

**AGENDA
FLORIDA DEPARTMENT OF LAW ENFORCEMENT**

February 14, 2006

ITEM 1. Respectfully submit the **Minutes of the November 22, 2005 Cabinet Meeting.**

(See Attachment 1)

RECOMMEND APPROVAL

ITEM 2. Respectfully submit the **Florida Department of Law Enforcement Quarterly Performance Report 2nd Quarter Fiscal Year 2005-2006 and Contracts, Agreements, and Purchases over \$100,000 from October 1 through December 31, 2005.**

(See Attachment 2)

RECOMMEND APPROVAL

ITEM 3. Respectfully submit the following **rules for final adoption in Title 11 of the Florida Administrative Code.** Upon approval by the Governor and Cabinet, the adopted rules will take effect on or after March 20, 2006.

(See Attachment 3)

RECOMMEND APPROVAL

Rule 11B-14 Salary Incentive Program - This rule chapter is revised to update Training Report form CJSTC-67.

Rule 11B-18 Criminal Justice Standards and Training Trust Fund - This rule chapter is revised to add two new Commission-certified criminal justice training schools for Regions IX and X.

Rule 11B-20 Certification of Criminal Justice Training Instructors - This rule chapter is revised to: update Commission forms; remove the requirement to complete courses in a specific sequence for obtaining certification as a high-liability instructor; clarify existing rule language; remove the Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program from the list of programs that require a certified law topics instructor; provide that instructor renewal dates shall not change when adding additional instructor certification topics; and to add the specific date of March 31st for renewal of instructor certifications.

Rule 11B-21 Certification of Criminal Justice Training Schools - This rule chapter is revised to change the Training School Customer Survey from being conducted twice during the school's certification period to being conducted annually, and to correct a typo on form CJSTC-202.

Rule 11B-27 Certification and Employment or Appointment - This rule chapter is revised to: update Commission forms; revise moral character offenses; revise officer discipline penalty guidelines and range of penalties; add rule language for the mandatory retraining requirement for law enforcement officers to complete the Law Enforcement Officer Firearms Qualification Standard every two years; and to add a time line for submitting certification eligibility form CJSTC-59.

Rule 11B-30 State Officer Certification Examination - This rule chapter is revised to: update Commission forms; provide flexibility for imposing one or more sanctions for acts committed by an applicant for violating the Commission's statewide certification examination rules; and to require that only the Examination Admission Voucher Form CJSTC-517 is allowed in the examination test area.

Rule 11B-35 Training Programs - This rule chapter is revised to: update Commission forms, decrease course hours in the Traditional Correctional Basic Recruit Training Program and cross-over training programs; retire the Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program and include provisions for completion of the program prior to implementation of the new Curriculum Maintenance System Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program; correct basic recruit training program course names; remove erroneous rule language; revise and add advanced and specialized training program courses.

Rule 11D-8 Implied Consent and Alcohol Testing Program - This rule chapter is revised to: incorporate the implementation of updated software for the Intoxilyzer 8000 and to update the Intoxilyzer 5000 forms to provide for uniformity with the Intoxilyzer 8000 forms.

Rule 11D-9 Edward Byrne Memorial Justice Assistance Grant Program - This rule chapter is revised to: comply with the federal requirements for merging the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program and the Local Law Enforcement Block Grant (LLEBG) Program; and to repeal Rule 11D-9.003, Limitations on Funds Use and Rule 11D-9.004, Eligible Purposes and Programs.

Rule 11N-1 Violent Crime Investigative Emergency and Drug Control Implementation Account - This rule chapter is revised to: clarify rule language concerning matching funding for the Violent Crime and Drug Control Strategy Implementation Account; update the name of the database used in tracking drug crime; update rule language to conform with statutory language in describing the Statewide Drug Policy Advisory Council; change the funding request deadline to allow staff more time to process requests; clarify when and how overtime and leave records for members paid from Council funding are addressed; ensure that penalty

language for agencies violating the rule are clear and the information agencies send to the Florida Department of Law Enforcement is received in a timely manner; clarify which forms shall be forwarded to specified workgroups; and to change the recipient for Victim/Witness applications from an individual to a position.

**Cabinet Affairs Contact
Administrator Heather Smith
410-7001**

MINUTES
FLORIDA DEPARTMENT OF LAW ENFORCEMENT

November 22, 2005

The Florida Department of Law Enforcement met on this date in the Cabinet Meeting Room, LL-03, The Capitol, Tallahassee, Florida with the following Cabinet members present:

Honorable Jeb Bush, Governor
Honorable Charles H. Bronson, Commissioner of Agriculture
Honorable Charlie Crist, Attorney General
Honorable Tom Gallagher, Chief Financial Officer

ITEM 1. Respectfully submit the **Minutes of the October 4, 2005 Cabinet Meeting.**

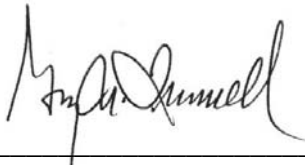
Motion to approve by Chief Financial Officer Gallagher. Seconded by General Crist. Minutes approved without objection.

ITEM 2. Respectfully submit the **Florida Department of Law Enforcement's Quarterly Performance Report 1st Quarter Fiscal Year 2005-2006 and Contracts, Agreements, and Purchases over \$100,000 from July 1 through September 30, 2005.**

Motion to approve by Chief Financial Officer Gallagher. Seconded by Commissioner Bronson. Report approved without objection.

ITEM 3. Respectfully submit the **Florida Department of Law Enforcement's 2006 Proposed Legislative Initiatives.**

Motion to approve by Chief Financial Officer Gallagher. Seconded by General Crist. Initiatives approved without objection.



Guy M. Tunnell
Commissioner



Carol Bishop
Secretary

The background of the entire page is a repeating pattern of the Florida Department of Law Enforcement seal. Each seal features a central figure holding a scale and a sword, surrounded by the text "DEPARTMENT OF LAW ENFORCEMENT" and "STATE OF FLORIDA".

Quarterly Performance Report

Fiscal Year 2005-2006
Second Quarter

Guy M. Tunnell, Commissioner

Executive Direction and Support Program

Executive Direction and Support Services

• Administrative support costs as a percent of total agency costs	3%	4%
• Number of grants disbursed	360	400
• Total number of agencies and jails accredited	130	156
• Number of cases awarded emergency violent crime funds	35	18

Investigations and Forensic Science Program

Crime Laboratory Services

• Number / percent of lab service requests completed	39,320 / 86%	73,112 / 95%
• Average number of days to complete lab service requests		
1. AFIS (Automated Fingerprint Identification System)	40	45
2. CER (Computer Evidence Recovery)	53	90
3. Chemistry	69 ¹	30
4. Crime Scene	39 ¹	30
5. Firearms	163 ¹	80
6. Latents	83 ¹	60
7. Microanalysis	159 ¹	115
8. Serology / DNA	181 ¹	111
9. Toxicology	32	40
• Number of DNA samples added to the DNA Database	25,056	36,000
• Number of crime scene service requests completed	286	600

Investigative Services

• Number of criminal investigations worked	1,598	2,500
• Number / percent of criminal investigations closed	409 / 26%	900 / 46%
• Number / percent of closed criminal investigations resolved	356 / 87%	702 / 78%
• Number / percent of criminal investigations closed resulting in arrest	278 / 68%	585 / 65%
• Number of short-term investigative assists worked	4,478	3,678
• Number of domestic security concerns reported and responded to by Regional Domestic Security Task Forces	373	1,000

Mutual Aid and Prevention Services

• Number of dignitaries provided with FDLE protective services	18	52
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Public Assistance Fraud Investigative Services

• Amount of fraudulent benefits withheld as a result of public assistance fraud investigations	\$7.5 M ²	\$20.1 M
• Number of public assistance fraud investigations conducted	1,707 ²	5,625

Florida Capitol Police Program

Capitol Police Services

• Number of criminal incidents per 1,000 employees	4.51	9.38
• Number of officer patrol hours	50,133	96,432
• Number of calls for service	4,322	7,489

	2 nd Quarter Performance	Standard FY 05-06
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Information Program

Network Services

• Percentage of responses from FCIC hot files that contain substantive information within defined timeframes	100%	98%
• Percentage of time FCIC is running and accessible	100%	99.50%
• Percentage response to criminal history record check customers within defined timeframes	86%	94%
• Percentage of criminal arrest records received electronically (through AFIS) for entry into the criminal history system	91%	89%
• Number of certified operators	52,936	55,643

Prevention and Crime Information Services

• Percentage of criminal history information records compiled accurately	93%	93%
• Number of responses to requests for criminal history record checks	1,332,961	1,770,000
• Number of registered sexual predators / offenders identified	36,537	32,196
• Number of missing children cases worked through MCIC	3,257	3,000
• Number of arrest records created and maintained	17,288,337	15,965,000
• Number of criminal history errors corrected	49,355	130,000
• Number of disposition records added to the criminal history file	445,325	750,000

Professionalism Program

Law Enforcement Training and Certification Services

• Number / percent of individuals who pass the basic professional certification examination for law enforcement officers, correctional officers, and correctional probation officers	3,173 / 78%	5,600 / 80%
• Number of course curricula and examinations developed / revised	131	135
• Number of examinations administered	4,185	7,000
• Number of individuals trained by the FCJEI	609	764
• Number of law enforcement officers trained by D.A.R.E.	116	145
• Number of professional enforcement certificates issued	11,544	25,000
• Number of domestic security training courses delivered	418	150

Law Enforcement Standards Compliance Services

• Percentage of training schools in compliance with standards	81%	80%
• Number of breath-testing instruments inspected	368	491
• Number of discipline referrals processed for state and local LEOs, COs, and CPOs pursuant to Chapter 120, F.S.	761	1,500
• Number of criminal justice officer disciplinary actions	330	452
• Number of program and financial compliance audits performed	1,272	2,000
• Number of records audited to validate the accuracy and completeness of ATMS2 record information	4,821	8,000



CARTs Become National Model - On November 30, the United States Department of Justice (DOJ) announced that Florida's Child Abduction Response Team (CART) concept had been selected as a model for training that will be conducted nationwide. Beginning January 2006, DOJ's Office of Justice Programs will conduct training in ten regions across the country. The CART response model will soon be utilized across the U.S. to maximize resources, augment local capabilities, and address the challenges of a child abduction. CARTs in each region were developed and implemented in an effort to provide Florida with an immediate and experienced response to child abductions. The CART is a pool of professionals from numerous agencies who partner to respond to an abduction with pre-established protocols and a multitude of resources. In Florida, CARTs have been activated 13 times and have assisted in 11 successful recoveries.

Diversion Response Teams Breakup Internet Pharmacy Operations – On December 14, three suspects were picked up in early morning sweeps by members of the South Florida Diversion Response Team, a multi-agency task force composed of the Attorney General's Medicaid Fraud Control Unit, FDLE, Florida Department of Health, and the federal Drug Enforcement Administration on charges they operated unlicensed internet-based "pill mills" from Florida. The investigation revealed that New Day Pharmacy and Best International Pharmacy, both located in Miami, filled nationwide orders for powerful painkillers and other controlled medications including hydrocodone, alprazolam and phentermine, without the legally required supervision of a pharmacist. Investigators estimate the total value of the drugs seized from both pharmacies at more than \$750,000.

Agencies Combine to Arrest Georgia Murder Suspects - In early December, FDLE partnered with southeastern local, state and federal law enforcement agencies to locate and arrest two Georgia murder suspects. After Richard Warrell was found murdered in Hortense, Georgia, the Brantley County Sheriff's Office and the Georgia Bureau of Investigation issued warrants for Patrick Connelly and Krystal Hall (the victim's daughter) and called the FDLE Jacksonville Office for assistance, believing the two suspects may be headed to Florida. Working in conjunction with the U.S. Marshal's Service, FDLE and Georgia law enforcement located and arrested Krystal Hall without incident. Connelly was located the following day and fled in a stolen vehicle. Connelly crashed the vehicle and was arrested after a foot chase. Connelly and Hall were booked into the Duval County Jail without bond and face murder and burglary charges.

FDLE Hosts First Criminal Justice Instructors' Conference - The Criminal Justice Standards and Training Commission, in conjunction with FDLE, sponsored the first ever Criminal Justice Instructors' Conference in Orlando on October 17-20. The focus of this conference was to provide criminal justice instructors, from criminal justice agencies and academies, with a forum to discuss best practices and participate in training sessions. The training sessions included topics such as scenario development, inspirational training, effective use of technology, and measuring knowledge and abilities. Approximately 175 criminal justice instructors from all over the state representing law enforcement, corrections, and probation attended the conference.

¹ Average number of days to complete lab service requests – Laboratory turnaround standards and productivity were significantly affected by the increase in the number of service requests received and the number of members currently in trainee status.

² Public Assistance Fraud Services – Changes in federal food stamp program policies have resulted in the reduction of Administrative Hearings, a non-judicial process for case disposition. As a result, the Public Assistance Fraud program is engaged in more cases that involve criminal prosecution, which require more time and effort to investigate.

CONTRACTS, AGREEMENTS AND PURCHASES
OVER \$100,000 FOR OCTOBER 1ST THROUGH DECEMBER 31ST 2005

<u>P.O.#</u>	<u>VENDOR/SERVICE</u>	<u>AMOUNT</u>
*DO172987	Advance Systems Design, Inc. Information Technology (IT) services - staff augmentation, business process consultant for Integrated Criminal History System (FALCON) for Criminal Justice Information Program Term period: 10/1/05 thru 6/30/06	\$136,080
DO172986	Infinity Software Development, Inc. Information Technology (IT) services - analysis and programming for the Sex Offender/Predator System for Criminal Justice Information Program Term period: 10/1/05 thru 6/30/06	\$222,264
*DO129684	Advanced Systems Design, Inc. Information Technology (IT) services - systems analysis & programming for the Computerized Criminal History (CCH) system for Criminal Justice Information Program Term period: 7/1/05 thru 6/30/06	\$212,000
DO184249	Ciber, Inc. Information Technology (IT) services - service contracts manager for Integrated Criminal History System (FALCON) project for Criminal Justice Information Program Term period: 11/1/05 thru 6/30/06	\$119,616
*DO193780	Advance Systems Design, Inc. Information Technology (IT) services - senior systems analyst for Integrated Criminal History System (FALCON) project for Criminal Justice Information Program Term period: 11/1/05 thru 6/30/06	\$110,208

*Minority Vendors

CONTRACTS, AGREEMENTS AND PURCHASES
OVER \$100,000 FOR OCTOBER 1ST THROUGH DECEMBER 31ST 2005

<u>P.O.#</u>	<u>VENDOR/SERVICE</u>	<u>AMOUNT</u>
C9688A	Banc of America Leasing & Capital, LLC Three (3) year financing agreement for the purchase of new phone system for Tampa Regional Operations Center and Field Offices. Current system is 15 years old and at capacity with limited parts availability. Using VoiP technology, operating cost will be reduced while providing improved service. Allows use of current network structure statewide. VoiP technology provides an enterprise-wide long term solution as embedded systems age and need replacement. Term period: 10/19/05 thru 7/24/08	\$309,967
C9715A	Printrak International, Inc. This contract is for fingerprint conversion and tenprint system (including services, software and hardware) for the Integrated Criminal History System (FALCON) project. The conversion will provide an improved and non-proprietary information technology platform for automated fingerprint identifications. Term period 12/8/05 thru 12/8/06	\$2,350,000
C9765A	Sagem Morpho, Inc. This contract is to acquire and implement a Rapid ID system for the Integrated Criminal History System (FALCON) project. The Rapid ID system is the centralized IT system that will enable edge devices (1 and 2 digit readers) to interface with the state's Computerized Criminal History System and Automated Fingerprint Identification System. Term period: 12/19/05 thru 4/30/11	\$1,280,756
C9768A	B & L Associates Licenses and support for software products for Criminal Justice Information Program Term period: 1/1/06 thru 12/31/06	\$193,212

*Minority Vendors

February 3, 2006

Honorable Jeb Bush, Governor
Office of the Governor
The Capitol
Tallahassee, Florida 32399

Attention: Cabinet Affairs Director Kent Perez

Dear Governor Bush:

The enclosed rule adoption package is submitted to the Governor and Cabinet, as agency head, for formal approval on February 14, 2006, pursuant to s.120.54(3)(a)1, F.S. The Florida Department of Law Enforcement (FDLE) received no objections to initiate rulemaking during the ten (10) day objection period that expired on December 16, 2005. The approval date was December 19, 2005. There have been no substantive changes to the rules since that time.

