

MAY 19, 2011

*CRIMINAL JUSTICE STANDARDS AND TRAINING
COMMISSION MEETING*

*HILTON OCALA
OCALA, FLORIDA*

THIS AGENDA WAS AMENDED 5-5-11



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

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

Criminal Justice Standards and Training Commission

**Chairman Ernie W. George
Florida Citizen**

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



CRIMINAL JUSTICE STANDARDS AND TRAINING COMMISSION *MEETING SCHEDULE*

Monday, May 16, 2011

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

Tuesday, May 17, 2011

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

Wednesday, May 18, 2011

- ◆ Training Center Directors Business Meeting 8:30 a.m.
- ◆ Probable Cause Determination Hearings 10:00 a.m.
- ◆ Regional Criminal Justice Selection Center Directors Association 3:00 p.m.

Thursday, May 19, 2011

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

HOTEL INFORMATION

Address: Hilton Ocala, 3600 SW 36th Avenue, Ocala, Florida 34474
Telephone Number: 352-873-6447
Fax Number: 352-854-4010
Group Name: FDLE - Criminal Justice Standards & Training and the Group Code is FDLE2
Guestroom Rate: \$91.00 each night for Single/Double from 5/15/11 – 5/22/11. Additional guests will be charged an additional \$10.00 for each night. Self complementary parking.
Reservation Deadline: April 25, 2011.
Website Reservations: http://www.hilton.com/en/hi/groups/personalized/OCFOHHE-FDLE2-20110515/index.jhtml?WT.mc_id=POG
Reservations Cancellation: You may cancel your reservation by 4:00 p.m. on the day before your scheduled date of arrival.
Check-in/Check-out Check-in is 3:00 p.m. and Check-out is 11:00 a.m.

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

MAY 19, 2011
CRIMINAL JUSTICE STANDARDS AND TRAINING
COMMISSION MEETING BUSINESS AGENDA
8:00 A.M.

Business Meeting Called to Order	Chairman Ernie George
Posting of Colors	Ocala Police Department Honor Guard
Pledge of Allegiance	Director Stacy Dickson College of Central Florida Criminal Justice Institute
Invocation	Chaplain Hugh Brockington Ocala Police Department
Security	Troopers Tomas Dillon and David Marihugh and Corporal Daphne Yuncker of the Florida Highway Patrol:
Welcome and Introductions	Chairman Ernie George
Roll Call	Commission Secretary Donna Hunt
Election of Officers for July 2011 to May 2012	Commission Attorney Brian Fernandes
Approval of the May 19, 2011 Business Agenda	Commission Secretary Donna Hunt
Approval of the February 3, 2011 Commission Meeting Minutes	Commission Secretary Donna Hunt
Resolution(s): Commissioners David Diggs, George Sapp, and James Mann; and Program members Don Suereth, Matthew Malhiot, and Margaret Geddings	Commission Secretary Donna Hunt
Training Center Directors' Association Chairman Remarks	Chairman Tim Gillette Broward County Sheriff's Office Institute
Regional Criminal Justice Selection Center Directors' Association	Chairman Tom Lange Pinellas Police Standards
<hr/>	
1. Legislation and Budget Report	Program Director Michael Crews
2. Criminal Justice Standards and Training Trust Fund Officer Training Monies:	Bureau Chief Glen Hopkins
A. Trust Fund Revenue Report for Fiscal Year 2010 – 2011	
B. Trust Fund Operating Budget Requests for Fiscal Year 2011 – 2012	
C. Trust Fund Audit Recommendations for Fiscal Year 2009 – 2010 for Regions V, XI, and XII	
3. Criminal Justice Agency Profile Report for 2010	Bureau Chief Glen Hopkins
4. Use of Private Security Guards by Jacksonville Sheriff's Office	Bureau Chief Glen Hopkins
5. Petition for Declaratory Statement by Paul Salone pursuant to Section 120.565, F.S., and Rule 28-105.002, F.A.C.	Staff Attorney Grace Jaye

