (3)	
<p>Sheriff John H. Rutherford Jacksonville Sheriff's Office 501 E. Bay Street Jacksonville, Florida 32202 Telephone Number: 904-630-5898 Fax Number: 904-630-1772 E-mail: Linda.McElroy@jaxsheriff.org Secretary: Linda McElroy E-mail: Linda.McElroy@jaxsheriff.org Partial Term: 4/7/2009 – 8/1/2009 First Term: 8/3/2009 – 8/1/2013</p>	<p>Sheriff Susan Benton Highlands County Sheriff's Office 434 Fernleaf Avenue Sebring, FL 33870 Telephone Number: 863-402-7243 Fax Number: 863-402-7296 E-mail: sheriff@highlandssheriff.org Secretary: Darlene Peebles E-mail: Dpeebleshighlandssheriff.org First Term: 12/10/2010 – 8/1/2014</p>
<p>Sheriff Ric L. Bradshaw Palm Beach County Sheriff's Office 3228 Gun Club Road West Palm Beach, Florida 33406 Telephone Number: 561-688-3021 Fax Number: 561-688-3033 E-mail: bradshaw@pbso.org Executive Assistant: Annette Marvin E-mail: marvina@pbso.org First Term: 8/25/2008 – 8/1/2012</p>	

Chiefs of Police (3)	
<p>Chief Dennis M. Jones Tallahassee Police Department 234 East Seventh Avenue Tallahassee, FL 32303 Telephone Number: 850-891-4393 Fax Number: 850-891-4428 E-mail: Dennis.Jones@talgov.com Secretary Sharon Chrishon E-mail: Sharon.Chrishon@talgov.com First Term: 12/10/2010 – 8/1/2014</p>	<p>Chief Gerald M. Monahan Port Orange Police Department 4545 S. Clyde Morris Boulevard Port Orange, FL 32129-4062 Telephone Number: 386-506-5870 Fax Number: 386-756-5311 E-mail: gmonahan@port-orange.org Secretary: Administrative Assistant Debbie Grabowski E-mail: dgrabowski@port-orange.org First Term: 11/10/2003 – 8/1/2007 Second Term: 8/19/2007 - 8/1/2011</p>
<p>Chiefs Position – Pending New Appointment</p>	
Law Enforcement Officers (5) Who are the Rank of Sergeant or Below	
<p>Sergeant Michael “Mick” McHale Sarasota Police Department Mailing Address: Florida Police Benevolent Association 2075 Main Street, Suite 4 Sarasota, Florida 34237 Telephone Number: 941-366-1436 Fax Number: 941-366-1447 E-mail: mick@flpba.org Secretary: Laura Smith; E-mail: laurasmith@flpba.org Partial Term: 5/1/2007 – 8/1/2009 First Term: 8/3/2009 – 8/1/2013</p>	<p>Officer Nelson Cuba President, Fraternal Order of Police Lodge 5-30 Jacksonville Sheriff’s Office 5530 Beach Boulevard Jacksonville, Florida 32207 Telephone Number: 904-398-7010 Ext 17, for Corina Ext 11 Fax Number: 904-398-7192 E-mail: ncuba@fop530.com Secretary: Evelyn McCranie; E-mail: emccranie@fop530.com First Term: 12/5/2005 – 8/1/2009 Second Term: 8/3/2009 – 8/1/2013</p>
<p>Officer Patrick M. Hanrahan Broward County Sheriff’s Office 2601 West Broward Boulevard Ft. Lauderdale, FL. 33312 Telephone Number: 954-584-7600 Fax Number: 954-583-0405 E-mail: Pat@BCPBA.org Secretary: NA First Term: 8/3/2009 – 8/1/2013</p>	<p>Sergeant John Rivera Miami-Dade Police Department Mailing Address: Dade County Police Benevolent Association 10680 N. W. 25th Street, Miami, Florida 33172 Telephone Number: 305-593-0044 Fax Number: 305-593-1901 E-mail: john@dcpba.org Secretary: Mora Rivas; E-mail: mora@dcpba.org First Term: 11/4/2004 – 8/1/2008 Second Term: 8/25/2008 – 8/1/2012</p>
<p>Officer Kathleen A. Connell Tallahassee Police Department 234 East Seventh Avenue Tallahassee, Florida 32303 Telephone Number: 850-891-4353 Fax Number: 850-891-4627 E-mail: Kathleen.Connell@talgov.com Secretary: NA First Term: 4/7/2009 – 8/1/2012</p>	

Correctional Officers (2) Administrator of a State Correctional Institution and a Sergeant or Lower Rank											
<p>Warden Mary Holcomb c/o Hernando Correctional Institution 16415 Spring Hill Drive Brooksville, Florida 34604-8167 Telephone Number: 352-540-6035 or 352-754-6715, Ext 101 Fax Number: 352-797-5794 E-mail : holcomb.mary@mail.dc.state.fl.us Secretary: Eileen Faris (352-754-6715) E-Mail: faris.eileen@mail.dc.state.fl.us First Term: 8/9/2007 – 8/1/2011</p>	<p>Officer Belinda Murvin Palm Beach County Sheriffs Office 673 West Fairgrounds Road West Palm Beach, Florida 33411 (Commission meeting materials will be mailed to her home address) Telephone Number: 561-688-4913 Pager: 561-610-0096 Fax Number: 561-688-4929 E-mail: murvinb@pbsso.org Secretary: None First Term: 10/9/2006 - 8/1/2010 Second Term: 11/4/2010 – 8/1/2014</p>										
Training Center Director	County Correctional Institution Head										
<p>Director James C. Brock St. Petersburg College Southeastern Public Safety Institute 3200 34th Street South St. Petersburg, Florida 33711-3829 Telephone Number: 727-341-4495 Fax Number: 727-341-4476 E-mail: brockj@spcollege.edu Secretary: Carol Mashburn (727-341-4530) E-mail: mashburn.carol@spcollege.edu First Term: 8/25/2008 - 8/1/2012</p>	<p>Pending New Appointment</p>										
State Resident	Commission Attorney										
<p>Ernest (Ernie) W. George, Chairman Police Benevolent Association 2100 Florida Mango Road West Palm Beach, Florida 33409 Telephone Number: 561-689-3745 Fax Number: 561-687-0154 E-mail: ernie@pbcnpba.org Secretary: Gail Seldomridge (561-689-3745) E-mail: gail@pbcnpba.org Partial Term: 1/6/2006 – 8/1/2009 First Term: 8/3/2009 – 8/1/2013</p>	<p>Assistant Statewide Prosecutor Brian Fernandes Office of Attorney General Statewide Prosecution Fort Myers 2075 West First Street, Suite # 201 Fort Myers, Florida 33901 Telephone Number: 239-338-2440 Fax Number: 239-338-2341 E-mail: fernandes_brian@oag.state.fl.us Secretary: Dawn Andrews (239-338-2440) E-mail: dawn.andrews@myfloridalegal.com</p>										
Criminal Justice Professionalism Program Management	Commission Staff Attorneys										
<table border="0"> <tr> <td>Program Director Michael Crews</td> <td>850-410-8611</td> </tr> <tr> <td>Bureau Chief Dwight Floyd</td> <td>850-410-8675</td> </tr> <tr> <td>Bureau of Training</td> <td></td> </tr> <tr> <td>Bureau Chief Glen Hopkins</td> <td>850-410-8660</td> </tr> <tr> <td>Bureau of Standards</td> <td></td> </tr> </table>	Program Director Michael Crews	850-410-8611	Bureau Chief Dwight Floyd	850-410-8675	Bureau of Training		Bureau Chief Glen Hopkins	850-410-8660	Bureau of Standards		<p>Assistant General Counsel Joe White (850-410-7688) and Assistant General Counsel Kerra Smith (850-410-7684) Florida Department of Law Enforcement Office of Executive Director, 2331 Phillips Road (Post Office Box 1489, 32302-1489), Tallahassee, Florida 32308</p>
Program Director Michael Crews	850-410-8611										
Bureau Chief Dwight Floyd	850-410-8675										
Bureau of Training											
Bureau Chief Glen Hopkins	850-410-8660										
Bureau of Standards											

*FLORIDA DEPARTMENT OF LAW ENFORCEMENT
Criminal Justice Standards and Training Commission*

MINUTES OF THE MAY 19, 2011 COMMISSION MEETING

Chairman Ernie George called the Criminal Justice Standards and Training Commission meeting to order on May 19, 2011, at the Hilton Ocala, Ocala, Florida.

**PRESENTATION OF THE COLORS, PLEDGE OF ALLEGIANCE,
OFFICERS KILLED IN THE LINE OF DUTY, AND INVOCATION**

Presentation of Colors: Ocala Police Department Honor Guard. **Pledge of Allegiance:** Director Stacy Dickson of the College of Central Florida Criminal Justice Institute. **Officers Killed in the Line of Duty:** Officer Adam Rosenthal of the Delray Police Department and Officer David Crawford of the St. Petersburg Police Department. **Invocation:** Chaplain Hugh Brockington of the Ocala Police Department.

COMMISSION MEETING ACTIVITIES

Chairman George thanked the following individuals for participating in the Commission meeting activities: Troopers Tomas Dillon and David Marihugh, and Corporal Daphne Yuncker of the Florida Highway Patrol for providing security; the Ocala Police Department Honor Guard for presenting the colors; Director Stacy Dickson of the College of Central Florida Criminal Justice Institute for leading the audience in the pledge of allegiance; Chaplain Hugh Brockington of the Ocala Police Department for giving the invocation; and Director Stacy Dickson and Mr. Jim Wiggins of the Florida PBA for hosting the hospitality room.

WELCOME AND INTRODUCTION OF AGENCY ADMINISTRATORS AND SPECIAL GUESTS

Sheriff Ed Dean of the Marion County Sheriff's Office made opening remarks and welcomed the Commission to Ocala, Florida.

COMMISSION MEMBERS OR ALTERNATES PRESENT OR ABSENT

The roll was called and the following Commission members represented a quorum:

- | | |
|---|---|
| <p>1. Mr. Ernest W. George, Chairman
Florida Citizen , Palm Beach County PBA
2100 Florida Mango Road
West Palm Bch, FL 33409, Telephone: 561-689-3745</p> | <p>2. Sergeant Michael "Mick" McHale
Sarasota Police Department
Florida PBA, 2075 Main St., Suite 4
Sarasota, FL 34237, Telephone: 941-366-1436</p> |
| <p>3. Assistant Secretary Russell Hosford, proxy for Secretary Edwin G. Buss, Florida Department of Corrections, Institutions and Re-Entry, 501 Calhoun St. Tallahassee, FL 32399-2500, Telephone: 850-488-2288</p> | <p>4. Officer Patrick Hanrahan
Broward County Sheriff's Office
Broward County PBA, 2601 West Broward Blvd
Fort Lauderdale, FL 33312, Telephone: 954-584-7600</p> |
| <p>5. Lieutenant Steve Courtoy, proxy for Attorney General Pam Bondi
Tampa Police Department, District 11, 411 N. Franklin Street
Tampa, FL 33602, Telephone: 813-913-6500</p> | <p>6. Sergeant John Rivera
Miami-Dade Police Department
Dade County PBA, 10680 N. W. 25th Street
Miami, FL 33172, Telephone: 305-593-0044</p> |
| <p>7. Colonel David H. Brierton, Jr., Director (Absent)
Florida Department of Highway Safety and Motor Vehicles
Division of Florida Highway Patrol, Neil Kirkman Building
Tallahassee, FL 32399, Telephone: 850-617-2300</p> | <p>8. Officer Kathleen A. Connell
Tallahassee Police Department
234 East Seventh Street
Tallahassee, FL 32303, Telephone: 850-891-4353</p> |

9. Sheriff John H. Rutherford

Jacksonville Sheriff's Office
501 E. Bay Street
Jacksonville, FL 32202, Telephone: 904-630-5898

11. Sheriff Susan Benton

Highlands Sheriff's Office
501 E. Bay Street
Jacksonville, FL 32202, Telephone: 904-630-5898

13. Sheriff Ric L. Bradshaw (Vice-Chairman)

Palm Beach County Sheriff's Office
3228 Gun Club Road
West Palm Beach, FL 33406, Telephone: 561-688-3021

15. Chief Gerald Monahan

Port Orange Police Department
4545 S. Clyde Morris Boulevard
Port Orange, FL 32129-4062, Telephone: 386-506-5870

17. Chief of Police

Pending New Appointment

COMMISSION ATTORNEY PRESENT:

Assistant Statewide Prosecutor Brian Fernandes
Office of the Statewide Prosecutor, Flagler Waterview Building
West Palm Beach, FL 33401, Telephone: 561-837-5000

10. Warden Mary Holcomb

Hernando Correctional Institution
16415 Spring Hill Drive
Brooksville, FL 34604-8167, Telephone: 352-540-6035

12. Correctional Officer Belinda Murvin

Palm Beach County Sheriff's Office
673 West Fairgrounds Road
West Palm Beach, FL 33411, Telephone: 561-688-4913

14. Director J.C. Brock

St. Petersburg College Southeastern Public Safety Institute
3200 34th Street South
St. Petersburg, FL 33711-3829, Telephone: 727-341-4495

16. Officer Nelson Cuba

Jacksonville Sheriff's Office
Jacksonville FOP, 5530 Beach Boulevard,
Jacksonville, FL. 32207, Telephone: 904-398-7010

18. County Correctional Institution Head

Pending New Appointment

19. Chief Dennis Jones

Tallahassee Police Department
234 East Seventh Avenue
Tallahassee, FL 32303, Phone: 850-891-4393

**Florida Department of Law Enforcement (FDLE)
Criminal Justice Professionalism Program (CJPP) Commission Staff Present**

1. Program Director Michael D. Crews

Criminal Justice Professionalism Program

3. Bureau Chief Glen Hopkins

Bureau of Standards/Medical Examiners Commission

5. Training & Research Manager Terry Baker

Field Services and Records Sections

7. Government Operations Consultant Donna Hunt

Director's Office/Commission Operations

9. Training & Research Manager Linda Adams

Bureau of Training - Curriculum

11. Field Specialist Dawn Reed

Bureau of Standards

13. Field Specialist Lee Zahuranec

Bureau of Standards

15. Field Specialist Wayne Graves

Bureau of Standards

17. Field Specialist Chuck Reaume

Bureau of Standards

19. Trust Fund Auditor Michelle Sparks Raymond

Bureau of Standards

21. Staff Attorney Joe White

General Counsel's Office

2. Bureau Chief Dwight Floyd

Bureau of Training

4. Operations Analyst Cheryl Taylor

Program and Commission Support

6. Policy and Planning Administrator Margaret Edwards,

Program and Commission Support

8. Training & Research Manager Stacy Lehman

Professional Compliance and Trust Fund Section

10. Research & Training Specialist Tijuana Comer

Professional Compliance Section

12. Research & Training Specialist Erica Bradham

Professional Compliance Section

14. Training & Research Manager Roy Gunnarsson

Bureau of Training (**Absent**)

16. Field Specialist Donna Suereth

Bureau of Standards

18. Field Specialist Joni Livingston

Bureau of Standards

20. Field Specialist Kathy Myers

Bureau of Standards

22. Staff Attorney Kerra Smith

General Counsel's Office

23. *Ashley Pennington*
Operations & Management Consultant

25. *Bureau Chief T.W. Smart*
Bureau of Professional Development

27. *Staff Attorney Grace Jaye*
Office of General Counsel

24. *Trust Fund Auditor Michelle Sparks-Raymond*
Bureau of Standards

26. *Trust Fund Auditor Christina Murray*
Bureau of Standards

ELECTION OF OFFICERS FOR JULY 1, 2011 TO MAY 2012

Commission Attorney Brian Fernandes opened the floor for nominations for Chairman. *Commissioner Cuba nominated the current Chairman, Commissioner Ernie George; seconded by Vice-Chairman Bradshaw; hearing no other nominations, the nominations closed, and the motion carried.*

Commission Attorney Brian Fernandes opened the floor for nominations for Vice-Chairman. *Commissioner Monahan nominated the current Vice-Chairman, Commissioner Ric Bradshaw; seconded by Commissioner Murvin; hearing no other nominations, the nominations closed, and the motion carried.*

APPROVAL OF THE MAY 19, 2011 COMMISSION MEETING BUSINESS AGENDA

Chairman George asked if there were amendments to the May 19, 2011, Commission meeting business agenda. Commission Secretary Donna Hunt read the following amendments into the Commission record: Agenda Item 7D, Request for Waiver by Indian River State College on behalf of Alonzo Coleman; Agenda Item 7E, Request for Waiver by Indian River State College on behalf of Daniel Hauck; Agenda Item 7F, Request for Waiver by Mr. David Needs; and Agenda Item 7G, Request for Waiver by the Town of South Palm Beach Police Department on behalf of Officer Buffalino.

RECOMMENDATION: Commission staff recommended that the Commission approve the amended agenda.

COMMISSION ACTION: *Commissioner Murvin moved that the Commission adopt staff's recommendation; seconded by Commissioner Rivera; motion carried.*

APPROVAL OF THE FEBRUARY 3, 2011 COMMISSION MEETING MINUTES

Chairman George asked if there were amendments to the February 3, 2011 Commission Meeting Minutes. Hearing no amendments, *Commissioner Monahan moved that the Commission approve the minutes as presented; seconded by Commissioner Benton; motion carried.*

RESOLUTION(S)

A resolution was presented to the following Commission members: Commissioner David Diggs for his tenure with the Commission from April 7, 2009 to February 21, 2011, and Commissioner George Sapp for his tenure with the Commission from March 16, 2009 to February 16, 2011. *A resolution was presented to following Criminal Justice Professionalism Program members:* Mr. Don Suereth for his tenure with the Program from September 21, 1998 to November 11, 2010; Mr. Matthew Malhiot for his tenure with the Program from January 18, 2002 to September 2, 2010; and Ms. Margaret Geddings for her tenure with the Program from July 3, 2006 to September 16, 2010.

RECOMMENDATION: Commission staff recommended that the Commission adopt the resolutions.

COMMISSION ACTION: *Commissioner McHale moved that the Commission adopt staff's recommendation; seconded by Commissioner Brock; motion carried.*

NEW COMMISSION MEMBERS

Chairman George welcomed the following new Commission members: Assistant Secretary Russell Hosford of the Department of Corrections and Colonel David Brierton of the Florida Highway Patrol. Colonel Brierton had prior commitments and was not present at the meeting.

TRAINING CENTER DIRECTORS' ASSOCIATION (TCDA) CHAIRMAN'S REMARKS

TCDA Chairman Tim Gillette of the Broward County Sheriff's Office presented the following report for the Associations meeting held on Wednesday, May 18, 2011: **1)** The TCD's will be field-testing the new Florida CMS Correctional Basic Recruit Training Program in October 2011. **2)** The TCDA held its election of officers and the new Chair is Ian Moffett of Miami Police Training Center; North Vice-Chair is Gary Killam of St. Johns River State College; South Vice-Chair is Linda Wood of Broward College Institute for Public Safety; and the Treasurer is Hector Garcia of Miami-Dade College School of Justice. **3)** Chairman Gillette thanked the Commission and Commission staff for their support during his two-year tenure as chairman of the TCDA.

COMMISSION ACTION: This agenda item did not require Commission action.

REGIONAL CRIMINAL JUSTICE SELECTION CENTER DIRECTORS' ASSOCIATION (RCJSCDA) REMARKS

Chairman Tom Lange presented the following report for the Associations meeting held on Wednesday, May 18, 2011: Discussion was held regarding denials for exemption from basic recruit training and the obligation for the selection centers to apply the rules and statutes fairly. In addition, Chairman Lange announced that he was retiring and that Mr. Mike Dwyer of the Gulf Coast Community College would be the new chairperson.

RECOMMENDATION AND COMMISSION ACTION: This agenda item did not require Commission action.

WELCOME NEW COMMISSION MEMBERS AND NEW COMMISSION STAFF MEMBERS

Director Michael Crews of the Criminal Justice Professionalism Program congratulated Assistant Secretary Russell Hosford of the Department of Corrections and Colonel David Brierton of the Florida Highway Patrol on their appointment to the Commission. *In addition, he welcomed the following new program members:* Bureau Chief T.W. Smart of the Bureau of Professional Development, Trust Fund Auditor Michelle Raymond, and Case Specialist Erica Brown.

AGENDA ITEM 1: LEGISLATION

Director Crews gave the following Legislative report: **HB 3 – Passed:** Issues a blue alert at the request of an authorized law enforcement agency when an officer has been killed, suffered serious bodily injury, has been assaulted with a deadly weapon, or is missing while in the line of duty. **HB 234 - Passed:** Provides that a person who is licensed to carry a concealed firearm is not in violation of the law if, inadvertently, the firearm is briefly and openly displayed. The firearms cannot be displayed in an angry or threatening manner and can be carried or stored in a vehicle for lawful purposes. **HB 2118 – Passed:** Assesses a defendant convicted of a crime, the current \$100 crime lab service fee if state or county lab services are performed during the investigation. The fee will be deposited into the FDLE Operations Trust Fund. Transfers the operations of private correctional facilities from the Department of Management to the Department of Corrections. The proposed bill "to limit basic recruit training for state correctional officers, public, or private to 360 hours" was removed during the legislative process. The Department of Corrections (DOC) and FDLE agreed to not include a specific number of curriculum hours in the statute or rule, and instead, will create a Memorandum of Understanding with DOC that says, "FDLE will be mindful of the cost of training for agencies and will strive to maintain the curriculum hours at 400." FDLE will ensure the

curriculum contains all training identified in the job task analysis to properly train students to perform the duties of a correctional officer. Commission staff will submit the final curriculum for Commission review and approval prior to finalizing the curriculum. **SB 2160 – Passed:** Creates the Office of Motor Carrier Compliance of the Division of Florida Highway Patrol with the Division of Highway Safety Motor Vehicles. **HB 5401 – Passed:** Moves the Cybercrime Office (15 positions) from the Department of Legal Affairs to FDLE. **HB 821 – failed:** Required state and county law enforcement agencies to establish written policies and procedures and required Criminal Justice Standards and Training Commission to develop and make available educational materials and training programs to state and county agencies.

RECOMMENDATION AND COMMISSION ACTION: This agenda item did not require Commission action.

**AGENDA ITEM 2A: TRUST FUND REVENUE REPORT FOR FY 2010 – 2011
FOR JULY 2010 THROUGH MARCH 2011**

Bureau Chief Glen Hopkins presented the following trust fund revenue report: The legislative appropriation for FY 2010 - 2011 is \$15,783,723. The revenue, excluding examination and tuition fees, was \$9,198,309, and is down by 6% for the same period in FY 2009 - 2010. The Appropriation for officer training for FY 2010 – 2011 is \$6 million for officer funding (calculated at \$67 for each officer). Disbursements to the regional training areas were \$4,018,091. The July 1, 2010 beginning cash balance was \$4,893,417, and the March 31, 2011 cash balance was \$2,648,386.

RECOMMENDATION AND COMMISSION ACTION: This agenda item did not require Commission action.

AGENDA ITEM 2B: FY 2011 – 2012 OPERATING BUDGET REQUESTS

Bureau Chief Glen Hopkins presented the following Operating Budget Requests report: Rule 11B-18.0052, F.A.C., requires Commission staff to notify the Regional Training Councils of the projected allocation of officer training monies by July 1 of each year. All regional budgets complied with the distribution formula for Administrative costs at no more than 5%; Training costs at no less than 80%; and Operating Capital Outlay costs at no more than 15%. The total distribution for FY 2011 - 2012 is \$5,366,030, and was determined by multiplying \$67 times the total officer count of 80,090 in the 16 regions.

RECOMMENDATION: Commission staff recommended that the Commission approve the allocation of \$5,366,030 to the regions for officer training monies for the FY 2011 - 2012 Operating Budget Requests. **COMMISSION ACTION:** *Commissioner Benton moved that the Commission adopt staff's recommendation; seconded by Vice-Chairman Bradshaw; motion carried.*

AGENDA ITEM 2C: TRUST FUND AUDIT RECOMMENDATIONS FOR FY 2009 - 2010 FOR REGIONS V, XI, AND XII

Bureau Chief Glen Hopkins presented this agenda item, and stated that Rule 11B-18.010, F.A.C., requires the Commission to audit training facilities/programs and fiscal agent accounting records and procedures for compliance with laws, rules, budget provisions, and contractual agreements.

RECOMMENDATION: Commission staff recommended that the Commission approve the audit findings and recommended corrective actions for Fiscal Year 2009 - 2010 for Regions V, XI, and XII. **COMMISSION ACTION:** *Commissioner Rivera moved that the Commission adopt staff's recommendation; seconded by Commissioner Holcomb; motion carried.*

AGENDA ITEM 3: CRIMINAL JUSTICE AGENCY PROFILE REPORT (CJAP) FOR 2010

Bureau Chief Glen Hopkins presented this agenda item to provide information to the Commission about the CJAP Report that contains officer demographics, compensation, benefits, training programs, and specialized units. Pursuant to Section 943.18, F. S., the Commission is required to make a comprehensive study of compensation and benefits paid to Florida law enforcement and correctional officers. The report is created for use by state and local government as a tool to evaluate the sufficiency of compensation paid to Florida law enforcement and correctional officers. The data was collected from surveys distributed to the agency heads of all state, county, and city law enforcement and correctional agencies, and is based on minimum compensation for entry-level officers. The survey data elements were, requirements & pre-requisites; insurance; salary; supplemental programs; training; special units; benefits and retirement; weapons issued; and canine units. The report is separated by disciplines for comparison of compensation and benefits from the responding agencies.

Commissioner Monahan commended Commission staff for preparation of the annual CJAP Report and stated that it is a great tool to use when creating agency budgets. Commissioner Benton commended Commission staff for obtaining a 100% survey response from agencies.

RECOMMENDATION: Commission staff recommended that the Commission review and approve the 2010 CJAP Report. After approval, the report will be placed on the FDLE website and copies provided to criminal justice agencies upon request. **COMMISSION ACTION:** *Commissioner Connell moved that the Commission adopt staff's recommendation; seconded by Commissioner Monahan; motion carried.*

AGENDA ITEM 4: USE OF PRIVATE SECURITY GUARDS BY JACKSONVILLE SHERIFF'S OFFICE

Bureau Chief Glen Hopkins presented this agenda item and stated that many discussions had been held on this issue since January 25, 2010. The last action taken on this issue was on February 9, 2011, at which time a letter was forwarded to Attorney General Pam Bondi, on behalf of the Commission, requesting an Attorney General's opinion about the Jacksonville Sheriff's Office use of private security officers to guard prisoners at external medical facilities or at other external sites requiring care, custody, and control of the prisoners. Attorney General Bondi responded on February 16, 2011, stating that the Attorney General's Office would not issue an opinion. Chairman George stated that since the Attorney General's Office would not issue an opinion, individuals from the private sector would have to pursue the issue. Commissioner Rutherford addressed the Commission and stated, "to set the record straight, the sheriff's office only used sworn officers to transport prisoners to offsite facilities."

RECOMMENDATION AND COMMISSION ACTION: This agenda item did not require Commission action.

AGENDA ITEM 5: CERTIFICATE OF RELIEF FROM DISABILITIES FROM NEW YORK BY PAUL SALONE

Staff Attorney Grace Jaye presented this agenda item, and stated that Mr. Salone was convicted of a felony on May 8, 1987, for the criminal sale of a controlled substance and the New York Court system issued Mr. Salone a Certificate of Relief from Disabilities. Mr. Paul Salone contacted Commission staff and requested the Commission to issue a declaratory statement "as to whether his Certificate of Relief from Disabilities, issued by a New York court upon conviction of a felony, granted a full pardon and allowed a person convicted of a felony to become certified, pursuant to Section 943.13, F.S., as a criminal justice professional in Florida.

Commission Attorney Brian Fernandes stated that he had reviewed the Certificate of Relief from Disabilities and that it met the requirements of Rule 28-105.002, F.A.C. The Commission has the ability to issue a Declaratory Statement as to whether the New York Certificate of Relief from Disabilities rises to the level of a full pardon, which would side-step the requirements of Section 943.13(4), F.S.; however, the New York Certificate of Relief from Disabilities operates as a partial pardon and not a full pardon, which cannot remove the bar for criminal justice

employment pursuant to Section 943.13(4), F.S. The New York Certificate of Relief from Disabilities does not fall under the framework of cases such as, Sandlin, 531 Southern 2nd 1344 or Page v. Watson 192 Southern 205.

RECOMMENDATION: Commission Attorney Brian Fernandes recommended that the Commission issue a Declaratory Statement that: "The New York Certificate of Relief from Disabilities operates as a partial pardon and not a full pardon, which cannot remove the bar for criminal justice employment pursuant to Section 943.13(4), F.S. In addition, the New York Certificate of Relief from Disabilities does not fall under the framework of cases such as, Sandlin, 531 Southern 2nd 1344 or Page v. Watson 192 Southern 205. **COMMISSION ACTION:** *Commissioner Holcomb moved that the Commission adopt Commission Attorney Fernandes' recommendation; seconded by Vice-Chairman Bradshaw; motion carried.*

AGENDA ITEM 6A: REQUEST FOR DENIAL OF BASIC ABILITIES TEST FOR GILBERTO LLORENS

Staff Attorney Grace Jaye presented this agenda item to provide information to the Commission about Mr. Llorens misconduct relating to the Basic Abilities Test (BAT) to determine the appropriate action for such conduct. Mr. Llorens failed the Correctional Officer Basic Abilities Test and submitted documentation to the Miami-Dade College indicating a passing score. Miami-Dade College notified Commission staff of the Mr. Llorens' altered documentation reflect a passing score. Mr. Llorens is not currently certified and is not an applicant for certification.

RECOMMENDATION: Commission staff recommended that the Commission find probable cause; find that Mr. Gilberto Llorens did engage in conduct that subverted or attempted to subvert the Basic Abilities Test Process; to direct Commission staff to nullify all Basic Abilities Test scores for all tests taken after January 12, 2010; and to issue Mr. Llorens a letter of intent to deny, which would prohibit him from taking a Basic Abilities Test for a period of five-years from the date of the final order, pursuant to Rule 11B-35.0011(5), F.A.C. **COMMISSION ACTION:** *Commissioner Connell moved that the Commission adopt staff's recommendation; seconded by Commissioner Brock; motion carried.*

AGENDA ITEM 6B & 6C: REQUEST FOR DENIAL OF BASIC ABILITIES TEST FOR PORTIA HINES AND DESHEIRA MCCRIMMON

Staff Attorney Grace Jaye presented this agenda item to provide information to the Commission about Ms. Portia Hines and Desheira McCrimmon's misconduct relating to the Basic Abilities Test (BAT) to determine the appropriate action for such conduct. On Sept 11, 2007, Ms. Hines took the Correctional Officer Basic Abilities Test with I/O Solutions and failed the test. On November 16, 2010, Ms. Hines retook the Correctional Officer Basic Abilities Test with I/O Solutions and failed the test. On February 3, 2011, Ms. Hines and Ms. McCrimmon took the BAT at the Valencia Community College. Ms. McCrimmon completed her test and the proctor requested Ms. McCrimmon's identification to give her the score report. The proctor made a copy of Ms. Hines score report and asked her to produce identification. The assessment coordinator explained to Ms. Hines that her printed test report had Ms. McCrimmon's name on it. Ms. Hines and Ms. McCrimmon stated that Valencia Community College staff must have sat them at the wrong computers. The proctor stated that sitting at a wrong computer would not explain how they took the test for each other.

RECOMMENDATION: Commission staff recommended that the Commission find probable cause; find that Portia Hines and Desheira McCrimmon did engage in conduct that subverted or attempted to subvert the Basic Abilities Test Process; to direct Commission staff to nullify all Basic Abilities Test scores for all tests taken on or after February 3, 2011, and to issue Ms. Hines and Ms. McCrimmon a letter of intent to deny, which would prohibit them from taking a Basic Abilities Test for a period of five-years from the date of the final order, pursuant to Rule 11B-35.0011(5), F.A.C. **COMMISSION ACTION:** *Commissioner Hanrahan moved that the Commission adopt staff's recommendation; seconded by Commissioner Jones; motion carried.*

AGENDA ITEM 6D: REQUEST FOR DENIAL OF BASIC ABILITIES TEST FOR ESTEBAN ARCE

Staff Attorney Grace Jaye presented this agenda item to provide information to the Commission about Mr. Esteban Arce's misconduct relating to the Basic Abilities Test (BAT) to determine the appropriate action for such conduct. On October 12, 2010; November 12, 2010; and January 7, 2011, Mr. Arce took and failed the Correctional Basic Abilities Test at Valencia Community College. On January 7, 2011, Mr. Arce provided Taylor Correctional Institution with forged documentation indicating that he had passed the Correctional Officer Basic Abilities Test. Valencia Community College notified Commission staff about the subverted BAT, and documentation was provided to Commission staff indicating that the test results had been altered to reflect a passing score. Mr. Arce is not currently a certified officer or an applicant for certification.