The Notices of Proposed Rulemaking were published in the Florida Administrative Weekly on December 30, 2005. An opportunity for a public comment period and public hearings were provided. FDLE received no written requests for a public hearing. Written comments were submitted and are summarized below:

Regarding Rule 11D-8.007(1) – There was one objection to the amendment over concern that it would prevent examination of instruments by defense attorneys and DUI litigants. FDLE responded that the amendment would not limit or restrict such examinations as they are presently conducted.

FDLE also furnished a copy of the proposed rule revisions to the Joint Administrative Procedures Committee (JAPC) for examination and comment. JAPC has filed no objection to the proposed rule amendments.

FDLE requests approval for adoption of the submitted rules. Upon approval by the Governor and Cabinet, the adopted rules will take effect on or after March 20, 2006.

The rule package submitted to the Governor and Cabinet for approval pertains to: changes in Criminal Justice Standards & Training (CJST) curriculum; CJST Committee recommended changes to the Officer Discipline Penalty Guidelines; the addition of new software for the Implied Consent Program; the federal merger of the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program and the Local Law Enforcement Block Grant (LLEBG) Program; and the implementation of general policy changes recommended by the Violent Crime and Drug Control Council. The following is a summary of the rules:

Rule 11B-14 Salary Incentive Program

This rule chapter is revised to update Training Report form CJSTC-67.

Rule 11B-18 Criminal Justice Standards and Training Trust Fund

This rule chapter is revised to add two new Commission-certified criminal justice training schools for Regions IX and X.

Rule 11B-20 Certification of Criminal Justice Training Instructors

This rule chapter is revised to: update Commission forms; remove the requirement to complete courses in a specific sequence for obtaining certification as a high-liability instructor; clarify existing rule language; remove the Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program from the list of programs that require a certified law topics instructor; provide that instructor renewal dates shall not change when adding additional instructor certification topics; and to add the specific date of March 31st for renewal of instructor certifications.

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Rule 11D-9 Edward Byrne Memorial Justice Assistance Grant Program

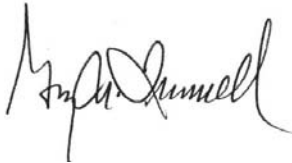
This rule chapter is revised to: comply with the federal requirements for merging the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program and the Local Law Enforcement Block Grant (LLEBG) Program; and to repeal Rule 11D-9.003, Limitations on Funds Use and Rule 11D-9.004, Eligible Purposes and Programs.

Rule 11N-1 Violent Crime Investigative Emergency and Drug Control Implementation Account

This rule chapter is revised to: clarify rule language concerning matching funding for the Violent Crime and Drug Control Strategy Implementation Account; update the name of the database used in tracking drug crime; update rule language to conform with statutory language in describing the Statewide Drug Policy Advisory Council; change the funding request deadline to allow staff more time to process requests; clarify when and how overtime and leave records for members paid from Council funding are addressed; ensure that penalty language for agencies violating the rule are clear and the information agencies send to the Florida Department of Law Enforcement is received in a timely manner; clarify which forms shall be forwarded to specified workgroups; and to change the recipient for Victim/Witness applications from an individual to a position.

If you have any questions concerning this package, please contact FDLE Cabinet Affairs Administrator Heather Smith at 410-7001.

Sincerely,

A handwritten signature in black ink, appearing to read "Guy M. Tunnell". The signature is fluid and cursive, with the first name "Guy" being particularly prominent.

Guy M. Tunnell
Commissioner

GMT/FR/fr

Enclosures

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

Chapter 11B-14, FLORIDA ADMINISTRATIVE CODE

AMENDING RULE 11B-14.002, F.A.C.

SALARY INCENTIVE PROGRAM

SUMMARY OF PROPOSED RULE

Revisions to this rule chapter are necessary to update Training Report form CJSTC-67.

JUSTIFICATION OF PROPOSED RULE

Revisions to this rule chapter are necessary to update Training Report form CJSTC-67.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on December 30, 2005, for a hearing to be held on January 24, 2006 if requested.

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

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

Chapter 11B-18, FLORIDA ADMINISTRATIVE CODE

AMENDING RULE 11B-18.004, F.A.C.

CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND

SUMMARY OF PROPOSED RULE

Revisions to this rule are made to add two new training schools.

JUSTIFICATION OF PROPOSED RULE

Revisions to this rule chapter are necessary to add two new training schools.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on December 30, 2005, for a hearing to be held on January 24, 2006 if requested.

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

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael Milnes, Property and Casualty Product Review, Office of Insurance Regulation, E-mail: michael.milnes@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II Proposed Rules

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Salary Incentive Program 11B-14

RULE TITLE: RULE NO.:

General Program Provisions 11B-14.002

PURPOSE AND EFFECT: Revises Commission form CJSTC-67.

SUMMARY: Revises Training Report form CJSTC-67.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), 943.22(2)(h) FS.

LAW IMPLEMENTED: 943.22 FS.

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

TIME AND DATE: 10:00 a.m., January 24, 2006

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, telephone number: (850)410-8615

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations

to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting Donna Hunt at (850)410-8615 or TDD Number (850)656-9597.

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-14.002 General Program Provisions.

(1) No change.

(2) Career Development Training Program Courses, as defined in subsection 11B-14.001(1), F.A.C., and Advanced Training Program Courses, as defined in subsection 11B-14.001(3), F.A.C., that have been successfully completed, as defined in subsection 11B-14.001(9), F.A.C., by eligible officers, shall be verified by the training center director or designee, as defined in paragraph 11B-21.005(8)(a), F.A.C. To verify successful completion of a Commission-approved Advanced or Career Development Training Program Course and to authorize salary incentive payments, a Training Report, form CJSTC-67, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference, shall be electronically transmitted to Commission staff through the Commission's ATMS.

(3) through (15) No change.

Specific Authority 943.03(4), 943.12(1), 943.22(2)(h) FS. Law Implemented 943.22 FS. History--New 10-16-78, Amended 9-11-79, 1-13-81, 5-16-83, 1-7-85, Formerly 11B-14.02, Amended 7-13-87, 9-3-87, 5-23-88, 5-14-92, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, telephone number: (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bureau Chief Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Criminal Justice Standards and 11B-18

Training Trust Fund 11B-18

RULE TITLE: RULE NO.:

Regional Training Areas 11B-18.004

PURPOSE AND EFFECT: Adds a new Commission-certified criminal justice training school to Region IX and X.

SUMMARY: Updates the Commission-certified criminal justice training school list.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

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

LAW IMPLEMENTED: 943.25(5) FS.

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

TIME AND DATE: 10:00 a.m., January 24, 2006

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, telephone number: (850)410-8615

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting Donna Hunt at (850)410-8615 or TDD Number (850)656-9597.

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-18.004 Regional Training Areas.

For the purposes of Officer Training Monies activities, there are established the following sixteen regional training areas:

- (1) through (8) No change.
- (9) Region IX.
 - (a) No change.
 - (b) Commission-certified training schools within Region IX: Hillsborough Community College Criminal Justice Institute, Manatee Technical Institute Criminal Justice Academy, Manatee Sheriff's Office Training Center, Pasco-Hernando Community College/Pasco-Hernando Police Academy, and St. Petersburg Junior College Southeastern Public Safety Institute.
 - (10) Region X.
 - (a) No change.
 - (b) Commission-certified training schools within Region X: Sarasota County Technical Institute/Sarasota Criminal Justice Academy, and Lee County Vocational High Technical Center (Central)/Southwest Florida Public Service Criminal Justice Academy.
- (11) through (16) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.25(5) FS. (Supp. 1998). History--New 1-13-81, Amended 7-28-82, 1-7-85, Formerly 11B-18.04, Amended 7-13-87, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, telephone number: (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bureau Chief Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Certification of Criminal Justice

RULE CHAPTER NO.: 11B-20

Training Instructors 11B-20

RULE TITLES: Definitions and Minimum Requirements

RULE NOS.:

for General Certification of Instructors 11B-20.001

Minimum Requirements for High-Liability and Specialized Topics Instructor Certification 11B-20.0014

Inspection of Instructor Certification Applications 11B-20.0016

Maintenance and Duration of Instructor Certifications 11B-20.0017

PURPOSE AND EFFECT: Revises Commission forms;

clarifies the requirements for obtaining high-liability instructor certification; clarifies when a certified law topic instructor shall be used to instruct cross-over training programs; removes obsolete training programs; and revises the deadline for renewal of instructor certifications.

SUMMARY: Revises Commission forms CJSTC-10, 67, 71, and 84; removes the requirement for completing courses in a specific sequence to obtain certification as a high-liability instructor; removes the Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program from the list of programs that require a certified law topics instructor; adds rule language to clarify that instructor renewal dates shall not change when adding additional instructor certification topics; and adds the specific date of March 31st for renewal of instructor certifications.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-20, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11B-20.001, 11B-20.0014, 11B-20.0016, and 11B-20.0017, F.A.C.

CERTIFICATION OF CRIMINAL JUSTICE TRAINING INSTRUCTORS

SUMMARY OF PROPOSED RULE

Revisions of this rule chapter are made to revise Commission forms CJSTC-10, 67, 71, and 84; remove the requirement for completing courses in a specific sequence to obtain certification as a high-liability instructor; remove the Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program from the list of programs that require a certified law topics instructor; add rule language to clarify that instructor renewal dates shall not change when adding additional instructor certification topics; and add the specific date of March 31st for renewal of instructor certifications.

JUSTIFICATION OF PROPOSED RULE

Revisions to this rule chapter are necessary to revise Commission forms; clarify the requirements for obtaining high-liability instructor certification; clarify when a certified law topic instructor shall be used to instruct cross-over training programs; remove obsolete training programs; and revise the deadline for renewal of instructor certifications.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on December 30, 2005, for a hearing to be held on January 24, 2006 if requested.

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

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

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

LAW IMPLEMENTED: 943.25(5) FS.

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

TIME AND DATE: 10:00 a.m., January 24, 2006

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, telephone number: (850)410-8615

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting Donna Hunt at (850)410-8615 or TDD Number (850)656-9597.

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-18.004 Regional Training Areas.

For the purposes of Officer Training Monies activities, there are established the following sixteen regional training areas:

- (1) through (8) No change.
- (9) Region IX.
 - (a) No change.
 - (b) Commission-certified training schools within Region IX: Hillsborough Community College Criminal Justice Institute, Manatee Technical Institute Criminal Justice Academy, Manatee Sheriff's Office Training Center, Pasco-Hernando Community College/Pasco-Hernando Police Academy, and St. Petersburg Junior College Southeastern Public Safety Institute.
 - (10) Region X.
 - (a) No change.
 - (b) Commission-certified training schools within Region X: Sarasota County Technical Institute/Sarasota Criminal Justice Academy, and Lee County Vocational High Technical Center (Central)/Southwest Florida Public Service Criminal Justice Academy.
- (11) through (16) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.25(5) FS. (Supp. 1998). History--New 1-13-81, Amended 7-28-82, 1-7-85, Formerly 11B-18.04, Amended 7-13-87, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, telephone number: (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bureau Chief Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Certification of Criminal Justice

RULE CHAPTER NO.: 11B-20

Training Instructors

11B-20

RULE TITLES: Definitions and Minimum Requirements

RULE NOS.:

for General Certification of Instructors

11B-20.001

Minimum Requirements for High-Liability and Specialized Topics Instructor Certification

11B-20.0014

Inspection of Instructor Certification Applications

11B-20.0016

Maintenance and Duration of Instructor Certifications

11B-20.0017

PURPOSE AND EFFECT: Revises Commission forms; clarifies the requirements for obtaining high-liability instructor certification; clarifies when a certified law topic instructor shall be used to instruct cross-over training programs; removes obsolete training programs; and revises the deadline for renewal of instructor certifications.

SUMMARY: Revises Commission forms CJSTC-10, 67, 71, and 84; removes the requirement for completing courses in a specific sequence to obtain certification as a high-liability instructor; removes the Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program from the list of programs that require a certified law topics instructor; adds rule language to clarify that instructor renewal dates shall not change when adding additional instructor certification topics; and adds the specific date of March 31st for renewal of instructor certifications.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 120.60(1), 943.03(4), 943.12(1), 943.14(3) FS.

LAW IMPLEMENTED: 120.60(1), 943.12(3), (9), 943.13(6), 943.14(3) FS.

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

TIME AND DATE: 10:00 a.m., January 24, 2006

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd floor, Tallahassee, Florida 32308-1489

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, telephone number: (850)410-8615

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting Donna Hunt at (850)410-8615 or TDD Number (850)656-9597.

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) Definitions:

(a) "Successful completion" of a course is documented as a "Pass" on the completed Training Report, form CJSTC-67, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference.

(b) through (g) No change.

(2) Instructor applicants applying for instructor certification shall:

(a) Complete the Instructor Certification Application, form CJSTC-71, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference;

(b) through (c) No change.

(3) through (4) No change.

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.14(3) FS. History—New 7-21-82, Formerly 11B-20.01, Amended 10-26-88, 5-14-92, 12-8-92, 1-10-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, _____.

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

(1) No change.

(2) High-Liability Instructor Certifications. Instructor applicants, who apply for a High-Liability Instructor Certification, shall have completed the applicable High-Liability Instructor Course within four years of the date the instructor applicant applies for certification. Instructor applicants, who apply for a High-Liability Instructor

Certification more than four years from the date training was completed, shall complete an internship and demonstrate the proficiency skills applicable to the high-liability topic. Instructor applicants shall meet the following requirements for High-Liability Instructor Certification for each topic requested.

(a) No change.

(b) CMS Vehicle Operations Instructor Certification. Instructor applicants who request to obtain certification to instruct vehicle operations topics in Commission-approved Basic Recruit Training Programs, the CMS Vehicle Operations Instructor Course, and CMS Vehicle Operations Instructor Transition Course, shall comply with the requirements for CMS General Instructor Certification pursuant to paragraph 11B-20.001(3)(b), F.A.C., and prior to successfully complete ~~completing~~ one of the following training courses through a training school:

(c) No change.

(d) CMS Firearms Instructor Certification. Instructor applicants who request to obtain certification to instruct firearms topics in Commission-approved Basic Recruit Training Programs, the CMS Firearms Instructor Course, and CMS Firearms Instructor Transition Course, shall comply with the requirements for CMS General Instructor Certification pursuant to paragraph 11B-20.001(3)(b), F.A.C., and prior to successfully complete ~~completing~~ one of the following training courses through a training school:

(e) No change.

(f) CMS Defensive Tactics Instructor Certification. Instructor applicants who request to obtain certification to instruct defensive tactics topics in Commission-approved Basic Recruit Training Programs, the CMS Defensive Tactics Instructor Course, and CMS Defensive Tactics Instructor Transition Course, shall comply with the requirements for CMS General Instructor Certification pursuant to paragraph 11B-20.001(3)(b), F.A.C., and prior to successfully complete ~~completing~~ one of the following training courses through a training school:

(g) No change.

(h) CMS First Aid Instructor Certification. These individuals shall possess a valid CPR instructor certification, which is at minimum, at the BLS "Healthcare Provider Level" with the American Heart Association, "CPR for the Professional Rescuer" with the American Red Cross, and American Safety and Health Institute, or "Advanced First Aid and CPR" with the National Safety Council. Instructor applicants who request to obtain certification to instruct the CMS First Aid for Criminal Justice Officers Course in Commission-approved Basic Recruit Training Programs, the CMS First Aid Instructor Course, and CMS First Aid Instructor Transition Course, shall comply with the requirements for CMS General Instructor Certification

pursuant to paragraph 11B-20.001(3)(b), F.A.C., ~~and prior to~~ successfully complete ~~completing~~ the following training courses through a training school:

(3) Specialized Topics Instructor Certifications. To obtain certification to instruct in specialized topics, the instructor applicant shall meet the following requirements for each specialized topic requested:

(a) Law Topics Instructor Certification for Traditional Basic Recruit Training Programs. Instructor applicants who request to obtain certification to instruct Commission-approved law topics of Arrest Laws, Attempt, Conspiracy and Solicitation, Burden of Proof, Civil and Criminal Liability, Classification of Offenses, Constitutional Law, Constitutional Law Overview, Court Rules and Trial Procedures, Court Structure, Elements of a Crime, Evidence Concepts, Evidence Rules, Intent, Legal Defense, Legal Show-up, Legal Line-up, Parties to a Crime, Probable Cause, Search and Seizure Concepts, Stop and Frisk Laws, and Use of Force, shall possess substantial law training and experience of a minimum of fifteen semester hours or college credit law courses, to include constitutional law and criminal law with a grade of "C" or above, and possesses six months of criminal justice experience. The following Commission-approved Basic Recruit Training Programs require certified law topic instructors:

1. through 4. No change.