- | | |
|--|----------------------------------|
| <p>6. Request for Denial of Basic Abilities Test for:</p> <ul style="list-style-type: none"> A. Gilberto Llorens B. Portia Hines C. Desheira McCrimmon D. Esteban Arce | <p>Staff Attorney Grace Jaye</p> |
| <p>7. Request for Waiver of Commission Rules by:</p> <ul style="list-style-type: none"> A. Oak Hill Police Department B. Ocean Ridge Police Department C. Riviera Beach Police Department D. Indian River State College on behalf of Alonzo Coleman (5-5-11 Addendum) E. Indian River State College on behalf Daniel Hauck (5-5-11 Addendum) | <p>Staff Attorney Grace Jaye</p> |
| <p>8. Officer Training:</p> <ul style="list-style-type: none"> A. Hostage Negotiation Course 093 (Advanced Training Course) B. Physical Fitness Trainer Course 1189 (Specialized Training Course) C. Specialized Instructor Training Courses: <ul style="list-style-type: none"> 1. CMS Vehicle Operations Instructor Course 800 2. CMS Firearms Instructor Course 801 3. CMS Defensive Tactics Instructor Course 802 4. CMS First Aid Instructor Course 1114 5. General Instructor Refresher Course 1115 6. Speed Measurement Instructor Course 1159 7. Florida General Instructor Techniques Course 1186 | <p>Bureau Chief Dwight Floyd</p> |
| <p>9. Correctional Basic Recruit Training Program Curriculum Rewrite</p> | <p>Bureau Chief Dwight Floyd</p> |
| <p>10. 2011 Criminal Justice Instructors' Training Workshop Update</p> | <p>Bureau Chief Dwight Floyd</p> |
| <p>11. Computer-Based State Officer Certification Examination Update and Clarification of Rules 11B-30.007, 11B-30.0071, and 11B-30.008, F.A.C.</p> | <p>Bureau Chief Dwight Floyd</p> |

-GENERAL INFORMATION AGENDA ITEMS-

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

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|--|---------------------------|
| A. Trust Fund Officer Training Monies Quarterly Report | Bureau Chief Glen Hopkins |
| B. Officer Records Quarterly Report for the 3rd Quarter | Bureau Chief Glen Hopkins |
| C. Automated Training Management System Report for the 3rd Quarter | Bureau Chief Glen Hopkins |
| D. Field Specialist Quarterly Report for January 2011 to March 2011 | Bureau Chief Glen Hopkins |
| E. Officer Discipline Quarterly Report for January 2011 to March 2011 | Bureau Chief Glen Hopkins |
| F. Basic Abilities Test Quarterly Report for January 2011 to March 2011 | Bureau Chief Dwight Floyd |
| G. State Officer Certification Examination Quarterly Report for January 2011 to March 2011 | Bureau Chief Dwight Floyd |
| H. Curriculum Updates Pursuant to Section 943.17, F.S. | Bureau Chief Dwight Floyd |
| I. Commission Basic Recruit Training Programs, and Advanced and Specialized Training Program Courses Quarterly Report | Bureau Chief Dwight Floyd |

OFFICER DISCIPLINE AGENDA

May 19, 2011

9:30 A.M.

STIPULATION AND SETTLEMENT AGREEMENTS

Jamie Allen	Kristopher D. Bilger	Robert S. Bonesio	Burton Bonjour
Carlos R. Calderon	Anna J. Cantres	Less Conyers	Curtis J. Dexter
Demis P. Diaz	Gary D. French	Edwin A. Hight	Jeffrey Michael Iannuzzi
Christopher R. Johnson	Shawn Jeffrey Lally	Gatrues E. Lightfoot	Chad McLaren
Lorenzo McNeil	Kenneth Miles	Vivino Millan	Robert Mitchell
Stacy Perkins	Yancy Plair	Raymond L. Ridley	Stephanie L. Rowe
Stephen Weir			

INFORMAL HEARINGS

John R. Berryhill	Robert J. Carroll	Bridget M. Coachman	Stacey L. Crews
Jeffrey P. Davis	Bernal Emile	John L. Formman	Sadaka B. Glenn
Harris-Ponder, Viola Pat	Nicole M. Harvey	Rebecca Henry	Charles D. Keene
Joseph James Lawson	Josue Licea	James E. Lockstead, Jr.	Misty L. Lorenz
Terry A. Marvin	Dora V. Mosley	Justin P. Neel	Jeffery L. Pope
Rachel M. Roldan	Andrew W. Taylor	Sabra Thornton	Garrett J. Tolocko
Angela J. Vinson	Rofael R. Watts	Shantrell D. Williams	

VOLUNTARY RELINQUISHMENTS

Phillip Keith Barger	Amy Bretches	Gabriel J. Cotilla	Christina Dailey
Lourdes Diaz-Rodriguez	Michael Gonzalez	Krystal A. Heming	Justin W. Krashefski
Timothy L. Miller	Kellee S. Peace	Jason P. Routzahn	Jessica R. Simpson
Jeremy T. Stanley	Justin R. Tankersley	Erwin K. Watkins	