RECOMMENDATION: Commission staff recommended that the Commission find probable cause; find that Mr. Esteban Arce did engage in conduct that subverted or attempted to subvert the Basic Abilities Test Process; to direct Commission staff to nullify all Basic Abilities Test scores for all tests taken on or after January 7, 2011; and to issue Mr. Arce a letter of intent to deny, which would prohibit him from taking a Basic Abilities Test for a period of five-years from the date of the final order, pursuant to Rule 11B-35.0011(5), F.A.C. **COMMISSION ACTION:** *Commissioner Rutherford moved that the Commission adopt staff's recommendation; seconded by Commissioner Murvin; motion carried.*

**AGENDA ITEM 7A: REQUEST FOR WAIVER OF COMMISSION RULES BY OAK HILL POLICE DEPARTMENT
ON BEHALF OF SEVEN OFFICERS**

Staff Attorney Grace Jaye presented this agenda item to the Commission at the request of the Oak Hill Police Department. A permanent waiver of Rule 11B-27.00212(14), F.A.C., was requested by the Department to waive the requirement for seven officers to requalify on the Law Enforcement Firearms Qualification Standard for the June 30, 2010 reporting cycle. **Waiver Facts:** Seven officers at the Oak Hill Police Department were requalified by an instructor who had not completed the administrative requirements to become a CJSTC-certified firearms instructor. On July 27, 2010, Chief Young of the Oak Hill Police Department contacted Field Specialist Kathy Myers about the firearms instructor's deficiencies, and a CJSTC-certified firearms instructor successfully qualified the seven officers within 24 hours of contacting Ms. Myers. Chief Diane Young of the Oak Hill Police Department addressed the Commission and discussed the circumstances that lead to the request for rule waiver and answered questions.

RECOMMENDATION: Commission staff recommended that the Commission grant the permanent waiver of Rule 11B-27.00212(14), F.A.C., effective immediately, and to recognize the validity of the officers' firearms requalification for the June 30, 2010 reporting cycle, to prevent the officers from incurring a break in service. **COMMISSION ACTION:** *Commissioner Cuba moved that the Commission adopt staff's recommendation; seconded by Commissioner Rivera; motion carried.*

**AGENDA ITEM 7B REQUEST FOR WAIVER OF COMMISSION RULES BY
OCEAN RIDGE POLICE DEPARTMENT**

Staff Attorney Grace Jaye presented this agenda item to the Commission at the request of the Ocean Ridge Police Department. A permanent waiver of Rule 11B-27.00212(14), F.A.C., was requested by the Department to waive the requirement for twenty-four officers to requalify on the Law Enforcement Firearms Qualification Standard for the June 30, 2008 and 2010 reporting cycles. Chief Christopher Yannuzzi discussed the circumstances that lead to the request for the rule waiver and apologized for the incident. **Waiver Facts:** Instructor Steven Wohlfiel requalified twenty-four officers for their June 30, 2008 and 2010 reporting cycles. Instructor Wohlfiel had not completed the administrative requirements to become a CJSTC-certified firearms instructor. The department became aware of Instructor Wohlfiel's deficiencies on October 18, 2010, and immediately took action to requalify the twenty-four officers using a CJSTC-certified firearms instructor.

RECOMMENDATION: Commission staff recommended that the Commission grant the waiver of Rule 11B-27.00212(14), F.A.C., effective immediately, to recognize the validity of the 127 officers' firearms requalification for the June 30, 2008 and 2010 reporting cycles, to prevent the officers' from incurring a break in service. **COMMISSION ACTION:** *Commissioner Rivera moved that the Commission adopt staff's recommendation; seconded by Commissioner Monahan; motion carried.*

**AGENDA ITEM 7G REQUEST FOR WAIVER OF COMMISSION RULES BY
TOWN OF SOUTH PALM BEACH POLICE DEPARTMENT**

Staff Attorney Grace Jaye presented this agenda item to the Commission at the request of the Town of South Palm Beach Police Department. A permanent waiver of Rule 11B-27.00212(14), F.A.C., was requested by the Department to waive the requirement for Officer Buffalino to requalify on the Law Enforcement Firearms Qualification Standard for his June 30, 2010 reporting cycle. **Waiver Facts:** Officer Buffalino was requalified on May 14, 2010, by a firearms instructor who had not completed the administrative requirements to become a CJSTC-certified firearms instructor. The Town of South Palm Beach Police Department became aware of the instructor's deficiencies, and Officer Buffalino requalified again with a CJSTC-certified firearms instructor on May 18, 2011, prior to the May 19, 2011 Commission meeting.

RECOMMENDATION: Commission staff recommended that the Commission grant a permanent waiver of Rule 11B-27.00212(14), F.A.C., effective immediately, to recognize the validity of Officer Buffalino's firearms requalification for the June 30, 2010 reporting cycle, to prevent Officer Buffalino from incurring a break in service. **COMMISSION ACTION:** *Commissioner Rivera moved that the Commission adopt staff's recommendation; seconded by Commissioner Monahan; motion carried.*

AGENDA ITEM 7C: REQUEST FOR WAIVER OF COMMISSION RULES BY THE RIVIERA BEACH POLICE DEPARTMENT

Staff Attorney Grace Jaye presented this agenda item to the Commission at the request of the Riviera Beach Police Department. Chief Clarence Williams of the Riviera Beach Police Department addressed the Commission concerning the circumstances for the requested waiver. A permanent waiver of Rule 11B-27.00212(14), F.A.C., was requested by the Department to waive the requirement for 127 officers to requalify on the Law Enforcement Firearms Qualification Standard for their June 30, 2008 and 2010 reporting cycles. **Waiver Facts:** Instructor Allen O'Neal and Lieutenant Anthony Smith of the Riviera Beach Police Department requalified 127 officers for the Law Enforcement Firearms Qualification Standard. The Riviera Beach Police Department discovered that the instructors had not completed the administrative requirements to become a CJSTC-certified firearms instructor. The department immediately took action to requalify the officers using a CJSTC-certified firearms instructor. The officers have successfully completed the training with the exception of Chief Williams and one officer serving a suspension. Instructors Allen O'Neal and Anthony Smith are in the process of completing the required

administrative training, have completed their internship, and were scheduled to complete the General Instructor Refresher Course on April 21, 2011.

Discussion on the instructor certification/recertification process: Commissioner Benton asked if a mechanism could be implemented to ensure that instructors are qualified before an instructor begins qualifying officers. Bureau Chief Hopkins stated that a technical memorandum had previously been issued to agencies that outlined the requirements. Commission staff is reviewing options, i.e., reprogramming the Commission's Automated Training Management System to assist agencies in identifying deficient instructors and issuing another technical memorandum. Vice-Chairman Bradshaw stated that the agency is responsible for ensuring that their instructors receive the required training and become recertified every four years and that it was not the Commission's responsibility. *In conclusion, Bureau Chief Hopkins recommended that the instructor access the Commission's Automated Training Management System to determine if he/she has completed all CJSTC instructor certification requirements.* Director Crews stated that until an individual submits the required paper work to Commission staff and receives an CJSTC Instructor Certificate from FDLE, the individual is not a CJSTC certified instructor.

RECOMMENDATION: Commission staff recommended that the Commission grant a permanent waiver of Rule 11B-27.00212(14), F.A.C., effective immediately, to recognize the validity of the 127 officers' firearms requalification for 2008 and 2010, to prevent the officers from incurring a break in service. **COMMISSION ACTION:** *Vice-Chairman Bradshaw moved that the Commission adopt staff's recommendation; seconded by Commissioner Benton; motion carried.*

AGENDA ITEM 7D and 7E: REQUEST FOR WAIVER OF COMMISSION RULES BY THE INDIAN RIVER STATE COLLEGE ON BEHALF OF ALONZO COLEMAN AND DANIEL HAUCK

Staff Attorney Grace Jaye presented this agenda item to the Commission at the request of the Indian River State College (IRSC) on behalf of Alonzo Coleman and Daniel Hauck. Rule 11B-35.001(9)(b), F.A.C., requires a student to complete a written-end-of-course examination with a score of not less than 80%, which became effective September 28, 2009. **Waiver Facts:** Officer Alonzo Coleman completed the Sex Crimes Investigation Course on October 6, 2009, and scored 78%. Officer Daniel Hauck completed the Field Training Officer Program Course that began on September 28, 2009, and scored 78%. Because the rule was revised in proximity to the start date of the course, the prior rule requiring a passing score of 75% was accepted for the duration of the course. The IRSC requested that the Commission approve the score achieved by both officers as a passing score, because to rely upon the old rule would cause undue hardship to Mr. Coleman and Mr. Hauck.

RECOMMENDATION: Commission staff recommended that the Commission grant the permanent waiver of Rule 11B-35.001(9)(b), F.A.C., effective immediately, recognizing Alonzo Coleman's score of 78% as a passing score for the Sex Crimes Investigation Course, and Daniel Hauck's score of 78% as a passing score for the Field Training Officer Program Course. **COMMISSION ACTION:** *Commissioner McHale moved that the Commission adopt staff's recommendation; seconded by Commissioner Cuba; motion carried.*

AGENDA ITEM 7F: REQUEST FOR WAIVER OF COMMISSION RULES BY DAVID NEEDS

Staff Attorney Grace Jaye presented this agenda item to the Commission at the request of Mr. David Needs. Rule 11B-27.00212(12), F.A.C., requires demonstration of proficiency and a passing score on the State Officer Certification Examination when a break in service occurs between four and eight years. **Waiver Facts:** Mr. Needs retired as a full-time active law enforcement officer on May 31, 2007, and intended to return to law enforcement after he retired. Mr. Needs could not return to law enforcement as planned because of being the sole caretaker of his elderly parents and an unexpected illness of his 16-year old son, who was diagnosed with Hodgkin Lymphoma. Because of the hiring freeze at many of the agencies, he was unsuccessful in obtaining employment and requested a six-month extension to find employment. The Sea Ranch Lakes Police Department and other agencies have

expressed an interest in hiring him, but are not in the position to hire anyone until their new budget year begins. Mr. Needs has completed the required mandatory retraining requirements.

RECOMMENDATION: Commission staff recommended that the Commission grant a temporary waiver of Rule 11B-27.00212(12), F.A.C., effective immediately, granting David Needs a six-month exemption from the effects of the rule to obtain employment. The exemption will run from the date of the Commission vote. If Mr. Needs obtains employment within the six-month exemption, he will be exempt from the one-year requirement for demonstration of proficiency skills in the high-liability areas and from passing the State Officer Certification Examination.

COMMISSION ACTION: *Commissioner Hanrahan moved that the Commission adopt staff's recommendation; seconded by Commissioner Jones; motion carried.*

**AGENDA ITEM 8A: OFFICER TRAINING: ADVANCED TRAINING PROGRAM COURSES;
HOSTAGE NEGOTIATION COURSE**

Bureau Chief Dwight Floyd presented this agenda item. The 40-hour Hostage Negotiation Advanced Training Program Course 093 was updated by Subject Matter Experts, which were recommended by the Training Center Directors and includes input from members of the Training Center Directors Association's Advanced and Specialized Training Committees. Courses in the Advanced Training Program are eligible for salary incentive monies, or may be delivered using Criminal Justice Standards and Training Trust Fund Officer Training Monies. The updated course allows a student to apply the concepts and skills used by criminal justice officers using scenarios, case studies, and/or role-play exercises.

RECOMMENDATION: Commission staff recommended that the Commission approve the updated Hostage Negotiation Course 093, with an effective date of July 1, 2011. **COMMISSION ACTION:** *Commissioner Rivera moved that the Commission adopt staff's recommendation; seconded by Commissioner Connell; motion carried.*

**AGENDA ITEM 8B: OFFICER TRAINING: SPECIALIZED TRAINING PROGRAM COURSE;
PHYSICAL FITNESS TRAINER COURSE**

Bureau Chief Dwight Floyd presented this agenda item. The 32-hour Physical Fitness Trainer Course was written by Subject Matter Experts, which were recommended by the training center directors, Department of Corrections, criminal justice agencies, and industry experts, and included input from members of the Training Center Directors Association's Advanced and Specialized Training Committee and the Physical Fitness Training Committee. The new course provides prospective physical fitness instructors with skills and fitness concepts to assist in the development and implementation of an effective physical fitness-training program for academies at a training school or agency. The course does not set physical fitness standards for basic recruits or officers, and does not provide an instructor certification for completing the course. *Bureau Chief Floyd thanked training center directors Greg Hutchings and Mark Warren for their leadership during the development of the course.*

RECOMMENDATION: Commission staff recommended that the Commission approve the Physical Fitness Trainer Course 1189 with an effective date of May 19, 2011. **COMMISSION ACTION:** *Commissioner McHale moved that the Commission adopt staff's recommendation; seconded by Commissioner Holcomb; motion carried.*

AGENDA ITEM 8C-1 – 8C-7: OFFICER TRAINING: SPECIALIZED INSTRUCTOR TRAINING PROGRAM COURSES

Bureau Chief Dwight Floyd presented this agenda item and stated that the Commission is responsible for maintaining Specialized Instructor Training Program Courses for Commission-certified law enforcement, correctional, and correctional probation officers. Courses in the Specialized Training Program may be delivered using Criminal Justice Standards and Training Trust Fund Officer Training Monies.

The following updated courses provides prospective instructors with the knowledge and skills required for a high-liability instructor certification: *CMS Vehicle Operations Instructor Course # 800* - The 40-hour revised course contains the new driving course diagrams and other changes to coincide with the 2011 basic recruit course. *CMS Firearms Instructor Course # 801* - The 44-hour course lists the major revisions to coincide with the 2011 basic recruit course. *CMS Defensive Tactics Instructor Course # 802* - Commission staff updated the 80-hour course to coincide with technical revisions made to other instructor courses. *CMS First Aid Instructor course # 1114* - Commission staff updated the 40-hour CMS First Aid Instructor Course to coincide with technical revisions made to other instructor courses. *General Instructor Refresher Course # 1115* - The 8-hour General Instructor Refresher Course was updated based on feedback from CJSTC-certified instructors and coincides with revisions to the Florida General Instructor Techniques Course 1186. *Speed Measurement Instructor Course # 1159* - Commission staff updated the 40-hour Speed Measurement Instructor Course to coincide with technical revisions made to other instructor courses. *Florida General Instructor Techniques Course # 1186* - The 64-hour Florida General Instructor Techniques Course was updated based on feedback from CJSTC-certified instructors, coincides with technical revisions made to other instructor courses, and clarifies information about CJSTC instructor certified training courses.

Commissioner Rutherford suggested that the requirements for an internship for instructor certification be included in the "Forward" of the lesson plan. Bureau Chief Floyd stated that he would comply with the request.

RECOMMENDATION Commission staff recommended that the Commission approve the following courses with an effective date of July 1, 2011: CMS Vehicle Operations Instructor Course; CMS Firearms Instructor Course 801; CMS Defensive Tactics Instructor Course 802; CMS First Aid Instructor Course 1114; General Instructor Refresher Course 1115; CMS Speed Measurement Instructor Course 1159; and the Florida General Instructor Techniques Course 1186. **COMMISSION ACTION:** *Commissioner Rutherford moved that the Commission adopt staff's recommendation; seconded by Commissioner Murvin; motion carried.*

AGENDA ITEM 9: CORRECTIONAL OFFICER CURRICULUM UPDATE

Bureau Chief Dwight Floyd presented this agenda item and thanked the subject matter experts who participated in the correctional job task analysis, which lead to the development of a curriculum that is one of the best in the country. The projected implementation date is July 1, 2012, and a draft of the curriculum will be presented at the August 2011 Commission meeting. FDLE and the Department of Corrections discussed the total hours for the curriculum and plan to limit the hours to 400. The job task analysis will be presented at the August 2011 Commission meeting for the Commission to review the method used by Commission staff to determine the number of hours for the curriculum. Commission staff plans to begin field-testing the curriculum in October 2011.

Commissioner Benton stated that there was a new provision allowing county jails to house adjudicated delinquents to save the county money by not paying the state for this service, and asked if there was training in the curriculum for the detention of juveniles in county facilities. Bureau Chief Floyd stated that he was not aware of the new provision and would research the requirements.

RECOMMENDATION AND COMMISSION ACTION: This agenda item did not require Commission action.

AGENDA ITEM 10: 2011 CRIMINAL JUSTICE INSTRUCTORS' TRAINING WORKSHOP

Bureau Chief Dwight Floyd presented the following information about the Criminal Justice Instructors' Training Workshop: The Criminal Justice Instructors' Training Workshop is scheduled for June 13 - 17, 2011, at the Florida Hotel and Conference Center in Orlando, Florida. State and national criminal justice instructors have been invited to attend, and the theme for the workshop is "Providing Quality Training on a Shoe-String Budget". Retired U.S. Army Paratrooper Dana Bowman will be the keynote speaker, and his topic will be "Triumph of the Human Spirit." Other presenters include, Steve Gower, "What Do They See When They See You Coming? Scott Barker, National Institute of Justice Overview/Public Safety Technologies Assistance; Donald Hughes, Certificate Workshop in Incident Management; and Chuck Joyner, Minimizing Liability, Increasing Officer Safety, and Reducing Costs by Using Distance Learning.

RECOMMENDATION AND COMMISSION ACTION: This agenda item did not require Commission action.

AGENDA ITEM 11: COMPUTER-BASED STATE OFFICER CERTIFICATION EXAMINATION UPDATE

Bureau Chief Dwight Floyd presented this agenda item. Commission staff solidified the contract with McCann Associates for the delivery of the Computer-Based State Officer Certification Examination and the Basic Abilities Test, which will begin in the Fall of 2011.

To implement Computer-Based State Officer Certification Examination (CB-SOCE), a rule clarification by the Commission will be needed to avoid violating Commission Rules. *Commission staff requested that the Commission adopt the following rule clarifications:*

- Grant a universal clarification of subsection (1)(c) for the restriction on registration for the CB-SOCE for all candidates taking the CB-SOCE. The computer-based testing system will assign different forms on each attempt and the restriction is not needed.
- Grant a universal clarification of subsection (6) for the conditions under which the SOCE may be rescheduled for all candidates taking the CB-SOCE. Commission staff does not need to reschedule exams as candidates can make another appointment at the test site.
- Grant a universal clarification of subsections (2) & (3)(b-d) that requires eligible applicants to apply for special accommodations for a flexible setting, flexible format, and assistive devices for all candidates taking the CB-SOCE. With this clarification, CB-SOCE candidates seeking the accommodations listed in (3)(b-d), would no longer need to apply for such accommodations and would be free to make suitable arrangements directly with the test sites. Commission staff cannot control an exam site's layout or capacity and cannot therefore ensure a flexible setting. Further, the computer-based testing format is by definition flexible in that the screen resolution can be changed and display brightness can be controlled.
- Grant a universal clarification of subsections (2)(b-c) that requires candidates to present form CJSTC-517 when taking the SOCE. For candidates taking the CB-SOCE, the voucher will no longer be necessary because eligibility is verified in real-time when candidates register for the examination.

RECOMMENDATION: Commission staff recommended that the Commission approve "clarification" of the three rule sections in Chapter 11B-30, F.A.C., as presented above, pending implementation of the administration of the Computer-Based State Officer Certification Examination. **COMMISSION ACTION:** *Commissioner Holcomb moved that the Commission adopt staff's recommendation; seconded by Commissioner Benton; motion carried.*

Rule Promulgation Process

Director Mike Crews stated that historically, the rule promulgation process takes six to nine months to complete. The Governor's first Executive Order issued a moratorium on rulemaking and established the Office of Fiscal Accountability and Regulatory Reform (OFARR). The Executive Order halted all rule promulgation. Commission staff has received permission to submit the 35 rule revisions identified by Commission staff and the training center directors, which are critical to the operation of the Commission.

Due to the cumbersome process of rulemaking and the fact that the Governor's Office wants to curtail the process, Commissioner Gerald Bailey of FDLE would like to propose to OFARR to initiate a Pilot Test for revising the Commission's rules. **THE PLAN:** Upon promulgation of the rules approved by the Commission at the December 16, 2010 conference through the new process required by OFARR, any new revisions approved by the Commission would be subject to the Pilot Test. The Pilot Test would allow the Commission to approve the proposed rule revisions and immediately make those revisions pending an FDLE legal review and publication of those revisions for response by affected parties. If there were challenges by affected parties, the Commission would decide if those challenges were substantive and vote to deny or grant the challenge. The Commission would no longer go through the OFARR, the Cabinet, or the Joint Administrative Procedures Committee for approval to make rule changes. This is a concept, and Commissioner Bailey wanted to receive confirmation from the Commission prior presenting this concept to the Governor. There was no formal vote, however, the Commission agreed with the implementation of a Pilot Test for its rulemaking process.

Business Meeting Adjourned

RECOMMENDATION: Chairman George asked for a motion to adjourn the business meeting. **COMMISSION ACTION:** *Commissioner McHale; moved that the Commission adjourn the business meeting; seconded by Commissioner Murvin; motion carried.*

AGENDA ITEM A-1.: CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND OFFICER TRAINING MONIES

This agenda item contains the following Criminal Justice Standards and Training Trust Fund Officer Training Monies information for the 4th quarter trust fund warrants for *\$1,339,363.50 were distributed to the following entities.*

- | | |
|---|---|
| 1. Brevard Community College - \$25,007.75 | 18. Northwest Florida State College - \$12,227.50 |
| 2. Broward Community College - \$93,599.00 | 19. Palm Beach Community College - \$65,375.25 |
| 3. Central Florida Community College \$15,172.99 | 20. Pasco-Hernando Comm College - \$19,162.00 |
| 4. Chipola Junior College - \$2,730.25 | 21. Polk Community College - \$32,344.25 |
| 5. Citrus County School Board - \$7,305.51 | 22. Santa Fe Community College - \$18,257.50 |
| 6. Daytona Beach Community College - \$27,001.00 | 23. School Board of Manatee County - \$8,726.75 |
| 7. Escambia County School Board - \$21,758.25 | 24. School Board of Sarasota County - \$15,879.00 |
| 8. Florida Department of Corrections - \$343,626.25 | 25. School District of Lee County - \$53,767.50 |
| 9. Gulf Coast Community College - \$10,301.25 | 26. School District of Osceola County - \$12,579.25 |
| 10. Hillsborough Community College - \$55,978.50 | 27. Seminole Community College - \$18,391.50 |
| 11. Indian River Community College - \$32,578.75 | 28. St. Johns River Community College - \$17,805.25 |
| 12. Jacksonville Sheriff's Office - \$47,804.50 | 29. St. Petersburg Junior College - \$48,256.75 |
| 13. Lake City Community College - \$6,499.00 | 30. Tallahassee Community College-State - \$63,867.75 |
| 14. Lake County School Board - \$13,634.50 | 31. Tallahassee Community College-Local - \$23,031.25 |
| 15. Manatee County Sheriff's Office - \$5,812.25 | 32. Valencia Community College - \$61,824.25 |
| 16. Miami-Dade College-N. Campus - \$152,274.25 | 33. Washington-Holmes Technical Center \$1,691.75 |
| 17. North Florida Community College - \$5,092.00 | |

A-2. BUDGET AMENDMENTS/PROGRAMMATIC CHANGE

Since the February 2011 Commission meeting, the following budget amendments/programmatic changes have been made: Northeast Florida Criminal Justice Training and Education Center \$2,210.74; St. Johns River State College \$10,683.15 and \$8,952.15; Brevard Community College \$3,701.00; Polk State College \$14,803.65 OCO and \$11,632.00 OCO; Palm Beach State College \$39,015.15; Florida Corrections Academy \$28,282.00; Florida Corrections Academy \$19,748.39; Florida Corrections Academy \$450.00.

A-3. INTEREST BUDGETS

Interest accrued in FY 2009 - 2010 was approved for expenditure in FY 2010 – 2011 for the following training schools: College of Central Florida \$21.55 and Withlacoochee Technical Institute \$45.72.

A-4. PROPERTY DISPOSAL(S)

Property Disposal: Rule 11B-18.0053(4)(e), F.A.C., requires training schools to obtain approval from Commission staff prior to the disposal or transfer of property purchased with trust fund monies. Since the February 2011 Commission meeting, Commission staff approved the removal of equipment items from the trust fund inventory of the Palm Beach State College and Broward College.

RECOMMENDATION AND COMMISSION ACTION: Commission action was not required for this agenda item.

AGENDA ITEM B: OFFICER RECORDS QUARTERLY REPORT FOR THE 3RD QUARTER OF FY 2010 - 2011

This agenda item contained the following officer records statistics for active officers: As of April 4, 2011, the total officer count was 86,638. Of these officers, the total officer count for law enforcement is 45,601, for correctional is 33,115, for correctional probation is 2,555 and for concurrent is 5,367. The total number of active officers who are required to meet their mandatory retraining requirement by June 30, 2011 is 18,744, and of these officers, 10,377* are law enforcement, 7,557* are correctional and 810* are correctional probation. The number of officers who have met the June 30, 2011 mandatory retraining requirement date is 11,828. The total number of active law enforcement officers required to complete training in elder abuse investigations by June 30, 2011 is 50,968. The number of law enforcement officers who have met the June 30, 2011 elder abuse investigations requirement is 44,042.

RECOMMENDATION AND COMMISSION ACTION: Commission action was not required for this agenda item.

AGENDA ITEM C: AUTOMATED TRAINING MANAGEMENT SYSTEM (ATMS) QUARTERLY REPORT FOR THE 3RD QUARTER OF FY 2010 - 2011

Agencies and training schools using ATMS as of April 4, 2011 are 500 agencies, and of these agencies, 294 are police departments; 67 are sheriff's offices; 30 are correctional agencies; 57 are state agencies; 41 are training schools; and 11 are assessment centers. The number of individual ATMS users at all agencies is 2,618 and the number of active criminal justice officers at agencies using ATMS is 86,638.

RECOMMENDATION AND COMMISSION ACTION: Commission action was not required for this agenda item.

AGENDA ITEM D: FIELD SERVICES QUARTERLY REPORT FOR THE 3RD QUARTER OF FY 2010 - 2011

This agenda item contained the following statistics for work activities performed by the Field Specialists from January 2011 – March 2011: 755 new hire officers were registered in ATMS with 169 non-compliances; 1126 officers were registered in ATMS as new certifications with 188 non-compliances; 923 agency contacts and assists were completed; 17 basic recruit training high-liability classes were monitored with 1 non-compliance; 10 basic recruit training classes were monitored with 0 non-compliances; 10 advanced and specialized training classes were monitored and there was 1 non-compliance; 197 training school contacts and assists were completed; 453 criminal justice instructor applications were reviewed with 111 deficiencies; and there were 2,187 incoming/outgoing telephone calls and 43 workshops and training classes conducted.

RECOMMENDATION AND COMMISSION ACTION: Commission action was not required for this agenda item.

AGENDA ITEM E: OFFICER DISCIPLINE QUARTERLY REPORT FOR THE 3RD QUARTER OF FY 2010 - 2011

This agenda item contained the following officer discipline statistics for January 2011 to March 2011:

Probable Cause Cases as of March 31, 2011. 159 probable cases were presented for the following months: January – 0 cases; February – 74 cases; and March – 85 cases. **Active open cases as of March 31, 2011.** 1,444 cases were open in the following categories: Awaiting information 723 cases (50.07%); Pending Probable Cause 191 cases (13.23%); Pending final Commission action 275 cases (19.04%); Pending formal hearing 62 cases (4.29%); and Probation/Suspension 193 cases (13.37%). **National Decertification Index for January 2011 – March 2011.** The officer discipline cases added to the National Decertification Index were 77 Revocations and 36 Voluntary Relinquishments. **Officer Discipline Case Report and Case Dispositions.** The Disciplinary Case Report for case dispositions is on page 2 of Agenda Item “E” in the published Commission packet. **Violations Report.** The most frequent violations resulting in revocation or relinquishment is on page 3 of Agenda Item “E” in the published Commission packet. **Completed Probations or Suspensions.** Completion of probations or suspensions is listed on page 4 of Agenda Item “E” in the published Commission packet.

RECOMMENDATION AND COMMISSION ACTION: Commission action was not required for this agenda item.

AGENDA ITEM F: BASIC ABILITIES TEST QUARTERLY REPORT FOR THE 3RD QUARTER OF FY 2010 - 2011

This agenda item contained the following Basic Abilities Test statistics for January 1, 2011 to March 31, 2011: Third quarter **passing scores:** Law enforcement 1,954 (72.4%); for correctional officers 1,483 (76.6%); and for correctional probation officers 0 (0%). The third quarter **failing scores** for law enforcement officers was 745 (27.6%); for correctional officers 453 (23.4%); and for correctional probation officers 4 (100%).

RECOMMENDATION AND COMMISSION ACTION: Commission action was not required for this agenda item.

AGENDA ITEM G: STATE OFFICER CERTIFICATION EXAMINATION REPORT FOR THE THIRD QUARTER OF FY 2010 - 2011

This agenda item contained the following State Officer Certification Examination test performance data: **Basic Recruit Training Programs for January 1, 2011 to March 31, 2011.** Florida CMS Law Enforcement Basic Recruit Training Program (BRTP): 727 applicants took the examination and 596 (82%) passed. Traditional Correctional BRTP: 758 applicants took the examination and 564 (74%) passed. Florida Correctional Probation BRTP: 3 applicants took the examination and 3 (100%) passed. **Equivalency-of-Training Programs.** Florida CMS Law Enforcement BRTP: 116 applicants took the examination and 81 (70%) passed and for the Traditional Correctional BRTP: 23 applicants took the examination and 16 (70%) passed.

RECOMMENDATION AND COMMISSION ACTION: Commission action was not required for this agenda item.

AGENDA ITEM H: CURRICULUM UPDATES PURSUANT TO SECTION 943.17, F.S.

The following is a list of Curriculum Alerts since the October 2010 Commission Meeting: Curriculum Alert 2011-01, January 19, 2011, Interviews and Interrogations Advanced Course 047, Added new case law from U.S. Supreme Court regarding police interviews. Curriculum Alert 2011-02, January 19, 2011, Florida Basic Recruit Training Program: Law Enforcement, Volume 1, Chapter 6—Patrol 2, Updated FEMA website and course numbers. Curriculum Alert 2011-03, January 19, 2011, Criminal Law, Advanced Course 19, Updated language for new case law from U.S. Supreme Court re police interviews. Curriculum Alert 2011-04, January 20, 2011, Domestic Intervention Advanced Course 091, Legislative revision of term “disabled adult”. Curriculum Alert 2011-05, January 20, 2011, Domestic Violence Specialized Course 1136, Legislative revision of term “disabled adult”. Curriculum Alert 2011-06, January 31, 2011, Florida Basic Recruit Training Program: Law Enforcement, Volume 1, Chapter 11—Traffic Crash Investigations, Revised text and replaced traffic crash investigation forms per DHSMV revisions. Curriculum Alert 2011-07, April 11, 2011, CMS Firearms Instructor Course, Specialized Instructor Course 801, revised course hours incorrectly stated in Foreword.

AGENDA ITEM I: COMMISSION BASIC, ADVANCED, AND SPECIALIZED TRAINING COURSES QUARTERLY REPORT

This agenda item includes the following current Commission-approved basic recruit, advanced, and specialized training program courses since the October 2010 Commission meeting: **Basic Recruit Training Programs:** Florida CMS Law Enforcement Basic Recruit Training Program (v. 2010.07); Traditional Correctional Basic Recruit Training Program (v. 2010.07); and Florida Correctional Probation Basic Recruit Training Program (v. 2010.07).

Cross-Over Basic Recruit Training Programs: Law Enforcement Officer Cross-Over Training to Traditional Correctional (v. 2010.07); Law Enforcement Officer Cross-Over Training to Florida Correctional Probation (v. 2010.07); Correctional Officer Cross-Over Training to Florida Correctional Probation (v. 2010.07); Correctional Officer Cross-Over Training to Florida CMS Law Enforcement (v. 2010.07); Correctional Probation Officer Cross-Over Training to Traditional Correctional (v. 2010.07); and Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement (v. 2010.07).

Auxiliary Basic Recruit Training Programs: CMS Law Enforcement Auxiliary Officer Basic Recruit Training Program (v. 2010.07) and Correctional Auxiliary Officer Basic Recruit Training Program (v. 2010.07).