~~5. Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program.~~

~~5.6. Traditional Correctional to Correctional Probation Basic Recruit Cross-Over Training Program.~~

~~6.7. Traditional Correctional Probation to Law Enforcement Basic Recruit Cross-Over Training Program.~~

~~7.8. Traditional Correctional Probation to Correctional Basic Recruit Cross-Over Training Program.~~

~~8.9. Law Enforcement Auxiliary Officer Basic Recruit Training Program.~~

~~9.10. Correctional Auxiliary Officer Basic Recruit Training Program.~~

~~10.11. Correctional Probation Auxiliary Officer Basic Recruit Training Program.~~

~~12. Law topics in the Commission-approved Basic Recruit Training Programs that require a law topics certified instructor.~~

(b) Speed Measurement Instructor Certifications. To be certified to instruct speed measurement training courses, an instructor applicant is required to complete the following training:

1. Radar Instructor Certification. An instructor applicant shall successfully complete the Radar Speed Measurement Instructor Course for Law Enforcement Officers at a training school, with the results recorded on a Laser and Radar Speed Measurement Device Instructor Field Evaluation, form CJSTC-10, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference.

2. No change.

(c) through (d) No change.

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.13 (6), 943.14(3) FS. History--New 7-29-01, Amended 11-5-02, 11-30-04,_____.

11B-20.0016 Inspection of Instructor Certification Applications.

(1) through (2) No change.

(3) The effective date of the instructor certification shall be the date the application is approved by Commission staff. Application for additional instructor certification topics shall be made pursuant to Rules 11B-20.001 and 11B-20.0014, F.A.C. An instructor's renewal date shall not change with the addition of instructor certification topics. Any additional instructor certification topics applied for within six months of the instructor's renewal deadline shall automatically renew on the renewal deadline.

(4) No change.

Specific Authority 120.60(1), 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 120.60(1), 943.12(3), (9), 943.14(3) FS. History--New 7-29-01, Amended 11-5-02, 11-30-04,_____.

11B-20.0017 Maintenance and Duration of Instructor Certifications.

Documentation for instructors shall be maintained in the instructor's file at the respective training school or agency. Additionally, the training school or agency shall submit or transmit to Commission staff, through the Commission's ATMS, an Instructor Compliance Application, form CJSTC-84, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference, to verify compliance with the mandatory retraining requirements. Instructors whose Traditional General Instructor Certification or CMS General Instructor Certification has lapsed shall complete the General Instructor Refresher Course. Instructors whose High-Liability Instructor Certification has lapsed shall demonstrate proficiency skills in the applicable high-liability topic. Instructors whose Specialized Topics Instructor Certification has lapsed shall complete an internship in the applicable high-liability topic.

(1) Instructors shall successfully complete the instructional, proficiency, and continuing education requirements outlined below every four years. The expiration of an instructor's certification shall be March 31st of the fourth year following the instructor's initial certification.

Example:

<u>Original Instructor Certification Date</u>	<u>November 21, 2005</u>
<u>Instructor Four-year Anniversary Date</u>	<u>November 21, 2009</u>
<u>Instructor Renewal Deadline</u>	<u>March 31, 2010</u>

~~(2)(+)~~ Instructors shall maintain Good Moral Character Standards pursuant to paragraph 11B-20.0012(2)(c), F.A.C.

~~(3)~~~~(2)~~ Traditional General Instructor Certification. Instructors who possess a Traditional General Instructor Certification shall instruct in a Traditional Basic Recruit Training Program Course, Advanced Training Program Course, or non-CMS Specialized Training Program Course delivered at a training school, or in-service training course delivered at an agency, once every four years.

~~(4)~~~~(3)~~ CMS General Instructor Certification. Instructors who possess a CMS General Instructor Certification shall instruct in a Commission-approved Basic Recruit Training Program Course, Advanced Training Program Course, or Specialized Training Program Course delivered at a training school, or in-service training course delivered at an agency, once every four years.

~~(5)~~~~(4)~~ High-Liability Instructor Certification. Commission-certified Instructors who possess a High-Liability Instructor Certification shall comply with the following requirements, every four years, to maintain an active certificate for each high-liability certification:

(a) through (c) No change.

~~(6)~~~~(5)~~ Specialized Topics Instructor Certification. Instructors who possess a Specialized Topics Certification shall comply with the following requirements, every four years, to maintain certification:

(a) through (b) No change.

~~(7)~~~~(6)~~ Commission staff and Alcohol Testing Program staff responsible for the oversight of training schools are exempt from the instructor maintenance requirements for Commission certification.

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.14(3) FS. History—New 7-29-01, Amended 11-5-02, 11-30-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, telephone number: (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bureau Chief Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Certification of Criminal Justice

RULE CHAPTER NO.: 11B-21

Training Schools 11B-21

RULE TITLES: Local Advisement and Definitions 11B-21.001

Criminal Justice Training School

Requirements for Certification and Re-certification 11B-21.005

PURPOSE AND EFFECT: Revises Commission forms and revises the deadline for submitting the Training School Customer Survey to Commission staff.

SUMMARY: Requires the Training School Customer Survey to be conducted twice during the school's certification period versus conducted annually and corrects a typographical error on form CJSTC-202.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

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

LAW IMPLEMENTED: 943.12(3), (5), (7), 943.14, 943.17(1)(g), 943.25(5), (9) FS.

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

TIME AND DATE: 10:00 a.m., January 24, 2006

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, telephone number: (850)410-8615

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting Donna Hunt at (850)410-8615 or TDD Number (850)656-9597.

THE FULL TEXT OF THE PROPOSED RULES IS:

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-21, FLORIDA ADMINISTRATIVE CODE

AMENDING RULE 11B-21.001 and 11B-21.005, F.A.C.

CERTIFICATION OF CRIMINAL JUSTICE TRAINING SCHOOLS

SUMMARY OF PROPOSED RULE

Revisions to this rule chapter are made to require the Training School Customer Survey to be conducted twice during the school's certification period versus conducted annually and to correct form CJSTC-202.

JUSTIFICATION OF PROPOSED RULE

Revisions to this rule chapter are necessary to change the frequency of conducting the Training School Customer Survey and correct form CJSTC-202.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on December 30, 2005, for a hearing to be held on January 24, 2006 if requested.

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

~~(3)~~~~(2)~~ Traditional General Instructor Certification. Instructors who possess a Traditional General Instructor Certification shall instruct in a Traditional Basic Recruit Training Program Course, Advanced Training Program Course, or non-CMS Specialized Training Program Course delivered at a training school, or in-service training course delivered at an agency, once every four years.

~~(4)~~~~(3)~~ CMS General Instructor Certification. Instructors who possess a CMS General Instructor Certification shall instruct in a Commission-approved Basic Recruit Training Program Course, Advanced Training Program Course, or Specialized Training Program Course delivered at a training school, or in-service training course delivered at an agency, once every four years.

~~(5)~~~~(4)~~ High-Liability Instructor Certification. Commission-certified Instructors who possess a High-Liability Instructor Certification shall comply with the following requirements, every four years, to maintain an active certificate for each high-liability certification:

(a) through (c) No change.

~~(6)~~~~(5)~~ Specialized Topics Instructor Certification. Instructors who possess a Specialized Topics Certification shall comply with the following requirements, every four years, to maintain certification:

(a) through (b) No change.

~~(7)~~~~(6)~~ Commission staff and Alcohol Testing Program staff responsible for the oversight of training schools are exempt from the instructor maintenance requirements for Commission certification.

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.14(3) FS. History—New 7-29-01, Amended 11-5-02, 11-30-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, telephone number: (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bureau Chief Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Certification of Criminal Justice

RULE CHAPTER NO.: 11B-21

Training Schools

11B-21

RULE TITLES:

RULE NOS.:

Local Advisement and Definitions

11B-21.001

Criminal Justice Training School

Requirements for Certification and Re-certification

11B-21.005

PURPOSE AND EFFECT: Revises Commission forms and revises the deadline for submitting the Training School Customer Survey to Commission staff.

SUMMARY: Requires the Training School Customer Survey to be conducted twice during the school’s certification period versus conducted annually and corrects a typographical error on form CJSTC-202.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

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

LAW IMPLEMENTED: 943.12(3), (5), (7), 943.14, 943.17(1)(g), 943.25(5), (9) FS.

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

TIME AND DATE: 10:00 a.m., January 24, 2006

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, telephone number: (850)410-8615

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting Donna Hunt at (850)410-8615 or TDD Number (850)656-9597.

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-21.001 Local Advisement and Definitions.

(1) through (4) No change.

(5) Training School Customer Survey. With respect to the services provided by training schools, ~~an Annual~~ Satisfaction Survey of officer training needs shall be conducted to maintain on-going communication with criminal justice agencies. The survey shall be conducted twice during the certification period and Annual Satisfaction Survey shall be distributed to criminal justice agencies and returned to Commission staff for compilation of survey findings. The survey findings shall be forwarded to the respective training schools for review and a ~~an annual~~ report containing the compilation of survey findings shall be submitted to the Criminal Justice Standards and Training Commission.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(5), (7), 943.14, 943.25(5), (9) FS. History—New 7-21-82, Amended 1-26-83, 9-1-83, 1-28-86, Formerly 11B-21.01, Amended 1-2-97, 7-7-99, 11-5-02, 11-30-04,_____.

11B-21.005 Criminal Justice Training School Requirements for Certification and Re-certification.

Training Schools certified by the Commission shall comply with the following requirements:

(1) through (3) No change.

(4) Comply with the driving range facility, equipment, and instructor to student ratio requirements, pursuant to subsection 11B-35.0021(4), F.A.C., and as set forth in the Driving Range Facility and Equipment Requirements, form CJSTC-202, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference, when conducting Commission-approved vehicle operations training. Should any driving range proposed for construction after July 1, 1988, deviate from the standards set forth in form CJSTC-202, plans for such construction shall be submitted to Commission staff for initial review, and then to the Commission for final approval or disapproval. Justification for such construction shall include a statement of explanation and supporting documentation justifying the need to deviate from the established standard. A recommendation for deviation from the Commission’s driving facility requirement shall ensure that vehicle operation training exercises can be safely and effectively performed.

(5) through (11) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, telephone number: (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bureau Chief Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Certification and Employment or

Appointment

RULE TITLES: Moral Character

Certification, Employment or Appointment, Reactivation, and Terminating Employment or

Appointment of Officers

Maintenance of Officer Certification

Temporary Employment Authorization

Background Investigations

Revocation or Disciplinary Actions;

Disciplinary Guidelines; Range

of Penalties; Aggravating and

Mitigating Circumstances

Canine Team Certification

PURPOSE AND EFFECT: Revises Commission forms; revises moral character offenses; revises officer discipline penalty guidelines; revises the penalty range for acts that violate Commission rules and statute; revises the mandatory retraining requirement; and adds a time line for submitting certification eligibility form CJSTC-59 to Commission staff.

SUMMARY: Revises Commission forms CJSTC-4 CMS, CJSTC-58, 74, 76, 83, and 259, and creates forms CJSTC-86 and 86A; removes the moral character offense of “making a false statement”; revises officer discipline penalty guidelines and range of penalties for a DUI in certain circumstances; adds rule language requiring completion of the Law Enforcement Officer Firearms Qualification Standard, every two years, as part of the law enforcement officer’s mandatory retraining requirement for retaining his or her certification; and adds a time line of “30 days of the applicant’s compliance with the certification requirements” to submit the certification eligibility form CJSTC-59 to Commission staff.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-27, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES, 11B-27.0011, 11B-27.002, 11B-27.00212, 11B-27.00213, 11B-27.0022,

11B-27.005, and 11B-27.013, F.A.C.

CERTIFICATION AND EMPLOYMENT OR APPOINTMENT

SUMMARY OF PROPOSED RULE

Revisions to this rule chapter are made to revise Commission forms CJSTC-4 CMS, CJSTC-58, 74, 76, 83, and 259, and creates forms CJSTC-86 and 86A; remove the moral character offense of "making a false statement"; revise officer discipline penalty guidelines and range of penalties for a DUI in certain circumstances; add rule language requiring completion of the Law Enforcement Officer Firearms Qualification Standard, every two years, as part of the law enforcement officer's mandatory retraining requirement for retaining his or her certification; and add a time line of "30 days of the applicant's compliance with the certification requirements" to submit the certification eligibility form CJSTC-59 to Commission staff.

JUSTIFICATION OF PROPOSED RULE

Revisions to this rule chapter are necessary to revise Commission forms; revise moral character offenses; revise officer discipline penalty guidelines; revise the penalty range for acts that violate Commission rules and statute; revise the mandatory retraining requirement; and add a time line for submitting certification eligibility form CJSTC-59 to Commission staff.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on December 30, 2005, for a hearing to be held on January 24, 2006 if requested.

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

11B-21.001 Local Advisement and Definitions.

(1) through (4) No change.

(5) Training School Customer Survey. With respect to the services provided by training schools, ~~an Annual~~ Satisfaction Survey of officer training needs shall be conducted to maintain on-going communication with criminal justice agencies. The survey shall be conducted twice during the certification period and Annual Satisfaction Survey shall be distributed to criminal justice agencies and returned to Commission staff for compilation of survey findings. The survey findings shall be forwarded to the respective training schools for review and a ~~an annual~~ report containing the compilation of survey findings shall be submitted to the Criminal Justice Standards and Training Commission.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(5), (7), 943.14, 943.25(5), (9) FS. History—New 7-21-82, Amended 1-26-83, 9-1-83, 1-28-86, Formerly 11B-21.01, Amended 1-2-97, 7-7-99, 11-5-02, 11-30-04,_____.

11B-21.005 Criminal Justice Training School Requirements for Certification and Re-certification.

Training Schools certified by the Commission shall comply with the following requirements:

(1) through (3) No change.

(4) Comply with the driving range facility, equipment, and instructor to student ratio requirements, pursuant to subsection 11B-35.0021(4), F.A.C., and as set forth in the Driving Range Facility and Equipment Requirements, form CJSTC-202, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference, when conducting Commission-approved vehicle operations training. Should any driving range proposed for construction after July 1, 1988, deviate from the standards set forth in form CJSTC-202, plans for such construction shall be submitted to Commission staff for initial review, and then to the Commission for final approval or disapproval. Justification for such construction shall include a statement of explanation and supporting documentation justifying the need to deviate from the established standard. A recommendation for deviation from the Commission’s driving facility requirement shall ensure that vehicle operation training exercises can be safely and effectively performed.

(5) through (11) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, telephone number: (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bureau Chief Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Certification and Employment or Appointment

RULE CHAPTER NO.: 11B-27

RULE TITLES: Moral Character

RULE NOS.: 11B-27.0011

Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers

Maintenance of Officer Certification 11B-27.00212

Temporary Employment Authorization 11B-27.00213

Background Investigations 11B-27.0022

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

Canine Team Certification 11B-27.013

PURPOSE AND EFFECT: Revises Commission forms; revises moral character offenses; revises officer discipline penalty guidelines; revises the penalty range for acts that violate Commission rules and statute; revises the mandatory retraining requirement; and adds a time line for submitting certification eligibility form CJSTC-59 to Commission staff.

SUMMARY: Revises Commission forms CJSTC-4 CMS, CJSTC-58, 74, 76, 83, and 259, and creates forms CJSTC-86 and 86A; removes the moral character offense of “making a false statement”; revises officer discipline penalty guidelines and range of penalties for a DUI in certain circumstances; adds rule language requiring completion of the Law Enforcement Officer Firearms Qualification Standard, every two years, as part of the law enforcement officer’s mandatory retraining requirement for retaining his or her certification; and adds a time line of “30 days of the applicant’s compliance with the certification requirements” to submit the certification eligibility form CJSTC-59 to Commission staff.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), 943.133(3) FS.

