

AGENDA
FLORIDA DEPARTMENT OF LAW ENFORCEMENT

January 31, 2008

ITEM 1. Respectfully submit the **Minutes of the November 14, 2007 Cabinet Meeting**.

(See Attachment 1)

RECOMMEND APPROVAL

ITEM 2. Respectfully submit for final adoption, **proposed Rule 11B-27.014, F.A.C., Implementation of the Federal Law Enforcement Officers Safety Act of 2004**, pertaining to compliance with the Federal Law Enforcement Officers Safety Act of 2004 and legislative changes, relating to the Act. Upon approval by the Governor and Cabinet, the adopted rule will take effect on or after March 2, 2008.

(See Attachment 2)

RECOMMEND APPROVAL

Cabinet Affairs Contact
Administrator Ron Draa
410-7001

**STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11B-27, FLORIDA ADMINISTRATIVE CODE
CREATING RULE 11B-27.014, F.A.C.**

CERTIFICATION AND EMPLOYMENT OR APPOINTMENT

SUMMARY OF PROPOSED RULE

Rule 11B-27.014, F.A.C., complies with the mandate of the Federal Law Enforcement Officers Safety Act of 2004. The rule requires that a retired law enforcement officer demonstrates firearm proficiency in the Commission's approved course of fire prior to carrying a concealed firearm in Florida; provides requirements for range masters to administer the Commission's approved course of fire; lists the firing range requirements for firing range owners; and creates the Firearms Proficiency Verification Card form CJSTC-600 for issuance to a retiree upon his/her successful proficiency demonstration on the Commission's approved course of fire.

JUSTIFICATION OF PROPOSED RULE

To comply with the requirements of the federal Law Enforcement Officers Safety Act of 2004, pursuant to 18 U.S.C.A., § 926C.

FEDERAL COMPARISON STATEMENT

Rule 11B-27.014, F.A.C., implements the federal requirements found in 18 U.S.C.A., §926C.

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on November 30, 2007 for a hearing to be held on January 3, 2008 if requested. FDLE received no requests for a public hearing and no written comments were submitted.

Notice of Proposed Rule

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

RULE NO: RULE TITLE

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

PURPOSE AND EFFECT: To develop rules for retired law enforcement officers to carry a concealed firearm in Florida under the federal Law Enforcement Officers Safety Act of 2004, as defined in 18 U.S.C.A., §926C.

SUMMARY: This rule implements the Federal Law Enforcement Officers Safety Act of 2004: To require a retiree to demonstrate firearms proficiency on the Commission's approved course of fire prior to carrying a concealed firearm in Florida, to create requirements for range masters to administer the Commission's approved course of fire; to list firearms range requirements; and to create the Firearms Proficiency Verification Card form CJSTC-600.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or 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), 943.12(1) FS.

LAW IMPLEMENTED: 943.12, 943.132 FS.

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

DATE AND TIME: January 3, 2008, 1:00 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Donna Hunt at (850)410-8615. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8516

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) Requirements to demonstrate the firearms proficiency requirements under the Federal Law Enforcement Officers Safety Act of 2004 (18 U.S.C.A. § 926C) in Florida.

(a) To carry a concealed firearm under the Federal Law Enforcement Officers Safety Act of 2004 ("Act"), a qualified retired law enforcement officer ("retiree"), as defined in 18 U.S.C.A. § 926C, shall show that he or she has demonstrated the firearms proficiency required by the Act within the past twelve months of the time he or she possesses a concealed firearm.

(b) The Act provides the following two methods for a retiree to demonstrate firearms proficiency:

1. One method allows the retiree to return to the agency from which he or she retired to meet the agency's firearms proficiency standards as applied to the agency's active officers. Under the Act, an agency has the option to offer this alternative.

2. The second method allows the retiree to meet the minimum firearms standards applied to active law enforcement officers by the state of the retiree's residence.

(c) For retirees who reside in Florida, the option to meet the state's minimum firearms standards shall be demonstrated using the Commission's approved minimum firearms proficiency course of fire ("course of fire"), conducted in a manner specified in subsection (2) of this rule section, pursuant to the Law Enforcement Officer Firearms Qualification Standard on form CJSTC-86A, incorporated by reference in subsection 11B-27.00212(14), F.A.C.

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

(a) The range master conducting the course of fire shall be an active Commission-certified firearms instructor pursuant to subsection 11B-20.0014(2), F.A.C.

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

(c) The range master shall maintain the following documentation that is related to the completion of the course of fire for each retiree who successfully completes the course, and the retained documentation shall be subject to audit during regular business hours upon a two-day written notice by Commission staff:

1. Full name of the retiree completing the course of fire.

2. Address of the retiree completing the course of fire.

3. The Course of Fire Proficiency Score. A passing score is a minimum score of 80%, which is 32 of 40 rounds in the scoring area. The scoring area shall be any hit that is inside or touches the exterior scoring line of the four and five zone of the B-21E target. The B-21E target is commercially available through retailers.

4. Date the course of fire was completed.

5. Location where the course of fire was conducted.

6. The specific number imprinted on the CJSTC-600 form issued to the retiree who completed the course of fire.

7. Type(s) of firearm(s).

(3) Firearms Range Requirements.

(a) The course of fire is authorized to be conducted on any public or private range that meets the shooting distance requirements on form CJSTC-86A.

(b) The owner of a firearms range is not required to administer the course of fire on the owner's firearms range.

(c) The retiree shall be responsible for any fee associated with the course of fire.

(4) Issuance and Maintenance of form CJSTC-600.

(a) A request for form CJSTC-600 shall be made in writing to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Officer Records Section.

1. A Commission-certified firearms instructor is allowed to receive up to 50 each of the CJSTC-600 form with each written request, and the request shall include the firearm instructor's full name, mailing address and physical address if different from the mailing address, telephone number, and the name of the Commission-certified training school, defined as "training school" in subsection 11B-18.003(23), F.A.C., affiliation or criminal justice agency affiliation.

2. A training school is allowed to receive up to 200 each of the CJSTC-600 form with each written request, and the request shall be made on the training school's letterhead signed by the training center director.

3. If a retiree loses form CJSTC-600, a replacement card shall not be reissued. The retiree shall be required to complete the course of fire, again, prior to issuing a new CJSTC-600 form.

(b) A Commission-certified firearms instructor shall only issue a CJSTC-600 form for successful completion of the course of fire. Each CJSTC-600 form shall be issued with a specific number imprinted on the form and the firearms instructor shall maintain documentation for a period of two years indicating to whom the CJSTC-600 was issued, which shall be subject to audit by Commission staff during regular business hours upon a two-day written notice by Commission staff.

(c) The CJSTC-600 form shall expire one year from the date the retiree completed the course of fire.

(5) Admission to a range to attempt to complete the course of fire shall be under the terms and conditions of the range master, and solely at the range master's discretion. Neither state law nor the Act provide a retiree with a right to demand access to a range or an opportunity to attempt the course of fire.

(6) It is not the responsibility of the Commission, any Commission certified firearms instructor, a training school, or any other entity operating a firearms range, at the time of the firearms qualification, to verify or certify that a retiree meets any of the additional requirements of a "qualified retired law enforcement officer" under the Act. Meeting the Act's qualifications is solely the responsibility of the retiree. The range master is not required to otherwise verify a retiree's status under the Act at the time of the firearms qualification.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12, 943.132 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donna Hunt at (850)410-8516

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Vickie Marsey at (850)410-8660

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 21, 2007