Advanced Training Program Courses: Line Supervision; Middle Management; Developing and Maintaining a Sound Organization; Planning the Effective Use of Financial Resources; Building and Maintaining a Sound Behavioral Climate; Narcotics and Dangerous Drugs Investigations; Criminal Law; Case Preparation and Court Presentation; Special Tactical Problems; Sex Crimes Investigation; Injury and Death Investigations; Interviews and Interrogations; Stress Management Techniques; Crisis Intervention; Organized Crime; Discipline and Special Confinement Techniques; Supervision of the Youthful Offender; Advanced Report Writing and Review; Firefighting for Correctional Officers; Community and Human Relations; Substance Abuse Awareness and Education; Underwater Police Science and Technology; Computers and Technology in Criminal Justice; Emergency Preparedness for Correctional Officers; Advanced Traffic Accident Investigation; Traffic Accident Reconstruction; School Resource Officer; Domestic Intervention; Hostage Negotiation; Drug Abuse Resistance Education (D.A.R.E.) – FDLE Instructed Only; Drug Abuse Resistance Education (D.A.R.E.); Drug Abuse Resistance Education (D.A.R.E.); Traffic Homicide Investigation; Crimes Against the Elderly; CMS Field Training Officer Program Course; Field Training Officer Course for Correctional Officers; Conducting Background Investigations; Investigation and Supervision of Officer Involved Shootings; Computer Crimes Investigations; Financial Fraud Investigations; Speed Measurement Course; Managing and Communicating with Inmates and Offenders; Gangs and Security Threat Groups; Inmate Manipulation; Spanish for Criminal Justice Professionals; Advanced Investigative Techniques of Human Trafficking Offenses; and Investigating Crimes Against Children.

Specialized Instructor Training Program Courses: CMS Vehicle Operations Instructor Course; CMS Firearms Instructor Course; CMS Defensive Tactics Instructor Course; Canine Team Training Instructor Course; Breath Test Instructor Course; Breath Test Instructor Renewal Course; Laser Speed Measuring Device (LSMD) Transition Operators Course for Radar Operators; CMS First Aid Instructor Course; General Instructor Refresher Course; Speed Measurement Instructor Course; and Florida General Instructor Techniques Course.

Specialized Training Program Courses: Traffic Control Officer for Civilians; CMS Field Training Officer Transition Course; Agency Inspector Course; Breath Test Operator Course; Agency Inspector Renewal Course; Breath Test Operator Renewal Course; Canine Team Training Course; Contraband Forfeiture; Human Diversity In-service Training for Professionalism and Ethics; Human Diversity In-service Training for Interdependent Relationships; Human Diversity In-service Training for Reducing Inter-group Conflict; Human Diversity In-service Training for Sexual Harassment in the Workplace; Human Diversity In-service Training for Specialized Topics; Parking Enforcement Specialist for Civilians; Selective Traffic Enforcement Program for Civilians; Criminal Justice Officer Ethics Course; Crimes Against Children; Domestic Violence; Violent Crime Investigator Training Course; Basic Incident Command System (ICS) Course; Intermediate Incident Command System (ICS) Course; Advanced Incident Command System (ICS) Course; CMS Human Interaction Course; CMS Special Populations Course; CMS Problem-Solving Model: SECURE Specialized Training Course; Dart-Firing Stun Gun; CMS General Instructor Update Course; CMS Defensive Tactics and Firearms Instructor Update Course; Elder Abuse Investigations; and Physical Fitness Trainer Course.

RECOMMENDATION AND COMMISSION ACTION: Commission action was not required for this agenda item.

OFFICER DISCIPLINE AGENDA

COMMISSION MEMBERS OR ALTERNATES PRESENT OR ABSENT

The roll was called and the following Commission members represented a quorum:

1. **Mr. Ernest W. George, Chairman**
Florida Citizen , Palm Beach County PBA
2100 Florida Mango Road
West Palm Bch, FL 33409, Telephone: 561-689-3745
2. **Sergeant Michael "Mick" McHale**
Sarasota Police Department
Florida PBA, 2075 Main St., Suite 4
Sarasota, FL 34237, Telephone: 941-366-1436
3. **Assistant Secretary Russell Hosford, proxy for Secretary Edwin G. Buss**, Florida Department of Corrections, Institutions and Re-Entry, 501 Calhoun St. Tallahassee, FL 32399-2500, Telephone: 850-488-2288
4. **Officer Patrick Hanrahan**
Broward County Sheriff's Office
Broward County PBA, 2601 West Broward Blvd
Fort Lauderdale, FL 33312, Telephone: 954-584-7600
5. **Lieutenant Steve Courtoy, proxy for Attorney General Pam Bondi**
Tampa Police Department, District 11, 411 N. Franklin Street
Tampa, FL 33602, Telephone: 813-913-6500
6. **Sergeant John Rivera**
Miami-Dade Police Department
Dade County PBA, 10680 N. W. 25th Street
Miami, FL 33172, Telephone: 305-593-0044
7. **Colonel David H. Brierton, Jr., Director (Absent)**
Florida Department of Highway Safety and Motor Vehicles
Division of Florida Highway Patrol, Neil Kirkman Building
Tallahassee, FL 32399, Telephone: 850-617-2300
8. **Officer Kathleen A. Connell**
Tallahassee Police Department
234 East Seventh Street
Tallahassee, FL 32303, Telephone: 850-891-4353
9. **Sheriff John H. Rutherford**
Jacksonville Sheriff's Office
501 E. Bay Street
Jacksonville, FL 32202, Telephone: 904-630-5898
10. **Warden Mary Holcomb**
Hernando Correctional Institution
16415 Spring Hill Drive
Brooksville, FL 34604-8167, Telephone: 352-540-6035
11. **Sheriff Susan Benton**
Highlands Sheriff's Office
501 E. Bay Street
Jacksonville, FL 32202, Telephone: 904-630-5898
12. **Correctional Officer Belinda Murvin**
Palm Beach County Sheriff's Office
673 West Fairgrounds Road
West Palm Beach, FL 33411, Telephone: 561-688-4913
13. **Sheriff Ric L. Bradshaw (Vice-Chairman)**
Palm Beach County Sheriff's Office
3228 Gun Club Road
West Palm Beach, FL 33406, Telephone: 561-688-3021
14. **Director J.C. Brock**
St. Petersburg College Southeastern Public Safety Institute
3200 34th Street South
St. Petersburg, FL 33711-3829, Telephone: 727-341-4495
15. **Chief Gerald Monahan**
Port Orange Police Department
4545 S. Clyde Morris Boulevard
Port Orange, FL 32129-4062, Telephone: 386-506-5870
16. **Officer Nelson Cuba**
Jacksonville Sheriff's Office
Jacksonville FOP, 5530 Beach Boulevard,
Jacksonville, FL. 32207, Telephone: 904-398-7010
17. **Chief of Police**
Pending New Appointment
18. **County Correctional Institution Head**
Pending New Appointment
19. **Chief Dennis Jones**
Tallahassee Police Department
234 East Seventh Avenue
Tallahassee, FL 32303, Phone: 850-891-4393

COMMISSION ATTORNEY PRESENT:

Assistant Statewide Prosecutor Brian Fernandes
Office of the Statewide Prosecutor, Flagler Waterview Building
West Palm Beach, FL 33401, Telephone: 561-837-5000

Florida Sunshine Law: Commission Attorney Brian Fernandes stated that the Commission sits in a quasi-judicial function when initiating Commission action against officer discipline cases, and the Commission shall only discuss these cases with Commission staff, Commission staff's legal counsel, or the Commission's legal counsel.

Officer Discipline cases are conducted pursuant to Sections 120.569 and 120.57(2), F.S., and Rule Chapter 28-5, F.A.C. The purpose of conducting an Informal Hearing is to resolve disputed issues of law, founded violation, and to impose the appropriate disciplinary penalty. If at any point in the proceeding the Respondent disputes the facts of the case, the hearing will be terminated and the case will be remanded to the Division of Administrative Hearings Administration for a formal hearing assigned to an administrative law judge.

THE FOLLOWING DISCIPLINARY CASES ARE RECORDED IN THE ORDER PRESENTED BY THE STAFF ATTORNEYS

Consent Agenda - Stipulation and Settlement Agreement Cases

Tab A-1 Jamie Allen; Tab A-2 Kristopher Bilger; Tab A-3 Robert Bonesio; Tab A-4 Burton Bonjour; Tab A-5 Carlos Calderon; Tab A-6 Anna Cantres; Tab A-7 Less Conyers; Tab A-8 Curtis Dexter; Tab A-9 Demis Diaz; Tab A-10 Gary French; Tab A-11 Luis Gomez; Tab A-12 Edwin Hight; Tab A-13 Jeffrey Iannuzzi; Tab A-14 Christopher Johnson; Tab A-15 Shawn Lally; Tab A-16 Gatrues Lightfoot; Tab A-17 Chad McLaren; Tab A-18 Lorenzo McNeil; Tab A-19 Kenneth Miles; Tab A-20 Vivino Millan; Tab A-21 Robert Mitchell; Tab A-22 Stacy Perkins; Tab A-23 Yancy Plair; Tab A-24 Raymond Ridley; Tab A-25 Stephanie Rowe; Tab A-26 Mervin Stewart; and Tab A-27 Stephen Weir.

RECOMMENDATION: Staff Attorney Kerra Smith recommended that the Commission adopt the conditions of the Stipulation and Settlement Agreement as the final disposition in each of the above cases. **COMMISSION ACTION:** *Commissioner Rivera moved that the Commission adopt staff counsel's recommendation; seconded by Commissioner Murvin; motion carried.* Commissioner Hosford did not vote on Tab A-7; Commissioners Rutherford and Cuba did not vote on Tab A-14; Commissioner Hosford did not vote on Tab A-16; Commissioner Brock did not vote on Tab A-17; and Commissioner Benton did not vote on Tab A-23.

Informal Hearings – Moral Character

Tab B-27, Case 31003	<p>George Small</p> <p>Respondent was present with Attorney David Bigney</p>	<p>Misconduct/Guideline Penalty: Misuse of Official Position (8 counts); (Between 11-30-2006 and 2-17-2010 – all counts); (Suspension – all counts).</p> <p>Agency: Altamonte Springs Police Department.</p>
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RECOMMENDATION: Staff Attorney Kara Smith presented this case and recommended that the Commission impose a 2-year prospective SUSPENSION beginning 15 days following the filing of the Final Order; a 2-year PROBATION to begin at the conclusion of the suspension period; and provide Commission staff with proof of successful completion of an approved ethics course prior to the end of the probationary period. **COMMISSION ACTION:** Discussion was held, and *Commissioner Benton moved that the Commission adopt staff counsel's penalty recommendation; seconded by Commissioner Rutherford; motion failed. Commissioner Rivera moved that the Commission impose a 1-year retroactive SUSPENSION; a 1-year prospective SUSPENSION beginning 15 days following the filing of the Final Order; a 2-year PROBATION to begin at the conclusion of the suspension period; and provide Commission staff with proof of successful completion of an approved ethics course prior to the end of the probationary period; seconded by Commissioner Monahan; motion carried.*

Informal Hearings – Moral Character - Continued

<p>Tab B-15, Case 30175</p>	<p>James Lockstead, Jr. Respondent was present without legal counsel.</p>	<p>Misconduct/Guideline Penalty: Petit Theft (2 counts); (2-22-2011- both counts); (Suspension to Revocation – both counts). Agency: Department of Corrections, Region 3.</p>
<p>RECOMMENDATION: Staff Attorney Kara Smith presented this case and recommended that the Commission impose a 30-day prospective SUSPENSION beginning 15 days following the filing of the Final Order; a 1-year PROBATION to begin at the conclusion of the suspension period; and provide Commission staff with proof of successful completion of an approved ethics course prior to the end of the probationary period. COMMISSION ACTION: Discussion was held, and <i>Commissioner Cuba moved that the Commission adopt staff counsel's penalty recommendation; seconded by Commissioner Connell; motion carried.</i></p>		
<p>Tab B-16, Case 29832</p>	<p>Misty Lorenz Respondent was present without legal counsel.</p>	<p>Misconduct/Guideline Penalty: Aggravated battery on pregnant person; (12-23-2009); (Prospective Suspension to Revocation). Agency: Moore Haven Correctional Facility.</p>
<p>RECOMMENDATION: Staff Attorney Joe White presented this case and recommended that the Commission impose a 15-day prospective SUSPENSION to be served within 180 days following the filing of the Final Order; a 1-year PROBATION to begin at the conclusion of the SUSPENSION period; and provide Commission staff with proof of successful completion of an approved anger management course prior to the end of the probationary period. COMMISSION ACTION: Discussion was held, and <i>Commissioner Cuba moved that the Commission adopt staff counsel's penalty recommendation; seconded by Commissioner Brock; motion carried.</i></p>		
<p>Tab B-19, Case 31366</p>	<p>Justin Neel Respondent was present without legal counsel.</p>	<p>Misconduct/Guideline Penalty: Worthless check in excess of \$150.00; (6-10-2010); (Suspension to Revocation). Agency: Department of Corrections, Region 1.</p>
<p>RECOMMENDATION: Staff Attorney Kara Smith presented this case and recommended that the Commission impose a 1-year PROBATION beginning 15 days following the filing of the Final Order, and provide Commission staff with proof of successful completion of an approved ethics course prior to the end of the probationary period. This recommendation was a downward departure from the guidelines based on mitigating circumstances that included the respondent's employment status, lack of severity of the misconduct, and the respondent paid restitution. COMMISSION ACTION: Discussion was held, and <i>Commissioner McHale moved that the Commission adopt staff counsel's penalty recommendation; seconded by Commissioner Murvin; motion carried.</i></p>		

Informal Hearings – Moral Character - Continued

Tab B-22, Case 29193	Andrew Taylor Respondent was present without legal counsel.	Misconduct/Guideline Penalty: Battery (4 counts); (8-6-2009 – all counts); (Suspension – all counts). Agency: Leon County Sheriff's Office.
<p>RECOMMENDATION: Staff Attorney Joe White presented this case and recommended that the Commission impose a 90-day prospective SUSPENSION beginning 15 days following the filing of the Final Order; a 1-year PROBATION to begin at the conclusion of the suspension period; and provide Commission staff with proof of successful completion of an approved anger management course prior to the end of the probationary period.</p> <p>COMMISSION ACTION: Discussion was held, and <i>Commissioner Cuba moved that the Commission adopt staff counsel's penalty recommendation; seconded by Vice-Chairman Bradshaw; motion carried.</i></p>		
Tab B-1, Case 29925	John Berryhill	Misconduct/Guideline Penalty: Driving Under the Influence; Resisting Officer without violence; (1-23-2010; 1-23-2010); (Probation with substance abuse counseling; Probation to Suspension). Agency: Department of Corrections, Region 2 Annex.
<p>RECOMMENDATION: Staff Attorney Kerry Smith presented this case and recommended that the Commission impose a 10-day retroactive SUSPENSION; a 6-month PROBATION beginning 15 days following the filing of the Final Order; and provide Commission staff with proof of successful completion of an approved substance abuse and anger management course prior to the end of the probationary period.</p> <p>COMMISSION ACTION: Discussion was held, and <i>Commissioner Rivera moved that the Commission reject staff counsel's penalty recommendation; seconded by Connell motion carried. Commissioner Rivera moved that the Commission impose a 6-month PROBATION beginning 15 days following the filing of the Final Order; and provide Commission staff with proof of successful completion of an approved substance abuse and anger management course prior to the end of the probationary period; seconded by Commissioner Connell; motion carried.</i></p>		
Tab B-12, Case 30018	Charles Keene	Misconduct/Guideline Penalty: Driving Under the Influence of Alcohol; (2-6-2010); (Probation with substance abuse counseling). Agency: Hillsborough County Sheriff's Office.
<p>RECOMMENDATION: Staff Attorney Joe White presented this case and recommended that the Commission impose a 6-month PROBATION beginning 15 days following the filing of the Final Order, and provide Commission staff with proof of successful completion of an approved substance abuse and ethics counseling prior to the end of the probationary period.</p> <p>COMMISSION ACTION: Discussion was held, and <i>Commissioner Rutherford moved that the Commission adopt staff counsel's penalty recommendation; seconded by Connell; motion carried.</i></p>		

Informal Hearings – Moral Character - Continued

Tab B-17, Case 29692	Terry Marvin	<p>Misconduct/Guideline Penalty: Driving Under the Influence of Alcohol – Property Damage; (11-23-2009); (Probation with counseling).</p> <p>Agency: Palm Beach County Sheriff’s Office.</p>
<p>RECOMMENDATION: Staff Attorney Kerry Smith presented this case and recommended that the Commission impose a 15-day prospective SUSPENSION beginning 15 days following the filing of the Final Order; a 1-year PROBATION to begin at the conclusion of the suspension period; and provide Commission staff with proof of successful completion of an approved substance abuse and ethics course prior to the end of the probationary period. This recommendation is an upward departure from the penalty guidelines and was based on the severity of misconduct, the respondent used his department issued vehicle to commit the offense, and the respondent had a blood alcohol level over three times the allowable limit. COMMISSION ACTION: Discussion was held, and <i>Commissioner Holcomb moved that the Commission adopt staff counsel’s penalty recommendation; seconded by McHale; motion carried.</i> Vice-Chairman Bradshaw did not vote on this case.</p>		
Tab B-26, Case 28141	Shantrell Williams	<p>Misconduct/Guideline Penalty: Perjury in an Official Proceeding; Perjury in an Official Proceeding; (8-18-2008; 9-10-2008); (Prospective Suspension to Revocation; Prospective Suspension to Revocation).</p> <p>Agency: Department of Corrections, Region 4.</p>
<p>COMMISSION ACTION: Discussion was held, and <i>Vice-Chairman Bradshaw moved that the Commission approve a continuance of this case; seconded by Murvin; motion carried.</i></p>		

Consent Agenda - Informal Hearing Moral Character Cases

<p>Tab B-2 John Berryhill; Tab B-3 Robert Carroll; Tab B-3 Bridget Coachman; Tab B-4 Stacey Crews; Tab B-5 Jeffrey Davis; Tab B-6 Bernal Emile; Tab B-7 John Formman; Tab B-8 Sadaka Glenn; Tab B-9 Patricia Harris-Ponder; Tab B-10 Nicole Harvey; Tab B-11 Rebecca Henry; Tab B-13 Joseph Lawson; Tab B-14 Josue Licea; Tab B-18 Dora Mosley; Tab B-20 Jeffrey Pope; Tab B-21 Rachel Roldan; Tab B-23 Garrett Tolocko; Tab B-24 Angela Vinson, and Tab B-25 Rofael Watts (was removed).</p> <p>RECOMMENDATION: Staff Attorney Joe White recommended that the Commission find each respondent in violation of officer standards and adopt the penalty recommendation as the final disposition in each of the above cases. COMMISSION ACTION: <i>Commissioner Hanrahan moved that the Commission adopt staff counsel’s recommendation; seconded by Commissioner McHale; motion carried.</i></p>

Exceptions to Recommended Orders

Tab H-1, Case 28734	Danna Cooper Respondent was present without legal counsel.	Misconduct/Guideline Penalty: Positive Drug Test – Cocaine; (4-27-2009); (Prospective Suspension to Revocation). Agency: Jacksonville Sheriff’s Office.
Staff Attorney Joe White presented this case and recommended that the Commission revoke the respondent’s certification. COMMISSION ACTION: Discussion was held, and <i>Vice-Chairman Bradshaw moved that the Commission reject staff counsel’s recommendation</i> , and adopt the Administrative Law Judge’s Recommended Order to impose a 60-day prospective SUSPENSION beginning 15 days following the filing of the Final Order; a 2-year PROBATION to begin at the conclusion of the suspension period; provide Commission staff with proof of successful completion of an approved substance abuse course prior to the end of the probationary period; and random drug testing; <i>seconded by Holcomb; motion carried.</i> Commissioners Rutherford and Cuba did not vote on this case.		

Motion to Withdraw the Stipulation and Settlement Agreement

Tab K-1, Case 29963	Willie Smith Respondent was present with Attorney Valerie Janard.	Misconduct/Guideline Penalty: Misuse of Official Position; Perjury in an Official Proceeding; (12-1-2009; 12-7-2009); (Suspension to Revocation; Prospective Suspension to Revocation). Agency: Gadsden County Sheriff’s Office.
Staff Attorney Joe White presented this case and recommended that the Commission Deny the Motion to Withdraw the Stipulation and Settlement Agreement, and Approve the Stipulation and Settlement Agreement consisting of a 30-day prospective SUSPENSION beginning 15 days following the filing of the Final Order; a 1-year PROBATION to begin at the conclusion of the suspension period; provide Commission staff with proof of successful completion of an approved ethics course prior to the end of the probationary period; and voluntary dismiss the allegations set forth in paragraph 2(b) of the Administrative Complaint concerning the false statement made during the internal investigation. COMMISSION ACTION: Discussion was held, and <i>Commissioner Cuba moved that the Commission adopt staff counsel’s recommendation to deny the Motion to Withdraw the Stipulation and Settlement Agreement; seconded by Commissioner Rivera; motion carried Vice-Chairman Bradshaw moved that the Commission adopt the penalties imposed in the Stipulation and Settlement Agreement; seconded by Commissioner Benton; motion carried.</i>		

Informal Hearing - Felony

Tab C-1, Case 29125	Sabra Thornton	Misconduct/Guideline Penalty: Found Guilty of Grand Theft (5 counts); (1-29-2010 – all counts); (Revocation – all counts). Agency: Not employed with a criminal justice agency.
COMMISSION ACTION: Staff Attorney Joe White presented this case and recommended that the Commission revoke the respondent’s certification. Staff Attorney Joe White stated that the respondent’s attorney had requested a continuance pending the outcome of the respondent’s appeal. <i>Commissioner McHale moved to deny the continuance; seconded by Commissioner Hanrahan; motion carried. Commissioner McHale moved that the Commission adopt staff counsel’s penalty recommendation; seconded by Commissioner Connell; motion carried.</i>		

Consent Agenda - Voluntary Relinquishment Cases

Tab D-1 Phillip Barger; Tab D-2 Amy Bretches; Tab D-3 Gabriel Cotilla; Tab D-4 Christina Dailey; Tab D-5 Lourdes Diaz-Rodriguez; Tab D-6 Michael Gonzalez; Tab D-7 Krystal Heming; Tab D-8 Justin Krashefski; Tab D-9 Timothy Miller; Tab D-10 Kellee Peace; Tab D-11 Jason Routzahn; Tab D-12 Jessica Simpson; Tab D-13 Jeremy Stanley; Tab D-14 Justin Tankersley; and Tab D-15 Erwin Watkins.

RECOMMENDATION: Staff Attorney Kara Smith stated that the respondents had been served with an Administrative Complaint alleging a violation of officer standards, an Election of Rights had been filed indicating that the respondents were voluntarily relinquishing certification, and recommended the Commission to adopt the voluntary relinquishment of certification in each of the above cases. **COMMISSION ACTION:** *Commissioner Murvin moved that the Commission adopt staff counsel's recommendation; seconded by Commissioner Holcomb; motion carried.* Commissioner Brock did not vote on this case.

Consent Agenda - Default Moral Character Cases

Tab E-1 Mark Andrus; Tab E-2 Lesley Bach; Tab E-3 Walter Barragan; Tab E-4 Jackson Berrios; Tab E-5 Mario Bidoli; Tab E-6 Michaela Brock; Tab E-7 Robert Brown; Tab E-8 Shaketha Brown; Tab D-9 Terika Brown; Tab E-10 Sandra Canady; E-11 Samuel Corbin; Tab E-12 Tayna Culver; Tab E-13 Precious Farguharson; Tab E-14 Alexander Griss; Tab E-15 Erika Hardemon; Tab E-16 Rusy Holland; Tab E-17 Demetria Hutley; Tab E-18 Paul Jones; Tab E-19 Chase Klein; Tab E-20 Thomas Lassiter; Tab E-21 Timothy Letson; Tab E-22 Adam Lightfield; Tab E-23 Kayla McKinnie; Tab-24 Kathy Minton; Tab E-25 Freddy Miranda; Tab E-26 Christal Paynter; Tab E-27 Christopher Rojas; Tab E-28 Kimberly Rousseau; Tab E-29 Brandon Roysden; Tab E-30 Michael Travis; Tab E-31 William Whorton; Tab E-32 Chris Wiley; and Tab E-33 Clayrinski Wilson.

RECOMMENDATION: Staff Attorney Joe White stated that the respondents were served with an administrative complaint alleging failure to maintain good moral character required by Section 943.13(7), F.S. Each respondent was served in accordance to Section 120.60(5), F.S., and failed to respond to the Administrative Complaint. Staff Counsel recommended that the Commission admit into evidence the case materials set forth in each of the above cases as prima facie evidence in support of the allegation and find each respondent in violation of officer standards based on the evidence, and impose the disciplinary actions set forth in staff counsel's penalty recommendation.

Commission Attorney Fernandes stated that the deviations from the penalty guidelines for Tab E-5 for Mario Bidoli was that the respondent used his official authority and the severity of the violation, and for Tab E-22 Adam Lightfield, the severity of the violation and using his official capacity. **COMMISSION ACTION:** *Commissioner McHale moved that the Commission adopt staff counsel's recommendation; seconded by Commissioner Rutherford; motion carried.* Commissioner Brock did not vote on Tab E-22; Commissioner Hosford did not vote on Tab E-26; and Commissioner

Consent Agenda - Default Felony Cases

Tab F-1 Elisha Allen; Tab F-2 Christian Alvarez-Vega; Tab F-3 Belinda Brown; Tab F-4 Milton Caraballo, Jr.; Tab F-5 Jentle Chatman; Tab F-6 Alshondra China; Tab F-7 William Gaines; Tab F-8 Brandon Hatcher; Tab F-9 Shannon Henderson; Tab F-10 Latess Hill; Tab F-11 Kenneth Jackson; Tab F-12 Lance Johnson; Tab F-13 Antonio Key; Tab F-14 Michael Miles; Tab F-15 Jason Miller; Tab F-16 Marilyn Murray; Tab F-17 Thomas Newman; Tab F-18 Christopher Patrick; Tab F-19 James Permenter; Tab F-20 Stephen Petrovich; Tab F-21 Marcus Pitre; Tab F-22 James Ruland; Tab F-23 Christopher Sundheim; Tab F-24 Samantha Wilkerson; and Tab F-25 Donald Yahrmatter.

RECOMMENDATION: Staff Attorney Kerra Smith stated that each of the respondents were served with an Administrative Complaint by certified mail, personal service, or service by publication in compliance with Section 120.60, F.S., and the respondents failed to respond to the Administrative Complaint. Staff counsel recommended that the Commission admit into evidence the case materials as set forth in each of the above cases as prima facie evidence to support the allegations, find each respondent in violation of Section 943.13(4), F.S., officer standards and adopt the penalty recommendation set forth in each of the above cases. **COMMISSION ACTION:** *Vice-Chairman Bradshaw moved that the Commission adopt staff counsel's recommendation; seconded by Commissioner Jones; motion carried.*

Consent Agenda - Violation of Probation Cases

Tab G-1 Justin Douglass; Tab G-2 Christian Gonzaga (Removed); Tab G-3 Richard Kindell; Tab G-4 Waylon Olive; and Tab G-5 Faith Rubin.

RECOMMENDATION: Staff Attorney Kerra Smith stated that each of the respondents were served with an Administrative Complaint alleging a violation of Commission-ordered probation. Each respondent was served in compliance with Section 120.60(5), F.S., and failed to respond to the Administrative Complaint. Staff counsel recommended that the Commission revoke the certifications in each of the above cases. **COMMISSION ACTION:** *Commissioner Connell moved that the Commission adopt staff counsel's penalty recommendation; seconded by Commissioner Cuba; motion carried.*

Consent Agenda - Motion to vacate/set aside

Tab I-1 Michaela Grimo; Tab I-2 Randy Ranson; and Tab I-3 Vanessa Warren.

RECOMMENDATION: Staff Attorney Joe White recommended that the Commission grant the motion to vacate/set aside the final orders in each of the above cases. **COMMISSION ACTION:** *Commissioner Rivera moved that the Commission adopt staff counsel's recommendation; seconded by Commissioner Murvin; motion carried.*

Consent Agenda - Motion to Dismiss or for More Definite Statement: Tab J-1 John McAlpin, was removed.

Consent Agenda – Voluntary Dismissal

Tab L-1 Frankie Agosto; Tab L-2 David Brooks; Tab L-3 Kimberly Brooks; Tab L-4 Jeffrey Jones; Tab L-5 Oscar Maturana; Tab L-6 Joshua Norby; Tab L-7 Fabian Owens; Tab L-8 Joseph Ruby; Tab L-9 Arnold Sharkey; Tab L-10 Anthony Tabbita; Tab L-11 Adam Tavss; Tab L-12 Michael Teston; and Tab L-13 Raymond Williams.

RECOMMENDATION: Staff Attorney Kerra Smith recommended that the Commission dismiss the Administrative Complaint in each of the above cases. **COMMISSION ACTION:** *Commissioner Brock moved that the Commission adopt staff counsel's recommendation; seconded by Commissioner Hanrahan; motion carried.* Vice-Chairman Bradshaw did not vote on Tab L-5.

MEETING ADJOURNED

Vice-Chairman Bradshaw moved that the meeting be adjourned; seconded by Commissioner Holcomb; motion carried.

The Criminal Justice Standards and Training Commission meeting adjourned at 12:15 p.m., on Thursday, May 19, 2011. The minutes were prepared by Government Operations Consultant/Commission Secretary Donna J. Hunt of the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302.

*FLORIDA DEPARTMENT OF LAW ENFORCEMENT
Criminal Justice Standards and Training Commission*

MINUTES OF THE JUNE 10, 2011 CONFERENCE CALL COMMISSION MEETING

Vice-Chairman Ric L. Bradshaw called the Criminal Justice Standards and Training Conference Call Commission meeting to order at 3:00 p.m., on June 10, 2011.

COMMISSION MEMBERS OR ALTERNATES PRESENT OR ABSENT

The roll was called and the following Commission members represented a quorum:

1. **Mr. Ernest W. George, Chairman (Absent)**
Florida Citizen , Palm Beach County PBA
2100 Florida Mango Road
West Palm Bch, FL 33409, Telephone: 561-689-3745
 2. **Sergeant Michael "Mick" McHale**
Sarasota Police Department
Florida PBA, 2075 Main St., Suite 4
Sarasota, FL 34237, Telephone: 941-366-1436
 3. **Assistant Secretary Russell Hosford, proxy for Secretary Edwin G. Buss**, Florida Department of Corrections, Institutions and Re-Entry, 501 Calhoun St. Tallahassee, FL 32399-2500, Telephone: 850-488-2288
 4. **Officer Patrick Hanrahan**
Broward County Sheriff's Office
Broward County PBA, 2601 West Broward Blvd
Fort Lauderdale, FL 33312, Telephone: 954-584-7600
 5. **Lieutenant Steve Courtoy, proxy for Attorney General Pam Bondi**
Tampa Police Department, District 11, 411 N. Franklin Street
Tampa, FL 33602, Telephone: 813-913-6500
 6. **Sergeant John Rivera**
Miami-Dade Police Department
Dade County PBA, 10680 N. W. 25th Street
Miami, FL 33172, Telephone: 305-593-0044
 7. **Colonel David H. Brierton, Jr., Director (Absent)**
Florida Department of Highway Safety and Motor Vehicles
Division of Florida Highway Patrol, Neil Kirkman Building
Tallahassee, FL 32399, Telephone: 850-617-2300
 8. **Officer Kathleen A. Connell (Absent)**
Tallahassee Police Department
234 East Seventh Street
Tallahassee, FL 32303, Telephone: 850-891-4353
 9. **Sheriff John H. Rutherford (Absent)**
Jacksonville Sheriff's Office
501 E. Bay Street
Jacksonville, FL 32202, Telephone: 904-630-5898
 10. **Warden Mary Holcomb**
Hernando Correctional Institution
16415 Spring Hill Drive
Brooksville, FL 34604-8167, Telephone: 352-540-6035
 11. **Sheriff Susan Benton**
Highlands Sheriff's Office
501 E. Bay Street
Jacksonville, FL 32202, Telephone: 904-630-5898
 12. **Correctional Officer Belinda Murvin**
Palm Beach County Sheriff's Office
673 West Fairgrounds Road
West Palm Beach, FL 33411, Telephone: 561-688-4913
 13. **Sheriff Ric L. Bradshaw (Vice-Chairman)**
Palm Beach County Sheriff's Office
3228 Gun Club Road
West Palm Beach, FL 33406, Telephone: 561-688-3021
 14. **Director J.C. Brock**
St. Petersburg College Southeastern Public Safety Institute
3200 34th Street South
St. Petersburg, FL 33711-3829, Telephone: 727-341-4495
 15. **Chief Gerald Monahan**
Port Orange Police Department
4545 S. Clyde Morris Boulevard
Port Orange, FL 32129-4062, Telephone: 386-506-5870
 16. **Officer Nelson Cuba (Absent)**
Jacksonville Sheriff's Office
Jacksonville FOP, 5530 Beach Boulevard,
Jacksonville, FL. 32207, Telephone: 904-398-7010
 17. **Chief of Police**
Pending New Appointment
 18. **County Correctional Institution Head**
Pending New Appointment
 19. **Chief Dennis Jones**
Tallahassee Police Department
234 East Seventh Avenue
Tallahassee, FL 32303, Phone: 850-891-4393
- COMMISSION ATTORNEY PRESENT:**
Assistant Statewide Prosecutor Brian Fernandes
Office of the Statewide Prosecutor, Flagler Waterview Building
West Palm Beach, FL 33401, Telephone: 561-837-5000

**Florida Department of Law Enforcement (FDLE)
Criminal Justice Professionalism Program (CJPP) Commission Staff Present**

- | | |
|---|---|
| <p>1. Program Director Michael D. Crews
Criminal Justice Professionalism Program</p> <p>3. Bureau Chief Glen Hopkins
Bureau of Standards/Medical Examiners Commission</p> <p>5. Government Operations Consultant Donna Hunt
Director's Office/Commission Operations</p> <p>7. Training & Research Manager Linda Adams
Bureau of Training - Curriculum</p> | <p>2. Bureau Chief Dwight Floyd
Bureau of Training</p> <p>4. Training & Research Manager Terry Baker
Field Services and Records Sections</p> <p>6. Training & Research Manager Stacy Lehman
Professional Compliance and Trust Fund Section</p> |
|---|---|

APPROVAL OF THE JUNE 10, 2011 COMMISSION MEETING BUSINESS AGENDA

Vice-Chairman Bradshaw asked if there were amendments to the May 19, 2011, Commission meeting agenda. Commission Secretary Donna Hunt stated there were no amendments.