LAW IMPLEMENTED: 943.12, 943.12(3), (17), 943.13, 943.13(7), 943.13(11), 943.131, 943.133, 943.135, 943.139, 943.1395, 943.1395(3), (7), (8), 943.1701, 943.1715, 943.1716, 943.253 FS.

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

TIME AND DATE: 10:00 a.m., January 24, 2006

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, telephone number: (850)410-8615

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT. Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting Donna Hunt at (850)410-8615 or TDD Number (850)656-9597.

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-27.0011 Moral Character.

(1) through (3) No change.

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

(a) through (b) No change.

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

1. through 11. No change.

~~12. Making a false statement(s) of fact, under oath, as to misconduct related to an agency duty with the intent to mislead or deceive. "Agency duty" means any duty as defined by the agency head, or his or her designee.~~

~~12.13.~~ Intentional abuse of a Temporary Employment Authorization, pursuant to Section 943.131(1), F.S. pursuant to Rule 11B-27.00225, F.A.C., or is consistent with and indicative of the ingestion of a controlled substance pursuant to Chapter 893, F.S., and not having a specific nanogram level listed in Rule 11B-27.00225, F.A.C., shall be an affirmative defense to this provision to establish that any such ingestion was lawful. Any test of this kind relied upon by the Commission for disciplinary action, shall comply with the requirements for reliability and integrity of the testing process pursuant to Rule 11B-27.00225, F.A.C.

(5) through (8) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.13(7), 943.1395(7) FS. History--New 1-7-85, Formerly 11B-27.011, Amended 7-13-87, 10-25-88, 12-13-92, 9-5-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 4-11-04, 11-30-04.

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

(1) No change.

(2) The employing agency head is required, within 30 days of hire, to submit to Commission staff or electronically transmit through the Commission's Automated Training Management System (ATMS), and maintain in file a Registration of Employment Affidavit of Compliance, form CJSTC-60, revised February 7, 2002, hereby incorporated by reference, attesting to compliance by the employing agency with the following requirements:

(a) For law enforcement, correctional, and correctional probation officer applicants who have not been previously certified and who have complied with the certification requirements pursuant to Section 943.13(1)-(10), F.S., the employing agency shall certify to the Commission that the applicant is eligible for certification by submitting to Commission staff or electronically transmitting through the Commission's Automated Training Management System (ATMS), a completed Officer Certification Application, form CJSTC-59, revised February 7, 2002, hereby incorporated by reference, within 30 days of the applicant's compliance with the certification requirements. Upon receipt of an Officer Certification Application Deficiency Notification, form CJSTC-259, revised May 5, 2005 ~~February 7, 2002~~, the employing agency shall maintain on file, a copy of form CJSTC-59 and any other employment documentation. The employing agency shall submit a copy of form CJSTC-259 and the missing or deficient documentation to Commission staff within 90 days of the date the form was signed and issued to the agency. Failure by the employing agency to submit missing or deficient documentation within the required 90 days may result in denial of an applicant's request for certification. An officer applicant shall not work in a sworn capacity prior to meeting the requirements of Sections 943.13 and 943.131, F.S.

(b) No change.

(3) Employment requirements pursuant to Section 943.13, F.S., shall be documented on an Agency New Hire Report, form CJSTC-207, revised February 7, 2002, hereby incorporated by reference.

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

1. through 10. No change.

11. An Equivalency-of-Training, form CJSTC-76, revised May 6, 2004, and an Equivalency-of-Training Proficiency of Demonstration, form CJSTC-76A, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference for previous Florida and out-of-state, federal, or military officers, if the officer utilized this training option.

- 12. through 15. No change.
- (4) through (6) No change.

Specific 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,_____.

- 11B-27.00212 Maintenance of Officer Certification.
- (1) through (3) No change.

(4) Continuing education or training pursuant to Section 943.135, F.S. Upon an officer’s completion of the required continuing education or training the employing agency shall submit or electronically transmit to Commission staff through the Commission’s ATMS, a completed Mandatory Retraining Report, form CJSTC-74, revised May 5, 2005 ~~February 7, 2002~~, hereby incorporated by reference.

- (5) through (14) No change.

(15) 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, created August 4, 2005, hereby incorporated by reference, and maintained in the officer’s employment file.

(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, created August 4, 2005, hereby incorporated by reference, and maintained in the officer’s employment file. The employing agency shall submit or electronically transmit to Commission staff through the Commission’s ATMS, a completed form CJSTC-86.

(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.

(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.

Specific 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,_____.

Editorial Note: See 11B-27.0023, F.A.C.

11B-27.00213 Temporary Employment Authorization.

A Certificate of Compliance shall not be issued to officers employed on a Temporary Employment Authorization (TEA) prior to meeting the requirements of Sections 943.13(1)-(10), F.S.

- (1) No change.
- (2) An agency head is authorized to request to waive the firearms training requirement for a TEA by placing a statement in the officers file at the employing agency, which has been signed by the agency head, confirming that the TEA appointed officer shall not be permitted to carry a firearm until the following classroom training requirements have been fulfilled:

- (a) No change.
- (b) Firearms Range Training. The trainee’s proficiency demonstration shall be documented on a CMS Firearms Performance Evaluation, form CJSTC-4 CMS, revised May 5, 2005 ~~created May 6, 2004~~, hereby incorporated by reference, and maintained in the trainee’s file at the employing agency. The instructor shall qualify the trainee with a handgun using the Commission’s Basic Recruit Training Firearms Course of Fire, pursuant to form CJSTC-4 CMS, and the form shall be maintained in the trainee’s file at the employing agency. Trainees shall fire a long gun as prescribed in the Commission-approved Basic Recruit Training Program.

- (3) through (5) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.131, 943.133, 943.139, 943.1395, 943.17(1)(a) FS. History—New 11-5-02, Amended 11-30-04,_____.

11B-27.0022 Background Investigations.

- (1) No change.
- (2) The employing agency shall, at a minimum, use the following background investigation procedures:

- (a) No change.
- (b) Obtain previous employment data from prior employers. Criminal justice agencies conducting background investigations have the option of using the Authority for Release of Information, form CJSTC-58, revised May 5, 2005 ~~May 6, 2004~~, pursuant to Sections 943.134(2) and (4), F.S., hereby incorporated by reference.

- (c) through (e) No change.
- (3) No change.

Specific Authority 943.03(4) 943.12(1), 943.133(3) FS. Law Implemented 943.133, 943.139 FS. History—New 10-6-82, Amended 1-7-85, Formerly 11B-27.022, Amended 7-13-87, 10-17-90, 5-13-92, 5-14-92, 12-13-92, 9-5-93, 8-7-94, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04,_____.

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

(1) through (4) No change.

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

(a) No change.

	Violation	Recommended Penalty Range
10.	Driving or boating under the influence (316.193 and 327.35, F.S.) Second DUI Offense	Probation with substance abuse counseling Prospective suspension to revocation

11. through 12. No change.

(c) For the perpetration by the officer of an act or conduct, as described in paragraph 11B-27.0011(4)(c), F.A.C., if such act or conduct does not constitute a crime described in

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

1. through 9. No change.

paragraphs (5)(a)-(b) of this rule section, the action of the Commission shall be to impose the following penalties, absent aggravating or mitigating circumstances:

1. through 11. No change.

	Violation	Recommended Penalty Range
12.	Making a false statement(s) of fact, under oath, as to misconduct related to an agency duty, as defined in subparagraph 11B-27.0011(4)(c)12., F.A.C., with the intent to mislead or deceive	Suspension to revocation
12 13.	Conduct that subverts or attempts to subvert the Basic Abilities Test process pursuant to paragraphs 11B-35.0011(1)(a)-(f), F.A.C.	Revocation

(d) No change.

(6) through (10) No change.

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

11B-27.013 Canine Team Certification.

(1) through (2) No change.

(3) Required documentation for certification of a patrol canine team. Documentation of compliance for Commission certification of patrol canine teams shall include:

(a) through (b) No change.

(c) Documentation of successful completion of the Patrol Canine Team Proficiency Examination administered by two Commission-approved canine team evaluators, one of whom is not affiliated with the Commission-certified training school or the agency conducting the training, and one of whom is not affiliated with the agency employing the canine team. A Commission-approved canine team evaluator shall not administer a proficiency examination to a canine assigned to them as a work partner. The proficiency examination shall be

documented on the Patrol Duty Canine Team Proficiency Examination and Equivalency, form CJSTC-83, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference.

1. through 2. No change.

(4) through (8) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17) FS. History—New 3-29-89, Amended 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, telephone number: (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bureau Chief Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-30, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11B-30.006, 11B-30.009, 11B-30.011, and 11B-30.012, F.A.C.

STATE OFFICER CERTIFICATION EXAMINATION

SUMMARY OF PROPOSED RULE

Revisions to this rule chapter are made to revise Commission forms CJSTC-67, 510, 511, and 516; provide flexibility for imposing one or more sanctions for acts committed by an applicant for violating the Commission's statewide certification examination procedures; and require for security purposes that only the Examination Admission Voucher Form CJSTC-517 shall be allowed in the examination test site.

JUSTIFICATION OF PROPOSED RULE

Revisions to this rule chapter are necessary to revise Commission forms; revise the sanctions imposed on applicants who violate the Commission's statewide certification examination procedures; and revise the procedures for admission into the examination testing site.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on December 30, 2005, for a hearing to be held on January 24, 2006 if requested.

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

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
State Officer Certification Examination	11B-30
RULE TITLES:	RULE NOS.:
State Officer Certification Examination	
General Eligibility Requirements	11B-30.006
Applicant Conduct at Test Site and Notice of Protection of Program Privileges	11B-30.009
Examination Scoring and Grade Notification	11B-30.011
Post Review of Examination Questions, Answers, Papers, Grades, and Grading Key	11B-30.012

PURPOSE AND EFFECT: Revises Commission forms; revises the sanctions imposed on applicants who violate the Commission’s statewide certification examination procedures; and revises the procedures for admission into the examination testing site.

SUMMARY: Revises Commission forms CJSTC-67, 510, 511, and 516; provides flexibility for imposing one or more sanctions for acts committed by an applicant for violating the Commission’s statewide certification examination procedures; and require for security purposes that only the Examination Admission Voucher Form CJSTC-517 shall be allowed in the examination test site.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), (18), 943.173(3) FS.

LAW IMPLEMENTED: 943.12(17), 943.13(2), (7), 943.131(2), 943.1397(1), (3), 943.173 FS.

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

TIME AND DATE: 10:00 a.m., January 24, 2006

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, telephone number: (850)410-8615

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting Donna Hunt at (850)410-8615 or TDD Number (850)656-9597.

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) For the purposes of this rule chapter, the terms “successfully completed” and “successfully complete” are defined as being denoted with a “Pass,” pursuant to subsection 11B-35.001(7), F.A.C., on the completed Training Report, form CJSTC-67, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference.

(2) through (4) No change.

Specific 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.

11B-30.009 Applicant Conduct at Test Site and Notice of Protection of Program Privileges.

(1) through (4) No change.

(5) When the Commission finds that an applicant has committed an act that violates subsections (1)–(3) of this rule section, the Commission applicant shall impose one or more of the following sanctions:

- (a) Have their SOCE declared invalid;
- (b) Forfeit the application fee;
- (c) Be ineligible to apply to take the SOCE in any discipline for a period of five years;
- (d) Be subject to denial of certification by the Commission pursuant to Rule 11B-27.007, F.A.C.;
- (e) Be subject to disciplinary action taken against any currently held Commission certification;
- (f) Be subject to the imposition of other sanctions by the Commission, pursuant to Section 943.13(7), F.S., and Rule Chapter 11B-27, F.A.C.

(6) The Commission shall ensure the security of the test site for the SOCE by prohibiting applicants from signing in to the test area with anything other than the Commission-approved Examination Admission Voucher CJSTC-517 an applicant identification, and pencils, ~~certificate of completion, Equivalency of Training Proficiency Demonstration form CJSTC 76A, revised May 6, 2004, hereby incorporated by reference, or other documentation required by the Commission.~~ An applicant who is found with items in their possession, other than described herein, shall be in violation of subsections (1)-(3) of this rule section and shall be subject to discipline as described in subsection (5) of this rule section. Violation of this subsection shall be documented as provided in subsection (4) of this rule section.

Specific Authority 943.03(4), 943.12(1), (18), 943.173(3) FS. Law Implemented 943.12(17), 943.13(7), 943.1397(3), 943.173 FS. History—New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04.

11B-30.011 Examination Scoring and Grade Notification. Individuals who graduate from a Commission-approved Basic Recruit Training Program shall be required to achieve a passing score on the State Officer Certification Examination (SOCE) with an overall scale score equal to or higher than the established cut-off score. Commission staff shall notify the applicant, within thirty days of the test date, on an Applicant State Officer Certification Examination Overall Test Results, form CJSTC-516, revised May 5, 2005 ~~February 7, 2002~~, hereby incorporated by reference. The SOCE is an entry-level competency examination and therefore examination results are reported as “pass” or “fail” on form CJSTC-516. To protect each examinee’s privacy, only individuals who have taken the SOCE are permitted to obtain their personal numerical score. This score will be available only at a regularly scheduled monthly Examination Review Session held pursuant to subsection 11B-30.012(2), F.A.C.

Specific Authority 943.03(4), 943.12(1), (18) FS. Law Implemented 943.12(17), 943.1397(1) FS. History—New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04, _____.

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

(1) Individuals who have failed the State Officer Certification Examination (SOCE) shall have the right to review their examination results by submitting a State Officer Certification Examination Grade Review Request, form CJSTC-510, revised May 5, 2005 ~~February 7, 2002~~, hereby incorporated by reference. To be eligible to file form CJSTC-510, pursuant to Rule 11B-30.013, F.A.C., the form shall be submitted to Commission staff within forty-five calendar days of the individual’s SOCE date. Individuals who fail to meet the forty-five day deadline shall not be allowed to file a challenge, but may review the SOCE results.

(2) The SOCE grade reviews shall be conducted in the presence of Commission staff at a regularly scheduled monthly Examination Review Session conducted at the Florida Department of Law Enforcement, Criminal Justice Professionalism Program. The SOCE grade review schedule is produced annually and is available at Commission-certified training schools, the Florida Department of Law Enforcement’s (FDLE) website at <http://www.fdle.state.fl.us>, or from FDLE, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention SOCE Section. Individuals shall be scheduled to review their SOCE grades within forty calendar days of Commission staff’s receipt of the completed form CJSTC-510. Participants in the Examination Review Session shall be permitted to review only one examination for each session.

(a) No change.

(b) Individuals requesting a grade review shall be provided with the SOCE test results and the State Officer Certification Examination Review, form CJSTC-511, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference. Form

CJSTC-511 shall be signed by the individual requesting the review at the conclusion of an Examination Review Session. Only individuals scheduled for the Examination Review Session shall be present during an Examination Review Session.

(c) No change.

(3) through (4) No change.

Specific Authority 943.03(4), 943.12(1), (18) FS. Law Implemented 943.12(17), 943.173 FS. History—New 1-10-94, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, telephone number: (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bureau Chief Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Training Programs	11B-35
RULE TITLES:	RULE NOS.:
General Training Programs; Requirements and Specifications	11B-35.001
Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation	11B-35.002
Student Performance in Commission-Approved High-Liability Basic Recruit Training Courses and High-Liability Instructor Training Courses	11B-35.0024
Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation Auxiliary Training	11B-35.003
Advanced Training Program	11B-35.006
Specialized Training Program	11B-35.007
Exemption from Basic Recruit Training	11B-35.009

PURPOSE AND EFFECT: Revises Commission forms; revises course names and hours in the Commission’s basic recruit training programs for law enforcement, correctional, and correctional probation; and revises course names and hours in the Commission’s advanced specialized training program courses.

SUMMARY: Revises Commission forms CJSTC-4 CMS and 7 CMS and CJSTC-9, 67, and 76A; decreases course hours in the Traditional Correctional Basic Recruit Training Program and

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-35, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11B-35.001, 11B-35.002, 11B-35.0024, 11B-35.003,

11B-35.006, 11B-35.007, and 11B-35.009, F.A.C.

TRAINING PROGRAMS

SUMMARY OF PROPOSED RULE

Revisions to this rule chapter are made to revise Commission forms CJSTC-4 CMS and 7 CMS and CJSTC-9, 67, and 76A; decrease course hours in the Traditional Correctional Basic Recruit Training Program and cross-over training programs; retire the Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training program and include provisions for completion of the program prior to implementation of the new CMS Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program; correct basic recruit training program course names; revise and add advance and specialized training program courses.

JUSTIFICATION OF PROPOSED RULE

Revisions to this rule chapter are necessary to revise Commission forms; revise course names and hours in the Commission's basic recruit training programs for law enforcement, correctional, and correctional probation; and revise course names and hours in the Commission's advanced specialized training program courses.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on December 30, 2005, for a hearing to be held on January 24, 2006 if requested.

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

11B-30.011 Examination Scoring and Grade Notification. Individuals who graduate from a Commission-approved Basic Recruit Training Program shall be required to achieve a passing score on the State Officer Certification Examination (SOCE) with an overall scale score equal to or higher than the established cut-off score. Commission staff shall notify the applicant, within thirty days of the test date, on an Applicant State Officer Certification Examination Overall Test Results, form CJSTC-516, revised May 5, 2005 ~~February 7, 2002~~, hereby incorporated by reference. The SOCE is an entry-level competency examination and therefore examination results are reported as “pass” or “fail” on form CJSTC-516. To protect each examinee’s privacy, only individuals who have taken the SOCE are permitted to obtain their personal numerical score. This score will be available only at a regularly scheduled monthly Examination Review Session held pursuant to subsection 11B-30.012(2), F.A.C.

Specific Authority 943.03(4), 943.12(1), (18) FS. Law Implemented 943.12(17), 943.1397(1) FS. History—New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04, _____.

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

(1) Individuals who have failed the State Officer Certification Examination (SOCE) shall have the right to review their examination results by submitting a State Officer Certification Examination Grade Review Request, form CJSTC-510, revised May 5, 2005 ~~February 7, 2002~~, hereby incorporated by reference. To be eligible to file form CJSTC-510, pursuant to Rule 11B-30.013, F.A.C., the form shall be submitted to Commission staff within forty-five calendar days of the individual’s SOCE date. Individuals who fail to meet the forty-five day deadline shall not be allowed to file a challenge, but may review the SOCE results.

(2) The SOCE grade reviews shall be conducted in the presence of Commission staff at a regularly scheduled monthly Examination Review Session conducted at the Florida Department of Law Enforcement, Criminal Justice Professionalism Program. The SOCE grade review schedule is produced annually and is available at Commission-certified training schools, the Florida Department of Law Enforcement’s (FDLE) website at <http://www.fdle.state.fl.us>, or from FDLE, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention SOCE Section. Individuals shall be scheduled to review their SOCE grades within forty calendar days of Commission staff’s receipt of the completed form CJSTC-510. Participants in the Examination Review Session shall be permitted to review only one examination for each session.

(a) No change.

(b) Individuals requesting a grade review shall be provided with the SOCE test results and the State Officer Certification Examination Review, form CJSTC-511, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference. Form

CJSTC-511 shall be signed by the individual requesting the review at the conclusion of an Examination Review Session. Only individuals scheduled for the Examination Review Session shall be present during an Examination Review Session.

(c) No change.

(3) through (4) No change.

Specific Authority 943.03(4), 943.12(1), (18) FS. Law Implemented 943.12(17), 943.173 FS. History—New 1-10-94, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, telephone number: (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bureau Chief Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Training Programs	11B-35
RULE TITLES:	RULE NOS.:
General Training Programs; Requirements and Specifications	11B-35.001
Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation	11B-35.002
Student Performance in Commission-Approved High-Liability Basic Recruit Training Courses and High-Liability Instructor Training Courses	11B-35.0024
Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation Auxiliary Training	11B-35.003
Advanced Training Program	11B-35.006
Specialized Training Program	11B-35.007
Exemption from Basic Recruit Training	11B-35.009

PURPOSE AND EFFECT: Revises Commission forms; revises course names and hours in the Commission’s basic recruit training programs for law enforcement, correctional, and correctional probation; and revises course names and hours in the Commission’s advanced specialized training program courses.

SUMMARY: Revises Commission forms CJSTC-4 CMS and 7 CMS and CJSTC-9, 67, and 76A; decreases course hours in the Traditional Correctional Basic Recruit Training Program and

cross-over training programs; retires the Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training program and include provisions for completion of the program prior to implementation of the new CMS Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program; corrects basic recruit training program course names; revises and adds advance and specialized training program courses.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), (2), 943.17 FS.

LAW IMPLEMENTED: 943.12, 943.12(5), 943.131(2), 943.17, 943.175, 943.17(1), 943.17(1)(a), 943.25 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

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

TIME AND DATE: 10:00 a.m., January 24, 2006

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, telephone number: (850)410-8615

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting Donna Hunt at (850)410-8615 or TDD Number (850)656-9597.

THE FULL TEXT OF THE PROPOSED RULES IS:

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

(1) through (6) No change.

(7) Student performance in courses.

(a) Each training school shall make available to its students and Commission staff a written copy of its performance standards.

(b) A student enrolled in a Commission-approved Basic Recruit Training Program shall achieve a score of no less than 80% on each of the end-of-course examinations, exclusive of demonstration of proficiency skills in the High-Liability Basic Recruit Training Courses. A student enrolled in a Commission-approved Advanced or Specified Specialized Training Program Course shall achieve a score of no less than

75% on the end-of-course examination, exclusive of demonstration of proficiency skills in the ~~High-Liability Basic Recruit Training Courses~~.

(c) through (e) No change.

(8) No change.

(9) Field-test of the CMS Application-Based Basic Recruit Training Program. The Criminal Justice Standards and Training Commission is currently developing and evaluating the CMS Application-Based Basic Recruit Training Programs for use as a basic recruit training program for criminal justice officers. These programs are based on a statewide job-task analysis of each of the criminal justice disciplines, and provide an enhanced learning environment for the student, through lesson plans provided for each module, and ensure a "standardized delivery" of statewide training curricula. A CMS Field-Test utilizing a classroom environment with student participation is necessary to evaluate the program before certain course criteria can be established and final rules adopted. To accomplish these goals:

(a) through (f) No change.

(g) Not withstanding subsection 11B-27.002(4), F.A.C., a basic recruit student enrolled in a Commission-approved Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program with a beginning date prior to April 1, 2005, shall be allowed to continue in the program until the student successfully completes, fails, or withdraws from the program.

1. A basic recruit student who is unable to graduate from a Commission-approved Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program because of failure to achieve a passing score on the end-of-course examination(s), pursuant to subsection 11B-35.001(7), F.A.C., shall be granted a re-test for each course failed.

2. The re-examination provisions outlined for a basic recruit student in subsection (12) of this rule section shall not apply.

3. A basic recruit student who meets the conditions stated in this rule section shall have successfully passed the end-of-course examination(s) by March 31, 2006.

(10) Reporting requirements for Commission-approved Basic Recruit, Advanced, and Specialized Training Program Courses are as follows:

(a) The training center director or designee shall determine the beginning and ending dates of each Basic Recruit Training Program, and thirty days following the class starting date shall forward a Training Report, form CJSTC-67, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference, to Commission staff through the Commission's Automated Training Management System (ATMS).

(b) through (c) No change.

(11) through (15) No change.

Specific 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.

11B-35.002 Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation.

(1) There are established by the Criminal Justice Standards and Training Commission, Basic Recruit Training Programs that provide the minimum required knowledge and proficiency

skills necessary for officer employment and certification pursuant to Sections 943.10(1)-(3), F.S. Individuals who apply for employment as a Florida law enforcement, correctional, or correctional probation officer, shall successfully complete one of the following Commission-approved Basic Recruit Training Programs:

(a)	Traditional Law Enforcement Basic Recruit Training Program (Retired June 30, 2004)	672.0 hours
(b)	Traditional Correctional Basic Recruit Training Program	532.0 hours
(c)	Traditional Correctional Probation Basic Recruit Training Program	412.0 424.0 hours
(d)	CMS Application-Based Law Enforcement Basic Recruit Training Program	760.0 hours
(e)	Traditional Law Enforcement to Correctional Basic Recruit Cross-Over Training Program	156.0 hours
(f)	Traditional Law Enforcement to Correctional Probation Basic Recruit Cross-Over Training Program	134.0 150.0 hours
(g)	Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program (Retired March 30, 2005)	302.0 hours
(h)	Traditional Correctional to CMS Law Enforcement Basic Recruit Cross-Over Training Program	434.0 hours
(i)(+)	Traditional Correctional to Correctional Probation Basic Recruit Cross-Over Training Program	172.0 180.0 hours
(j)(+)	Traditional Correctional Probation to <u>Law Enforcement</u> Correctional Basic Recruit Cross-Over Training Program	412.0 hours
(k)(+)	Traditional Correctional Probation to <u>Correctional</u> Law Enforcement Basic Recruit Cross-Over Training Program	256.0 hours
(l)(+)	Law Enforcement Auxiliary Officer Basic Recruit Training Program	302.0 294.0 hours
(m)(+)	Correctional Auxiliary Officer Basic Recruit Training Program	254.0 hours
(n)(+)	Correctional Probation Auxiliary Officer Basic Recruit Training Program. To become certified as a Correctional Probation Auxiliary Officer, pursuant to subsection 11B-35.003(7), F.A.C., a basic recruit student shall complete the Correctional Probation Basic Recruit Training Program, pursuant to paragraph (8)(c) of this rule section.	

(2) through (7) No change.

(8) Commission-approved Basic Recruit Training Programs. Pursuant to Section 943.12, F.S., Commission-approved Basic Recruit Training Programs establish the minimum required entry-level training for law enforcement, correctional, and correctional probation officers. Individuals who are requesting employment as an officer, and have not had previous basic recruit training or have not been certified as an officer in the discipline for which certification is sought, and have met the requirements of Sections 943.13(1)-(8) and (11), 943.14(7), and 943.17(1)(g), F.S., shall

successfully complete a Commission-approved Basic Recruit Training Program pursuant to this rule section. The Commission's Basic Recruit Training Programs are:

(a) No change.

(b) Traditional Correctional Basic Recruit Training Program:

	Course Name	Course Number	Course Hours
1.	Criminal Justice Legal 1	CJD_770	46.0
2.	Criminal Justice Legal 2	CJD_771	22.0
3.	Criminal Justice Communications	CJD_772	42.0
4.	Interpersonal Skills 1	CJD_773	62.0
5.	CMS Criminal Justice Defensive Tactics	CJK_0050	80.0
6.	CMS Criminal Justice Firearms	CJK_0040	80.0
7.	CMS First Aid for Criminal Justice Officers	CJK_0031 0030	40.0
8.	Interpersonal Skills 2	CJD_750	50.0
9.	Emergency Preparedness	CJD_741	26.0
10.	Correctional Operations	CJD_752	64.0
11.	CMS Criminal Justice Special Topics, Module 15	CJK_0095	20.0
	TOTAL		532.0

(c) Traditional Correctional Probation Basic Recruit Training Program:

	Course Name	Course Number	Course Hours
1.	Correctional Probation Legal	CJD_790	60.0
2.	Correctional Probation Operations	CJD_791	16.0
23.	Correctional Probation Interpersonal Skills	CJD_792	68.0
34.	Correctional Probation Communication Skills	CJD_793	70.0
45.	Correctional Probation Supervision	CJD_794	58.0 54.0
56.	CMS Criminal Justice Defensive Tactics	CJK_0050	80.0
67.	CMS Correctional Probation Firearms	CJK_0255 +BA	16.0
78.	CMS First Aid for Criminal Justice Officers	CJK_0031 0030	40.0
89.	Criminal Justice Special Topics, Module 15	CJK_0095	20.0
	Total		412.0 424.0

(d) CMS Application-Based Law Enforcement Basic Recruit Training Program:

	Course Name	Course Number	Course Hours
1.	Introduction and Law	CJK_0006	67.0
2.	Human Issues	CJK_0010	50.0
3.	Communications	CJK_0015	77.0
4.	CMS Law Enforcement Vehicle Operations	CJK_0020	48.0
5.	CMS First Aid for Criminal Justice Officers	CJK_0031 0030	40.0
6.	CMS Criminal Justice Firearms	CJK_0040	80.0
7.	CMS Criminal Justice Defensive Tactics	CJK_0050	80.0
8.	Patrol	CJK_0060	57.0
9.	Investigations	CJK_0070	53.0
10.	Investigating Offenses	CJK_0075	40.0
11.	Traffic Stops	CJK_0080	62.0
12.	Traffic Crash Investigations	CJK_0085	32.0
13.	Tactical Applications	CJK_0090	54.0 14.0
14.	Criminal Justice Special Topics	CJK_0095	20.0
	Total		760.0

(9) Commission-approved Basic Recruit Cross-Over Training Programs. The Commission has established basic recruit cross-over training programs to provide lateral movement of officers between criminal justice disciplines.

(a) through (d) No change.

(e) Traditional Law Enforcement to Traditional Correctional Probation Basic Recruit Cross-Over Training Program. A law enforcement officer shall complete the following courses to cross-over from the “Law Enforcement Discipline” to the “Correctional Probation Officer Discipline”:

	Course Name	Course Number	Course Hours
1.	Cross-Over Law Enforcement to Correctional Probation 1	CJD_735	66.5
2.	Cross-Over Law Enforcement to Correctional Probation 2	CJD_736	67.5
3.	Correctional Probation Operations	CJD_791	16.0
	Total		134.0 150.0

(f) Traditional Correctional to Traditional Law Enforcement Basic Recruit Cross-Over Training Program (Retired March 30, 2005). A correctional officer shall

complete the following courses to cross-over from the “Correctional Discipline” to the “Law Enforcement Discipline”:

	Course Name	Course Number	Course Hours
1.	Cross-Over Correctional to Law Enforcement	CJD_781	48.0
2.	Law Enforcement Legal 3	CJD_730	32.0
3.	Law Enforcement Patrol	CJD_731	64.0
4.	Law Enforcement Traffic	CJD_732	46.0
5.	CMS Law Enforcement Vehicle Operations	CJK_0020	48.0
6.	Law Enforcement Investigations	CJD_734	64.0
	Total		302.0

(g) Traditional Correctional to CMS Law Enforcement Basic Recruit Cross-Over Training Program. A correctional officer shall complete the following courses to cross-over from the “Correctional Discipline” to the “Law Enforcement Discipline”:

	Course Name	Course Number	Course Hours
1.	Cross-Over Correctional to CMS Law Enforcement Introduction	CJK_0211	94.0
2.	Cross-Over Correctional to Law Enforcement CMS High-Liability (End-of-course examination is not required for CJK_0212)	CJK_0212	8.0
3.	Cross-Over Correctional to Law Enforcement Tactical Applications	CJK_0213	40.0
4.	CMS Law Enforcement Vehicle Operations	CJK_0020	48.0
5.	Patrol	CJK_0060	57.0
6.	Investigations	CJK_0070	53.0
7.	Investigating Offenses	CJK_0075	40.0
8.	Traffic Stops	CJK_0080	62.0
9.	Traffic Crash Investigations	CJK_0085	32.0
	Total		434.0

(h)(g) Traditional Correctional to Traditional Correctional Probation Basic Recruit Cross-Over Training Program. A correctional officer shall complete the following courses to cross-over from the “Correctional Discipline” to the “Correctional Probation Discipline”:

	Course Name	Course Number	Course Hours
1.	Cross-Over Correctional Legal to Correctional Probation	CJD_774	30.0
2.	Cross-Over Correctional to Correctional Probation	CJD_775	14.0 26.0
3.	Correctional Probation Communication Skills	CJD_793	70.0
4.	Correctional Probation Supervision	CJD_794	58.0 54.0
	Total		172.0 180.0

(i)(h) Traditional Correctional Probation to Traditional Law Enforcement Basic Recruit Cross-Over Training Program. A correctional probation officer shall complete the following courses to cross-over from the “Correctional Probation Discipline” to the “Law Enforcement Discipline”:

1. through 7. No change.

(j)(i) Traditional Correctional Probation to Traditional Correctional Basic Recruit Cross-Over Training Program. A correctional probation officer shall complete the following courses to cross-over from the “Correctional Probation Discipline” to the “Correctional Discipline”:

1. through 5. No change.

Specific Authority 943.03(4), 943.12(1), (2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History—New 12-13-92, Amended 1-10-94, 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, _____.