RECOMMENDATION: Commission staff recommended that the Commission approve the agenda as presented.
COMMISSION ACTION: *Commissioner Monahan moved that the Commission adopt staff's recommendation; seconded by Commissioner Hanrahan; motion carried.*

**AGENDA ITEM 1: REQUEST FOR WAIVER OF RULE 11B-27.00213(4)(b), F.A.C.,
BY THE FLORIDA DEPARTMENT OF CORRECTIONS ON BEHALF OF 190 OFFICERS**

Bureau Chief Glen Hopkins presented a request by the Department of Corrections to waive, for its 190 terminated officers, the four-year break-in-service requirement for obtaining a new Temporary Employment Authorization (TEA), pursuant to Rule 11B-27.00213(4)(b), F.A.C. **Waiver Facts:** The Department of Corrections terminated 190 officer trainees employed on a Temporary Employment Authorization while in good standing because of budget constraints, at 5:00 p.m. on June 3, 2011. To assist the officer trainees in finding further TEA employment, the Department of Corrections requested that the Commission waive Rule 11B-27.00213(4)(b), F.A.C., which requires an individual to have a four-year break-in-service, beginning on the date of termination, prior to issuing a new TEA.

Chief Deputy Secretary Daniel Ronay of the Department of Corrections thanked Commission staff, on behalf of the Department of Corrections, for scheduling the conference call, and thanked the Commission for granting the rule waiver.

RECOMMENDATION: Commission staff recommended that the Commission grant a permanent waiver of Rule 11B-27.00213(4)(b), F.A.C., to the Department of Corrections effective immediately, which will allow the 190 terminated officer trainees to seek further TEA employment without waiting four years from their termination date to receive a new TEA. The 190 officer trainees will be subject to all rules and statutes regarding TEA employment upon reemployment on a new TEA with a new employer. **COMMISSION ACTION:** *Commissioner Rivera moved that the Commission adopt staff's recommendation; seconded by Commissioner Hosford; motion carried.*

MEETING ADJOURNED

The Criminal Justice Standards and Training Commission meeting adjourned at 3:15 p.m., on Friday, June 10, 2011. The minutes were prepared by Government Operations Consultant/Commission Secretary Donna J. Hunt of the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302.

AGENDA ITEM: 1

Florida Criminal Justice Executive Institute Policy Board Membership: Appointment of Chief Ronald Cave

ISSUE NUMBER

This agenda item is presented to the Commission to request approval of the appointment of Chief Ronald Cave to the Florida Criminal Justice Executive Institute Policy Board (FCJEI).

EXECUTIVE SUMMARY

Section 943.1755(3), F.S., requires that, "an individual shall be nominated by the entities, **page 2**, and shall become members of the board upon approval of the Criminal Justice Standards and Training Commission. Members appointed under this paragraph shall serve a 2-year term.

RECOMMENDATION(S): Commission staff recommends that the Commission adopt the State Law Enforcement Chief's Association recommendation to appoint Chief Ronald Cave to the FCJEI Policy Board.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: Chief Ronald Cave will become a member of the FCJEI Policy Board.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: Chief Ronald Cave will not become a member of the FCJEI Policy Board.

SUPPORTING INFORMATION

1. Section 943.1755, F.S., Florida Criminal Justice Executive Institute, **pages 1 - 2**.
2. March 14, 2011, Letter to Chief Ron Cave from FDLE Commissioner Gerald M. Bailey, **page 3**.
3. June 2, 2011, e-mail from Chief Ron Cave accepting nomination to serve on the FCJEI Board, **page 4**.

943.1755 Florida Criminal Justice Executive Institute

(1)(a) The Legislature finds that there exists a need to provide quality training for criminal justice executives in this state. In recognition of this need, the Florida Criminal Justice Executive Institute is hereby created, to be administered for the purpose of providing such training as is deemed necessary to prepare the state's present and future criminal justice executives to deal with the complex issues facing the state.

(b) The Legislature further finds that there exists a need to improve relationships between law enforcement agencies and the diverse populations they serve. To this end the Florida Criminal Justice Executive Institute shall conduct research projects, utilizing the resources of community colleges and universities, for the purpose of improving law enforcement interaction and intervention in communities of diverse populations.

(2) The institute is established within the Department of Law Enforcement and affiliated with the State University System. The Board of Regents shall, in cooperation with the Department of Law Enforcement, determine the specific placement of the institute within the system.

(3) The institute shall cooperate with the Criminal Justice Standards and Training Commission, and shall be guided and directed by a policy board composed of the following members:

(a) The following persons shall serve on the policy board:

1. The executive director of the Department of Law Enforcement.
2. The Secretary of Corrections.

3. The Commissioner of Education or an employee of the Department of Education designated by the Commissioner.

4. The Secretary of Juvenile Justice.

(b) The following persons shall be nominated by the entities referred to in this paragraph and shall become members of the board upon approval of the Criminal Justice Standards and Training Commission. Members appointed under this paragraph shall serve 2-year terms:

1. Three chiefs of municipal police departments nominated by the Florida Police Chiefs Association.

2. Three sheriffs nominated by the Florida Sheriffs Association.

3. A county jail administrator nominated by the Florida Sheriffs Association and the Florida Association of Counties.

4. A representative nominated by the State Law Enforcement Chiefs Association.

(4) The policy board shall establish administrative procedures and operational guidelines necessary to ensure that criminal justice executive training needs are identified and met through the delivery of quality instruction.

(5) Members of the policy board are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061 to the extent such expenses are associated with meetings or training activities, appropriate to the Department of Law Enforcement, and deemed necessary by the board.

(6) Six members constitute a quorum of the board.

History.--s. 1, ch. 90-157; ss. 9, 13, ch. 91-74; s. 31, ch. 91-201; s. 5, ch. 91-429; s. 4, ch. 95-161; s. 9, ch. 97-225.

Note.—Abolished by s. 3, ch. 2002-170.

FDLE

Florida Department of
Law Enforcement

Gerald M. Bailey
Commissioner

Office of Executive Director
Post Office Box 1489
Tallahassee, Florida 32302-1489
(850) 410-7001
www.fdle.state.fl.us

Rick Scott, Governor
Pam Bondi, Attorney General
Jeff Atwater, Chief Financial Officer
Adam Putnam, Commissioner of Agriculture

March 14, 2011

Chief Ron Cave
President
State Law Enforcement Chiefs' Association
PO Box 13852
Tallahassee, Florida 32317

Dear Chief Cave:

Pursuant to Section 943.1755 (3) (b) 4, Florida Statutes, the State Law Enforcement Chiefs' Association (SLECA) must nominate a representative to serve on the Florida Criminal Justice Executive Institute policy board. As a result of Colonel John Czemis' retirement, SLECA must nominate a new representative. The Criminal Justice Standards and Training Commission will confirm the nomination at their meeting on May 16, 2011.

Should you have any questions, please contact Bureau Chief T.W. Smart at (850) 410-7000.

Sincerely,



Gerald M. Bailey
Commissioner

GMB/tws

Service • Integrity • Respect • Quality

Desilet, Danielle

From: Cave, Ron [Ron.Cave@dep.state.fl.us]**Sent:** Thursday, June 02, 2011 8:13 AM**To:** Desilet, Danielle**Subject:** RE: Letter

Good Morning Danielle-

As president of SLECA I will serve in the capacity of representative for the Executive Institute Policy Board. Should you need anything further please let me know. Thanks! Ron

The Department of Environmental Protection values your feedback as a customer. DEP Secretary Herschel T. Vinyard Jr. is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link](#) to the DEP Customer Survey. Thank you in advance for completing the survey.

From: Desilet, Danielle [mailto:DanielleDesilet@fdle.state.fl.us]**Sent:** Thursday, June 02, 2011 8:10 AM**To:** Cave, Ron**Subject:** Letter

Ron,

Attached is the letter asking for a SLECA Nominee for the Executive Institute Policy Board.

Thank you,

Danielle M. Desilet
Government Analyst II
Florida Criminal Justice Executive Institute
Florida Department of Law Enforcement
(850) 410-7372
(850) 251-7283 (cell)
www.fdle.state.fl.us/fcjei

From: Clark, Ashton**Sent:** Thursday, June 02, 2011 8:06 AM**To:** Desilet, Danielle**Subject:** Letter

Ashton Clark
Administrative Assistant I
FDLE - Bureau of Professional Development
2331 Phillips Road
Tallahassee, Florida 32308
850-410-7356
AshtonClark@fdle.state.fl.us

AGENDA ITEM: 2A

Criminal Justice Standards and Training Trust Fund: Trust Fund Revenue Report for Fiscal Year 2010 - 2011

ISSUE NUMBER 1

This issue provides information to the Commission about the Criminal Justice Standards and Training Trust (CJST) Fund revenues and training disbursements for the months of July 2010 through June 2011, and the trust fund cash balance on June 30, 2011.

EXECUTIVE SUMMARY

1. The legislative appropriation of CJST Trust Fund dollars for FY 2010 - 2011 was **\$15,783,723**.
2. Revenue (excluding examination and tuition fees) for the fiscal year totaled **\$12,292,397**, and is down by 7.2 percent from the total collected in FY 2009 - 2010.
3. The appropriation for officer training for FY 2010 – 2011, was **\$6 million**, which maintained the per-officer funding at \$67.
4. Disbursements to the regional training areas for the fiscal year totaled **\$5,357,454**.
5. The beginning cash balance in the CJST Trust Fund on July 1, 2010, was **\$4,893,417**.
6. The cash balance on June 30, 2011, after meeting all year-to-date obligations was **\$4,362,842**.

RECOMMENDATION(S): This agenda item does not require Commission action.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: A vote is not required.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: A vote is not required.

SUPPORTING INFORMATION

1. Criminal Justice Standards and Training Trust Fund Legislative Appropriations for FY 2010 – 2011, **page 2**.
2. Criminal Justice Standards and Training Trust Fund Operations for FY 2010 – 2011, **page 2**.
3. Revenue comparisons for FY 2010 - 2011, **page 3**.

SUPPORTING INFORMATION

CJST Trust Fund	FY 2010 - 2011 Legislative Appropriation
Commission Business	\$15,177,473
Salaries (including OPS)	6,854,823
Operations	2,287,805
Administrative Hearings	33,593
Officer Training	6,001,252
Accreditation	\$63,750
Alcohol Testing Program	\$158,000
DARE	\$40,000
Florida Criminal Justice Executive Institute	\$ 318,000
Medical Examiners Commission	\$26,500
Total Appropriation	\$15,783,723

CJST Trust Fund Operations FY 2010-2011			
	Monthly Revenue*	Quarterly Disbursement for Officer Training	CJSTC Trust Fund Cash Balance
July 1, 2010 beginning cash balance			\$4,893,417
July	1,136,956	1,339,364	
August	1,053,244	N/A	
September	1,023,809	N/A	
October	1,012,043	1,339,364	
November	973,856	N/A	
December	964,162	N/A	
January	908,271	1,339,364	
February	976,825	N/A	
March	1,149,143	N/A	
April	1,150,115	1,339,362	
May	960,453	N/A	
June	983,519	N/A	
Year-to-Date	\$12,292,397	\$4,357,454	
Cash Balance June 30, 2011			\$4,362,842

* Revenue is based on the monthly transfer of funds (for civil fines and court costs) to FDLE from the Department of Revenue. Examination and tuition fees are not included.

Florida Department of Law Enforcement												
Criminal Justice Training Trust Fund												
Monthly Receipts Comparison - Court Costs and Traffic Infractions												
July 2010 through June 2011												
												FY 10-11
												Over/(Under)
MONTH	FY 00-01	FY 01-02	FY 02-03	FY 03-04	FY 04-05	FY 05-06	FY 06-07	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 09-10
July	1,583,375	823,508	1,357,118	1,431,186	1,298,735	797,171	1,505,018	1,371,585	1,330,754	1,113,987	1,136,956	22,969
August	888,312	1,388,232	169,702	1,225,471	1,031,800	1,756,384	1,286,361	1,449,575	816,719	1,178,444	1,053,244	-125,200
September	1,420,115	1,251,931	1,636,655	1,353,417	1,206,545	1,358,621	828,984	1,341,906	962,668	1,051,752	1,023,809	-27,944
October	421,212	838,995	2,340,996	1,183,371	1,137,681	1,356,247	1,941,076	1,330,675	1,834,917	1,053,905	1,012,043	-41,862
November	1,835,528	1,285,247	1,816,329	1,086,539	1,199,600	633,743	1,419,440	1,399,216	1,211,492	1,093,239	973,856	-119,383
December	187,789	534,260	982,576	1,203,845	1,109,158	1,787,798	879,972	1,324,254	762,947	904,909	964,162	59,253
January	1,807,934	1,472,330	1,639,063	1,541,984	1,265,303	1,416,757	1,572,032	1,284,439	1,450,217	1,087,971	908,271	-179,700
February	379,759	1,120,957	1,159,686	1,143,117	1,122,834	1,381,141	1,799,432	1,498,813	1,214,338	1,018,043	976,825	-41,217
March	1,710,298	937,783	1,250,629	1,471,014	1,569,640	1,838,169	1,302,115	1,415,619	1,370,159	1,282,234	1,149,143	-133,092
April	487,925	835,907	1,510,671	1,695,292	1,396,596	1,023,513	1,707,342	1,604,032	1,324,199	1,292,387	1,150,115	-142,272
May	1,523,842	924,316	1,195,541	1,381,649	659,709	1,902,298	1,427,353	1,430,795	1,164,819	1,112,122	960,453	-151,669
June	<u>1,654,832</u>	<u>1,749,944</u>	<u>1,053,690</u>	<u>1,244,670</u>	<u>2,089,723</u>	<u>1,441,957</u>	<u>1,426,811</u>	<u>1,399,079</u>	<u>1,069,516</u>	<u>983,649</u>	<u>983,519</u>	-129
Total	<u>13,900,922</u>	<u>13,163,409</u>	<u>16,112,656</u>	<u>15,961,554</u>	<u>15,087,323</u>	<u>16,693,799</u>	<u>17,095,936</u>	<u>16,849,988</u>	<u>14,512,746</u>	<u>13,172,642</u>	<u>12,292,397</u>	<u>-880,245</u>
FY Percent Change or for Current Year, Monthly Average Percent Change						9.62%	2.35%	-1.46%	-16.10%	-10.17%	-7.16%	
Monthly Average	1,158,410	1,096,951	1,342,721	1,330,130	1,257,277	1,391,150	1,424,661	1,404,166	1,209,396	1,097,720	1,024,366	
Cash Balance - June 30, 2011											4,362,842	
Cash Balance - May 31, 2011											3,075,658	
Cash Balance - April 30, 2011											2,861,302	
Cash Balance - March 31, 2011											2,648,386	
Cash Balance - February 28, 2011											3,462,791	
Cash Balance - January 31, 2011											2,922,116	
Cash Balance - December 31, 2010											4,290,754	
Cash Balance - November 30, 2010											3,556,180	
Cash Balance - October 31, 2010											3,462,174	
Cash Balance - September 30, 2010											4,761,380	
Cash Balance - August 31, 2010											4,239,125	
Cash Balance - July 31, 2010											3,904,473	
NOTES: This comparison is based on the monthly transfer of funds to FDLE from the DOR (categories 001200 & 001600) and excludes certification exam receipts.												

AGENDA ITEM: 2B

Criminal Justice Standards and Training Trust Fund Officer Training Monies: Trust Fund Audit Recommendations for Fiscal Year 2009 - 2010 for Regions I, II, VI, VIII, and XIII

ISSUE NUMBER 1

The final Fiscal Year 2009 - 2010 audits for Regions I, II, VI, VIII, and XIII, are only included in the Commission and Commission staff's Commission packet and are presented to the Commission for approval of the final audit recommendations.

EXECUTIVE SUMMARY

1. Section 943.25(4), F.S., requires the Commission to establish, implement, supervise, and evaluate the expenditures of the Criminal Justice Standards and Training Trust Fund for Commission-approved advanced and specialized training program courses.
2. Rule 11B-18.010, F.A.C., requires that Commission to audit any training facility or program and fiscal agent's accounting records and procedures for compliance with laws, rules, budget provisions, and contractual agreements.

RECOMMENDATION(s): Commission staff recommends that the Commission approve the audit findings and recommended corrective actions for FY 2009 - 2010 for Regions I, II, VI, VIII, and XIII.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: The training school and region has 60 days to respond favorably to the audit. Failure to respond within 60 days after Commission action would result in the Commission writing a letter of concern to the administrative head of the training school requesting a written response to the audit. Continued failure to comply with the aforementioned authority shall result in the Commission writing a letter of censure to the administrative head of the training school requesting a written plan for compliance with applicable statutes and rules.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: The Commission would continue the audit to a future Commission meeting and direct Commission staff to work with the region to ensure that the audits are in compliance with Chapter 943, F.S., and Rule Chapter 11B-18, F.A.C.

SUPPORTING INFORMATION

(Supporting Documentation is provided to the Commission only)

1. Audit recommendations for FY 2009 – 2010 for Region I.
2. Audit recommendations for FY 2009 – 2010 for Region II.
3. Audit recommendations for FY 2009 – 2010 for Region VI.
4. Audit recommendations for FY 2009 – 2010 for Region VIII.
5. Audit recommendations for FY 2009 – 2010 for Region XIII.

AGENDA ITEM: 3

Request for Evaluation of "Good Moral Character" by the Commission from Bradley Stafford

ISSUE NUMBER 1

This issue is presented to the Commission at the request of Corrections Director Stan Sunday. Director Sunday is requesting that the Commission make a determination of good moral character pursuant to Rule 11B-27.0011(3) F.A.C., for Mr. Stafford, whose law enforcement officer certification was previously revoked by the Commission.

EXECUTIVE SUMMARY

1. Section 943.13(7), F.S., **page 3**, states that any individual who is employed as a law enforcement, correctional, or correctional probation officer must have a good moral character as determined by a background investigation under procedures established by the Commission. Rule 11B-27.0011(3), F.A.C., **page 3**, states that upon written request and submission of materials by an employing agency, the Commission shall evaluate the qualification of an applicant to determine compliance with "good moral character" pursuant to the rule.
3. Mr. Stafford previously met the requirements for certification as a law enforcement officer, pursuant to Section 943.13, F.S., and was certified as a law enforcement officer on September 4, 1997. Mr. Stafford resigned/retired from the Walton County Sheriff's Office on January 23, 2006, while under investigation for violating moral character standards. The Walton County Sheriff's Office internal investigation 05-006 sustained the charge of Possession of a Controlled Substance against Mr. Stafford and was presented as part of the materials to a Probable Cause panel on August 2, 2006, **pages 6 - 20**.
4. On August 2, 2006, an Administrative Complaint, **pages 22 - 23**, was issued charging Mr. Stafford with testing positive for a controlled substance, opiates and benzodiazepines, by blood and/or urine test, which reflected a positive reading consistent with and indicative of the ingestion of a controlled substance. Mr. Stafford was found to be in violation of Sections 943.1395(6) and/or (7), and/or 943.13(7), F.S., and/or Rule 11B-27.0011(4)(d), F.A.C.
5. Mr. Stafford responded to the Administrative Complaint through the submission of an Election of Rights **page 24**. On this election, Mr. Stafford indicated that he did not dispute the allegations against him and requested an informal hearing before the Commission.
6. On February 1, 2007, Mr. Stafford's case was presented at a regularly scheduled Disciplinary Hearing, with a staff recommendation of revocation of certification. The Commission rejected staff's recommendation and continued the case. Staff was asked to determine if any of the prescription medications taken by Mr. Stafford would cause him to test positive for a controlled substance-opiates and benzodiazepines. Additionally, the Commission requested that Mr. Stafford provide documentation from his doctor in reference to the medication he was taking and the effect it had on him as well as all prescriptions he was taking.
7. On May 10, 2007, Mr. Stafford's case was presented at a regularly scheduled Disciplinary Hearing. A letter from his doctor and documentation of Mr. Stafford's prescriptions were included in the package presented to the Commission. *Additionally, a review of Mr. Stafford's prescription medications was conducted by an FDLE toxicologist who determined that Mr. Stafford's prescription medications would not cause the positive drug test for opiates and benzodiazepines. Based on this review, Commission staff recommended revocation of certification. All documents presented to the Commission can be found beginning on page 25. The Commission voted to accept staff's recommendation and Mr. Stafford's law enforcement certification was revoked. A final order was issued on May 14, 2007, revoking Mr. Stafford's certification, pages 56 - 58.*

8. On June 22, 2011, Commission staff received documentation from Corrections Director Stan Sunday requesting that Mr. Stafford be evaluated for good moral character so that he can “reapply for certification upon completion of a basic recruit training course for law enforcement or corrections”. In order to reactivate his law enforcement certification, Mr. Stafford would be required to apply for an exemption from basic recruit training based on his previous certification and four-year break in service. Upon being granted an exemption, Mr. Stafford would be required to demonstrate proficiency in the High-Liability Basic Recruit Training Proficiency Skills of vehicle operations, firearms, defensive tactics, and first aid. He would then have to pass the State Officer Certification Examination for law enforcement. To become certified in corrections, Mr. Stafford would have to complete the Basic Recruit Training Program for corrections and pass the State Officer Certification Examination. Director Sunday included several letters and other documents in support of his request on Mr. Stafford’s behalf, **pages 59 - 106**.

RECOMMENDATION(s): Commission staff recommends that the Commission find that the potential applicant does not possess good moral character based on the fact that he was previously revoked by the Commission.

VOTING IMPACT

CONSEQUENCES OF A “YES” VOTE ON STAFF RECOMMENDATION: Director Sunday will be advised by the Commission that Mr. Stafford does not meet the moral character standard.

CONSEQUENCES OF A “NO” VOTE ON STAFF RECOMMENDATION: Director Sunday will be advised that Mr. Stafford does meet the moral character standard, and Commission staff will process any applications for re-certification as a law enforcement officer after Mr. Stafford completes the requirements of Section 943.13(9) and (10), F.S. (**page 3**). Mr. Stafford would be ineligible for employment on a Temporary Employment Authorization due to the fact that his law enforcement certification was previously revoked by the Commission.

SUPPORTING INFORMATION

(Supporting Documentation is provided on CD-ROM only)

1. Section 943.13, F.S., Officers' minimum qualifications for employment or appointment, **page 3**.
2. Mr. Stafford’s Global Profile Sheet dated 7/5/11, **page 4 - 5**.
3. 8/2/2006: Mr. Stafford’s Probable Cause Determination packet, **pages 6 - 20**.
4. 8/4/2006: Administrative Complaint issued by the Commission, **pages 21 - 23**.
5. 9/15/2006: Election of Rights from Mr. Stafford, **page 24**.
6. 5/10/2007: Mr. Stafford’s Disciplinary Hearing packet, **pages 25 - 55**.
7. 5/14/2007: A Final Order issued by the Commission revoking Mr. Stafford’s certification, **pages 56 - 58**.
8. 6/22/2011: Request for Evaluation of “Good Moral Character” by the Commission, **pages 59 - 60**.
9. Mr. Stafford’s Global Profile Sheet dated 2/9/2011, **page 61 – 62**.
10. 6/22/2011: Supporting documents provided by Corrections Director Stan Sunday, **pages 63 - 105**.
11. 7/7/11: Document from Bureau Chief Glen Hopkins of the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, advising Mr. Stafford that his request for the Commission to evaluate his case for a determination of compliance with the Commission’s “good moral character” rules is scheduled for the August 11, 2011, Commission meeting, **page 106**.

943.13 Officers' minimum qualifications for employment or appointment.--On or after October 1, 1984, any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer or correctional officer; on or after October 1, 1986, any person employed as a full-time, part-time, or auxiliary correctional probation officer; and on or after October 1, 1986, any person employed as a full-time, part-time, or auxiliary correctional officer by a private entity under contract to the Department of Corrections, to a county commission, or to the Correctional Privatization Commission shall:

(7) Have a good moral character as determined by a background investigation under procedures established by the commission.

(8) Execute and submit to the employing agency or, if a private correctional officer, submit to the appropriate governmental entity an affidavit-of-applicant form, adopted by the commission, attesting to his or her compliance with subsections (1)-(7). The affidavit shall be executed under oath and constitutes an official statement within the purview of s. 836.06. The affidavit shall include conspicuous language that the intentional false execution of the affidavit constitutes a misdemeanor of the second degree. The affidavit shall be retained by the employing agency.

(9) Complete a commission-approved basic recruit training program for the applicable criminal justice discipline, unless exempt under this subsection. An applicant who has:

(a) Completed a comparable basic recruit training program for the applicable criminal justice discipline in another state or for the Federal Government; and

(b) Served as a full-time sworn officer in another state or for the Federal Government for at least 1 year provided there is no more than an 8-year break in employment, as measured from the separation date of the most recent qualifying employment to the time a complete application is submitted for an exemption under this section, is exempt in accordance with s. 943.131(2) from completing the commission-approved basic recruit training program.

(10) Achieve an acceptable score on the officer certification examination for the applicable criminal justice discipline.

11B-27.0011 Moral Character.

(3) Upon written request and submission of materials, the Commission shall evaluate the qualification of an applicant to determine compliance with "good moral character" pursuant to this rule section.

AGENDA ITEM: 4A

Petition for Waiver: Request for Waiver of Rule 11B-27.00212(14), F.A.C., by the City of DeLand Police Department on behalf of Benjamin C. Moon

ISSUE NUMBER 1

This agenda item is presented to the Commission by the City of DeLand Police Department to request a permanent waiver of the above mentioned rule for Benjamin C. Moon.

EXECUTIVE SUMMARY

1. Benjamin C. Moon of the DeLand Police Department was requalified pursuant to Rule 11B-27.00212(14), F.A.C., for the 2008 and 2010 reporting cycles by Instructor Paul B. Proctor, who failed to comply with all administrative aspects of firearms instructor certification in that the instructor had not completed a General Instructor Refresher Course.
2. The DeLand Police Department believed that the firearms instructor was in compliance with CJSTC firearms instructor certification rules at the time he requalified Benjamin C. Moon.
3. Benjamin C. Moon shot the correct course of fire and achieved a passing score.
4. The DeLand Police Department is requesting that the Commission view the 2008 and 2010 reporting cycles for Benjamin C. Moon as in compliance because he did in fact comply with the performance requirements of Rule 11B-27.00212(14), F.A.C.

RECOMMENDATION(S): Commission staff recommends that the Commission grant the waiver of Rule 11B-27.00212(14), F.A.C., effective immediately, thereby recognizing the validity of Benjamin C. Moon's firearms requalifications for the 2008 and 2010 reporting cycles. This would prevent Benjamin C. Moon from incurring any breaks in service.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will be granted and Benjamin C. Moon shall be deemed compliant with firearms requalification requirements for the 2008 and 2010 reporting cycles. Benjamin C. Moon shall not have his certificate become inactive as a result of any deficiencies in the firearms instructor's certification. Benjamin C. Moon shall not incur a break in service.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will not be granted and Benjamin C. Moon shall not be deemed compliant with firearms requalification requirements for the 2008 and 2010 reporting cycles. Benjamin C. Moon shall have his certificate become inactive as a result of any deficiencies in the firearms instructor's certification. Benjamin C. Moon shall incur a break in service.

SUPPORTING INFORMATION

1. Rule 11B-27.00212(14), F.A.C., Maintenance of Officer Certification, **page 2**.
2. Section 120.542, F.S., **page 3**.
3. Memorandum from Field Representative Kathy Myers dated July 1, 2011, **page 4**.
4. Petition for Waiver of Rule 11B-27.00212(14), F.A.C., and other supporting documentation by the City of DeLand Police Department on behalf of Benjamin C. Moon, **pages 5 - 20**.

11B-27.00212; Maintenance of Officer Certification

(14) Law Enforcement Officer Firearms Qualification Standard. Beginning July 1, 2006, a law enforcement officer shall be required to qualify on the Commission's approved course of fire with the proficiency skills documented on the Law Enforcement Officer Firearms Qualification Standard, form CJSTC-86A, revised January 29, 2009, hereby incorporated by reference, and maintained in the officer's employment file. Form CJSTC-86A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(a) A certified law enforcement officer who fails to demonstrate proficiency skills on the required firearms qualification standard shall not perform the duties of a sworn officer.

(b) Reporting of the compliance with this standard shall be June 30, 2008, and every two years thereafter. Documentation supporting the demonstration of proficiency skills shall be reported on the Mandatory Firearms Training Report, form CJSTC-86, revised November 8, 2007, hereby incorporated by reference, and maintained in the officer's file. Form CJSTC-86 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, the date of completion.

(c) In the event a certified law enforcement officer fails to meet this standard by June 30 of each reporting year, the officer's certificate shall become inactive until the employing agency provides documentation to Commission staff establishing that the firearms qualification standard has been satisfied. Active officers who were separated from employment or appointment for not satisfying the firearms qualification standard, and do not meet the standard within six months of separation from employment or appointment, shall comply with the certification or reactivation of certification requirement(s) in subsection 11B-27.002(1), F.A.C., prior to reemployment.

(d) The certificate of a law enforcement officer shall become inactive if the officer has separated from employment or appointment and is not reemployed or reappointed within the two-year reporting cycle. The officer will be required to comply with the firearms qualification standard upon employment or appointment.

(e) In the event a certified law enforcement officer is injured in the line of duty and fails to meet this standard by June 30 of a reporting year, the agency administrator or designee shall complete the Injury in the Line of Duty, form CJSTC-86B, created January 29, 2009, hereby incorporated by reference. Form CJSTC-86B can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The agency shall submit form CJSTC-86B and the supporting documentation to Commission staff prior to the June 30 deadline to ensure the officer's certificate does not become inactive on the reporting deadline for that two-year reporting cycle.

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

Section 120.542, F.S., mandates threshold proofs and notice provisions for variances and waivers from agency rules.

(2)Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statutes will be or has been achieved by other means by the person and when application of the rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

AGENDA ITEM: 4B

Petition for Waiver: Request for Waiver of Rule 11B-27.00212(14), F.A.C., by the Oakland Police Department on behalf of 24 Officers

ISSUE NUMBER 1

This agenda item is presented to the Commission by the Oakland Police Department to request a permanent waiver of the above mentioned rule for 24 officers.

EXECUTIVE SUMMARY

1. 24 officers of the Oakland Police Department were requalified pursuant to Rule 11B-27.00212(14), F.A.C., for the 2008 and 2010 reporting cycles (7/1/06 – 6/30/08 and 7/1/08 – 6/30/10) by instructors who failed to comply with all administrative aspects of firearms instructor certification (such as submitting paperwork, completing instructor techniques courses, performing the internship, or completing student evaluations).
2. Oakland Police Department believed that the firearms instructors were in compliance with CJSTC firearms instructor certification rules at the time they requalified the 24 officers in question.
3. On June 1, 2011, Chief Thomas learned that the firearms instructor from the Ocoee Police Department was deficient in his firearms instructor certification. That instructor had recently qualified an officer from Oakland Police Department. Further review by Commission staff determined that there were two other instructors who were not certified. Chief Thomas investigated and found that 24 officers had been qualified by deficient instructors since 2006.
4. The 14 currently employed officers were successfully requalified on June 2, 2011, by Officer Lee Stephens with the Ocoee Police Department. Officer Stephens currently holds an active firearms instructor certification from the CJSTC.
5. The Oakland Police Department is requesting that the Commission view the 2008 and 2010 reporting cycles for the 24 officers as in compliance because they did in fact comply with the performance requirements of Rule 11B-27.00212(14), F.A.C.
6. The 24 officers affected by this issue are: John Calhoun, Charles Calhoun, Renee Kelley, Lance Belcher, Peter Graham, Gina Adams, Timothy Driscoll, Scott Weatherhold, Donald Melville, Barry Kelly, Ramon Garcia, Seth Golub, Alan Brodsky, Anthony Garcia, Wesner Osselyn, Josh Smith, Robert Bernhard, Edward Henry, Robert Singer, Steve Valente, Laura Conant, Chris Creegan, Angela Campbell, and Nathan, Eddy.
7. As part of the waiver request, Chief Thomas also submitted waiver requests for the following officers: Paul Bennett, Brad Corbitt, Kenneth Nieves, and Aaron Stover. These four officers were all employed on November 16, 2010, and also were qualified with a non-certified instructor; however, they were requalified with a certified CJSTC firearms instructor on June 2, 2011. A waiver is not necessary for these four individuals because they still had until June 30, 2012 to qualify.

RECOMMENDATION(S): Commission staff recommends that the Commission grant the waiver of Rule 11B-27.00212(14), F.A.C., effective immediately, thereby recognizing the validity of the 24 officers' firearms requalifications for 2008 and 2010, to prevent the 24 officers from incurring any breaks in service.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will be granted and the 24 officers shall be deemed compliant with firearms requalification requirements for the 2008 and 2010 reporting cycles. The 24 named officers shall not have their certificates become inactive as a result of any deficiencies in the firearms instructor's certification, and the 24 officers shall not incur breaks in service.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will not be granted and the 24 officers shall not be deemed compliant with firearms requalification requirements for the 2008 and 2010 reporting cycles. The 24 named officers shall have their certificates become inactive as a result of deficiencies in the firearms instructor's certification, and the 24 officers shall incur breaks in service.

SUPPORTING INFORMATION

1. Rule 11B-27.00212(14), F.A.C., Maintenance of Officer Certification, **pages 2 - 3**.
2. Section 120.542, F.S., **page 3**.
3. Memorandum dated June 30, 2011 from Field Representative Chuck Reaume, **pages 4 - 5**.
4. Letter to State Attorney Lawson Lamar dated July 1, 2011, **page 6**.
5. Petition for Waiver of Rule 11B-27.00212(14), F.A.C., by Oakland Police Department on behalf of 24 named officers, **pages 7 - 9**.

11B-27.00212 Maintenance of Officer Certification.

(14) Law Enforcement Officer Firearms Qualification Standard. Beginning July 1, 2006, a law enforcement officer shall be required to qualify on the Commission's approved course of fire with the proficiency skills documented on the Law Enforcement Officer Firearms Qualification Standard, form CJSTC-86A, revised January 29, 2009, hereby incorporated by reference, and maintained in the officer's employment file. Form CJSTC-86A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(a) A certified law enforcement officer who fails to demonstrate proficiency skills on the required firearms qualification standard shall not perform the duties of a sworn officer.

(b) Reporting of the compliance with this standard shall be June 30, 2008, and every two years thereafter. Documentation supporting the demonstration of proficiency skills shall be reported on the Mandatory Firearms Training Report, form CJSTC-86, revised November 8, 2007, hereby incorporated by reference, and maintained in the officer's file. Form CJSTC-86 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, the date of completion.

(c) In the event a certified law enforcement officer fails to meet this standard by June 30 of each reporting year, the officer's certificate shall become inactive until the employing agency provides documentation to Commission staff establishing that the firearms qualification standard has been satisfied. Active officers who were separated from employment or appointment for not satisfying the firearms qualification standard, and do not meet the standard within six months of separation from employment or appointment, shall comply with the certification or reactivation of certification requirement(s) in subsection 11B-27.002(1), F.A.C., prior to reemployment.

(d) The certificate of a law enforcement officer shall become inactive if the officer has separated from employment or appointment and is not reemployed or reappointed within the two-year reporting cycle. The officer will be required to comply with the firearms qualification standard upon employment or appointment.

(e) In the event a certified law enforcement officer is injured in the line of duty and fails to meet this standard by June 30 of a reporting year, the agency administrator or designee shall complete the Injury in the Line of Duty, form CJSTC-86B, created January 29, 2009, hereby incorporated by reference. Form CJSTC-86B can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The agency shall submit form CJSTC-86B and the supporting documentation to Commission staff prior to the June 30 deadline to ensure the officer's certificate does not become inactive on the reporting deadline for that two-year reporting cycle.

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

Section 120.542, F.S., mandates threshold proofs and notice provisions for variances and waivers from agency rules.

(2) Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statutes will be or has been achieved by other means by the person and when application of the rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

AGENDA ITEM: 4C

Petition for Variance: Request for Variance of Rule 11B-30.006(2)(a), F.A.C., by William M. Lamb

ISSUE 1

This agenda item is presented to the Commission by William M. Lamb to request a six-month temporary variance of the above mentioned rule.

EXECUTIVE SUMMARY

1. Petitioner injured his shoulder while taking the defensive tactics portion of the Law Enforcement Basic Recruit Curriculum in 2008.
2. Petitioner was scheduled to complete defensive tactics in the fall of 2008.
3. Petitioner was called back to Idaho where his stepfather and mother lived because his stepfather was diagnosed with cancer.
4. Petitioner spent the intervening years helping his mother and stepfather through various doctors' appointments and treatments.
5. Petitioner states his mother works full-time and has anxiety, which makes it impossible for her to drive her husband the 120-mile round-trip to the cancer treatments and this is why he was needed at home.
6. Petitioner states that his stepfather is in remission now.
7. Petitioner requests a six-month extension of time to complete defensive tactics, take and pass the State Officer Certification Examination, and gain employment.
8. Petitioner does not allege that he has any employment prospects in Florida.

RECOMMENDATION(S): Commission staff recommends that the Commission deny the variance of Rule 11B-30.006(2)(a), F.A.C. **NOTE:** The Commission has recently permitted a six-month extension for a candidate who had a 20+-year law enforcement career and was facing a four-year break in service under similar circumstances where he was dealing with a parent and a child with cancer. However, that candidate was under consideration by several agencies when he contacted staff before the expiration of his four-year window. Petitioner has not alleged in his petition that he is under immediate consideration for employment by any agency. Petitioner has not completed basic recruit training, a prerequisite for both taking the State Officer Certification Examination AND obtaining non-TEA employment.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a six-month rule variance will be granted and he will be permitted an extra six months to complete defensive tactics, pass the State Officer Certification Examination and become employed.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a six-month rule variance will not be granted and he will not be given an additional six months to complete defensive tactics, pass the State Officer Certification Examination and become employed.

SUPPORTING INFORMATION

1. Rule 11B-30.006(2)(a), F.A.C., State Officer Certification Examination General Eligibility Requirements, **page 2**.
2. Rule 11B-27.002(4), F.A.C., Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers, **page 2**.
3. Section 120.542, F.S., **page 2**.
4. Petition for Waiver of Rule 11B-30.006(2)(a), F.A.C., by William M. Lamb **page 3**.

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

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

(a) Individuals who, within four years of beginning basic recruit training, have successfully completed a Commission-approved Basic Recruit Training Program, pursuant to paragraphs 11B-35.002(1)(a), (b), and (c), F.A.C.

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.

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

(4) Within four years of the beginning date of a Commission-approved Basic Recruit Training Program, an individual shall successfully complete the program, achieve a passing score on the applicable State Officer Certification Examination, and gain employment as an officer. An individual who is not employed as an officer in the discipline for which training was completed, within four years of the date of beginning such training, shall, as a condition for obtaining employment or appointment, comply with the following requirements:

(a) 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

(b) Achieve a passing score on the State Officer Certification Examination.

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.

Section 120.542, F.S., mandates threshold proofs and notice provisions for variances and waivers from agency rules.

(2) Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statutes will be or has been achieved by other means by the person and when application of the rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

AGENDA ITEM: 4D

Petition for Waiver: Request for Waiver of Rule 11B-27.00212(14), F.A.C., by the Eatonville Police Department on behalf of 18 Officers

ISSUE NUMBER 1

This agenda item is presented to the Commission by the Eatonville Police Department to request a permanent waiver of the above mentioned rule for 18 officers named in the Petition.

EXECUTIVE SUMMARY

1. 18 officers of the Eatonville Police Department were requalified pursuant to Rule 11B-27.00212(14), F.A.C., for the 2008 and 2010 reporting cycles by instructors who failed to comply with all administrative aspects of firearms instructor certification in that they did not complete their internship with a qualified instructor.
2. Eatonville Police Department believed that the firearms instructors were in compliance with CJSTC firearms instructor certification rules at the time they requalified the 18 officers in question.
3. On May 23, 2011, Chief Brown learned that the 18 officers were not in compliance because the Eatonville firearms instructors had incomplete certifications.
4. The Ocoee Police Department firearms instructor successfully requalified the 18 officers at issue on May 27, 2011.
5. The Eatonville Police Department is requesting that the Commission view the 2008 and 2010 reporting cycles for the 18 named officers as in compliance because they did in fact comply with the performance requirements of Rule 11B-27.00212(14), F.A.C. The 18 officers affected by this issue are listed in the attachments to this issue.

RECOMMENDATION(S): Commission staff recommends that the Commission grant the waiver of Rule 11B-27.00212(14), F.A.C., effective immediately, thereby recognizing the validity of the 18 named officers' firearms requalifications for 2008 and 2010 and preventing the 18 officers from incurring any breaks in service.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will be granted and the 18 named officers shall be deemed compliant with firearms requalification requirements for the 2008 and 2010 reporting cycle. The 18 named officers shall not have their certificates become inactive as a result of any deficiencies in the firearms instructor's certification, and the 18 officer shall not incur breaks in service.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will not be granted and the 18 named officers shall not be deemed compliant with firearms requalification requirements for the 2008 and 2010 reporting cycle. The 18 named officers shall have their certificates become inactive as a result of deficiencies in the firearms instructor's certification, and the 18 officers shall incur breaks in service.

SUPPORTING INFORMATION

1. Rule 11B-27.00212(14), F.A.C., Maintenance of Officer Certification, **page 2**.
2. Section 120.542, F.S., **page 3**.
3. Memorandum dated June 30, 2011 from Field Representative Chuck Reaume, **pages 4 – 5**.
4. Letter to State Attorney Lawson Lamar dated July 1, 2011, **page 6**.
5. Petition for Waiver of Rule 11B-27.00212(14), F.A.C. by Eatonville Police Department on behalf of 18 named officers, **pages 7 – 9**.

11B-27.00212; Maintenance of Officer Certification.

(14) Law Enforcement Officer Firearms Qualification Standard. Beginning July 1, 2006, a law enforcement officer shall be required to qualify on the Commission's approved course of fire with the proficiency skills documented on the Law Enforcement Officer Firearms Qualification Standard, form CJSTC-86A, revised January 29, 2009, hereby incorporated by reference, and maintained in the officer's employment file. Form CJSTC-86A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(a) A certified law enforcement officer who fails to demonstrate proficiency skills on the required firearms qualification standard shall not perform the duties of a sworn officer.

(b) Reporting of the compliance with this standard shall be June 30, 2008, and every two years thereafter. Documentation supporting the demonstration of proficiency skills shall be reported on the Mandatory Firearms Training Report, form CJSTC-86, revised November 8, 2007, hereby incorporated by reference, and maintained in the officer's file. Form CJSTC-86 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, the date of completion.

(c) In the event a certified law enforcement officer fails to meet this standard by June 30 of each reporting year, the officer's certificate shall become inactive until the employing agency provides documentation to Commission staff establishing that the firearms qualification standard has been satisfied. Active officers who were separated from employment or appointment for not satisfying the firearms qualification standard, and do not meet the standard within six months of separation from employment or appointment, shall comply with the certification or reactivation of certification requirement(s) in subsection 11B-27.002(1), F.A.C., prior to reemployment.

(d) The certificate of a law enforcement officer shall become inactive if the officer has separated from employment or appointment and is not reemployed or reappointed within the two-year reporting cycle. The officer will be required to comply with the firearms qualification standard upon employment or appointment.

(e) In the event a certified law enforcement officer is injured in the line of duty and fails to meet this standard by June 30 of a reporting year, the agency administrator or designee shall complete the Injury in the Line of Duty, form CJSTC-86B, created January 29, 2009, hereby incorporated by reference. Form CJSTC-86B can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The agency shall submit form CJSTC-86B and the supporting documentation to Commission staff prior to the June 30 deadline to ensure the officer's certificate does not become inactive on the reporting deadline for that two-year reporting cycle.

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

Section 120.542, F.S., mandates threshold proofs and notice provisions for variances and waivers from agency rules.

(2) Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statutes will be or has been achieved by other means by the person and when application of the rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

AGENDA ITEM: 4E (Amended 8-1-11)

Request for Waiver: Request for Waiver of Rule 11B-27.00212(14), F.A.C., by the Ocoee Police Department on behalf of 106 Officers

ISSUE NUMBER 1

This agenda item is presented to the Commission by the Ocoee Police Department to request a permanent waiver of the above mentioned rule for 106 officers.

EXECUTIVE SUMMARY

1. 106 officers of the Ocoee Police Department were requalified pursuant to Rule 11B-27.00212(14), F.A.C., for the 2008 and 2010 reporting cycles (7/1/06 – 6/30/08 and 7/1/08 – 6/30/10) by an instructor who failed to complete the Instructor Techniques course.
2. Ocoee Police Department believed that the firearms instructor was in compliance with CJSTC firearms instructor certification rules at the time he requalified the officers in question.
3. On May 25, 2011, Chief Brown learned that the Ocoee Police Department's primary firearms instructor was deficient in his firearms instructor certification because he had not taken Instructor Techniques.
4. The currently employed officers were successfully requalified.
5. The Ocoee Police Department is requesting that the Commission view the 2008 and 2010 reporting cycles for the affected officers as in compliance because they in fact did comply with the performance requirements of Rule 11B-27.00212(14), F.A.C. The officers affected by this issue are named in an attachment to this issue.

RECOMMENDATION(S): Commission staff recommends that the Commission grant the waiver of Rule 11B-27.00212(14), F.A.C., effective immediately, thereby recognizing the validity of the officers' firearms requalifications for 2008 and 2010 and preventing the officers from incurring any breaks in service.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will be granted and the officers shall be deemed compliant with firearms requalification requirements for the 2008 and 2010 reporting cycles. The officers shall not have their certificates become inactive as a result of any deficiencies in the firearms instructor's certification, and the officers shall not incur breaks in service.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will not be granted and the officers shall not be deemed compliant with firearms requalification requirements for the 2008 and 2010 reporting cycles. The officers shall have their certificates become inactive as a result of deficiencies in the firearms instructor's certification, and the officers shall incur breaks in service.

SUPPORTING INFORMATION

1. Rule 11B-27.00212(14), F.A.C., Maintenance of Officer Certification, **page 2**.
2. Section 120.542, F.S., **page 3**.
3. June 30, 2011 memorandum from Field Representative Chuck Reaume, **pages 4 – 5**.
4. July 1, 2011 letter to State Attorney Lawson Lamar, **page 6**.
5. Petition for Waiver of Rule 11B-27.00212(14), F.A.C., by Ocoee Police Department on behalf of 106 officers, **pages 7 – 10**.
6. 2006 – 2010 Firearms Training, **pages 11 – 12 (8-1-11 Addendum)**

11B-27.00212; Maintenance of Officer Certification.

(14) Law Enforcement Officer Firearms Qualification Standard. Beginning July 1, 2006, a law enforcement officer shall be required to qualify on the Commission's approved course of fire with the proficiency skills documented on the Law Enforcement Officer Firearms Qualification Standard, form CJSTC-86A, revised January 29, 2009, hereby incorporated by reference, and maintained in the officer's employment file. Form CJSTC-86A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(a) A certified law enforcement officer who fails to demonstrate proficiency skills on the required firearms qualification standard shall not perform the duties of a sworn officer.

(b) Reporting of the compliance with this standard shall be June 30, 2008, and every two years thereafter. Documentation supporting the demonstration of proficiency skills shall be reported on the Mandatory Firearms Training Report, form CJSTC-86, revised November 8, 2007, hereby incorporated by reference, and maintained in the officer's file. Form CJSTC-86 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, the date of completion.

(c) In the event a certified law enforcement officer fails to meet this standard by June 30 of each reporting year, the officer's certificate shall become inactive until the employing agency provides documentation to Commission staff establishing that the firearms qualification standard has been satisfied. Active officers who were separated from employment or appointment for not satisfying the firearms qualification standard, and do not meet the standard within six months of separation from employment or appointment, shall comply with the certification or reactivation of certification requirement(s) in subsection 11B-27.002(1), F.A.C., prior to reemployment.

(d) The certificate of a law enforcement officer shall become inactive if the officer has separated from employment or appointment and is not reemployed or reappointed within the two-year reporting cycle. The officer will be required to comply with the firearms qualification standard upon employment or appointment.

(e) In the event a certified law enforcement officer is injured in the line of duty and fails to meet this standard by June 30 of a reporting year, the agency administrator or designee shall complete the Injury in the Line of Duty, form CJSTC-86B, created January 29, 2009, hereby incorporated by reference. Form CJSTC-86B can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The agency shall submit form CJSTC-86B and the supporting documentation to Commission staff prior to the June 30 deadline to ensure the officer's certificate does not become inactive on the reporting deadline for that two-year reporting cycle.

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

Section 120.542, F.S., mandates threshold proofs and notice provisions for variances and waivers from agency rules.

(2) Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statutes will be or has been achieved by other means by the person and when application of the rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

AGENDA ITEM: 4F

Request for Waiver: Request for Waiver of Rule 11B-27.00212(14), F.A.C., by the Boca Raton Police Services Department on behalf of 114 Officers

ISSUE NUMBER 1

This agenda item is presented to the Commission by the Boca Raton Police Services Department to request a permanent waiver of the above mentioned rule for 114 current and former officers.

EXECUTIVE SUMMARY

1. 114 officers of the Boca Raton Police Services Department were requalified pursuant to Rule 11B-27.00212(14), F.A.C., for the 2008 reporting cycle (7/1/06 – 6/30/08) by instructors who either did not sign off on the CJSTC form 86A or who failed to comply with all administrative aspects of firearms instructor certification (such as submitting paperwork, completing instructor techniques courses, performing the internship, or completing student evaluations).
2. Boca Raton Police Services Department believed that the firearms instructors were in compliance with CJSTC firearms instructor certification rules at the time they requalified the 114 officers in question.
3. On June 9, 2011, the Boca Raton Police Services Department learned that there were deficiencies in the paperwork for officers' mandatory firearms qualifications for the 2008 reporting cycle.
4. The Boca Raton Police Services Department is requesting that the Commission view the 2008 reporting cycle for the 114 officers as in compliance because they did in fact comply with the performance requirements of Rule 11B-27.00212(14), F.A.C. The 114 officers affected by this issue are listed in an attachment to this agenda item.

RECOMMENDATION(S): Commission staff recommends that the Commission grant the waiver of Rule 11B-27.00212(14), F.A.C., effective immediately, thereby recognizing the validity of the 114 officers' firearms requalifications for 2008, and preventing the 114 officers from incurring any breaks in service.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will be granted and the 114 officers shall be deemed compliant with firearms requalification requirements for the 2008 reporting cycle. The 114 named officers shall not have their certificates become inactive as a result of any deficiencies in the firearms instructor's certification, and the 114 officers shall not incur breaks in service.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will not be granted and the 114 officers shall not be deemed compliant with firearms requalification requirements for the 2008 reporting cycle. The 114 named officers shall have their certificates become inactive as a result of deficiencies in the firearms instructor's certification, and the 114 officers shall incur breaks in service.

SUPPORTING INFORMATION

1. Rule 11B-27.00212(14), F.A.C., Maintenance of Officer Certification, **page 2**.
2. Section 120.542, F.S., **page 3**.
3. June 13, 2011 memorandum from Field Representative Joni Livingston, **page 4**.
4. July 19, 2011 letter to State Attorney Michael McAuliffe, **page 5**.
5. July 1, 2011 Petition for Waiver of Rule 11B-27.00212(14), F.A.C., by Boca Raton Police Services Department on behalf of 114 named officers, **pages 6 - 17**.

11B-27.00212 Maintenance of Officer Certification.

(14) Law Enforcement Officer Firearms Qualification Standard. Beginning July 1, 2006, a law enforcement officer shall be required to qualify on the Commission's approved course of fire with the proficiency skills documented on the Law Enforcement Officer Firearms Qualification Standard, form CJSTC-86A, revised January 29, 2009, hereby incorporated by reference, and maintained in the officer's employment file. Form CJSTC-86A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(a) A certified law enforcement officer who fails to demonstrate proficiency skills on the required firearms qualification standard shall not perform the duties of a sworn officer.

(b) Reporting of the compliance with this standard shall be June 30, 2008, and every two years thereafter. Documentation supporting the demonstration of proficiency skills shall be reported on the Mandatory Firearms Training Report, form CJSTC-86, revised November 8, 2007, hereby incorporated by reference, and maintained in the officer's file. Form CJSTC-86 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, the date of completion.

(c) In the event a certified law enforcement officer fails to meet this standard by June 30 of each reporting year, the officer's certificate shall become inactive until the employing agency provides documentation to Commission staff establishing that the firearms qualification standard has been satisfied. Active officers who were separated from employment or appointment for not satisfying the firearms qualification standard, and do not meet the standard within six months of separation from employment or appointment, shall comply with the certification or reactivation of certification requirement(s) in subsection 11B-27.002(1), F.A.C., prior to reemployment.

(d) The certificate of a law enforcement officer shall become inactive if the officer has separated from employment or appointment and is not reemployed or reappointed within the two-year reporting cycle. The officer will be required to comply with the firearms qualification standard upon employment or appointment.

(e) In the event a certified law enforcement officer is injured in the line of duty and fails to meet this standard by June 30 of a reporting year, the agency administrator or designee shall complete the Injury in the Line of Duty, form CJSTC-86B, created January 29, 2009, hereby incorporated by reference. Form CJSTC-86B can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The agency shall submit form CJSTC-86B and the supporting documentation to Commission staff prior to the June 30 deadline to ensure the officer's certificate does not become inactive on the reporting deadline for that two-year reporting cycle.

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

Section 120.542, F.S., mandates threshold proofs and notice provisions for variances and waivers from agency rules.

(2) Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statutes will be or has been achieved by other means by the person and when application of the rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

AGENDA ITEM: 4G

Request for Waiver: Request for Waiver of Rule 11B-27.00212(14), F.A.C., by Gadsden County Sheriff's Office on behalf of 14 Officers

ISSUE NUMBER 1

This agenda item is presented to the Commission by the Gadsden County Sheriff's Office to request a permanent waiver of the above mentioned rule for 14 officers named in the Petition.

EXECUTIVE SUMMARY

1. 14 officers of the Gadsden County Sheriff's Office were requalified pursuant to Rule 11B-27.00212(14), F.A.C., for the 2008 (7/1/06 – 6/30/08) reporting cycle by an instructor who was not a CJSTC certified firearms instructor at the time. The firearms instructor had completed General Instructor Techniques but did not complete the application process to become a CJSTC certified firearms instructor.
2. Gadsden County Sheriff's Office believed that the firearms instructor was in compliance with CJSTC firearms instructor certification rules at the time they requalified the 14 officers in question. The Sheriff's Office discovered on July 12, 2011, that the instructor was not certified and the officers that he had qualified were, therefore, not in compliance. Upon notification of this issue, Sheriff Young took immediate action to have these officers qualify with a CJSTC certified firearms instructor.
3. The firearms instructor has been instructed to become fully compliant with CJSTC firearms instructor certification.
4. The Gadsden County Sheriff's Office is requesting that the Commission view the 2008 reporting cycle for the 14 named officers as in compliance because they did in fact comply with the performance requirements of Rule 11B-27.00212(14), F.A.C. The 14 officers affected by this issue are listed in the attachments to this agenda item.

RECOMMENDATION(S): Commission staff recommends that the Commission grant the waiver of Rule 11B-27.00212(14), F.A.C., effective immediately, thereby recognizing the validity of the 14 named officers' firearms qualifications for 2008 and preventing the 14 officers from incurring any breaks in service.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will be granted and the 14 named officers shall be deemed compliant with firearms requalification requirements for the 2008 reporting cycle. The 14 named officers shall not have their certificates become inactive as a result of any deficiencies in the firearms instructor's certification, and the 14 officers shall not incur breaks in service.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will not be granted and the 14 named officers shall not be deemed compliant with firearms requalification requirements for the 2008 reporting cycle. The 14 named officers shall have their certificates become inactive as a result of deficiencies in the firearms instructor's certification, and the 14 officers shall incur breaks in service.

SUPPORTING INFORMATION

1. Rule 11B-27.00212(14), F.A.C. Maintenance of Officer Certification, **page 2**.
2. Section 120.542, F.S., **page 3**.
3. July 21, 2011 memorandum from Field Representative Shelia Randolph, **page 4**.
4. July 22, 2011 letter to State Attorney Willie Meggs, **page 5**.
5. July 13, 2011 Petition for Waiver of Rule 11B-27.00212(14), F.A.C., by Gadsden County Sheriff's Office on behalf of 14 named officers, **pages 6 – 11**.

11B-27.00212 Maintenance of Officer Certification.

(14) Law Enforcement Officer Firearms Qualification Standard. Beginning July 1, 2006, a law enforcement officer shall be required to qualify on the Commission's approved course of fire with the proficiency skills documented on the Law Enforcement Officer Firearms Qualification Standard, form CJSTC-86A, revised January 29, 2009, hereby incorporated by reference, and maintained in the officer's employment file. Form CJSTC-86A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(a) A certified law enforcement officer who fails to demonstrate proficiency skills on the required firearms qualification standard shall not perform the duties of a sworn officer.

(b) Reporting of the compliance with this standard shall be June 30, 2008, and every two years thereafter. Documentation supporting the demonstration of proficiency skills shall be reported on the Mandatory Firearms Training Report, form CJSTC-86, revised November 8, 2007, hereby incorporated by reference, and maintained in the officer's file. Form CJSTC-86 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, the date of completion.

(c) In the event a certified law enforcement officer fails to meet this standard by June 30 of each reporting year, the officer's certificate shall become inactive until the employing agency provides documentation to Commission staff establishing that the firearms qualification standard has been satisfied. Active officers who were separated from employment or appointment for not satisfying the firearms qualification standard, and do not meet the standard within six months of separation from employment or appointment, shall comply with the certification or reactivation of certification requirement(s) in subsection 11B-27.002(1), F.A.C., prior to reemployment.

(d) The certificate of a law enforcement officer shall become inactive if the officer has separated from employment or appointment and is not reemployed or reappointed within the two-year reporting cycle. The officer will be required to comply with the firearms qualification standard upon employment or appointment.

(e) In the event a certified law enforcement officer is injured in the line of duty and fails to meet this standard by June 30 of a reporting year, the agency administrator or designee shall complete the Injury in the Line of Duty, form CJSTC-86B, created January 29, 2009, hereby incorporated by reference. Form CJSTC-86B can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The agency shall submit form CJSTC-86B and the supporting documentation to Commission staff prior to the June 30 deadline to ensure the officer's certificate does not become inactive on the reporting deadline for that two-year reporting cycle.

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

Section 120.542, F.S., mandates threshold proofs and notice provisions for variances and waivers from agency rules.

(2) Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statutes will be or has been achieved by other means by the person and when application of the rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

AGENDA ITEM: 4H

Request for Waiver: Request for Waiver of Rule 11B-27.00212(14), F.A.C., by the Miramar Police Department on behalf of 189 Officers

ISSUE NUMBER 1

This agenda item is presented to the Commission by the Miramar Police Department to request a permanent waiver of the above mentioned rule for 189 Officers.

EXECUTIVE SUMMARY

1. 189 officers of the Miramar Police Department were requalified pursuant to Rule 11B-27.00212(14), F.A.C., for the 2008 and 2010 reporting cycles (7/1/06 – 6/30/08 and 7/1/08 – 6/30/10) by instructors who completed all requirements for being CJSTC certified firearms instructors except for submitting their paperwork.
2. Miramar Police Department believed that the firearms instructors were in compliance with CJSTC firearms instructor certification rules at the time they requalified the officers in question.
3. On June 28, 2011, Field Specialist Lee Zahuranec conducted training for the new training officer at Miramar Police Department. During this training, Miramar Police Department learned that the firearms instructors that it was using had not submitted the appropriate paperwork to be CJSTC certified firearms instructors.
4. The currently employed officers were successfully requalified February 7 - 11, 2011, by a CJSTC certified firearms instructor.
5. The Miramar Police Department is requesting that the Commission view the 2008 and 2010 reporting cycles for the affected officers as in compliance because they did in fact comply with the performance requirements of Rule 11B-27.00212(14), F.A.C. The officers affected by this issue are named in an attachment to this agenda item.

RECOMMENDATION(S): Commission staff recommends that the Commission grant the waiver of Rule 11B-27.00212(14), F.A.C., effective immediately, thereby recognizing the validity of the 189 officers' firearms requalifications for 2008 and 2010 and preventing the officers from incurring any breaks in service.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will be granted and the officers shall be deemed compliant with firearms requalification requirements for the 2008 and 2010 reporting cycles. The officers shall not have their certificates become inactive as a result of any deficiencies in the firearms instructors' certifications, and the officers shall not incur breaks in service.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will not be granted and the officers shall not be deemed compliant with firearms requalification requirements for the 2008 and 2010 reporting cycles. The officers shall have their certificates become inactive as a result of deficiencies in the firearms instructors' certifications, and the officers shall incur breaks in service.

SUPPORTING INFORMATION

1. Rule 11B-27.00212(14), F.A.C. Maintenance of Officer Certification, **page 2**.
2. Section 120.542, F.S., **page 3**.
3. July 15, 2011 memorandum from Field Representative Lee Zahuranec, **page 4**.
4. July 22, 2011 letter to State Attorney Michael J. Satz, **page 5**.
5. Petition for Waiver of Rule 11B-27.00212(14), F.A.C., by Miramar Police Department on behalf of 189 officers, **pages 6 - 13**.

11B-27.00212 Maintenance of Officer Certification.

(14) Law Enforcement Officer Firearms Qualification Standard. Beginning July 1, 2006, a law enforcement officer shall be required to qualify on the Commission's approved course of fire with the proficiency skills documented on the Law Enforcement Officer Firearms Qualification Standard, form CJSTC-86A, revised January 29, 2009, hereby incorporated by reference, and maintained in the officer's employment file. Form CJSTC-86A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(a) A certified law enforcement officer who fails to demonstrate proficiency skills on the required firearms qualification standard shall not perform the duties of a sworn officer.

(b) Reporting of the compliance with this standard shall be June 30, 2008, and every two years thereafter. Documentation supporting the demonstration of proficiency skills shall be reported on the Mandatory Firearms Training Report, form CJSTC-86, revised November 8, 2007, hereby incorporated by reference, and maintained in the officer's file. Form CJSTC-86 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, the date of completion.

(c) In the event a certified law enforcement officer fails to meet this standard by June 30 of each reporting year, the officer's certificate shall become inactive until the employing agency provides documentation to Commission staff establishing that the firearms qualification standard has been satisfied. Active officers who were separated from employment or appointment for not satisfying the firearms qualification standard, and do not meet the standard within six months of separation from employment or appointment, shall comply with the certification or reactivation of certification requirement(s) in subsection 11B-27.002(1), F.A.C., prior to reemployment.

(d) The certificate of a law enforcement officer shall become inactive if the officer has separated from employment or appointment and is not reemployed or reappointed within the two-year reporting cycle. The officer will be required to comply with the firearms qualification standard upon employment or appointment.

(e) In the event a certified law enforcement officer is injured in the line of duty and fails to meet this standard by June 30 of a reporting year, the agency administrator or designee shall complete the Injury in the Line of Duty, form CJSTC-86B, created January 29, 2009, hereby incorporated by reference. Form CJSTC-86B can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The agency shall submit form CJSTC-86B and the supporting documentation to Commission staff prior to the June 30 deadline to ensure the officer's certificate does not become inactive on the reporting deadline for that two-year reporting cycle.

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

Section 120.542, F.S., mandates threshold proofs and notice provisions for variances and waivers from agency rules.

(2) Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statutes will be or has been achieved by other means by the person and when application of the rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

AGENDA ITEM: 4I

Request for Waiver: Request for Waiver of Rule 11B-27.00212(14), F.A.C., by the Crestview Police Department on behalf of 44 Officers

ISSUE NUMBER 1

This agenda item is presented to the Commission by the Crestview Police Department to request a permanent waiver of the above mentioned rule for 44 officers named in the Petition.