11B-35.0024 Student Performance in Commission-Approved High-Liability Basic Recruit Training Courses and High-Liability Instructor Training Courses.

(1) through (2) No change.

(3) Completion of a high-liability course and demonstration of proficiency in the high-liability topics is required for each of the following courses: CMS Criminal Justice Defensive Tactics Course, CMS Defensive Tactics Instructor Courses, CMS Criminal Justice Firearms Course, CMS Firearms Instructor Courses, CMS Law Enforcement Vehicle Operations Course, CMS Vehicle Operations Instructor Courses, CMS First Aid for Criminal Justice Officers Course, and CMS First Aid Instructor Courses.

(a) through (b) No change.

(c) CMS Criminal Justice Firearms Course.

1. No change.

2. A basic recruit student shall demonstrate the required Firearms High-Liability Proficiency Skills at 80% or higher using a handgun (revolver or semi-automatic pistol for both daylight and night), with the results recorded on the required CMS Firearms Performance Evaluation form CJSTC-4 CMS, revised May 5, 2005 ~~created May 6, 2004~~, hereby incorporated by reference.

3. No change.

(d) through (f) No change.

(g) CMS Law Enforcement Vehicle Operations Course.

1. The CMS Law Enforcement Vehicle Operations Course shall be delivered to students enrolled in a Commission-approved Basic Recruit Training Program.

2. A basic recruit student shall demonstrate the required Vehicle Operations Proficiency Skills with four out of five runs (80%) for each exercise, with the results recorded on the required CMS Vehicle Operations Performance Evaluation, form CJSTC-7 CMS, revised May 5, 2005 ~~created May 6, 2004~~, hereby incorporated by reference.

(h) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12, 943.17 FS. History—New 2-17-93, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, _____.

11B-35.003 Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation Auxiliary Training.

(1) through (4) No change.

(5) Law Enforcement Auxiliary Officer Basic Recruit Training Program requirements.

(a) Law Enforcement Auxiliary Officer Prerequisite Course topics effective January 1, 1997:

	Topic Areas	Course Number	Minimum Hours
1.	Administration		1
2.	Community Interaction		6
3.	Introduction to Basic Law		24
4.	Post Crime Considerations		6
5.	Introduction to Traffic		5
6.	Field Activities		12
7.	CMS First Aid for Criminal Justice Officers	CJK_0031 0030	40
	Total Law Enforcement Auxiliary Officer Prerequisite Course Hours		94
(b)	CMS Criminal Justice Firearms	CJK_0040	80
(c)	CMS Criminal Justice Defensive Tactics	CJK_0050	80
(d)	CMS Law Enforcement Vehicle Operations (Optional: Based on employing agency requirements)	CJK_0020	48
	Total Law Enforcement Auxiliary Officer Program Hours		302

(6) Correctional Auxiliary Officer Basic Recruit Training Program requirements.

(a) Correctional Auxiliary Officer Prerequisite Course topics effective January 1, 1997:

	Topic Areas	Course Number	Minimum Hours
1.	Administration		1
2.	Legal		24
3.	Report Writing		4
4.	Safety Issues		4
5.	Interpersonal Skills		5
6.	Security Procedures and Inmate Supervision		4
7.	Equipment		2
8.	Facility Movement		4
9.	Correctional Operation and Intake Procedures		1
10.	Inmate Property		2
11.	Search Procedures		3
12.	CMS First Aid for Criminal Justice Officers	CJK_0031 0030	40
	Total Correctional Auxiliary Officer Prerequisite Course Hours		94

(b)	CMS Criminal Justice Firearms	CJK_0040	80
(c)	CMS Criminal Justice Defensive Tactics	CJK_0050	80
	Total Correctional Auxiliary Officer Program Hours		254

(7) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(5), 943.17(1)(a) FS. History—New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, _____.

11B-35.006 Advanced Training Program.
 (1) No change.

(2) The following is a complete list of Advanced Training Program Courses:

Course Number	Course Name	Course Hours
006	Line Supervision	80 hours
007	Middle Management	80 hours
011	Developing and Maintaining a Sound Organization	40 hours
012	Planning the Effective Use of Financial Resources	40 hours
013	Building and Maintaining a Sound Behavioral Climate	40 hours
016	Narcotics Identification and Investigation	40 hours
019	Criminal Law	40 hours
020	Case Preparation and Court Presentation	40 hours
032	Special Tactical Problems	40 hours
033	Sex Crimes Investigation	40 hours
036	Injury and Death Investigation	40 hours
047	Interviews and Interrogations	40 hours
050	Stress Awareness and Management Techniques Resolution	40 hours
053	Crisis Intervention	40 hours
054	Organized Crime	40 hours
055	Radar Speed Measurement Training Course for Law Enforcement Officers	40 hours
057	Discipline and Special Confinement Techniques	40 hours
058	Youthful Offender Program	40 hours
068	Advanced Report Writing and Review	40 hours
072	Fire Fighting for Correctional Officers	40 hours
073	Human and Community Relations	40 hours
074	Drug Abuse Awareness and Education	40 hours
077	Underwater Police Science and Technology	80 hours
080	Computer Applications in Criminal Justice	40 hours
085	Emergency Preparedness for Correctional Officers	40 hours
087	Advanced Traffic Accident Investigations	80 hours
088	Traffic Accident Reconstruction	80 hours
090	School Resource Officer	40 hours
091	Domestic Intervention	40 hours
093	Hostage Negotiations	40 hours
094	Drug Abuse Resistance Education (D.A.R.E.) – FDLE instructed only	80 hours
095	Laser Speed Measurement Operators Course for Law Enforcement Officers	40 hours
096	Drug Abuse Resistance Education (D.A.R.E.)	40 hours
094 & 097	Drug Abuse Resistance Education (D.A.R.E.)	40 hours
098	Traffic Homicide Investigation	80 hours
100	Crimes Against the Elderly and Disabled	40 hours
809	*CMS Field Training Officer Program Course (This course is not mandated for field training officers)	40 hours
1100	*Field Training Officer Course for Correctional and Probation Officers	40 hours
<u>1151</u>	<u>Conducting Background Investigations</u>	<u>40.0 TBA</u>
<u>1152</u>	<u>Investigation and Supervision of Officer Involved Shootings</u>	<u>40.0</u>

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

(3) through (4) No change.

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

(a) No change.

(b) A Laser Operator Performance Report, form CJSTC-9, revised ~~May 5, 2005~~ ~~May 6, 2004~~, hereby incorporated by reference, shall be completed for the Laser Speed Measurement Operators Course for Law Enforcement Officers.

(6) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(5), 943.17(1) FS. History—New 12-13-92, Amended 1-10-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04.

11B-35.007 Specialized Training Program.

(1) through (3) No change.

(4) Commission-approved Specialized Training Program Courses developed and approved by the Commission that have not been designated as Commission-approved Advanced Training Program Courses:

(a) through (cc) No change.

	Course Number	Course Names	Course Hours
(dd)	1149	CMS Special Populations Course	32.0
(ee)	1150	CMS Problem-Solving Model: SECURE Specialized Training Course	6.0

(5) through (7) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.175, 943.25 FS. History—New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04,_____.

11B-35.009 Exemption from Basic Recruit Training.

(1) through (5) No change.

(6) High-Liability Basic Recruit Training proficiency skills requirements for out-of-state, federal, or inactive Florida officers. Prior to applying for certification, an out-of-state or federal officer, or inactive Florida officer, who is exempt from completing a Commission-approved Basic Recruit Training Program, pursuant to Section 943.131(2), F.S., shall demonstrate proficiency in the required High-Liability Basic Recruit Training Proficiency Skills of vehicle operations, firearms, defensive tactics, and first aid, pursuant to Rule 11B-35.0024, F.A.C., for the discipline for which certification is sought. Such officers shall achieve a passing score on the State Officer Certification Examination, pursuant to paragraph 11B-30.008(2)(c), F.A.C. Upon demonstration of proficiency in the required High-Liability Basic Recruit Training Proficiency Skills the training school shall complete an Equivalency-of-Training Proficiency Demonstration, form CJSTC-76A, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference, and provide a copy of the form to the officer. The training center director or designee shall, within thirty days of course completion, electronically transmit a completed Training Report form CJSTC-67 through the Commission’s ATMS, or submit an updated form CJSTC-67.

(7) through (8) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.131(2) FS. History—New 1-2-97, Amended 7-7-99, 11-5-02, 11-30-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, telephone number: (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bureau Chief Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 30, 2005

DEPARTMENT OF LAW ENFORCEMENT

Division of Local Law Enforcement Assistance

RULE TITLES:	RULE NOS.:
Definitions	11D-8.002
Department Inspection and Registration of Breath Test Instruments	11D-8.004
Agency Inspection of Breath Test Instruments	11D-8.006
Approved Breath Test Instruments – Access, Facility Requirements, Observation Period, and Operational Procedures	11D-8.007
Breath Test Operator and Agency Inspector	11D-8.008
Denial, Revocation, and Suspension of Permits	11D-8.015
Forms	11D-8.017

PURPOSE AND EFFECT: Revisions to the above rules are necessary to address new instrumentation for use in Florida.

SUMMARY: Revisions to Chapter 11D-8, F.A.C., concerning regulation and implementation of Florida's implied consent and alcohol testing program. The revisions govern definitions of terminology; regulation of and qualifications for alcohol test permit holders; use and maintenance of breath test instruments.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS.

LAW IMPLEMENTED: 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3), 327.352(1)(e), 327.353(2)(b), 327.354(3) FS.

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

TIME AND DATE: 10:00 a.m., January 24, 2006

PLACE: 1819 Miccosukee Commons, Conference Room, Tallahassee, Florida

STATE OF FLORIDA

FLORIDA DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11D-8, FLORIDA ADMINISTRATIVE CODE

AMENDING SECTIONS 11D-8.002, 8.004, 8.006, 8.007, 8.008, 8.015, 8.017

GENERAL INFORMATION

SUMMARY OF PROPOSED RULE

Proposed revisions to Chapter 11D-8, F.A.C., pertain to the regulation and implementation of Florida's implied consent and alcohol testing program. The proposed revisions govern definitions of terminology; regulation of and qualifications for alcohol test permit holders; and use and maintenance of breath test instruments.

JUSTIFICATION OF PROPOSED RULE

The proposed revisions are necessary to evaluate and maintain breath test instruments approved for use in the State of Florida employing expanded capabilities, and to provide for efficient certification of breath test operators and agency inspectors.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on December 30, 2005, for a hearing to be held on January 24, 2006, if requested.

FDLE received no requests for a public hearing and none was conducted. Written comments were submitted and are summarized below:

Re: 11D-8.007(1) – Joerg F. Jaeger, Esq., objected to the amendment and expressed concern that it would prevent examination of instruments by defense attorneys and DUI litigants. In response to his comments, Mr. Jaeger was advised that the amendment would not limit or restrict such examinations as they are presently conducted.

(4) Commission-approved Specialized Training Program Courses developed and approved by the Commission that have not been designated as Commission-approved Advanced Training Program Courses:

(a) through (cc) No change.

	Course Number	Course Names	Course Hours
(dd)	1149	CMS Special Populations Course	32.0
(ee)	1150	CMS Problem-Solving Model: SECURE Specialized Training Course	6.0

(5) through (7) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.175, 943.25 FS. History—New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04,_____.

11B-35.009 Exemption from Basic Recruit Training.

(1) through (5) No change.

(6) High-Liability Basic Recruit Training proficiency skills requirements for out-of-state, federal, or inactive Florida officers. Prior to applying for certification, an out-of-state or federal officer, or inactive Florida officer, who is exempt from completing a Commission-approved Basic Recruit Training Program, pursuant to Section 943.131(2), F.S., shall demonstrate proficiency in the required High-Liability Basic Recruit Training Proficiency Skills of vehicle operations, firearms, defensive tactics, and first aid, pursuant to Rule 11B-35.0024, F.A.C., for the discipline for which certification is sought. Such officers shall achieve a passing score on the State Officer Certification Examination, pursuant to paragraph 11B-30.008(2)(c), F.A.C. Upon demonstration of proficiency in the required High-Liability Basic Recruit Training Proficiency Skills the training school shall complete an Equivalency-of-Training Proficiency Demonstration, form CJSTC-76A, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference, and provide a copy of the form to the officer. The training center director or designee shall, within thirty days of course completion, electronically transmit a completed Training Report form CJSTC-67 through the Commission’s ATMS, or submit an updated form CJSTC-67.

(7) through (8) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.131(2) FS. History—New 1-2-97, Amended 7-7-99, 11-5-02, 11-30-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, telephone number: (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bureau Chief Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 30, 2005

DEPARTMENT OF LAW ENFORCEMENT

Division of Local Law Enforcement Assistance

RULE TITLES:	RULE NOS.:
Definitions	11D-8.002
Department Inspection and Registration of Breath Test Instruments	11D-8.004
Agency Inspection of Breath Test Instruments	11D-8.006
Approved Breath Test Instruments – Access, Facility Requirements, Observation Period, and Operational Procedures	11D-8.007
Breath Test Operator and Agency Inspector	11D-8.008
Denial, Revocation, and Suspension of Permits	11D-8.015
Forms	11D-8.017

PURPOSE AND EFFECT: Revisions to the above rules are necessary to address new instrumentation for use in Florida.

SUMMARY: Revisions to Chapter 11D-8, F.A.C., concerning regulation and implementation of Florida's implied consent and alcohol testing program. The revisions govern definitions of terminology; regulation of and qualifications for alcohol test permit holders; use and maintenance of breath test instruments.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS.

LAW IMPLEMENTED: 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3), 327.352(1)(e), 327.353(2)(b), 327.354(3) FS.

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

TIME AND DATE: 10:00 a.m., January 24, 2006

PLACE: 1819 Miccosukee Commons, Conference Room, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Rafael E. Madrigal, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting Donna Hunt at (850)410-8615 or TDD Number (850)656-9597.

THE FULL TEXT OF THE PROPOSED RULES IS:

11D-8.002 Definitions.

(1) through (12) No change.

(13) Authorized Repair Facility – the Department, the breath test instrument manufacturer, or an entity authorized by the breath test instrument manufacturer to service and repair such breath test instrument.

(14) through (26) No change.

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

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

(1) through (2) No change.

(3) Department inspections shall be conducted in accordance with Department Inspection Procedures FDLE/ATP Form 35 – Rev. August 2005 ~~March 2004~~ for the Intoxilyzer 5000 Series, or Department Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 36 – Rev. August 2005 ~~March 2004~~ for the Intoxilyzer 8000; and the results reported on FDLE/ATP Form 26 – Department Inspection Report – Rev. March 2004 for the Intoxilyzer 5000 Series, or FDLE/ATP Form 41 – Department Inspection Report – Intoxilyzer 8000 – Rev. August 2005 for the Intoxilyzer 8000.

(4) No change.

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

11D-8.006 Agency Inspection of Breath Test Instruments.

(1) Evidentiary breath test instruments shall be inspected by an agency inspector at least once each calendar month. The agency inspection shall be conducted in accordance with Agency Inspection Procedures FDLE/ATP Form 16 – Rev. March 2004 for the Intoxilyzer 5000 Series, or Agency Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 39 – Rev. August 2005 ~~March 2004~~ for the Intoxilyzer 8000; and the results reported on FDLE/ATP Form 24 – Agency

Inspection Report – Rev. March 2001 for the Intoxilyzer 5000 Series, or FDLE/ATP Form 40 - Agency Inspection Report – Intoxilyzer 8000 – March 2004 for the Intoxilyzer 8000.

(2) through (3) No change.

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

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

(1) Evidentiary breath test instruments shall only be accessible to a person issued a valid permit by the Department and to persons authorized by a permit holder. This section does not prohibit agencies from sending an instrument to an authorized repair facility. Only authorized repair facilities are authorized to remove the top cover of an Intoxilyzer 8000 evidentiary breath test instrument.

(2) through (3) No change.

(4) When operating an Intoxilyzer 5000 Series instrument, a breath test operator shall conduct a breath test in accordance with, and shall record the results on, the Breath Test Results Affidavit FDLE/ATP Form 14 – Rev. March 2002. When operating an Intoxilyzer 8000 instrument, a breath test operator shall conduct a breath test in accordance with Operational Procedures Intoxilyzer 8000 FDLE/ATP Form 37 – Rev. August 2005 ~~March 2004~~, and the results of the test shall be recorded on the Breath Alcohol Test Affidavit – Intoxilyzer 8000 FDLE/ATP Form 38 – March 2004.