EXECUTIVE SUMMARY

1. 44 officers of the Crestview Police Department were requalified pursuant to Rule 11B-27.00212(14), F.A.C., for the 2008 and 2010 (7/1/06 – 6/30/08 and 7/1/08 – 6/30/10) reporting cycles by an instructor, Lt. Arthur Buckner, who failed to complete his internship with a qualified firearms instructor prior to qualifying the 44 officers and another firearms instructor. All 44 officers did requalify on the mandated course of fire and had their results reported on the appropriate form CJSTC-86A.
2. A second firearms qualifier, Lt. Andrew G. Schneider, completed the CMS General Instructor Course and a CMS Firearms Instructor Course before qualifying several officers in the presence of Lt. Arthur Buckner who was thought to be a fully certified CJSTC firearms instructor. This continued throughout 2009, until Lt. Schneider completed all aspects of certification and was reviewed and approved as a firearms instructor by Field Specialist Wayne Graves on November 25, 2009. Lt. Schneider then supervised the internship for Officer Ralph Capewell who had completed his own General Instructor and Firearms Instructor training. Field Specialist Graves signed off on Officer Capwell's firearms instructor certification in February 8, 2010.
3. All current officers at the Crestview Police Department are currently qualified by one of the two certified firearms instructors named in paragraph 2 above. However, officers who served between February 25, 2003, and November 25, 2009, were qualified by Lt. Arthur Buckner, who had failed to complete the firearms internship as required prior to qualifying the officers.
4. Field Specialist Graves reviewed the files of the Crestview Police Department on July 7, 2011, and discovered the error. Lt. Buckner no longer conducts any firearms training for the Crestview Police Department. The Petitioner states that there was no intention to circumvent any CJSTC requirement on the part of Lt. Buckner or the Crestview Police Department.
5. Petitioner states that he has taken corrective action to ensure that this situation does not recur.

RECOMMENDATION(s): Commission staff recommends that the Commission grant the waiver of Rule 11B-27.00212(14), F.A.C., effective immediately, thereby recognizing the validity of the 44 named officers' firearms requalifications for 2008 and 2010 and preventing the 44 officers from incurring any breaks in service.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will be granted and the 44 named officers shall be deemed compliant with firearms requalification requirements for the 2008 and 2010 reporting cycle. The 44 named officers shall not have their certificates become inactive as a result of any deficiencies in the firearms instructor's certification, and the 44 officer shall not incur breaks in service.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will not be granted and the 44 named officers shall not be deemed compliant with firearms requalification requirements for the 2008 and 2010 reporting cycle. The 44 named officers shall have their certificates become inactive as a result of deficiencies in the firearms instructor's certification, and the 44 officers shall incur breaks in service.

SUPPORTING INFORMATION

1. Rule 11B-27.00212(14), F.A.C. Maintenance of Officer Certification, **page 2.**
2. Section 120.542, F.S., **page 3.**
3. July 8, 2011 memorandum from Field Representative Wayne Graves, **page 4.**
4. July 25, 2011 letter to State Attorney William Eddins, **page 5.**
5. Petition for Waiver of Rule 11B-27.00212(14), F.A.C. by Crestview Police Department on behalf of 44 named officers, **pages 6 – 12.**

11B-27.00212 Maintenance of Officer Certification.

(14) Law Enforcement Officer Firearms Qualification Standard. Beginning July 1, 2006, a law enforcement officer shall be required to qualify on the Commission's approved course of fire with the proficiency skills documented on the Law Enforcement Officer Firearms Qualification Standard, form CJSTC-86A, revised January 29, 2009, hereby incorporated by reference, and maintained in the officer's employment file. Form CJSTC-86A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(a) A certified law enforcement officer who fails to demonstrate proficiency skills on the required firearms qualification standard shall not perform the duties of a sworn officer.

(b) Reporting of the compliance with this standard shall be June 30, 2008, and every two years thereafter. Documentation supporting the demonstration of proficiency skills shall be reported on the Mandatory Firearms Training Report, form CJSTC-86, revised November 8, 2007, hereby incorporated by reference, and maintained in the officer's file. Form CJSTC-86 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, the date of completion.

(c) In the event a certified law enforcement officer fails to meet this standard by June 30 of each reporting year, the officer's certificate shall become inactive until the employing agency provides documentation to Commission staff establishing that the firearms qualification standard has been satisfied. Active officers who were separated from employment or appointment for not satisfying the firearms qualification standard, and do not meet the standard within six months of separation from employment or appointment, shall comply with the certification or reactivation of certification requirement(s) in subsection 11B-27.002(1), F.A.C., prior to reemployment.

(d) The certificate of a law enforcement officer shall become inactive if the officer has separated from employment or appointment and is not reemployed or reappointed within the two-year reporting cycle. The officer will be required to comply with the firearms qualification standard upon employment or appointment.

AGENDA ITEM: 4J

Request for Waiver: Request for Waiver of Rule 11B-27.00212(14), F.A.C., by the Pembroke Pines Police Department on behalf of 271 Officers

ISSUE NUMBER 1

This agenda item is presented to the Commission by the Pembroke Pines Police Department to request a permanent waiver of the above mentioned rule for 271 officers named in the Petition.

EXECUTIVE SUMMARY

1. 271 officers of the Pembroke Pines Police Department were requalified pursuant to Rule 11B-27.00212(14), F.A.C., for the 2008 (7/1/06 – 6/30/08) reporting cycle by instructors who were not CJSTC certified firearms instructors.
2. Pembroke Pines Police Department did not know that the instructors were not CJSTC certified firearms instructors until a new Sergeant was transferred to the Training Unit in October of 2009. The new Training Unit Sergeant reviewed all of the rules and forms required for officer training and continuing education. He discovered that the firearms instructors used by the department were not CJSTC certified firearms instructors. The Sergeant then reviewed all of the training records and found that the department was not in compliance with Rule 11B-27.00212(14), F.A.C., and had not been in compliance for the 2008 and 2010 reporting cycles.
3. Field Specialist Zahuranec reviewed the officer training files and concurred that the department was not in compliance.
4. On January 7, 2010, Pembroke Pines Training Officer Cusack completed all steps necessary to become a CJSTC certified firearms instructor.
5. Miami-Dade Police Department then helped Pembroke Pines Police Department's Training Unit to conduct firearm qualifications for the agency from January through March of 2010. During this time, the form CJSTC-86A's were completed for all of the current officers.
6. The Pembroke Pines Police Department is requesting that the Commission view the 2008 reporting cycle for the 271 named officers as in compliance because they did in fact comply with the performance requirements of Rule 11B-27.00212(14), F.A.C. The 271 officers affected by this issue are listed in the attachments to this issue.

RECOMMENDATION(S): Commission staff recommends that the Commission grant the waiver of Rule 11B-27.00212(14), F.A.C., effective immediately, thereby recognizing the validity of the 271 named officers' firearms requalifications for 2008 and preventing the 271 officers from incurring any breaks in service.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will be granted and the 271 named officers shall be deemed compliant with firearms requalification requirements for the 2008 reporting cycle. The 271 named officers shall not have their certificates become inactive as a result of any deficiencies in the firearms instructor's certification, and the 271 officers shall not incur breaks in service.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will not be granted and the 271 named officers shall not be deemed compliant with firearms requalification requirements for the 2008 reporting cycle. The 271 named officers shall have their certificates become inactive as a result of deficiencies in the firearms instructor's certification, and the 271 officers shall incur breaks in service.

SUPPORTING INFORMATION

1. Rule 11B-27.00212(14), F.A.C., Maintenance of Officer Certification, **page 2.**
2. Section 120.542, F.S., **page 3.**
3. July 15, 2011 memorandum from Field Representative Lee Zahuranec, **page 4.**
4. July 25, 2011 letter to State Attorney Michael J. Satz, **page 5.**
5. Petition for Waiver of Rule 11B-27.00212(14), F.A.C. by Pembroke Pines Police Department on behalf of 271 named officers, **pages 6 – 22.**

11B-27.00212 Maintenance of Officer Certification.

(14) Law Enforcement Officer Firearms Qualification Standard. Beginning July 1, 2006, a law enforcement officer shall be required to qualify on the Commission's approved course of fire with the proficiency skills documented on the Law Enforcement Officer Firearms Qualification Standard, form CJSTC-86A, revised January 29, 2009, hereby incorporated by reference, and maintained in the officer's employment file. Form CJSTC-86A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(a) A certified law enforcement officer who fails to demonstrate proficiency skills on the required firearms qualification standard shall not perform the duties of a sworn officer.

(b) Reporting of the compliance with this standard shall be June 30, 2008, and every two years thereafter. Documentation supporting the demonstration of proficiency skills shall be reported on the Mandatory Firearms Training Report, form CJSTC-86, revised November 8, 2007, hereby incorporated by reference, and maintained in the officer's file. Form CJSTC-86 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, the date of completion.

(c) In the event a certified law enforcement officer fails to meet this standard by June 30 of each reporting year, the officer's certificate shall become inactive until the employing agency provides documentation to Commission staff establishing that the firearms qualification standard has been satisfied. Active officers who were separated from employment or appointment for not satisfying the firearms qualification standard, and do not meet the standard within six months of separation from employment or appointment, shall comply with the certification or reactivation of certification requirement(s) in subsection 11B-27.002(1), F.A.C., prior to reemployment.

(d) The certificate of a law enforcement officer shall become inactive if the officer has separated from employment or appointment and is not reemployed or reappointed within the two-year reporting cycle. The officer will be required to comply with the firearms qualification standard upon employment or appointment.

(e) In the event a certified law enforcement officer is injured in the line of duty and fails to meet this standard by June 30 of a reporting year, the agency administrator or designee shall complete the Injury in the Line of Duty, form CJSTC-86B, created January 29, 2009, hereby incorporated by reference. Form CJSTC-86B can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The agency shall submit form CJSTC-86B and the supporting documentation to Commission staff prior to the June 30 deadline to ensure the officer's certificate does not become inactive on the reporting deadline for that two-year reporting cycle.

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

Section 120.542, F.S., mandates threshold proofs and notice provisions for variances and waivers from agency rules. Subsection (2) of this statute states:

Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statutes will be or has been achieved by other means by the person and when application of the rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

AGENDA ITEM: 4K (7-26-11 Addendum)

Request for Waiver: Request for Waiver of Rule 11B-27.00212(14), F.A.C., by the University of West Florida Police Department on behalf of 19 Officers

ISSUE NUMBER 1

This agenda item is presented to the Commission by the University of West Florida Police Department to request a permanent waiver of the above mentioned rule for 19 officers.

EXECUTIVE SUMMARY

1. 19 officers of the University of West Florida Police Department were requalified pursuant to Rule 11B-27.00212(14), F.A.C., for the 2008 and 2010 reporting cycles (7/1/06 – 6/30/08 and 7/1/08 – 6/30/10) by instructors whose CJSTC firearms instructor certification had lapsed.
2. The University of West Florida Police Department believed that the firearms instructors were in compliance with CJSTC firearms instructor certification rules at the time the instructors requalified the officers in question.
3. On July 7, 2011, Field Specialist Wayne Graves conducted a review of the firearms instructors' qualifications. During this review, the University of West Florida Police Department learned that the firearms instructors that it was using were not current. Field Specialist Graves instructed the department as to how to correct the deficiencies.
4. The currently employed officers are scheduled to be requalified July 27 and 29, 2011, by a CJSTC certified firearms instructor.
5. The University of West Florida Police Department is requesting that the Commission view the 2008 and 2010 reporting cycles for the affected officers as in compliance because the officers did in fact comply with the performance requirements of Rule 11B-27.00212(14), F.A.C. The officers affected by this issue are named in an attachment to this issue.

RECOMMENDATION(S): Commission staff recommends that the Commission grant the waiver of Rule 11B-27.00212(14), F.A.C., effective immediately, thereby recognizing the validity of the 19 officers' firearms requalifications for 2008 and 2010 and preventing the officers from incurring any breaks in service.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will be granted and the officers shall be deemed compliant with firearms requalification requirements for the 2008 and 2010 reporting cycles. The officers shall not have their certificates become inactive as a result of any deficiencies in the firearms instructors' certifications, and the officers shall not incur breaks in service.

consequences of a "no" vote on staff recommendation: The Petitioner's request for a rule waiver will not be granted and the officers shall not be deemed compliant with firearms requalification requirements for the 2008 and 2010 reporting cycles. The officers shall have their certificates become inactive as a result of deficiencies in the firearms instructors' certifications, and the officers shall incur breaks in service.

SUPPORTING INFORMATION

1. Rule 11B-27.00212(14), F.A.C. Maintenance of Officer Certification, **page 2**.
2. Section 120.542, F.S., **page 3**.
3. July 8, 2011 memorandum from Field Representative Wayne Graves, **page 4 - 5**.
4. July 25, 2011 letter to State Attorney William Eddins, **page 6**.
5. Petition for Waiver of Rule 11B-27.00212(14), F.A.C. by the University of West Florida Police Department on behalf of 19 officers, **pages 7 - 12**.

11B-27.00212 Maintenance of Officer Certification.

(14) Law Enforcement Officer Firearms Qualification Standard. Beginning July 1, 2006, a law enforcement officer shall be required to qualify on the Commission's approved course of fire with the proficiency skills documented on the Law Enforcement Officer Firearms Qualification Standard, form CJSTC-86A, revised January 29, 2009, hereby incorporated by reference, and maintained in the officer's employment file. Form CJSTC-86A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(a) A certified law enforcement officer who fails to demonstrate proficiency skills on the required firearms qualification standard shall not perform the duties of a sworn officer.

(b) Reporting of the compliance with this standard shall be June 30, 2008, and every two years thereafter. Documentation supporting the demonstration of proficiency skills shall be reported on the Mandatory Firearms Training Report, form CJSTC-86, revised November 8, 2007, hereby incorporated by reference, and maintained in the officer's file. Form CJSTC-86 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, the date of completion.

(c) In the event a certified law enforcement officer fails to meet this standard by June 30 of each reporting year, the officer's certificate shall become inactive until the employing agency provides documentation to Commission staff establishing that the firearms qualification standard has been satisfied. Active officers who were separated from employment or appointment for not satisfying the firearms qualification standard, and do not meet the standard within six months of separation from employment or appointment, shall comply with the certification or reactivation of certification requirement(s) in subsection 11B-27.002(1), F.A.C., prior to reemployment.

(d) The certificate of a law enforcement officer shall become inactive if the officer has separated from employment or appointment and is not reemployed or reappointed within the two-year reporting cycle. The officer will be required to comply with the firearms qualification standard upon employment or appointment.

(e) In the event a certified law enforcement officer is injured in the line of duty and fails to meet this standard by June 30 of a reporting year, the agency administrator or designee shall complete the Injury in the Line of Duty, form CJSTC-86B, created January 29, 2009, hereby incorporated by reference. Form CJSTC-86B can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The agency shall submit form CJSTC-86B and the supporting documentation to Commission staff prior to the June 30 deadline to ensure the officer's certificate does not become inactive on the reporting deadline for that two-year reporting cycle.

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

Section 120.542, F.S., mandates threshold proofs and notice provisions for variances and waivers from agency rules.

(2) Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statutes will be or has been achieved by other means by the person and when application of the rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

AGENDA ITEM: 4L (7-26-11 and 8-1-11 Addendum)

Petition for Waiver: Request for Waiver of Rule 11B-35.003(4), F.A.C., by Barry Garcia.

ISSUE NUMBER 1

This agenda item is presented to the Commission by Barry Garcia to request a permanent waiver of the above-mentioned rule.

EXECUTIVE SUMMARY

1. The Petitioner completed auxiliary officer training and received a certificate dated September 5, 2007.
2. The Petitioner wishes to substitute the high liability training he received in partial completion of his auxiliary officer certification for the required high-liability training required by Rule 11B-35.003(4), F.A.C., in order for the Petitioner to become a Commission certified full or part-time officer.
3. The Petitioner states that retaking high liability courses during the course of completing full basic recruit training would pose a substantial hardship to him by taking away time from his medical practice, the Indian River County Sheriff's Office, and the community. The Petitioner does not allege that the demands of full basic recruit training in general create a substantial hardship, but only the high liability component of such training.

RECOMMENDATION(S): Commission staff recommends that the Commission **deny** the waiver. The petitioner has not demonstrated that he has suffered substantial hardship as a result of the operation of the rule. The Petitioner has not shown that failing to grant his petition would violate the principles of fairness. From the foregoing, it is further evident that the purposes of the underlying statute, Section 943.13, F.S., will not be served by granting a waiver of the rule to a petitioner who completed his last Commission-approved training as an auxiliary officer four years ago.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will not be granted and Petitioner will not be permitted to substitute auxiliary instruction in the high liability areas for the required high liability training in his basic recruit training.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will be granted and Petitioner will be permitted to substitute auxiliary instruction in the high liability areas for the required high liability training in his basic recruit training.

SUPPORTING INFORMATION

1. Rule 11B-35.003(4), F.A.C., Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation Auxiliary Training, **page 2**.
2. Section 120.542, F.S., **page 2**.
3. Petition for Waiver of Rule 11B-35.003(4), F.A.C., by Barry Garcia, **pages 3 - 49**.
4. August 1, 2011 Fax to Tina Culbertson of FDLE from Indian River State College, **pages 50 – 51**. (8-1-11 Addendum)

11B-35.003; Basic Recruit Training Program for Law Enforcement, Correctional, and Correctional Probation Auxiliary Training

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

Section 120.542, F.S., mandates threshold proofs and notice provisions for variances and waivers from agency rules.

2) Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statutes will be or has been achieved by other means by the person and when application of the rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

AGENDA ITEM: 4M (7-28-11 Addendum)

Request for Waiver: Request for Waiver of Rule 11B-27.00212(14), F.A.C., by the Bradford County Sheriff's Office on behalf of 14 officers

ISSUE NUMBER 1

This agenda item is presented to the Commission by the Bradford County Sheriff's Office to request a permanent waiver of the above mentioned rule for 14 officers named in the Petition.

EXECUTIVE SUMMARY

1. 14 officers of the Bradford County Sheriff's Office cannot show that they are in compliance with Rule 11B-27.00212(14), F.A.C., for the 2008 (7/1/06 – 6/30/08) and 2010 (7/1/08 – 6/30/10) reporting cycles because no CJSTC form 86A was produced to document that they qualified with their firearms during these cycles.
2. Bradford County Sheriff's Office learned of the deficiencies during an audit after an election installed a new administration at the Sheriff's Office. Attempts were made to contact the former Human Resources Director to learn if he had any information regarding the missing CJSTC form 86A's, but the telephone calls were not returned.
3. At the direction of CJSTC staff, Sheriff Gordon Smith requests that the Commission view the 2008 and 2010 reporting cycles for the 14 named officers as in compliance with Rule 11B-27.00212(14), F.A.C. even though there is no CJSTC form 86 A for the officers and, therefore, no proof that they were qualified pursuant to Commission rule for the 2008 and 2010 firearms reporting cycles. The 14 officers affected by this issue are listed in the attachments to this agenda item.

RECOMMENDATION(S): Commission staff recommends that the Commission grant the waiver of Rule 11B-27.00212(14), F.A.C., effective immediately, thereby recognizing the validity of the 14 named officers' firearms requalifications for 2008 and 2010 and preventing the 14 officers from incurring any breaks in service.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will be granted and the 14 named officers shall be deemed compliant with firearms requalification requirements for the 2008 and 2010 reporting cycles. The 14 named officers shall not have their certificates become inactive as a result of the failure of the instructor to complete CJSTC form 86 A for each of them, and the 14 officers shall not incur breaks in service.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will not be granted and the 14 named officers shall not be deemed compliant with firearms requalification requirements for the 2008 and 2010 reporting cycles. The 14 named officers shall have their certificates become inactive as a result of the failure of the instructor to complete CJSTC form 86 A for each of them, and the 14 officers shall incur breaks in service.

SUPPORTING INFORMATION

1. Rule 11B-27.00212(14), F.A.C., Maintenance of Officer Certification, **page 2**.
2. Section 120.542, F.S., **page 3**.
3. July 28, 2011 memorandum from Field Representative Kathy Myers, **page 4**.
4. July 28, 2011 letter to State Attorney Bill Cervone, **page 5**.
5. Petition for Waiver of Rule 11B-27.00212(14), F.A.C. by Bradford County Sheriff's Office on behalf of 14 named officers, **pages 6 – 9**.

11B-27.00212; Maintenance of Officer Certification.

(14) Law Enforcement Officer Firearms Qualification Standard. Beginning July 1, 2006, a law enforcement officer shall be required to qualify on the Commission's approved course of fire with the proficiency skills documented on the Law Enforcement Officer Firearms Qualification Standard, form CJSTC-86A, revised January 29, 2009, hereby incorporated by reference, and maintained in the officer's employment file. Form CJSTC-86A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(a) A certified law enforcement officer who fails to demonstrate proficiency skills on the required firearms qualification standard shall not perform the duties of a sworn officer.

(b) Reporting of the compliance with this standard shall be June 30, 2008, and every two years thereafter. Documentation supporting the demonstration of proficiency skills shall be reported on the Mandatory Firearms Training Report, form CJSTC-86, revised November 8, 2007, hereby incorporated by reference, and maintained in the officer's file. Form CJSTC-86 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, the date of completion.

(c) In the event a certified law enforcement officer fails to meet this standard by June 30 of each reporting year, the officer's certificate shall become inactive until the employing agency provides documentation to Commission staff establishing that the firearms qualification standard has been satisfied. Active officers who were separated from employment or appointment for not satisfying the firearms qualification standard, and do not meet the standard within six months of separation from employment or appointment, shall comply with the certification or reactivation of certification requirement(s) in subsection 11B-27.002(1), F.A.C., prior to reemployment.

(d) The certificate of a law enforcement officer shall become inactive if the officer has separated from employment or appointment and is not reemployed or reappointed within the two-year reporting cycle. The officer will be required to comply with the firearms qualification standard upon employment or appointment.

(e) In the event a certified law enforcement officer is injured in the line of duty and fails to meet this standard by June 30 of a reporting year, the agency administrator or designee shall complete the Injury in the Line of Duty, form CJSTC-86B, created January 29, 2009, hereby incorporated by reference. Form CJSTC-86B can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The agency shall submit form CJSTC-86B and the supporting documentation to Commission staff prior to the June 30 deadline to ensure the officer's certificate does not become inactive on the reporting deadline for that two-year reporting cycle.

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

Section 120.542, F.S., mandates threshold proofs and notice provisions for variances and waivers from agency rules.

(2) Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statutes will be or has been achieved by other means by the person and when application of the rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

AGENDA ITEM: 4N

Request for Waiver: Request for Waiver of Rule 11B-27.00212(14), F.A.C., by the St. Augustine Police Department on behalf of 49 officers

ISSUE NUMBER 1

This agenda item is presented to the Commission by the St. Augustine Police Department to request a permanent waiver of the above mentioned rule for 49 officers named in the Petition.

EXECUTIVE SUMMARY

1. 49 officers of the St. Augustine Police Department (SAPD) were requalified pursuant to Rule 11B-27.00212(14), F.A.C., for the 2008 (7/1/06 – 6/30/08) and 2010 (7/1/2008-6/30/10) reporting cycles by instructors who were not CJSTC certified firearms instructors.
2. SAPD did not know that the instructors were not CJSTC certified firearms instructors until Field Specialist Kathy Myers conducted a firearms qualification review of the SAPD on June 29, 2011. At that time, it was discovered that some of the firearms instructors who had conducted the requalification shoots for the 49 officers in this petition were not FDLE certified firearms instructors. Field Specialist Myers discovered that SAPD did not have any FDLE certified firearms instructors.
3. The St. Johns County Sheriff's Office requalified SAPD's officer between June 29 and July 14, 2011.
4. SAPD is requesting that the Commission view the 2008 and 2010 reporting cycles for the 49 named officers as in compliance because they did in fact comply with the performance requirements of Rule 11B-27.00212(14), F.A.C. The 49 officers affected by this issue are listed in the attachments to this issue.

RECOMMENDATION(s): Commission staff recommends that the Commission grant the waiver of Rule 11B-27.00212(14), F.A.C., effective immediately, thereby recognizing the validity of the 49 named officers' firearms requalifications for 2008 and 2010 reporting cycles and preventing the 49 officers from incurring any breaks in service.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will be granted and the 49 named officers shall be deemed compliant with firearms requalification requirements for the 2008 and 2010 reporting cycles. The 49 named officers shall not have their certificates become inactive as a result of any deficiencies in the firearms instructor's certification, and the 49 officers shall not incur breaks in service.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will not be granted and the 49 named officers shall not be deemed compliant with firearms requalification requirements for the 2008 and 2010 reporting cycles. The 49 named officers shall have their certificates become inactive as a result of deficiencies in the firearms instructor's certification, and the 49 officers shall incur breaks in service.

SUPPORTING INFORMATION

1. Rule 11B-27.00212(14), F.A.C., Maintenance of Officer Certification, **page 2**.
2. Section 120.542, F.S., **page 3**.
3. July 20, 2011 memorandum from Field Representative Kathy Myers, **pages 4 – 6**.
4. July 29, 2011 letter to State Attorney R.J. Larizza, **page 7**.
5. Petition for Waiver of Rule 11B-27.00212(14), F.A.C., by St. Augustine Police Department on behalf of 49 named officers, **pages 8 - 16**.

11B-27.00212; Maintenance of Officer Certification.

(14) Law Enforcement Officer Firearms Qualification Standard. Beginning July 1, 2006, a law enforcement officer shall be required to qualify on the Commission's approved course of fire with the proficiency skills documented on the Law Enforcement Officer Firearms Qualification Standard, form CJSTC-86A, revised January 29, 2009, hereby incorporated by reference, and maintained in the officer's employment file. Form CJSTC-86A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(a) A certified law enforcement officer who fails to demonstrate proficiency skills on the required firearms qualification standard shall not perform the duties of a sworn officer.

(b) Reporting of the compliance with this standard shall be June 30, 2008, and every two years thereafter. Documentation supporting the demonstration of proficiency skills shall be reported on the Mandatory Firearms Training Report, form CJSTC-86, revised November 8, 2007, hereby incorporated by reference, and maintained in the officer's file. Form CJSTC-86 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, the date of completion.

(c) In the event a certified law enforcement officer fails to meet this standard by June 30 of each reporting year, the officer's certificate shall become inactive until the employing agency provides documentation to Commission staff establishing that the firearms qualification standard has been satisfied. Active officers who were separated from employment or appointment for not satisfying the firearms qualification standard, and do not meet the standard within six months of separation from employment or appointment, shall comply with the certification or reactivation of certification requirement(s) in subsection 11B-27.002(1), F.A.C., prior to reemployment.

(d) The certificate of a law enforcement officer shall become inactive if the officer has separated from employment or appointment and is not reemployed or reappointed within the two-year reporting cycle. The officer will be required to comply with the firearms qualification standard upon employment or appointment.

(e) In the event a certified law enforcement officer is injured in the line of duty and fails to meet this standard by June 30 of a reporting year, the agency administrator or designee shall complete the Injury in the Line of Duty, form CJSTC-86B, created January 29, 2009, hereby incorporated by reference. Form CJSTC-86B can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The agency shall submit form CJSTC-86B and the supporting documentation to Commission staff prior to the June 30 deadline to ensure the officer's certificate does not become inactive on the reporting deadline for that two-year reporting cycle.

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

Section 120.542, F.S., mandates threshold proofs and notice provisions for variances and waivers from agency rules.

(2) Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statutes will be or has been achieved by other means by the person and when application of the rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

AGENDA ITEM: 40

Request for Waiver: Request for Waiver of Rule 11B-35-001(7), F.A.C., by Lake Technical Center

ISSUE NUMBER 1

This agenda item is presented to the Commission by Lake Technical Center to request a permanent waiver of the above mentioned rule.

EXECUTIVE SUMMARY

1. 14 officers were taught the incorrect version of the CMS Firearms Instructor Course at Lake Technical Center on July 11, 2011 through July 22, 2011. The Petitioner attempted to ensure that it had the correct version of the course, but was unable to get confirmation prior to the start date of the course.
2. Once Petitioner did learn that the course that it delivered was not the updated course, Field Specialist Reaume worked with Petitioner to ensure that Petitioner understood the changes in the curriculum. Petitioner provided all 14 officers who took the course with errata sheets and copies of the new course curriculum. All 14 officers have confirmed that they have reviewed the new material.
3. Petitioner asserts that this rule waiver would serve the underlying statute because the 14 officers have reviewed the new curriculum and the errata sheets. Petitioner further states that if this rule waiver is not granted, the principles of fairness would be violated in that the 14 officers would not be permitted to complete firearms instructor certification. A failure of certification on the part of these officers would create a substantial hardship on the officers and their agencies because the officers would have to retake the new course and the agencies would be without a firearms instructor on staff until such time as the officers completed the new course.

RECOMMENDATION(S): Commission staff recommends that the Commission grant the waiver of Rule 11B-35-001(7), F.A.C., effective immediately, thereby recognizing the validity of the firearms instructor training received by the 14 officers named in the petition for the course taught at Lake Technical Center from July 11, 2011 through July 22, 2011.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will be granted and the 14 named officers shall be deemed to have completed the appropriate CJSTC firearms instructor course July 11 through July 22, 2011, at Lake Technical Center.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will not be granted and the 14 named officers shall not be deemed to have completed the appropriate CJSTC firearms instructor course July 11 through July 22, 2011, at Lake Technical Center.

SUPPORTING INFORMATION

1. Rule 11B-27.00212(14), F.A.C., Maintenance of Officer Certification, **page 2**.
2. Section 120.542, F.S., **page 2**.
3. July 27, 2011 memorandum and errata sheet from Training and Research Manager Linda Adams, **pages 3 – 5**.
4. Petition for Waiver of Rule 11B-35.001(7), F.A.C., by Lake Technical Center on behalf of 14 named officers, **pages 6 - 11**.

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

(7) Training center directors shall ensure that instructors are delivering the current Commission-approved training programs in compliance with Commission rules.

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.

Section 120.542, F.S., mandates threshold proofs and notice provisions for variances and waivers from agency rules.

(2) Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statutes will be or has been achieved by other means by the person and when application of the rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

AGENDA ITEM: 5

Florida CMS Correctional Basic Recruit Training Program Rewrite

ISSUE NUMBER 1

The Commission is responsible for the development and maintenance of officer basic recruit training programs. This agenda item is presented to update the Commission on the initiative to rewrite the Correctional Basic Recruit Training Program and request approval of a new curriculum for field-testing.

EXECUTIVE SUMMARY

- 1. **Rewrite of Florida CMS Correctional Basic Recruit Training.** The Bureau of Training is progressing with the rewrite of the Correctional Basic Recruit Training Program, a long-term project that will result in a comprehensive assessment of the critical tasks and a new curriculum to provide the training necessary to perform the job of a certified correctional officer in a state prison or county facility. With the assistance of subject matter experts from various criminal justice agencies, Commission staff has completed a job analysis and written curriculum content and instructor guides in preparation for field-testing the training program.

Summary of Project Plan

Steps	Target Completion Date	Status
1. Planning Phase	September 15, 2009	Completed
2. Job Task Analysis Phase	June 30, 2010	Completed
3. Instructional Design Phase	June 30, 2010	Completed
4. Curriculum Development Phase	May 31, 2011	Completed
5. Commission Approval of Field Test	August 11, 2011	Pending
6. Editing Phase	September 1, 2011	Pending
7. Field Test	October 1, 2011	Pending
8. Commission Approval	October 27, 2011	Pending
9. Publishing Phase	March 31, 2012	Pending
10. Revised Rule Implementation Phase	TBA	Pending
11. Exam Development Phase	December 1, 2011	Pending
12. Full Implementation	July 1, 2012	Pending

- 2. **Memorandum of Understanding.** During the 2011 legislative session, the Florida Department of Law Enforcement entered into an agreement with the Florida Department of Corrections to present the Commission a curriculum that would not exceed 400 hours.
- 3. **Corrections Special Topics.** Commission staff recommends a ten-hour Corrections Special Topics Course in lieu of the 40-hour Commission-required Physical Fitness program currently in the correctional basic recruit training program. The 400-hour limitation will not allow the physical fitness training program and other topics that fully meet the training needs of the basic recruit as established by a job task analysis. Instead, training schools may use the Corrections Special Topics Course to augment the stretching and exercising needed to decrease potential injuries in preparation for defensive tactics. Alternatively, training schools may choose to use the hours to supplement other topics in the competency-based corrections basic recruit training program.
- 4. **Field Test.** Plans are underway to field test the Florida Correctional Basic Recruit Training Program beginning October 1, 2011 through June 30, 2011. Revisions based on the field test will be added to the curriculum and submitted to the commission at a later date.

5. **Florida CMS Correctional Basic Recruit Training Program.** The following table introduces the new Florida CMS Correctional Basic Recruit Training Program that consists of 12 courses and 400 total hours.

Courses	Hours
Introduction to Corrections	32
Communications	40
Officer Safety	12
Facility and Equipment	12
Intake and Release	18
Supervising in a Correctional Facility	40
Supervising Special Populations	20
Responding to Emergencies	16
CMS First Aid for Criminal Justice Officers	40
CMS Criminal Justice Firearms	80
CMS Criminal Justice Defensive Tactics	80
Corrections Special Topics	10
Total	400

RECOMMENDATIONS(s): Commission staff recommends that the Commission:

1. Adopt the new Florida CMS Correctional Basic Recruit Training Program courses and course hours with a total of 400 program hours.
2. Approve the Florida CMS Correctional Basic Recruit Training Program field test effective October 1, 2011, with further curriculum revisions to be presented to the Commission for final adoption at a later date.

VOTING IMPACT

CONSEQUENCES OF A “YES” VOTE ON STAFF RECOMMENDATION: A yes vote will allow for the continuation of the development of a new corrections basic recruit training program. Approval of the program hours will allow FDLE and the Florida Department of Corrections to maintain their agreement.

CONSEQUENCES OF A “NO” VOTE ON STAFF RECOMMENDATION: A no vote will require at a minimum a change in the development process for the new correctional basic recruit training program and could possibly lead to a delay in its implementation. A no vote could also impact the agreement between FDLE and the Florida Department of Corrections and possibly lead to legislative action specifying the number of hours required in a corrections basic recruit training program.

SUPPORTING INFORMATION

(Supporting Documentation for pages 4 – 202 are provided on CD-ROM only)

1. Inter-Agency Memorandum of Understanding, **page 3**.
2. Florida CMS Correctional Basic Recruit Training Program Instructor Guide, **pages 4 - 202**.

**Inter-Agency Memorandum of Understanding Between the
Florida Department Of Law Enforcement and the
Florida Department of Corrections**

THIS IS AN AGREEMENT to facilitate the revision of the minimum training curriculum applied to persons seeking certification and employment as a corrections officer certified by the Florida Criminal Justice Standards and Training Commission (CJSTC). This effort is done to determine and implement cost savings related to the training and certification of such persons.

The parties recognize that the CJSTC is statutorily charged with establishing the minimum curriculum and training requirements for such persons, including standards for implementing, administering, maintaining and revising the certification examination applied to such persons. The parties also recognize that the Florida Department of Law Enforcement (FDLE) provides the staff for the CJSTC and its officer certification functions.

The parties understand that the FDLE staff to the CJSTC is currently reviewing, rewriting and revising the certification curriculum applied to those required to be certified in their corrections capacities, and that such efforts includes full job task analyses. The parties believe that upon completion of this review, the current corrections curriculum can be effectively reduced to a length not to exceed 400 hours while maintaining the quality and effectiveness of such training.

The parties hereby agree to cooperate in such efforts to assure that a curriculum not exceeding 400 hours can be developed, and to jointly present and recommend the revised curriculum to the Criminal Justice Standards and Training Commission for the Commission's review and approval. This agreement does not preclude changes to future curriculum revision efforts by the CJSTC due to emerging trends, conditions, high liability skills impacting officer safety or state and federal legislatives mandates.

For the Florida Department of Law Enforcement:

_____ Date: _____
(name/title)

For the Florida Department of Corrections:

_____ Date: _____
(name/title)

AGENDA ITEM: 6

Computer-Based Testing Update

ISSUE NUMBER 1

This agenda item is presented to the Commission regarding the implementation of computer-based testing (CBT) for the State Officer Certification Exam (SOCE) and the Basic Abilities Test (BAT).

EXECUTIVE SUMMARY

1. **Contract.** Commission staff has negotiated and executed a contract with McCann Associates for the computer-based administration of the State Officer Certification Examination and the Basic Abilities Test. The contract is now in force.
2. **Implementation.** The implementation is under way with several concurrent tasks in progress, including technical modifications to allow data transfer between the CBT system and ATMS, entering test questions into the CBT system, establishing testing protocols, etc. The table below summarizes past, current, and planned activities regarding the CBT implementation.

State Officer Certification Exam		Basic Abilities Test	
<u>Task</u>	<u>Progress</u>	<u>Task</u>	<u>Progress</u>
1. CBT contract negotiation	Completed	1. Develop content domain	Completed
2. Set up exam hierarchies in CBT system	Completed	2. Develop constructs	Completed
3. Enter test questions into CBT system	In progress	3. Set up test hierarchies in CBT system	Completed
4. Draft test site contracts	In progress	4. Write test questions	Completed
5. Establish connection between CBT system and ATMS	In progress	5. Pilot test questions	In progress
6. Implementing business rules in the CBT system	In progress	6. Enter test questions into CBT system	In progress
7. <i>Build exam forms</i>	<i>Not started</i>	7. <i>Build test forms</i>	<i>Not started</i>
8. <i>Pilot forms in CBT system</i>	<i>Not started</i>	8. <i>Pilot forms in CBT system</i>	<i>Not started</i>
9. <i>Go live</i>	<i>Not started</i>	9. <i>Go live</i>	<i>Not started</i>

3. **Revisions to the Exams.** Due to the historical stability of the SOCE, Commission staff has been able to reduce the length of the Florida CMS Law Enforcement and Traditional Corrections exams. The new computer-based forms will consist of 200 questions each, further allowing time allotted for the exam to be reduced to three hours. The reduction in test time equals approximately 8,000 person hours per year not spent on testing.

The exam advisory teams for law enforcement and corrections are meeting in the first half of August for training and will review the new forms as well as set legally defensible passing scores for the forms. These teams are comprised of 20 - 25 officers from throughout the state, who have been nominated by their agencies to serve in a semi-permanent advisory capacity for the exam programs.

RECOMMENDATION(s): This agenda item does not require Commission action.

VOTING IMPACT: A vote is not required.

AGENDA ITEM: 7A

Officer Training; Specialized Training Program Course: Domestic Violence Course Number 1136 (Update)

ISSUE NUMBER 1

This agenda item is presented to the Commission to approve updates to Domestic Violence course number 1136.

EXECUTIVE SUMMARY

1. The Commission is responsible for maintaining Specialized Training Program Courses for Commission-certified law enforcement, correctional, and correctional probation officers. Courses in the Specialized Training Program may be delivered using Criminal Justice Standards and Training Officer Training Trust Fund Monies.
2. The 8-hour Domestic Violence Specialized Training Program Course was updated by Subject Matter Experts who were recommended by Training Center Directors and includes input from members of the Training Center Directors Association Advanced and Specialized Training Committee.
3. The updated course allows students to apply the concepts and skills used by criminal justice officers through the use of scenarios, case studies, and/or role-play exercises.

RECOMMENDATION(S): Commission staff recommends that the Commission approve the updated Domestic Violence course number 1136, with an effective date of October 1, 2011.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: A yes vote will permit Commission-certified training schools to provide up-to-date training for the Domestic Violence course.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: A no vote will not permit Commission-certified training schools to provide up-to-date training for the Domestic Violence course.

SUPPORTING INFORMATION

(Supporting Documentation for the pages 2 – 61 is provided on CD-ROM only)

- Domestic Violence course number 1136, pages 2 – 61.

AGENDA ITEM: 7B-1

Officer Training; Advanced Training Program Course: Domestic Intervention Course Number 091 (Update)

ISSUE NUMBER 1

This agenda item is presented to the Commission to approve updates to Domestic Intervention course number 091.

EXECUTIVE SUMMARY

1. The Commission is responsible for maintaining Advanced Training Program Courses for Commission-certified law enforcement, correctional, and correctional probation officers. Courses in the Advanced Training Program are eligible for salary incentive monies, or may be delivered using Criminal Justice Standards and Training Officer Training Trust Fund Monies.
2. The 40-hour Domestic Intervention Advanced Training Program Course was updated by Subject Matter Experts who were recommended by Training Center Directors and includes input from members of the Training Center Directors Association Advanced and Specialized Training Committee.
3. The updated course allows students to apply the concepts and skills used by criminal justice officers through the use of scenarios, case studies, and/or role-play exercises.

RECOMMENDATION(S): Commission staff recommends that the Commission approve the updated Domestic Intervention course number 091, with an effective date of October 1, 2011.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: A yes vote will permit Commission-certified training schools to provide up-to-date training for the Domestic Intervention course.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: A no vote will not permit Commission-certified training schools to provide up-to-date training for the Domestic Intervention course.

SUPPORTING INFORMATION

(Supporting Documentation for the pages 2 - 62 is provided on CD-ROM only)

- Domestic Intervention course number 091, pages 2 - 62.

AGENDA ITEM: 7B-2

Officer Training; Advanced Training Program Course: Financial Fraud Investigations Course Number 1154 (Update)

ISSUE NUMBER 1

This agenda item is presented to the Commission to approve updates to Financial Fraud Investigations course number 1154.

EXECUTIVE SUMMARY

1. The Commission is responsible for maintaining Advanced Training Program Courses for Commission-certified law enforcement, correctional, and correctional probation officers. Courses in the Advanced Training Program are eligible for salary incentive monies, or may be delivered using Criminal Justice Standards and Training Officer Training Trust Fund Monies.
2. The 40-hour Financial Fraud Investigations Advanced Training Program Course was updated by Subject Matter Experts who were recommended by Training Center Directors and includes input from members of the Training Center Directors Association Advanced and Specialized Training Committee.
3. The updated course allows students to apply the concepts and skills used by criminal justice officers through the use of scenarios, case studies, and/or role-play exercises.

RECOMMENDATION(s): Commission staff recommends that the Commission approve the updated Financial Fraud Investigations course number 1154, with an effective date of October 1, 2011.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: A yes vote will permit Commission-certified training schools to provide up-to-date training for the Financial Fraud Investigations course.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: A no vote will not permit Commission-certified training schools to provide up-to-date training for the Financial Fraud Investigations course.

SUPPORTING INFORMATION

(Supporting Documentation for the pages 2 - 71 is provided on CD-ROM only)

- Financial Fraud Investigations course number 1154, **pages 2 - 71**.

AGENDA ITEM: 7B-3

Officer Training; Advanced Training Program Course: Organized Crime Course Number 054 (Update)

ISSUE NUMBER 1

This agenda item is presented to the Commission to approve updates to Organized Crime course number 054.

EXECUTIVE SUMMARY

1. The Commission is responsible for maintaining Advanced Training Program Courses for Commission-certified law enforcement, correctional, and correctional probation officers. Courses in the Advanced Training Program are eligible for salary incentive monies, or may be delivered using Criminal Justice Standards and Training Officer Training Trust Fund Monies.
2. The 40-hour Organized Crime Advanced Training Program Course was updated by Subject Matter Experts who were recommended by Training Center Directors and includes input from members of the Training Center Directors Association Advanced and Specialized Training Committee.
3. The updated course allows students to apply the concepts and skills used by criminal justice officers through the use of scenarios, case studies, and/or role-play exercises.

RECOMMENDATION(S): Commission staff recommends that the Commission approve the updated Organized Crime course number 054, with an effective date of October 1, 2011.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: A yes vote will permit Commission-certified training schools to provide up-to-date training for the Organized Crime course.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: A no vote will not permit Commission-certified training schools to provide up-to-date training for the Organized Crime course.

SUPPORTING INFORMATION

(Supporting Documentation for the pages 2 - 109 is provided on CD-ROM only)

- Organized Crime course number 054, **pages 2 - 109**.

AGENDA ITEM: A

General Information Agenda Item: Criminal Justice Standards and Training Trust
Fund Officer Training Monies Quarterly Report for Fiscal Year 2011 - 2012

ISSUE NUMBER 1

This issue is presented to inform the Commission of the Criminal Justice Standards and Training Trust Fund Officer Training Monies Trust Fund Activities for FY 2011 – 2012.

EXECUTIVE SUMMARY

- 1. FY 2010 - 2011 Quarterly Trust Fund Activity.** The FY 2011 - 2012 approved trust fund budgets have been forwarded to the regions. Trust fund warrants for the first quarter of FY 2011 - 2012 have been forwarded to the regions' fiscal agents for disbursement to the training schools. **Trust Fund Audit Recommendations:** Since the May Commission meeting, trust fund analysts have initiated extensive audits of trust fund expenditures, class records, and instructor records for Regions I, II, VI, VIII, and XIII, for FY 2009 - 2010.
- 2. Budget Amendments/Programmatic Changes.** Commission staff has approved a budget amendment for Region IV (Santa Fe College and Florida Gateway College), Region V (St. John's River State College), Region VI (College of Central Florida and Withlacoochee Technical Institute), Region VII (Daytona State College, Criminal Justice Academy of Osceola, Valencia Community College, and Seminole State College), Region VIII (Polk State College and South Florida Community College) Region IX (Manatee Technical Institute, Manatee County Sheriff's Office and Pasco-Hernando Community College), Region XI (Indian River State College) and Region XVI (Florida Corrections Academy). Rule 11B-18.0071(2)(b), F.A.C., requires a training school and region to obtain approval from Commission staff prior to the transfer of Officer Training Monies between budget categories. These budget amendments do not alter the Commission's approved trust fund expenditure formula.
- 3. Property Disposals.** Commission staff has approved the removal of equipment items from the trust fund inventory of College of Central Florida and Withlacoochee Technical Institute in Region VI, Daytona State College and Seminole State College in Region VII, Broward College in Region XIII and Florida Corrections Academy in Region XIV. Rule 11B-18.0053(4)(e), F.A.C., requires training schools to obtain approval from Commission staff prior to the disposal or transfer of property purchased with trust fund monies.

RECOMMENDATION(s): This agenda item does not require Commission action.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: A vote is not required.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: A vote is not required.

SUPPORTING INFORMATION

(Supporting Documentation is provided on CD-ROM only)

- I. 1st Quarter Disbursement chart reflects the total amount of Officer Training Monies forwarded to each fiscal agent in each region.

REGION I		
Escambia County School Board	Pensacola	\$ 21,892.25
Northwest Florida State College	Niceville	\$ 12,227.75
REGION II		
Gulf Coast Community College	Panama City	\$ 10,368.25
Chipola College	Marianna	\$ 2,730.25
Washington-Holmes Technical Center	Chipley	\$ 1,758.75
REGION III		
Tallahassee Community College (Local)	Havana	\$ 23,349.50
REGION IV		
Santa Fe Community College	Gainesville	\$ 18,173.50
Lake City Community College	Lake City	\$ 6,549.25
North Florida Community College	Madison	\$ 5,192.50
REGION V		
Jacksonville Sheriff's Office (NEFCJT&EC)	Jacksonville	\$ 49,998.75
St. Johns River Community College	Palatka	\$ 17,805.25
REGION VI		
Central Florida Community College	Ocala	\$ 15,263.44
Citrus County School Board	Inverness	\$ 7,349.06
REGION VII		
Seminole Community College	Sanford	\$ 18,475.25
Lake County School Board	Tavares	\$ 13,400.00
Daytona Beach Community College	Daytona Beach	\$ 26,766.50
Brevard Community College	Cocoa	\$ 25,192.00
Valencia Community College	Orlando	\$ 61,355.25
School District of Osceola County	Kissimmee	\$ 13,349.75
REGION VIII		
Polk Community College	Winter Haven	\$ 32,779.75
REGION IX		
St. Petersburg College	St. Petersburg	\$ 46,665.50
Hillsborough Community College	Tampa	\$ 55,928.25
Pasco-Hernando Community College	Dade City	\$ 19,463.50
School Board of Manatee County	Bradenton	\$ 8,877.50
Manatee County Sheriff's Office	Bradenton	\$ 5,829.00
REGION X		
School Board of Sarasota County	Sarasota	\$ 15,828.75
School Board of Lee County	Ft. Myers	\$ 52,729.00
REGION XI		
Indian River Community College	Ft. Pierce	\$ 31,825.00
REGION XII		
Palm Beach Community College	Lake Worth	\$ 64,604.75
REGION XIII		

Broward Community College	Ft. Lauderdale	\$ 92,409.75
REGION XIV		
Miami-Dade College-North Campus	Miami	\$ 153,413.25
REGION XV		
Tallahassee Community College (State)	Havana	\$ 64,504.25
REGION XVI		
Florida Department of Corrections	Tallahassee	\$ 345,401.75
TOTAL ALL REGIONS		\$ 1,341,507.50

2. Budget Amendments/Programmatic Changes:

REGION	SCHOOL	FROM BUDGET CATEGORY	TO BUDGET CATEGORY	PURPOSE FOR CHANGE
IV	Santa Fe College Gainesville	<u>Administrative</u> \$1,721.95	<u>Training</u> \$1,721.95	<u>Training</u> Advanced/Specialized Training Programs
IV	Florida Gateway College Lake City	<u>Administrative</u> \$1,769.00	<u>Training</u> \$1,769.00	<u>Training</u> Advanced/Specialized Training Programs
V	St. Johns River State College Palatka	<u>Operating Capital Outlay</u> \$1,052.15	<u>Training</u> \$1,052.15	<u>Training</u> Advanced/Specialized Training Programs
VI	College of Central Florida Ocala	<u>Administrative</u> \$1,051.01 <u>Operating Capital Outlay</u> \$1,000.00	<u>Training</u> \$1,051.01 <u>Training</u> \$1,000.00	<u>Training</u> Advanced/Specialized Training Programs
VI	Withlacoochee Technical Institute Inverness	<u>Administrative</u> \$2,751.42	<u>Training</u> \$2,751.42	<u>Training</u> Advanced/Specialized Training Programs
VII	Daytona State College Daytona Beach	<u>Training</u> \$145.79	<u>Administrative</u> \$145.79	<u>Administrative</u> Director Travel to Commission Meetings and Workshops
VII	Criminal Justice Academy of Osceola	<u>Administrative</u> \$174.62 <u>Operating Capital Outlay</u> \$7,545.55	<u>Training</u> \$147.52 <u>Training</u> \$7,545.55	<u>Training</u> Advanced/Specialized Training Programs
VII	Seminole State College Sanford	<u>Operating Capital Outlay</u> \$11,034.90	<u>Training</u> \$11,034.90	<u>Training</u> Advanced/Specialized Training Programs

VII	Valencia Community College Orlando	<u>Administrative</u> \$12,364.85	<u>Training</u> \$12,364.85	<u>Training</u> Advanced/Specialized Training Programs
VIII	Polk State College Winter Haven	<u>Administrative</u> \$3,998.55 <u>Operating Capital Outlay</u> \$3,171.25	<u>Training</u> \$3,998.55 <u>Training</u> \$3,171.25	<u>Training</u> Advanced/Specialized Training Programs
VIII	South Florida Community College Avon Park	<u>Administrative</u> \$1,534.30 <u>Operating Capital Outlay</u> \$4,602.90	<u>Training</u> \$1,534.30 <u>Training</u> \$4,602.90	<u>Training</u> Advanced/Specialized Training Programs
IX	Manatee Technical Institute Bradenton	<u>Administrative</u> \$2,004.81	<u>Training</u> \$2,004.81	<u>Training</u> Advanced/Specialized Training Programs
IX	Manatee County Sheriff's Office Bradenton	<u>Administrative</u> \$539.00	<u>Training</u> \$539.00	<u>Training</u> Advanced/Specialized Training Programs
IX	Pasco-Hernando Community College Dade City	<u>Training</u> \$2,810.00	<u>Operating Capital Outlay</u> \$2,810.00	<u>Operating Capital Outlay</u> Training equipment to support Advanced/Specialized Programs
XI	Indian River State College Ft. Pierce	<u>Administrative</u> \$631.15	<u>Training</u> \$631.15	<u>Training</u> Advanced/Specialized Training Programs
XVI	Florida Corrections Academy Tallahassee	<u>Training</u> \$16,641.45	<u>Operating Capital Outlay</u> \$16,641.45	<u>Operating Capital Outlay</u> Training equipment to support Advanced/Specialized Programs
XVI	Florida Corrections Academy Tallahassee	<u>Operating Capital Outlay</u> \$16,641.45	<u>Operating Capital Outlay</u> \$16,641.45	<u>Operating Capital Outlay</u> S&W Revolvers .38 cal, S&W Semi-Auto M&P9, and Blue Mats for Advanced/Specialized Programs
XVI	Florida Corrections Academy Tallahassee	<u>Operating Capital Outlay</u> \$1,200.00	<u>Training</u> \$1,200.00	<u>Training</u> Advanced/Specialized Training Programs
XVI	Florida Corrections Academy Tallahassee	<u>Training</u> \$5,745.00	<u>Operating Capital Outlay</u> \$5,745.00	<u>Operating Capital Outlay</u> Training equipment to support Advanced/Specialized Programs

XVI	Florida Corrections Academy Tallahassee	<u>Operating Capital Outlay</u> \$5,745.00	<u>Operating Capital Outlay</u> \$5,745.00	<u>Operating Capital Outlay</u> S&W Semi-Auto M&P9 with no external safety for Advanced/Specialized Programs
XVI	Florida Corrections Academy Tallahassee	<u>Training</u> \$16,579.46	<u>Operating Capital Outlay</u> \$16,579.46	<u>Operating Capital Outlay</u> Training equipment to support Advanced/Specialized Programs
XVI	Florida Corrections Academy Tallahassee	<u>Operating Capital Outlay</u> \$16,579.46	<u>Operating Capital Outlay</u> \$16,579.46	<u>Operating Capital Outlay</u> 9MM conversion kits and AR15 conversion kits for Advanced/Specialized Programs

3. Property Disposal

REGION	INVENTORY LOCATION	ITEM	PROPERTY INVENTORY STATUS
VI	College of Central Florida	Various Items - See Attachment	Dispose – The property is obsolete/unusable and no longer serves a useful purpose for training. The CJS&T Field Specialist inspected the property and concurs with Region VI's disposal request.
VI	Withlacoochee Technical Institute Inverness	Various Items - See Attachment	Dispose – The property is obsolete/unusable and no longer serves a useful purpose for training. The CJS&T Field Specialist inspected the property and concurs with Region VI's disposal request.

VII	Daytona State College	Various Items - See Attachment	<p>Dispose – The property is obsolete/unusable and no longer serves a useful purpose for training.</p> <p>The CJS&T Field Specialist inspected the property and concurs with Region VII's disposal request.</p>
VII	Seminole State College	11 Riot Helmets	<p>Dispose – The property is obsolete/unusable and no longer serves a useful purpose for training.</p> <p>The CJS&T Field Specialist inspected the property and concurs with Region VII's disposal request.</p>
XIII	Broward College	25 Chairs with Armrest	<p>Dispose – The property is obsolete/unusable and no longer serves a useful purpose for training.</p> <p>The CJS&T Field Specialist inspected the property and concurs with Region XIII's disposal request.</p>
XVI	Florida Corrections Academy	Various Items - See Attachment	<p>Dispose – The property is obsolete/unusable and no longer serves a useful purpose for training.</p> <p>The CJS&T Field Specialist inspected the property and concurs with Region XVI's disposal request.</p>

AGENDA ITEM: B

General Information Agenda Item: Officer Records Quarterly Report

ISSUE NUMBER 1

This agenda item is presented to report the total officer count, total number of active officers who are required to meet their June 30, 2011 or June 30, 2012 mandatory retraining dates, total number of officers who have met their June 30, 2011 or June 30, 2012 mandatory retraining dates, total number of law enforcement officers required to meet their June 30, 2011 elder abuse investigations requirement, and total number of officers who have met their June 30, 2011 elder abuse investigations requirement.

EXECUTIVE SUMMARY

1. **Total officer count.** As of June 30, 2011, the total officer count is 85,550. Of these officers, the total officer count for law enforcement is 45,525, for correctional is 32,172, for correctional probation is 2,512 and for concurrent is 5,341.
2. **June 30, 2011 mandatory requirement date.** The total number of active officers who are required to meet their mandatory retraining requirement by June 30, 2011 is 18,495. Of these officers, 10,289* are law enforcement, 7,409* are correctional and 797* are correctional probation.
3. **Officers who have met the June 30, 2011 mandatory retraining date.** The number of officers who have met the June 30, 2011 mandatory retraining requirement date is 18,370.
4. **June 30, 2012 mandatory requirement date.** The total number of active officers who are required to meet their mandatory retraining requirement by June 30, 2012 is 20,004. Of these officers, 10,610* are law enforcement, 8,835* are correctional and 559* are correctional probation.
5. **Officers who have met the June 30, 2012 mandatory retraining date.** The number of officers who have met the June 30, 2012 mandatory retraining requirement date is 1,816.
6. **June 30, 2011 elder abuse investigations mandatory requirement date.** The total number of active law enforcement officers required to complete training in elder abuse investigations by June 30, 2011 is 50,569.
7. **Officers who have met the June 30, 2011 elder abuse investigations mandatory requirement date.** The number of law enforcement officers who have met the June 30, 2011 elder abuse investigations requirement is 50,072.
8. **ATMS reports.** Criminal justice employing agencies connected to the Automated Training Management System (ATMS) may access the agency mandatory retraining reports and reports concerning elder abuse investigations training completion via ATMS.

Note: *Active Officers and Concurrent Certifications.

RECOMMENDATION(S): This agenda item does not require Commission action.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: A vote is not required.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: A vote is not required.

AGENDA ITEM: C

General Information Agenda Item: Automated Training Management System Quarterly Report

ISSUE NUMBER 1

This agenda item is presented to report the information maintained by Automated Training Management System (ATMS), the number of agencies and training schools that access ATMS, and the available agency reports provided by ATMS.

EXECUTIVE SUMMARY

1. **Automated Training Management System.** ATMS maintains information of officers' employment history, statewide officer certification examinations, certifications earned and training attended for the basic recruit training academy, advanced training courses, and salary incentive purposes. ATMS can be used by employing agencies to manage employment registrations and separations, and entry of mandatory retraining data. Commission-certified training schools enter information about classes scheduled at their facility. Reports are available on-line to print or view an officer's status.
2. **Agencies and training schools using ATMS as of June 30, 2011** are 501 agencies. Of these agencies, 294 are police departments; 67 are sheriff's offices; 31 are correctional agencies; 56 are state agencies; 41 are training schools; and 12 are assessment centers. The number of individual ATMS users at all agencies is 2,611 and the number of active criminal justice officers at agencies using ATMS is 85,550.
3. **Available Agency ATMS Reports.** Current Employment; Fingerprints Not Submitted; Mandatory Retraining Due Dates; New Hire Detail; Salary Incentive; Termination Detail; ATMS User Accounts; Agency Certificate Applications; Agency Totals by Class and Type; Annual Report; Certification Requirements Met; Reviewed Certificate Applications; Agency Summary Page; State Summary Page; law enforcement; full time law enforcement; part time law enforcement, auxiliary, and correctional; full-time correctional; part time correctional, auxiliary, and correctional probation; full time correctional probation; part time concurrent; full time concurrent; WMD/ICS Training; Elder Abuse Training, Use of Force Training, Firearms Qualification, ATP Mandatory Retraining Due Dates; Instructor Mandatory Due Dates, and part time agency totals by race and sex.

RECOMMENDATION(s): This agenda item does not require Commission action.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: A vote is not required.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: A vote is not required.

AGENDA ITEM: D

General Information Agenda Item: Field Specialist Quarterly Report for April 2011 through June 2011

ISSUE NUMBER

This agenda item contains statistics for the number of activities performed by the Field Specialists for the **4th** quarter in the areas of: Criminal Justice Agencies contacted, Criminal Justice Training Schools contacted, classes monitored, certified instructor applications, and phone calls/workshops.

EXECUTIVE SUMMARY

1. Criminal Justice Agencies Contacted

- **Agency [Officer] New Hires:** A total of **992** officers were registered on ATMS as New Hires. During the audit process, Field Specialists found **189** non-compliance problems.
- **Agency [Officer] New Certifications:** A total of **975** officers were registered on ATMS as New Certifications. During the audit process, the Field Specialists found **161** non-compliance problems.
- **Agency Contacts & Assists:** A total of **791** agency contacts and assists were completed during this reporting period.

2. Criminal Justice Training School's Contacted and Classes Monitored

- **Basic High-Liability Training Classes Monitored:** A total of **14** basic high-liability classes were monitored by the Field Specialists. During the monitoring process, the Field Specialists found **2** non-compliance problems.
- **Basic Recruit Training Classes Monitored:** A total of **14** basic classes were monitored by the Field Specialists. During the monitoring process, Field Specialists found **0** non-compliance problems.
- **Advanced and Specialized Classes Monitored:** A total of **6** advanced/specialized classes were monitored by the Field Specialists. During the monitoring process, Field Specialists found **2** non-compliance problems.
- **Training School Contacts and Assists:** A total of **250** training school contacts and assists were completed during this reporting period.

3. Certified Instructor Applications. The Field Specialists reviewed **490** Criminal Justice Instructor applications. During the instructor application reviews, **97** deficiencies were found.

4. Phone Calls/Workshops.

- **2402** Incoming/Outgoing phone calls were handled by the Field Specialists during this three-month reporting period.
- **30** Workshops and training were conducted by the Field Specialists during this three-month reporting period.

RECOMMENDATION(S): This agenda item does not require Commission action.

AGENDA ITEM: E

General Information Agenda Item: Basic Abilities Test Quarterly Report for April 1, 2011 through June 31, 2011

ISSUE NUMBER 1

This agenda item is presented to the Commission to provide statistical data for the fourth quarter of FY 2010 - 2011 (April 2011 through June 2011) pass/fail rates for I/O Solutions, Miami-Dade Community College, and Morris & McDaniel, Inc.

EXECUTIVE SUMMARY

I/O SOLUTIONS – April 1, 2011 through June 31, 2011 Pass/Fail Rates

Discipline	Fail				Pass				Total	
	N		%		N		%		N	
Calendar Year	Q4	YTD	Q4	YTD	Q4	YTD	Q4	YTD	Q4	YTD
Law Enforcement	726	2,895	29.9%	34.3%	1,702	5,545	70.1%	65.7%	2,428	8,440
Correctional	233	1,216	35.2%	29.1%	428	2,969	64.8%	70.9%	661	4,185
Total	959	4,111	31.0%	32.6%	2,130	8,514	69.0%	67.4%	3,089	12,625

MIAMI-DADE COMMUNITY COLLEGE – April 1, 2011 through June 31, 2011 Pass/Fail Rates

Discipline	Fail				Pass				Total	
	N		%		N		%		N	
Calendar Year	Q4	YTD	Q4	YTD	Q4	YTD	Q4	YTD	Q4	YTD
Law Enforcement	99	271	11.8%	11.8%	737	2,032	88.2%	88.2%	836	2,303
Correctional	55	393	20.6%	18.2%	212	1,767	79.4%	81.8%	267	2,160
Correctional Probation	0	11	0.0%	45.8%	1	13	100.0%	54.2%	1	24
Total	154	675	13.9%	15.0%	950	3,812	86.1%	85.0%	1,104	4,487

MORRIS & MCDANIEL, INC. – April 1, 2011 through June 31, 2011 Pass/Fail Rates

Discipline	Fail				Pass				Total	
	N		%		N		%		N	
Calendar Year	Q4	YTD	Q4	YTD	Q4	YTD	Q4	YTD	Q4	YTD
Law Enforcement	20	70	8.5%	7.1%	216	917	91.5%	92.9%	236	987
Correctional	12	129	8.3%	9.4%	133	1,238	91.7%	90.6%	145	1,367
Total	32	199	8.4%	8.5%	349	2,155	91.6%	91.5%	381	2,354

YEAR-TO DATE PASS RATES FOR ALL VENDORS – July 1, 2010 through June 31, 2011 Pass/Fail Rates

Discipline	Fail				Pass				Total	
	N		%		N		%		N	
Calendar Year	Q4	YTD	Q4	YTD	Q4	YTD	Q4	YTD	Q4	YTD
Law Enforcement	845	3,236	24.1%	27.6%	2,655	8,494	75.9%	72.4%	3,500	11,730
Correctional	300	1,738	28.0%	22.5%	773	5,974	72.0%	77.5%	1,073	7,712
Correctional Probation	0	11	0.0%	45.8%	1	13	100.0%	54.2%	1	24
Total	1,145	4,985	25.0%	25.6%	3,429	14,481	75.0%	74.4%	4,574	19,466

RECOMMENDATION(s): This agenda item does not require Commission action

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: A vote is not required

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: A vote is not required

AGENDA ITEM: F

General Information Agenda Item: State Officer Certification Examination Quarterly Report

ISSUE NUMBER 1

The following data is provided for law enforcement, correctional, and correctional probation examinee performance on the State Officer Certification Examination (SOCE) for the fourth quarter of FY 2010 - 2011.