(5) No change.

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

11D-8.008 Breath Test Operator and Agency Inspector.

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

(a) through (d) No change.

(e) Submit to the Department a complete written application and proof of course completion, examination results, proficiency testing documentation and proof of age upon successful completion of the breath test operator course, but no later than ninety days after completion.

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

(a) through (b) No change.

(c) Submits to the Department a complete written application and proof of course completion, examination results and proficiency testing documentation upon successful completion of the agency inspector course, but no later than ninety days after completion.

- (d) No change.
- (3) through (8) No change.

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

11D-8.015 Denial, Revocation, and Suspension of Permits.

- (1) through (2) No change.
- (3) The Department is authorized to revoke any permit for any of the following reasons:

(a) Knowingly making a false statement or providing false information on any agency document or on any document required by these rules.

- (b) through (e) No change.
- (4) through (6) No change.

Specific Authority 316.1932(1)(a)2., (f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a), (b), 327.352(1)(b)3. FS. Law Implemented 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.353(2), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04.

11D-8.017 Forms.

The following forms referenced in these rules are hereby incorporated by reference:

- FDLE/ATP Form 13 – Breath Test Log – Effective January 1997.
- FDLE/ATP Form 14 – Breath Test Result Affidavit – Revised March 2002.
- FDLE/ATP Form 16 – Agency Inspection Procedures – Revised March 2004.
- FDLE/ATP Form 24 – Agency Inspection Report – Revised March 2001.
- FDLE/ATP Form 26 – Department Inspection Report – Revised March 2004.
- FDLE/ATP Form 32 – Certificate of Assurance – Revised March 2001.
- FDLE/ATP Form 34 – Instrument Evaluation Procedures – Revised March 2004.
- FDLE/ATP Form 35 – Department Inspection Procedures – Revised August 2005 ~~March 2004~~.
- FDLE/ATP Form 36 – Department Inspection Procedures – Intoxilyzer 8000 – Revised August 2005 ~~March 2004~~.
- FDLE/ATP Form 37 – Operational Procedures – Intoxilyzer 8000 – Revised August 2005 ~~March 2004~~.
- FDLE/ATP Form 38 – Breath Alcohol Test Affidavit – Intoxilyzer 8000 – March 2004.
- FDLE/ATP Form 39 – Agency Inspection Procedures – Intoxilyzer 8000 – Revised August 2005 ~~March 2004~~.
- FDLE/ATP Form 40 – Agency Inspection Report – Intoxilyzer 8000 – March 2004.
- FDLE/ATP Form 41 – Department Inspection Report – Intoxilyzer 8000 – Revised August 2005.

These forms may be obtained by contacting the Florida Department of Law Enforcement, Alcohol Testing Program, P. O. Box 1489, Tallahassee, Florida 32302. Agencies will be provided blank forms upon request and without cost for their alcohol testing program use.

Specific Authority 316.1932(1)(a)2., (f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a), (b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2)(b), 327.354(3) FS. History—New 10-31-93, Amended 2-1-95, 1-1-97, 9-29-01, 11-5-02, 12-9-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rafael E. Madrigal, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, telephone number (850)410-7810

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael Ramage, General Counsel, Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

**DEPARTMENT OF LAW ENFORCEMENT
Division of Local Law Enforcement Assistance**

RULE CHAPTER TITLE: Edward Byrne Memorial Justice Assistance Grant Program

RULE CHAPTER NO.: 11D-9

RULE TITLES: Definitions

RULE NOS.: 11D-9.001

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

Limitations on Funds Use 11D-9.003

Eligible Purposes and Programs 11D-9.004

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

Forms and Instructions 11D-9.006

PURPOSE AND EFFECT: Revises rule language to comply with the requirements for merging the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program with the Local Law Enforcement Block Grant (LLEBG) Program. Repeals Rule 11D-9.003, F.A.C., Limitations on Funds Use and Rule 11D-9.004, F.A.C., Eligible Purposes and Programs.

SUMMARY: Updates and clarifies rule language to conform to federal program requirements governing the merger of the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program with the Local Law Enforcement Block Grant (LLEBG) Program; Identifies two federal funding streams (60% of the funding will be called JAG-Countywide and 40% of the funding will be called JAG-Direct); and repeals Rule 11D-9.003, F.A.C., Limitations on Funds Use and Rule 11D-9.004, F.A.C., Eligible Purposes and Programs.

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

Chapter 11D-9, FLORIDA ADMINISTRATIVE CODE

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

REPEALING RULES 11D-9.003 and 11D-9.004

EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM

SUMMARY OF PROPOSED RULE

Revisions to this rule chapter are necessary to conform with federal program requirements governing the federal merger of the Edward Byrne Memorial State, the Local Law Enforcement Assistance Formula Grant Program, and the Local Law Enforcement Block Grant (LLEBG) Program; to identify two federal funding streams (60% of the funding will be called JAG-Countywide and 40% of the funding will be called JAG-Direct); and to repeal Rule 11D-9.003, Limitations on Funds Use and Rule 11D-9.004, Eligible Purposes and Programs.

JUSTIFICATION OF PROPOSED RULE

Revisions to this rule chapter are necessary to revise rule language to comply with the federal funding requirements for merging the Edward Byrne Memorial State, the Local Law Enforcement Assistance Formula Grant Program, and the Local Law Enforcement Block Grant (LLEBG) Program.

FEDERAL COMPARISON STATEMENT

The revisions to this Rule Chapter comport with the federal code requirements for the merger of the Edward Byrne Memorial State, the Local Law Enforcement Assistance Formula Grant Program, and the Local Law Enforcement Block Grant (LLEBG) Program, 42 U.S.C. §3750, pertaining to law enforcement and criminal justice agency financial assistance..

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on December 30, 2005, for a hearing to be held on January 24, 2006 if requested.

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

- (d) No change.
- (3) through (8) No change.

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

11D-8.015 Denial, Revocation, and Suspension of Permits.

- (1) through (2) No change.
- (3) The Department is authorized to revoke any permit for any of the following reasons:

(a) Knowingly making a false statement or providing false information on any agency document or on any document required by these rules.

- (b) through (e) No change.
- (4) through (6) No change.

Specific Authority 316.1932(1)(a)2., (f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a), (b), 327.352(1)(b)3. FS. Law Implemented 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.353(2), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04.

11D-8.017 Forms.

The following forms referenced in these rules are hereby incorporated by reference:

- FDLE/ATP Form 13 – Breath Test Log – Effective January 1997.
- FDLE/ATP Form 14 – Breath Test Result Affidavit – Revised March 2002.
- FDLE/ATP Form 16 – Agency Inspection Procedures – Revised March 2004.
- FDLE/ATP Form 24 – Agency Inspection Report – Revised March 2001.
- FDLE/ATP Form 26 – Department Inspection Report – Revised March 2004.
- FDLE/ATP Form 32 – Certificate of Assurance – Revised March 2001.
- FDLE/ATP Form 34 – Instrument Evaluation Procedures – Revised March 2004.
- FDLE/ATP Form 35 – Department Inspection Procedures – Revised August 2005 ~~March 2004~~.
- FDLE/ATP Form 36 – Department Inspection Procedures – Intoxilyzer 8000 – Revised August 2005 ~~March 2004~~.
- FDLE/ATP Form 37 – Operational Procedures – Intoxilyzer 8000 – Revised August 2005 ~~March 2004~~.
- FDLE/ATP Form 38 – Breath Alcohol Test Affidavit – Intoxilyzer 8000 – March 2004.
- FDLE/ATP Form 39 – Agency Inspection Procedures – Intoxilyzer 8000 – Revised August 2005 ~~March 2004~~.
- FDLE/ATP Form 40 – Agency Inspection Report – Intoxilyzer 8000 – March 2004.
- FDLE/ATP Form 41 – Department Inspection Report – Intoxilyzer 8000 – Revised August 2005.

These forms may be obtained by contacting the Florida Department of Law Enforcement, Alcohol Testing Program, P. O. Box 1489, Tallahassee, Florida 32302. Agencies will be provided blank forms upon request and without cost for their alcohol testing program use.

Specific Authority 316.1932(1)(a)2., (f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a), (b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2)(b), 327.354(3) FS. History—New 10-31-93, Amended 2-1-95, 1-1-97, 9-29-01, 11-5-02, 12-9-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rafael E. Madrigal, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, telephone number (850)410-7810

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael Ramage, General Counsel, Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

DEPARTMENT OF LAW ENFORCEMENT

Division of Local Law Enforcement Assistance

RULE CHAPTER TITLE: Edward Byrne Memorial Justice Assistance Grant Program

RULE CHAPTER NO.:

11D-9

RULE TITLES: Definitions

RULE NOS.:

11D-9.001

Funds Availability for JAG-Countywide and JAG Direct

11D-9.002

Limitations on Funds Use

11D-9.003

Eligible Purposes and Programs

11D-9.004

Application and Award Procedures for JAG-Countywide and JAG-Direct

11D-9.005

Forms and Instructions

11D-9.006

PURPOSE AND EFFECT: Revises rule language to comply with the requirements for merging the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program with the Local Law Enforcement Block Grant (LLEBG) Program. Repeals Rule 11D-9.003, F.A.C., Limitations on Funds Use and Rule 11D-9.004, F.A.C., Eligible Purposes and Programs.

SUMMARY: Updates and clarifies rule language to conform to federal program requirements governing the merger of the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program with the Local Law Enforcement Block Grant (LLEBG) Program; Identifies two federal funding streams (60% of the funding will be called JAG-Countywide and 40% of the funding will be called JAG-Direct); and repeals Rule 11D-9.003, F.A.C., Limitations on Funds Use and Rule 11D-9.004, F.A.C., Eligible Purposes and Programs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 943.03(4), 943.403 FS.

LAW IMPLEMENTED: 943.25(1), 943.402 FS.

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

TIME AND DATE: 10:00 a.m., January 24, 2006

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Clayton Wilder, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, telephone number: (850)410-8700

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting Clayton Wilder at (850)410-8700 or TDD Number (850)656-9597.

THE FULL TEXT OF THE PROPOSED RULES IS:

~~EDWARD BYRNE MEMORIAL JUSTICE STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE FORMULA GRANT PROGRAM~~

11D-9.001 Definitions.

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

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

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

(3) "JAG" ~~"Byrne Program"~~ means the Edward Byrne Memorial Justice Assistance Grant Program ~~Memorial State and Local Law Enforcement Assistance Formula Grant Program~~.

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

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

~~(4) "CJRI Plan" means the Criminal Justice Records Improvement Plan.~~

~~(5) "Criminal History Records (CHR) Set-aside Funds" means that percentage of available Anti-Drug Abuse Act of 1988 funds as determined by the BJA which must be utilized~~

~~by state and local units of government for the purpose of improving the completeness, accuracy and timely submission of the information contained within offender criminal history records.~~

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

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

(8) "Eligible Application" is an application for Act funds, which meets the requirements of Rules 11D-9.002, 11D-9.003, 11D-9.004 and 11D-9.005, F.A.C.

~~(9) "Florida's Federal Funding Work Group" means the organizational body which will provide recommendations to the Department regarding the state's effort to improve the contents of Florida's Criminal History Records in accordance with the requirements of the federal Anti Drug Abuse Act of 1988. The work group shall consist of a representative from the Office of the State Courts Administrator, the Florida Department of Law Enforcement, the Florida Department of Corrections, the Florida Department of Juvenile Justice and the Florida Association of Court Clerks.~~

~~(9)(10)~~ "Local Applicant" means any governing body of a city or county, however styled, including that of a consolidated or metropolitan government and including an Indian Tribe which performs law enforcement functions as determined by the Secretary of the Interior.

~~(10)(11)~~ "OCJG" means the Office of Criminal Justice Grants, Business Support Programs, Florida Department of Law Enforcement.

~~(11)(12)~~ "State Applicant" means any unit of the executive, legislative or judicial branches of state government which performs functions related to the purposes of the Act.

~~(12)(13)~~ "Statewide Strategy for Drug Control, Violence Prevention, and System Improvement" means a policy designed to address the problems of illegal drug use and violent crime and to improve the efficiency and effectiveness of the criminal justice system in accordance with the Act.

~~(13)(14)~~ "Substance Abuse and Violent Crime Identification Matrix" means a set of statistical factors and values used by the Department to ascertain the degree of the drug problem or violent crime within any particular county relative to any other particular county.

Specific Authority 943.03(4), 943.403 FS. Law Implemented 943.25(1), 943.402 FS. History—New 2-6-90, Amended 4-2-92, 2-7-95, Formerly 9G-16.002, Amended 3-8-99, Formerly 9B-61.002, Amended 11-5-02,_____.

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

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

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

~~(3) The percentage of funds obligated to state units of government, in the aggregate, shall be no more than that percentage equal to the state government share of total state and local criminal justice expenditures as determined annually by the BJA.~~

~~(a) Based on appropriations by The Florida Legislature the Department shall notify in writing those state agencies known to have been appropriated a portion of the Act funds, including CHR set aside funds. Such notice shall identify funding available, the purposes for which these funds may be used and the procedures required for receipt of such funds.~~

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

(4) The percentage of federal funds obligated to local units of government, in the aggregate, shall be no less than the percentage equal to the local government share of total state and local criminal justice expenditures as determined annually by the BJA.

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

~~(a)1.~~ Violent Crime Index.

~~1.a.~~ Number of Burglary Offenses.

~~2.b.~~ Number of Larceny Offenses.

~~3.e.~~ Number of Robbery Offenses.

~~4.d.~~ Number of Murder Offenses.

~~(b)2.~~ Juvenile Involvement in Drugs Index.

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

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

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

~~(c)4.~~ Cocaine Factor Index. Number of arrests for sale and possession of cocaine.

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

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

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

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

~~(5) The Department shall allocate local CHR set-aside funds to the criminal justice system for the purpose of improving the completeness, accuracy and timely submission of information contained in the Florida Department of Law Enforcement's offender criminal history records. The recommendations of the Florida Federal Work Group shall be considered by the Department prior to such allocation.~~

~~(a) Local recipients of CHR set-aside funds shall be notified by the Department.~~

~~(b) The requirement for 51 percent letters that applies to other local applications does not apply in this case.~~

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

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

11D-9.003 Limitations on Funds Use.

~~Restrictions on the use of monies for routine equipment, personnel costs, construction and supplanting of state and local funds, land acquisition, and the number of months applicants may receive financial support are as follows:~~

~~(1) Equipment and Hardware. The purchase or acquisition of equipment or hardware with grant funds is prohibited unless the purchase or acquisition is utilized in an approved program.~~

~~(2) General Salaries and Personnel Costs. Payment of personnel costs with grant funds is prohibited unless the costs for services are directly related to the grant as a part of a program. Grant funds may be used to compensate personnel for time engaged in conducting or participating in training programs or to compensate personnel engaged in research, development, demonstration or short-term programs related to the purposes of the Act.~~

~~(3) Construction. Use of the grant funds for construction projects is prohibited, except construction of correctional facilities.~~

~~(4) Land Acquisition. Acquisition of land with grant funds is prohibited.~~

~~(5) Non-Supplantation. Grant funds shall not be used to supplant state or local funds, but will be used to increase the amounts of such funds that would, in the absence of grants funds, be made available for drug and violent crime law enforcement activities.~~

~~(6) Projects which have received grant funds made available under the Act for an aggregate of 48 calendar months, including funds received under the Anti Drug Abuse Act of 1986 and the Justice Assistance Act of 1984, shall not be considered an eligible project in any subsequent funding cycle, except for the following projects:~~

~~(a) Administration.~~

~~(b) Victims Assistance Programs, or Multijurisdictional Gang or Drug Task Forces.~~

~~(c) Criminal History Records when waived by BJA, because it is essential to continue funding a particular subgrantee to complete an individual project beyond 4 years in order to achieve the goals established by the Act and State's approved CJRI Plan.~~

Specific Authority 943.03(4), 943.403 FS. Law Implemented 943.25(1), 943.402 FS. History--New 2-6-90, Amended 2-7-95, Formerly 9G-16.006, 9B-61.006, Amended 11-5-02, Repealed _____.

11D-9.004 Eligible Purposes and Programs.

~~The Act provides that funds may only be used for the purposes as authorized by Congress pursuant to Title I of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, et. seq., as amended. Any other uses or proposed uses shall be denied.~~

Specific Authority 943.03(4), 943.403 FS. Law Implemented 943.25(1), 943.402 FS. History--New 2-6-90, Amended 2-7-95, Formerly 9G-16.007, 9B-61.007, Amended 11-5-02, Repealed _____.

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

(1) JAG-Countywide Notification Process for State Applicants.

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

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

(c) Applicants who submit proposals to the Department for consideration shall submit two originals of the completed application package which is filled out via the Subgrant Information ON-line System (SIMON).

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

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

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

(c) The Chairman, Board of County Commissioners, in each county so notified shall return to the Department within 30 days of receiving notification, a statement of certification indicating the county's willingness to serve as the coordinating unit of government for at least 51 percent of the units of government which also represent at least 51 percent of the population located in said county. When the county identifies a county coordinator, the Department shall send application forms to the coordinator.

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

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

(a) Each applicant is encouraged to appoint a Substance Abuse and Violent Crime Policy Advisory Board, the membership of which shall include at a minimum the following persons or their authorized designee: Chief Circuit Judge, State Attorney, Public Defender, Sheriff, Chief of Police of each municipality within the county or a Chief of Police designated by those Chiefs of Police as their representative, Jail Administrator, Clerk of the Court, Superintendent of Education and a representative of local drug treatment programs. An existing Board or Council whose membership includes the listed representatives may be utilized in lieu of appointing a new Board or Council. The Substance Abuse and

Violent Crime Policy Advisory Board shall serve as the primary body for coordinating drug abuse efforts undertaken with funds provided by the Act.

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

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

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

(d) Applicants who submit proposals to the Department for consideration shall submit two originals of the completed application package which is filled out via the Subgrant Information ON-line System (SIMON).

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

(4) JAG-Direct Notification Process for Local Applicants. To initiate a funding cycle, the Department shall send notice of the funding cycle and a program announcement to the local agency head, being the mayor of the city or the chairman, in each county.

(5) JAG-Direct Local Application Process.

(a) Applicants who submit proposals to the Department for consideration shall submit two originals of the completed application package which is filled out via the Subgrant Information ON-line System (SIMON).

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

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

11D-9.006 Forms and Instructions.

Copies of the materials and forms incorporated by reference herein may be obtained by writing or calling: Office of Criminal Justice Grants, Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, Telephone (850)410-8700.

Forms Required

- (1) Financial Claims Report OCJG-001 (rev. October 2005 03/25/2002)
- (2) Financial Closeout Package OCJG-002 (rev. October 2005 03/25/2002)
- (3) Project Generated Income Agreement OCJG-003 (rev. October 2005 03/25/2002)
- (4) Program Generated Income Report OCJG-004 (rev. October 2005 03/25/2002)
- (5) Application for Funding Assistance OCJG-005 (rev. April 2005 03/25/2002)
- (6) Certification of Compliance with Equal Employment Opportunity (EEO) Program Requirements/Subgrantee Certification OCJG-006 (rev. October 2005 03/25/2002)
- (7) Certification of Compliance with Equal Employment Opportunity (EEO) Program Requirements/Criminal Justice Agency Certification OCJG-007 (rev. October 2005 03/25/2002)
- (8) Confidential Funds Certification OCJG-008 (rev. October 2005 03/25/2002)
- (9) Criminal Intelligence System Certification OCJG-009 (rev. October 2005 03/25/2002)
- (10) Automated Data Processing (ADP) Equipment and Software and Criminal Justice Information and Communication Systems Request for Approval Form OCJG-010 (rev. October 2005 03/25/2002)
- (11) Sole Source Justification for Services and Equipment Form OCJG-011 (rev. October 2005 03/25/2002)
- (12) Certification of Acceptance of Subgrant Award OCJG-012 (rev. October 2005 03/25/2002)

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Clayton Wilder, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308-1489, telephone number: (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Administrator Clayton Wilder, Florida Department of Law Enforcement, Office of Criminal Justice Grants

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

DEPARTMENT OF LAW ENFORCEMENT

Violent Crime and Drug Control Council

RULE CHAPTER TITLE: Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account

RULE CHAPTER NO.: 11N-1

RULE TITLES: Drug Control Investigative Funding Limitations on Drug Control Investigative Funding Procedures for Formal Funding Requests for Violent Crime Investigative Reimbursement Funding Procedures for Funding Requests for Drug Control Investigative Funding Contributions Victim/Witness Protection Program

RULE NOS.: 11N-1.0022 11N-1.0031 11N-1.005 11N-1.0051 11N-1.006 11N-1.009

PURPOSE AND EFFECT: To clarify language concerning matching funding for the Violent Crime and Drug Control Strategy Implementation Account, update the name of the database used in tracking drug crime, funding request deadline is changed to allow staff more time to process requests, clarify when and how overtime and leave records for members paid from Council funding is addressed, ensure that penalty language for agencies violating the rule are clear and the information agencies send to FDLE is received in a timely manner, clarify which forms must be sent to which workgroup, change the recipient for Victim/Witness applications from an individual to a position.

SUMMARY: Methods for requesting funding and reporting expenses for the Violent Crime and Drug Control Strategy Implementation Account.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 943.03(4), 943.042 FS.

LAW IMPLEMENTED: 943.031, 943.042 FS.

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

TIME AND DATE: 10:00 a.m., January 24, 2006

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE MAKING AND A COPY OF THE PRELIMINARY DRAFT IS: Joyce Gainous-Harris, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, telephone number: (850)410-7096
NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting the FDLE Office of Human Resources at (850)410-7900 or TDD Number (850)656-9597.

THE FULL TEXT OF THE PROPOSED RULE IS:

11N-1.0022 ~~Matching~~ Drug Control Investigative Funding.

(1) In determining whether requests for drug control matching funding relate to multi-agency or statewide drug control or illicit money laundering investigative or task force efforts that:

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

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

(c) Otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council, the following criteria shall be considered:

1. Mandatory Factors:

a. through g., No change.

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

2.a. through i., No change.

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

11N-1.0031 Limitations on ~~Matching~~ Drug Control Investigative Funding.

(1) Requests for ~~matching~~ funding from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall be limited to case-related investigative expenses, salary and overtime for the efforts of

FLORIDA DEPARTMENT OF LAW ENFORCEMENT

Chapter 11N, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11N-1.0022, 1.0031, 1.005, 1.0051, 1.006, 1.009, F.A.C.

VIOLENT CRIME INVESTIGATIVE EMERGENCY AND DRUG CONTROL STRATEGY IMPLEMENTATION ACCOUNT

SUMMARY OF PROPOSED RULE

Rule 11N-1.0022 is amended to state the funds requested must be drug control funds, to ensure the Statewide Drug Policy Advisory Council is properly named, to ensure that the drug crimes database is referred to correctly, and to require that all drug seizures using Council finds are to be entered into the database. Rule 11N-1.0031 clarifies what matching funding means for drug control investigation funding. Rule 11N-1.005 is amended require that written funding requests be received 30 days prior to Council meetings rather than 15 days. Rule 11N-1.0051 is amended to clarify procedures for obtaining drug control funding, including defining that the funding is for drug control and is not matching funding, forms FDLE/OSI 003, and FDLE/OSI 004A and 004B are revised to reflect these changes, officer overtime reporting is clarified, Council staff are empowered to receive additional information from agencies receiving funding in preparing the Council's annual report to the Legislature or in fulfilling the Council's role to monitor the performance of funded investigations, and to provide a means for reimbursement of funds to the Council if agencies receiving funding do not comply with reporting requirements. Rule 11N-1.006 is amended to strike matching from discussions of funding. Rule 11N-1.009 is amended to change the program name to which victim/witness protection funding applications must be sent, the date by which the application must reach the program office, and the address to which applications must be sent.

JUSTIFICATION OF PROPOSED RULE

To review and update Chapter 11N pursuant to conform with statutory language in describing the Statewide Drug Policy Advisory Council, to reflect the change in name of the drug crime database from DrugNet to InSite, and to clarify various funding and reporting deadlines and requirements for agencies operating under these rules.

FEDERAL COMPARISON STATEMENT

There are no federal requirements for this topic.

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on December 30, 2005, for a hearing to be held on January 24, 2006 if requested.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

DEPARTMENT OF LAW ENFORCEMENT

Violent Crime and Drug Control Council

RULE CHAPTER TITLE: Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account

RULE CHAPTER NO.: 11N-1

RULE TITLES: Drug Control Investigative Funding Limitations on Drug Control Investigative Funding Procedures for Formal Funding Requests for Violent Crime Investigative Reimbursement Funding Procedures for Funding Requests for Drug Control Investigative Funding Contributions Victim/Witness Protection Program

RULE NOS.: 11N-1.0022 11N-1.0031 11N-1.005 11N-1.0051 11N-1.006 11N-1.009

PURPOSE AND EFFECT: To clarify language concerning matching funding for the Violent Crime and Drug Control Strategy Implementation Account, update the name of the database used in tracking drug crime, funding request deadline is changed to allow staff more time to process requests, clarify when and how overtime and leave records for members paid from Council funding is addressed, ensure that penalty language for agencies violating the rule are clear and the information agencies send to FDLE is received in a timely manner, clarify which forms must be sent to which workgroup, change the recipient for Victim/Witness applications from an individual to a position.

SUMMARY: Methods for requesting funding and reporting expenses for the Violent Crime and Drug Control Strategy Implementation Account.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 943.03(4), 943.042 FS.

LAW IMPLEMENTED: 943.031, 943.042 FS.

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

TIME AND DATE: 10:00 a.m., January 24, 2006

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE MAKING AND A COPY OF THE PRELIMINARY DRAFT IS: Joyce Gainous-Harris, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, telephone number: (850)410-7096
NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting the FDLE Office of Human Resources at (850)410-7900 or TDD Number (850)656-9597.

THE FULL TEXT OF THE PROPOSED RULE IS:

11N-1.0022 ~~Matching~~ Drug Control Investigative Funding.

(1) In determining whether requests for drug control matching funding relate to multi-agency or statewide drug control or illicit money laundering investigative or task force efforts that:

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

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

(c) Otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council, the following criteria shall be considered:

1. Mandatory Factors:

a. through g., No change.

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

2.a. through i., No change.

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

11N-1.0031 Limitations on ~~Matching~~ Drug Control Investigative Funding.

(1) Requests for ~~matching~~ funding from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall be limited to case-related investigative expenses, salary and overtime for the efforts of

officers and employees directly linked to a funded investigation and other expenses related to investigations approved for funding by the Council.

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

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

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

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

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

(4) No change.

(5) ~~Matching~~ Funding from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account is available only to a Florida state or local law enforcement agency, and such funding shall be used for investigative purposes directly linked to the investigative effort approved for funding by the Council. As used herein, "law enforcement agency" includes a Florida police department, a Florida sheriff's office, a regional office of the Florida Department of Law Enforcement or other Florida state law enforcement agency, the Department of Financial Services, ~~Florida Comptroller's Office of Financial Investigations~~, or a troop of the Florida Highway Patrol.

However, the term excludes state attorneys' offices and the Office of Statewide Prosecution except for resources provided by such offices exclusively dedicated to investigative efforts approved for funding by the Council.

(6) Limits Upon Drug Control Matching Funding.

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

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

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

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

(e) No change.

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

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

(1) No change.

(2) In order to assure careful consideration of requests before presentation to the Council, written requests for funding shall be submitted by the head of the Regional Violent Crime Investigative Coordinating Team so that they are received at least ~~thirty fifteen~~ days prior to the next scheduled Violent Crime and Drug Control Council meeting. Requests shall be mailed to: Florida Violent Crime and Drug Control Council, c/o Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, and shall indicate who will be making the presentation to the Council.

(3) through (9) No change.

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

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

(1) No change.

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

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

funding proposal has been explained in sufficient detail to promote a fair review and evaluation of the request by the Department and the Council.

(4) through (6), No change.

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

(8) The Council will make its drug control matching funding decisions based upon the information presented to it by OSI, or otherwise made available at a Council meeting, and the availability of funds for use by the Council. The Council may direct that approved funding shall be paid in a lump sum or in installments. The Council may fund all, a portion, or none of a request presented to it.

(9) No change.

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

(11) No change.

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

(13) Agencies seeking drug control matching funding under this section shall cooperate with the Team in the agencies' area, and provide all information as requested by the Team to assist in the preparation of a funding request, including information to identify the amounts of agency funds being committed by each participating agency to be matched by Council drug control matching funds. The head of each requesting agency that seeks to receive Council drug control matching funds shall include in the submission to the Team a certification in writing that to the agency head's best knowledge and belief, the request complies with the requirements established by law and this rule for funding. The agency head shall also agree to provide requested information to the Council to assist the Council in its performance-monitoring obligations and shall agree to retain proof and documentation as may be required by the Council and to submit to any audits or reviews of agency utilization of Council funds or funds derived from any Council-funded

investigative effort as may be performed. The request shall be accompanied by Form FDLE/OSI-003, Matching Drug Control & Money Laundering Application, revised 12/03/2004 ~~10/07/01~~, incorporated by reference.

(14) Funding Calculations.

(a) In calculating the amount being provided by as an requesting agency match ~~for which matching Council funds may be provided~~, the Council shall consider:

1. The base salary (including benefits and taxes) and overtime compensation pledged (including benefits and taxes) of agency employees for that portion of the employees' efforts dedicated exclusively to the proposed investigative effort, and

2. Normal operating costs directly attributable to the proposed investigative effort as specifically identified by the requesting agency, subject to the exclusions listed below.

(b) No change.

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

(16) Council Matching Funding Documentation.

(a) Agencies receiving drug control matching funding under this section shall provide a written quarterly report of expenditures of Council funds and of the progress of the investigative effort. The report shall be prepared in consultation with the Regional Drug Enforcement Coordinating Team and submitted by that Team through the Office of Statewide Intelligence for compilation and presentation to the Council at a quarterly meeting. Form FDLE/OSI-004A, Matching Drug Control Quarterly Report, revised 12/03/2004 ~~10/08/02~~, incorporated by reference, shall be utilized to make the report. In addition, the Council may require oral progress reports to be made at Council meetings by

a representative of the Regional Drug Enforcement Coordinating Team or a designee of the lead investigative agency in a funded investigative effort. Agencies receiving Drug Control funding after September 1, 2005, shall utilize FDLE/OSI-004B, Drug Control Bi-Annual Report, revised 12/03/2004, hereby incorporated by reference.

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

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

(17) No change.

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

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

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

11N-1.006 Contributions.

Local law enforcement agencies may contribute to the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account by submitting funds to the executive director of the Department of Law Enforcement. Contributions should be accompanied by a written statement designating the

funds to the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account. Agencies receiving forfeiture proceeds by reason of an investigative effort receiving ~~matching~~ Council funds may contribute a portion of those proceeds to the Department of Law Enforcement for use by the Council in further ~~matching~~ funding efforts.

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

11N-1.009 Victim/Witness Protection Program.

(1) Requests for Victim Witness Protection funding, pursuant to Section 943.031(6), F.S., must be made using the Victim/Witness Protection Program Application, form FDLE/OSI-005, revised 10/8/02 and incorporated by reference.

(2) In order to be considered for funding, completed applications shall be submitted to ~~FDLE, OSI the Victim and Witness Protection Review Committee~~, at least 30 ~~15~~ days prior to the next scheduled Violent Crime and Drug Control Council (VCDCC) meeting.

Application information and dates of scheduled VCDCC meetings can be found at: <http://osiweb.fldle.flcfn.net/VCDCC/vwcases/vwapplication.htm>.

(3) Completed forms shall be mailed to: Chairperson, Florida Violent Crime & Drug Control Council, c/o Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attn: Violent Crime Agent/Office of Statewide Intelligence ~~Attn: SA Kris Cullen/Office of Statewide Intelligence~~.

Specific Authority 943.03(4) FS. Law Implemented 943.031(6), 914.25 FS. History--New 12-3-03, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Joyce Gainous-Harris, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, telephone number: (850)410-7096

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Special Agent Supervisor Jennifer Pritt, Florida Department of Law Enforcement, Office of Statewide Intelligence

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Incorporation by Reference	14-15
RULE TITLE:	RULE NO.:
Safety and Security Oversight Program	
Standards Manual for Fixed Guideway	
Transportation Systems	14-15.017