EXECUTIVE SUMMARY

STATE OFFICER CERTIFICATION EXAMINATION FOR BASIC RECRUIT TRAINING PROGRAMS	NUMBER OF APPLICANTS	PASSED	% PASSED
Florida CMS Law Enforcement BRTP	979	834	85%
Traditional Correctional BRTP	1028	749	73%
Florida Correctional Probation BRTP	N/A	N/A	N/A

STATE OFFICER CERTIFICATION EXAMINATION FOR EQUIVALENCY-OF-TRAINING PROGRAMS	NUMBER OF APPLICANTS	PASSED	%PASSED
Florida CMS Law Enforcement BRTP	155	108	70%
Traditional Correctional BRTP	26	10	38%
Florida Correctional Probation BRTP	N/A	N/A	N/A

RECOMMENDATION(s): This agenda item does not require Commission action.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: A vote is not required.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: A vote is not required.

SUPPORTING INFORMATION

1. SOCE results for the Florida CMS Law Enforcement Basic Recruit Training Program, **page 2**.
2. SOCE results for the Florida CMS Law Enforcement Basic Recruit Training Equivalency-of-Training applicants, **page 3**.
3. SOCE results for the Traditional Correctional Basic Recruit Training Program, **page 4**.
4. SOCE results for the Traditional Correctional Equivalency-of-Training applicants, **page 5**.
5. SOCE results for the Florida Correctional Probation Basic Recruit Training Program, **page 5**.
6. SOCE results for the Florida Correctional Probation Equivalency-of-Training applicants, **page 6**.

FLORIDA CMS LAW ENFORCEMENT BASIC RECRUIT TRAINING PROGRAM
STATE OFFICER CERTIFICATION EXAMINATION RESULTS FOR THE FOURTH QUARTER OF FY 2010 - 2011

Academy	Initial Exams				1 st Retake				2 nd Retake			
	4 th Qtr – FY 10/11		12 Month Results		4 th Qtr – FY 10/11		12 Month Results		4 th Qtr – FY 10/11		12 Month Results	
	Total	%Pass	Total	%Pass	Total	%Pass	Total	%Pass	Total	%Pass	Total	%Pass
Brevard Community College	17	82%	110	89%	1	100%	9	67%	N/A	N/A	2	50%
Broward College, Criminal Justice Institute	26	100%	101	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Chipola College	9	44%	32	50%	N/A	N/A	9	11%	N/A	N/A	5	40%
College Of Central Florida	4	100%	70	84%	4	50%	7	71%	N/A	N/A	N/A	N/A
Criminal Justice Academy Of Osceola	1	0%	56	79%	1	0%	9	44%	N/A	N/A	1	0%
Criminal Justice Institute At Valencia Community College	32	97%	142	95%	3	67%	8	63%	1	100%	1	100%
Daytona State College	29	83%	154	86%	5	40%	13	46%	N/A	N/A	5	40%
Florida Public Safety Institute	63	98%	174	94%	N/A	N/A	7	71%	N/A	N/A	1	0%
Florida Gateway College, Public Service Training Center	36	86%	118	84%	3	33%	12	50%	N/A	N/A	5	60%
Florida Highway Patrol Training Academy	1	100%	65	86%	5	100%	8	100%	N/A	N/A	N/A	N/A
Florida Keys Community College	N/A	N/A	13	77%	N/A	N/A	3	100%	N/A	N/A	N/A	N/A
George Stone Area Vo-Tech Center	3	100%	27	93%	2	100%	3	100%	N/A	N/A	N/A	N/A
Gulf Coast Community College	17	88%	57	81%	N/A	N/A	7	43%	N/A	N/A	2	50%
Hillsborough Community College	42	98%	147	97%	3	67%	7	71%	N/A	N/A	1	0%
Indian River State College	31	81%	110	84%	5	40%	14	64%	N/A	N/A	2	0%
Lake Technical Center, Institute Of Public Safety	32	97%	60	95%	1	100%	4	50%	N/A	N/A	N/A	N/A
Manatee Technical Institute	10	80%	57	91%	N/A	N/A	3	67%	N/A	N/A	1	100%
Miami Police Training Center	22	95%	53	92%	1	0%	4	50%	N/A	N/A	1	0%
Miami-Dade College	25	64%	226	81%	5	80%	32	63%	2	50%	11	55%
Miami-Dade Public Safety Training Institute	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
NE Florida CJ Training, Florida State College	32	100%	128	96%	1	100%	4	75%	N/A	N/A	1	100%
North Florida Community College	5	60%	17	71%	N/A	N/A	3	33%	N/A	N/A	N/A	N/A
Northwest Florida State College	32	88%	114	82%	4	75%	14	57%	N/A	N/A	4	25%
Palm Beach State College	86	90%	209	90%	3	33%	14	71%	N/A	N/A	4	100%
Pasco-Hernando Community College	49	71%	125	82%	5	60%	12	67%	N/A	N/A	2	50%
Polk State College	25	96%	88	86%	3	33%	9	67%	1	0%	1	0%
Santa Fe College Institute Of Public Safety	30	97%	106	94%	1	100%	4	100%	N/A	N/A	1	100%
Sarasota County Technical Institute	21	100%	61	95%	N/A	N/A	4	50%	N/A	N/A	1	100%
Seminole State College Of Florida	1	100%	147	84%	2	0%	13	69%	1	100%	2	100%
South Florida Community College	43	65%	95	72%	6	33%	13	31%	1	100%	4	75%
Southwest Florida Public Service Academy	35	89%	135	93%	N/A	N/A	5	20%	1	100%	2	50%
St. Johns River Community College	59	85%	152	88%	N/A	N/A	6	67%	N/A	N/A	2	0%
St. Petersburg College Southeastern Public Safety Institute	48	83%	97	92%	3	100%	3	100%	N/A	N/A	2	0%
Washington-Holmes Technical Center	6	50%	11	64%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Withlacoochee Technical Institute	33	94%	62	85%	N/A	N/A	7	14%	N/A	N/A	3	100%
Statewide	905	87%	3319	88%	67	58%	270	59%	7	71%	67	52%

FLORIDA CMS LAW ENFORCEMENT BASIC RECRUIT TRAINING EQUIVALENCY-OF-TRAINING APPLICANTS
STATE OFFICER CERTIFICATION EXAMINATION RESULTS FOR THE FOURTH QUARTER OF FY 2010 - 2011

Academy	Initial Exams				1 st Retake				2 nd Retake			
	4 th Qtr – FY 10/11		12 Month Results		4 th Qtr – FY 10/11		12 Month Results		4 th Qtr – FY 10/11		12 Month Results	
	Total	%Pass	Total	%Pass	Total	%Pass	Total	%Pass	Total	%Pass	Total	%Pass
Brevard Community College	14	79%	95	81%	4	25%	13	31%	2	50%	5	40%
Broward Community College	21	67%	55	73%	4	25%	8	63%	1	100%	2	50%
Chipola College	38	76%	98	70%	6	50%	13	38%	2	100%	7	29%
Florida Gateway College	3	67%	9	67%	1	100%	3	67%	N/A	N/A	1	100%
Florida Public Safety Institute	3	67%	15	80%	N/A	N/A	1	0%	N/A	N/A	N/A	N/A
Gulf Coast Community College	N/A	N/A	2	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Hillsborough Community College	1	100%	1	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Indian River State College	N/A	N/A	7	86%	N/A	N/A	1	100%	N/A	N/A	N/A	N/A
Kenneth C. Thompson Institute of Public Safety	11	82%	28	89%	N/A	N/A	1	0%	N/A	N/A	N/A	N/A
Lake Technical Center	12	75%	45	80%	2	0%	8	38%	2	100%	3	67%
Miami-Dade Public Safety Training Institute	N/A	N/A	1	100%	N/A	N/A	1	0%	N/A	N/A	N/A	N/A
NE Florida Criminal Justice Training & Education Center	N/A	N/A	1	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
North Florida Community College	N/A	N/A	1	0%	N/A	N/A	1	100%	N/A	N/A	N/A	N/A
Palm Beach State College	1	100%	9	56%	N/A	N/A	1	100%	N/A	N/A	N/A	N/A
South Florida Community College	N/A	N/A	N/A	N/A	1	0%	1	0%	N/A	N/A	N/A	N/A
Southwest Florida Public Service Academy	N/A	N/A	4	75%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
St. Petersburg College	20	80%	84	76%	6	33%	19	42%	N/A	N/A	4	75%
Washington-Holmes Technical Center	N/A	N/A	2	50%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Statewide	124	76%	457	80%	24	33%	71	42%	7	86%	22	50%

TRADITIONAL CORRECTIONAL BASIC RECRUIT TRAINING PROGRAM
STATE OFFICER CERTIFICATION EXAMINATION RESULTS FOR THE FOURTH QUARTER OF FY 2010 - 2011

Academy	Initial Exams				1 st Retake				2 nd Retake			
	4 th Qtr – FY 10/11		12 Month Results		4 th Qtr – FY 10/11		12 Month Results		4 th Qtr – FY 10/11		12 Month Results	
	Total	%Pass	Total	%Pass	Total	%Pass	Total	%Pass	Total	%Pass	Total	%Pass
Brevard Community College	29	90%	91	96%	N/A	N/A	1	100%	N/A	N/A	N/A	N/A
Chipola College	1	0%	49	67%	7	14%	12	17%	5	60%	7	43%
College Of Central Florida	30	87%	79	89%	N/A	N/A	8	50%	N/A	N/A	6	50%
Criminal Justice Institute At Valencia Community College	43	77%	111	83%	9	33%	20	60%	N/A	N/A	N/A	N/A
Daytona State College	1	100%	39	90%	N/A	N/A	4	50%	N/A	N/A	3	33%
Florida Public Safety Institute	7	86%	59	80%	N/A	N/A	10	40%	1	0%	5	60%
Florida Department Of Corrections	335	80%	1010	79%	74	49%	203	43%	20	40%	102	40%
Florida Gateway College	6	50%	34	79%	1	100%	6	33%	N/A	N/A	5	0%
George Stone Area Vo-Tech Center	15	87%	128	95%	N/A	N/A	4	75%	N/A	N/A	1	0%
Gulf Coast Community College	21	76%	80	78%	3	0%	13	8%	1	0%	8	25%
Hillsborough Community College	1	0%	53	89%	1	0%	7	43%	N/A	N/A	3	67%
Indian River State College	16	69%	53	79%	8	50%	11	36%	1	100%	4	75%
Lake Technical Center, Institute Of Public Safety	14	86%	34	74%	2	0%	9	44%	2	100%	6	67%
Manatee Sheriff's Office Training Center	1	100%	1	100%	N/A	N/A	2	0%	N/A	N/A	N/A	N/A
Miami-Dade College	52	83%	166	86%	6	33%	21	57%	2	50%	10	50%
Miami-Dade Public Safety Training Institute	35	94%	120	93%	2	50%	10	80%	1	0%	1	0%
NE Florida Criminal Justice Training & Education	N/A	N/A	27	85%	N/A	N/A	4	50%	N/A	N/A	4	50%
North Florida Community College	8	38%	19	47%	2	100%	8	50%	N/A	N/A	2	50%
Northwest Florida State College	N/A	N/A	29	76%	N/A	N/A	4	0%	N/A	N/A	1	100%
Palm Beach State College	34	79%	79	76%	5	60%	26	42%	2	50%	12	58%
Pasco-Hernando Community College	26	85%	94	82%	5	20%	15	53%	1	0%	4	50%
Polk State College	21	81%	75	93%	4	50%	5	60%	2	0%	3	0%
Santa Fe College Institute Of Public Safety	N/A	N/A	13	85%	N/A	N/A	2	0%	N/A	N/A	1	0%
Sarasota County Technical Institute	6	100%	19	95%	N/A	N/A	2	100%	N/A	N/A	N/A	N/A
Seminole State College Of Florida	7	71%	45	58%	1	0%	17	53%	N/A	N/A	2	50%
South Florida Community College	52	83%	136	88%	2	0%	9	33%	2	50%	5	60%
Southwest Florida Public Service Academy	11	45%	64	77%	4	25%	12	42%	N/A	N/A	1	100%
St. Johns River Community College	13	62%	57	58%	3	33%	16	38%	3	33%	7	57%
Washington-Holmes Technical Center Criminal Justice	15	73%	58	67%	3	67%	16	31%	N/A	N/A	4	50%
Withlacoochee Technical Institute	37	81%	88	77%	3	100%	12	58%	3	0%	8	38%
Statewide	837	80%	2910	81%	145	43%	489	44%	46	39%	215	44%

TRADITIONAL CORRECTIONAL EQUIVALENCY-OF-TRAINING APPLICANTS
STATE OFFICER CERTIFICATION EXAMINATION RESULTS FOR THE FOURTH QUARTER OF FY 2010 - 2011

Academy	Initial Exams				1 st Retake				2 nd Retake			
	4 th Qtr – FY 10/11		12 Month Results		4 th Qtr – FY 10/11		12 Month Results		4 th Qtr – FY 10/11		12 Month Results	
	Total	%Pass	Total	%Pass	Total	%Pass	Total	%Pass	Total	%Pass	Total	%Pass
Brevard Community College	2	50%	12	75%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Broward Community College	1	0%	9	22%	N/A	N/A	5	60%	N/A	N/A	1	100%
Chipola College	4	0%	20	60%	2	0%	3	33%	N/A	N/A	N/A	N/A
Florida Department of Corrections	1	0%	3	67%	1	0%	1	0%	N/A	N/A	N/A	N/A
Florida Gateway College	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Florida Public Safety Institute	N/A	N/A	2	50%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Indian River State College	N/A	N/A	5	80%	N/A	N/A	1	100%	N/A	N/A	N/A	N/A
Kenneth C. Thompson Institute of Public Safety	3	67%	6	67%	N/A	N/A	1	0%	N/A	N/A	N/A	N/A
Lake Technical Center	4	50%	7	71%	2	100%	3	67%	N/A	N/A	N/A	N/A
Miami-Dade Public Safety Training Institute	N/A	N/A	1	0%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Palm Beach State College	1	100%	2	50%	N/A	N/A	1	0%	N/A	N/A	N/A	N/A
Santa Fe College	N/A	N/A	1	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Southwest Florida Public Service Academy	N/A	N/A	2	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
St. Petersburg College	3	67%	17	65%	2	0%	4	50%	N/A	N/A	N/A	N/A
Washington-Holmes Technical Center	N/A	N/A	3	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Statewide	19	42%	90	63%	7	29%	19	47%	N/A	N/A	1	100%

FLORIDA CORRECTIONAL PROBATION BASIC RECRUIT TRAINING
STATE OFFICER CERTIFICATION EXAMINATION RESULTS FOR THE FOURTH QUARTER OF FY 2010 - 2011

Academy	Initial Exams				1 st Retake				2 nd Retake			
	4 th Qtr – FY 10/11		12 Month Results		4 th Qtr – FY 10/11		12 Month Results		4 th Qtr – FY 10/11		12 Month Results	
	Total	%Pass	Total	%Pass	Total	%Pass	Total	%Pass	Total	%Pass	Total	%Pass
Florida Public Safety Institute	N/A	N/A	73	93%	N/A	100%	6	83%	N/A	N/A	1	100%
Statewide	N/A	N/A	73	93%	N/A	100%	6	83%	N/A	N/A	1	100%

FLORIDA CORRECTIONAL PROBATION EQUIVALENCY-OF-TRAINING APPLICANTS
 STATE OFFICER CERTIFICATION EXAMINATION RESULTS FOR THE FOURTH QUARTER OF FY 2010 - 2011

Academy	Initial Exams				1 st Retake				2 nd Retake			
	4 th Qtr – FY 10/11		12 Month Results		4 th Qtr – FY 10/11		12 Month Results		4 th Qtr – FY 10/11		12 Month Results	
	Total	%Pass	Total	%Pass	Total	%Pass	Total	%Pass	Total	%Pass	Total	%Pass
Chipola College	N/A	N/A	1	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Statewide	N/A	N/A	1	100%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

AGENDA ITEM: G

General Information Agenda Item: Commission Basic Recruit Training Programs, and Advanced and Specialized Training Program Courses

ISSUE NUMBER 1

This agenda item is presented to advise the Commission of the most current Commission-approved Basic Recruit Training Programs, Advanced Training Program Courses, and Specialized Training Program Courses.

EXECUTIVE SUMMARY

1. Pursuant to Section 943.17, F.S., the Commission is responsible for the development and maintenance of basic recruit, advanced and specialized training programs for Florida law enforcement, corrections and corrections probation officers.
2. Basic recruit, advanced and specialized training programs approved or pending approval at this quarterly meeting and their effective dates are on **pages 2 – 5**.

RECOMMENDATION(S): This agenda item does not require Commission action.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: A vote is not required.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: A vote is not required.

SUPPORTING INFORMATION

1. Commission Basic Recruit Training Programs Basic Recruit Training Programs, **page 2**.
2. Commission Basic Recruit Training Programs Cross-Over Basic Recruit Training Programs, **page 2**.
3. Commission Basic Recruit Training Programs Auxiliary Basic Recruit Training Programs, **page 2**.
4. Commission Advanced Training Program Course, **pages 2 – 4**.
5. Commission Specialized Instructor Training Program Courses, **page 4**.
6. Commission Specialized Training Program Courses, **pages 4 – 5**.

Course Number	Commission Basic Recruit Training Programs Full Basic Recruit Training Programs	Course Hours	Courses E-Effective U-Updated
1177	Florida CMS Law Enforcement Basic Recruit Training Program (Version 2011.07)	770	E-07/01/11
502	Traditional Correctional Basic Recruit Training Program (Version 2011.07)	552	E-07/01/11
1176	Florida Correctional Probation Basic Recruit Training Program (Version 2011.07)	465	E-07/01/11

Course Number	Commission Basic Recruit Training Programs Cross-Over Basic Recruit Training Programs	Course Hours	Courses E-Effective U-Updated
1181	Law Enforcement Officer Cross-Over Training to Traditional Correctional (Version 2011.07)	199	E-07/01/11
1184	Law Enforcement Officer Cross-Over Training to Florida Correctional Probation (Version 2011.07)	112	E-07/01/11
1183	Correctional Officer Cross-Over Training to Florida Correctional Probation (Version 2011.07)	172	E-07/01/11
1178	Correctional Officer Cross-Over Training to Florida CMS Law Enforcement (Version 2011.07)	457	E-07/01/11
1182	Correctional Probation Officer Cross-Over Training to Traditional Correctional (Version 2011.07)	256	E-07/01/11
1179	Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement (Version 2011.07)	529	E-07/01/11

Course Number	Commission Basic Recruit Training Programs Auxiliary Basic Recruit Training Programs	Course Hours	Courses E-Effective U-Updated
501	Correctional Auxiliary Officer Basic Recruit Training Program (Version 2011.07)	254	E-07/01/11
1180	CMS Law Enforcement Auxiliary Officer Basic Recruit Training Program (Version 2011.07)	319	E-07/01/11

Course Number	Commission Advanced Training Program Courses	Course Hours	Courses E-Effective U-Updated
006	Line Supervision (Version 2009.10)	80	E-10/01/09 U-06/08/10
107	Middle Management (Version 2008.08)	40	E-08/07/08
011	Developing and Maintaining a Sound Organization (Version 2011.04)	40	E-04/01/11
012	Planning the Effective Use of Financial Resources (Version 2010.10)	40	E-10/01/10
013	Building and Maintaining a Sound Behavioral Climate (Version 2011.04)	40	E-04/01/11
016	Narcotics and Dangerous Drugs Investigations (Version 2005.07)	40	E-07/01/05 U-02/10/10
019	Criminal Law (Version 2010.04)	40	E-04/01/10
020	Case Preparation and Court Presentation (Version 2010.10)	40	E-10/01/10
032	Special Tactical Problems (Version 2010.10)	40	E-10/01/10

033	Sex Crimes Investigations (Version 2007.01)	40	E-01/01/07 U-01/15/10
036	Injury and Death Investigations (Version 2010.04)	40	E-04/01/10
047	Interviews and Interrogations (Version 2010.04)	40	E-04/01/10
050	Stress Management Techniques (Version 2006.04)	40	E-04/01/06
053	Crisis Intervention (Version 2010.10)	40	E-10/1/10
054	Organized Crime (Version 2011.10)	40	E-10/01/11
057	Discipline and Special Confinement Techniques (Version 2010.01)	40	E-01/01/10 U-02/18/10
058	Supervision of the Youthful Offender (Version 2010.04)	40	E-04/01/10
068	Advanced Report Writing and Review (Version 2010.04)	40	E-04/01/10
072	Firefighting for Correctional Officers (Version 2010.10)	40	E-10/1/10
073	Community and Human Relations (Version 2011.04)	40	E-04/01/11
074	Substance Abuse and Awareness Education (Version 2005.04)	40	E-04/01/05 U-02/01/10
077	Underwater Police Science and Technology	80	E-08/01/86
080	Computers and Technology in Criminal Justice (Version 2011.04)	40	E-04/01/11
085	Emergency Preparedness for Correctional Officers (Version 2006.11)	40	E-11/01/06
087	Advanced Traffic Homicide Investigations (Version 2011.04)	80	E-04/01/11
088	Traffic Crash Reconstruction (Version 2011.04)	80	E-04/01/11
090	School Resource Officer (Version 2008.10)	40	E-10/30/08
091	Domestic Intervention (Version 2011.10)	40	E-10/01/11 U-01/04/10
093	Hostage Negotiation (Version 2011.07)	40	E-07/01/11
094	Drug Abuse Resistance Education (D.A.R.E.) – FDLE Instructed Only	80	NA
094 & 097	Drug Abuse Resistance Education (D.A.R.E.)	40	NA
096	Drug Abuse Resistance Education (D.A.R.E.)	40	NA
098	Basic Traffic Homicide Investigations (Version 2011.04)	80	E-04/01/11
100	Crimes Against the Elderly (Version 2006.04)	40	E-04/01/06 U-02/01/10
809	Field Training Officer Course for Law Enforcement Officers (Version 2010.04)	40	E-04/01/10
1100	Field Training Officer Course for Correctional Officers (Version 2010.10)	40	E-10/1/10
1151	Conducting Background Investigations (Version 2005.04)	40	E-04/01/05
1152	Investigation and Supervision of Officer Involved Shootings (Version 2005.07)	40	E-07/01/05
1153	Computer Crime Investigations (Version 2011.04)	40	E-04/01/11
1154	Financial Fraud Investigations (Version 2011.10)	40	E-10/01/11
1158	Speed Measurement Course (Version 2008.08)	40	E-08/07/08 U-09/28/09
1161	Managing and Communicating with Inmates and Offenders (Version 2006.11)	40	E-11/16/06
1163	Gangs and Security Threat Groups (Version 2009.01)	40	E-01/01/09 U-06/15/10
1164	Inmate Manipulation (Version 2006.06)	40	E-06/01/06
1165	Spanish for Criminal Justice Professionals (Version 2011.04)	40	E-04/01/11
1166	Advanced Investigative Techniques of Human Trafficking Offenses (Version 2010.10)	40	E-10/1/10

1187	Investigating Crimes Against Children (Version 2010.02)	40	E-02/04/10
1188	Field Training Officer Course for Correctional Probation Officers (Version 2011.04)	40	E-04/01/11

Course Number	Commission Specialized Instructor Training Program Courses	Course Hours	Courses E-Effective U-Updated
800	CMS Vehicle Operations Instructor Course (Version 2011.07)	40	E-07/01/11
801	CMS Firearms Instructor Course (Version 2011.07)	44	E-07/01/11
802	CMS Defensive Tactics Instructor Course (Version 2011.07)	80	E-07/01/11
1107	Canine Team Training Instructor Course	40	E-10/01/87
1110	Breath Test Instructor Course (Version 2007.03)	40	E-03/01/07 U-9-28-09
1111	Breath Test Instructor Renewal Course (Version 2007.03)	8	E-03/01/07 U-9-28-09
1114	CMS First Aid Instructor Course (Version 2011.07)	40	E-07/01/11
1115	General Instructor Refresher Course (Version 2011.07)	8	E-07/01/11
1159	Speed Measurement Instructor Course (Version 2011.07)	40	E-07/01/11
1186	Florida General Instructor Techniques Course (Version 2011.07)	64	E-07/01/11

Course Number	Commission Specialized Training Program Courses	Course Hours	Courses E-Effective U-Updated
732	Traffic Control Officer for Civilians	8	E-01/01/97
808	CMS Field Training Officer Transition Course (Version 2003.11)	8	E-11/06/03
850	Agency Inspector Course (Version 2007.03)	24	E-03/01/07
851	Breath Test Operator Course (Version 2010.03)	16	E-03/01/10
950	Agency Inspector Renewal Course (Version 2007.03)	6	E-03/01/07
951	Breath Test Operator Renewal Course (Version 2010.03)	4	E-03/01/10
1112	Canine Team Training Course	400	E-10/01/87
1125	Contraband Forfeiture	40	E-01/01/96
1126	Human Diversity In-service Training for Professionalism and Ethics	4	E-07/01/97
1127	Human Diversity In-service Training for Interdependent Relationships	8	E-07/01/97
1128	Human Diversity In-service Training for Reducing Inter-group Conflict	4	E-07/01/97
1129	Human Diversity In-service Training for Sexual Harassment in the Workplace	4	E-07/01/97
1130	Human Diversity In-service Training for Specialized Topics in Diversity	4	E-07/01/97
1131	Human Diversity In-service Training for Discriminatory Profiling and Professional Traffic Stops	4	E-10/01/02
1132	Parking Enforcement Specialist for Civilians	16	E-12/01/00
1133	Selective Traffic Enforcement Program for Civilians	80	E-06/01/01
1134	Criminal Justice Officer Ethics Course (Version 2005.04)	8	E-04/01/05
1135	Crimes Against Children	24	E-12/01/98

1136	Domestic Violence (Version 2011.10)	8	E-10/01/11 U-01/04/10
1137	Violent Crime Investigator Training Course	40	E-07/01/95
1140	Basic Incident Command System (ICS) Course	6	NA
1141	Intermediate Incident Command System (ICS) Course	21	NA
1142	Advanced Incident Command System (ICS) Course	16	NA
1144	CMS Human Interaction Course (Version 2004.07)	16	E-07/01/04
1149	CMS Special Populations Course (Version 2004.08)	32	E-08/05/04
1150	CMS Problem-Solving Model: SECURE Specialized Training Course (Version 2004.11)	6	E-11/18/04
1160	Dart-Firing Stun Gun (Version 2008.08)	8	E-08/07/08 U-10/22/08
1167	CMS General Instructor Update Course (Version 2007.11)	4	E-11/07/07
1169	CMS Defensive Tactics and Firearms Instructor Update Course (Version 2007.11)	6	E-11/07/07
1185	Elder Abuse Investigations (Qualifies for Mandatory Retraining) (Version 2008.10)	4	E-10/30/08
1189	Physical Fitness Trainer Course	32	E-05/19/11

AGENDA ITEM: H

General Information Agenda Item: Officer Discipline Quarterly Report for January 2011 – June 2011

ISSUE NUMBER 1

Officer Discipline statistics: Probable Cause Cases; Active Open Cases; Commission Disciplinary Case Report for January 2011 – June 2011; Commission Case Dispositions for January 2011 – June 2011; and Violations Report for January 2011 – June 2011.

EXECUTIVE SUMMARY

1. **Probable Cause Cases:** As of June 30, 2011, **378** probable cases have been presented in 2011 for the following months:
 - January – 0 cases
 - February – 74 cases
 - March – 85 cases
 - April – 0 cases
 - May – 126 cases
 - June – 93 cases
 - July – TBA cases
 - August – TBA cases
 - September – TBA cases
 - October – TBA cases
 - November – TBA cases
 - December – TBA cases
2. **Active open cases:** As of June 30, 2011, **1428** cases are open in the following categories:
 - Awaiting information: **709** cases (**49.65%**);
 - Pending probable cause: **121** cases (**8.47%**);
 - Pending final Commission action: **348** cases (**24.36%**);
 - Pending formal hearing: **48** cases (**3.37%**);
 - Probation/Suspension: **202** cases (**14.15%**).
3. January 2011 – June 2011, Commission Disciplinary Case Report: Commission Case Dispositions. See supporting information on **page 2**.
4. Violations Report: Most Frequent Violations presented to Commission and the Most Frequent Violations Resulting in Revocation or Relinquishment are on **page 3**.
5. Respondents who have completed probation or suspension are on **page 4**.
6. Officer discipline cases added to the National Decertification Index for the period January 2011 – June 2011: **139 Revocations; and 71 Voluntary Relinquishments.**

RECOMMENDATION(S): This agenda item does not require Commission action.

VOTING IMPACT

CONSEQUENCES OF A “YES” VOTE ON STAFF RECOMMENDATION: A vote is not required.

CONSEQUENCES OF A “NO” VOTE ON STAFF RECOMMENDATION: A vote is not required.

CJS&T COMMISSION DISCIPLINARY CASE REPORT FOR JANUARY TO JUNE 2011

Cases Presented to CJS&T Commission

CERTIFICATION TYPE	TOTAL NUMBER OF OFFICERS STATEWIDE	NUMBER OF CASES TAKEN TO FULL COMMISSION	NUMBER OF DISCIPLINARY CHARGES (VIOLATIONS)	NUMBER OF CASES DISMISSED/ NO CAUSED	NUMBER OF CASES DISCIPLINED	PERCENT OF OFFICERS DISCIPLINED
Law Enforcement	45,550	143	175	11	132	.29%
Correctional	32,180	277	330	24	253	.79%
Correctional Probation	2,514	12	12	2	10	.40%
Concurrent	5,347	16	25	1	15	.28%
TOTAL	85,591	448	542	38	410	1.76%

Case Dispositions by the CJS&T Commission

Certification Type	No Caused Dismissed Withdrew Application	Letter of Acknowledgment	Letter of Guidance	Probation	Suspended	Reprimand	Denied	Voluntary Relinquished	Revoked	TOTAL
Law Enforcement	11	24	9	16	25	3	0	26	31	145
Correctional	24	34	19	23	30	1	0	40	104	275
Correctional Probation	2	2	2	1	1	0	0	4	0	12
Concurrent	1	3	2	3	3	0	0	1	3	16
TOTAL	38	63	32	43	59	4	0	71	138	448

CJS&T COMMISSION VIOLATIONS REPORT FROM JANUARY TO JUNE 2011

Most Frequent Violations Presented to the CJS&T Commission (All Violations)

Law Enforcement Number of Violations	Correctional Number of Violations	Correctional Probation/ Number of Violations	Concurrent Number of Violations
18 – Assault (Assault, Battery, Excessive Force)	50 – Assault (Assault, Battery, Excessive Force)	3 – Public Order Crimes (-unprofessional relationship;-misuse of public position)	3 – Assault (Battery)
			3 – Weapon Offense
14 – Public Order Crimes (Official Misconduct, Misuse of Public Position, Sex on Duty, Computer Offense)	22 – DUI	2 – Fraud (Insufficient Funds)	2 – DUI
	19 – Fraud (Insufficient Funds, False Statement)		2 – Perjury
	6 – Smuggle Contraband	1 – False Statement	2 – No Criminal Charge*
	6 – No Criminal Charge*	1 – No Criminal Charge*	
15 – DUI	4 – Perjury		
11 – Perjury	4 – Larceny		
6 – False Statement	3 - Fraud		
4 – Resisting Officer			

Most Frequent Violations Presented to the CJS&T Commission Resulting in REVOCATION or RELINQUISHMENT

Law Enforcement Number of Violations	Correctional Number of Violations	Correctional Probation Number of Violations	Concurrent Number of Violations
15 – Assault (Assault, Battery, Excessive Force)	38 – Dangerous Drugs	3 – No Criminal Charge*	2 – Assault
	30 – Assault (Assault, Battery, Excessive Force)	1 – Unprofessional Relationship	2 – Public Order Crimes
10 – Official Misconduct			1 – Fraud
8 – Larceny	28 – Probation		1 – Larceny
7 – Dangerous Drugs	14 – Smuggle Contraband		1 – False Statement
5 – Fraud	13 – No Criminal Charge*		
4 – False Statement	11 - Larceny		
	9 – Unprofessional Relationship		

*Most are relinquishment of certification in lieu of reimbursing employing agency for expenses related to training as a result of separation from agency within 2 years of graduating from basic recruit training.

RESPONDENTS WHO HAVE COMPLETED
THEIR PROBATION OR SUSPENSION

Respondent's Name	Case Number	Date Probation/Suspension Completed
Barbosa, Luis	25428	Probation – June 5, 2011
Bonds, Claude	28717	Probation – May 11, 2011
Brown, Anthony	27248	Probation – April 4, 2011
Brown, Kiyati	27119	Probation – April 19, 2011
Carter, Kevin	25171	Probation – April 4, 2011
Davis, Tequesta	26914	Probation – May 27, 2011
Gaskin, Stephen M.	26220	Probation – June 20, 2011
Grayson, Lorraine	21780	Probation – June 2, 2011
Hauser, Darrick J.	28834	Probation – June 23, 2011
Letona, Sean	28121	Probation – June 29, 2011
Quintana, Hernan	28981	Probation – June 28, 2011
Turner, Alford L.	27888	Probation – May 2, 2011