DEFAULTS

Mark Andrus	Elisha M. Allen	Christian Alvarez-Vega	Lesley Jonathon Bach
Walter Barragan	Jeckson Berrios	Mario Bidoli	Michael A. Brock
Belinda D. Brown	Robert Alan Brown	Shaketha Brown	Terika L. Brown
Sandra N. Canady	Milton Caraballo, Jr.	Jentle L. Chatman	Alshondra China
Samuel Corbin	Tayna S. Culver	Justin M. Douglass	Precious Farguharson
William L. Gaines	Alexander Griss	Christian O. Gonzaga	Erika N. Hardemon
Brandon D. Hatcher	Shannon T. Henderson	Lates S. Hill	Rusty Eugene Holland
Demetria D. Hutley	Kenneth E. Jackson	Lance J. Johnson	Paul Jones
Antonio E. Key	Richard Kindell	Chase C. Klein	Thomas E. Lassiter
Timothy Letson	Adam Lightfield	Kayla McKinnie	Michael G. Miles
Jason Miller	Kathy Minton	Freddy Miranda	Marilyn Murray
Thomas S. Newman	Waylon Olive	Christopher Patrick	Christal L. Paynter
James R. Permenter	Stephen Petrovich	Marcus J. Pitre	Christopher J. Rojas
Kimberly K. Rousseau	Brandon Ray Roysden	Faith M. Rubin	James Richard Ruland
Christopher J. Sundheim	Michael R. Travis	William I. Whorton	Chris M. Wiley
Samantha M. Wilkerson	Clayrinski D. Wilson	Donald C. Yahrmatter	

VOLUNTARY DISMISSALS

Frankie D. Agosto	David A. Brooks	Kimberly Brooks	Jeffrey T. Jones
Oscar Maturana	Joshua A. Norby	Fabian Owens	Joseph T. Ruby
Arnold R. Sharkey	Anthony S. Tabbita	Adam J. Tavss	Michael Anthony Teston
Raymond E. Williams			

MOTION TO VACATE/SET ASIDE FINAL ORDER: Michael A. Grimo, Randy Ransom, Venessa Warren

MOTION TO DISMISS OR FOR MORE DEFINITE STATEMENT: John McAlpin

MOTION TO WITHDRAW STIPULATION AND SETTLEMENT AGREEMENT: Willie B. Smith

EXCEPTIONS TO RECOMMENDED ORDERS: Dana E. Cooper

FUTURE COMMISSION MEETINGS

<p>MAY 19, 2011 Hilton Ocala 3600 SW 36th Avenue Ocala, Florida 34474</p> <p>Telephone: 352-854-1400; FAX: 352-854-4010 Guestroom Rate: \$91.00 each night for Single/Double from 5/16/11 – 5/20/11 Reservation Deadline: 4/25/2011 Each additional person will be charged an additional \$10.00 for each night.</p>	
<p style="text-align: center;">AUGUST 11, 2011 Hyatt Regency Tampa 211 North Tampa Street Tampa, Florida 33602</p> <p>Telephone: 813-225-1234; Fax: 813-273-0234 Guestroom Rate: \$114.00 each night for Single/Double from 8/7/11 – 8/12/11 Reservation Deadline: July 11, 2011 (includes parking fee)</p>	<p style="text-align: center;">OCTOBER 27, 2011 Sawgrass Marriott 1000 PGA Tour Boulevard Ponte Vedra Beach, Florida 32082</p> <p>Telephone: 904-285-7777; Fax: (904) 285-0906 Guestroom Rate: \$119.00 each night for Single/Double from 10/23/11 – 10/28/11 Reservation Deadline: September 30, 2011</p>
<p style="text-align: center;">FEBRUARY 2, 2012 Hilton Sandestin Beach 4000 Sandestin Blvd. Destin, FL 32550</p> <p>Telephone: (850) 267-9500, Fax: (850) 267-3076 Guestroom Rate: \$78.00 each night for Single/Double for January 29 – February 3, 2012 An additional \$20.00 for each additional adult. Reservation Deadline: January 13, 2012</p>	

19-MEMBER CRIMINAL JUSTICE STANDARDS AND
TRAINING COMMISSION MEMBERSHIP

Secretary of the Department of Corrections	Attorney General
<p>Assistant Secretary Russell Hosford (effective 2/17/11), proxy for Secretary Edwin G. Buss Office of Institutions Florida Department of Corrections 2601 Blair Stone Road Tallahassee, Florida 32399-2500 Telephone Number: 850-488-2288 Fax Number: 850-487-3701 E-mail: Hosford.Russell@mail.dc.state.fl.us Secretary or Contact Person(s): April Cox (850-488-4757) and Mary Gonzalez (850-410-4306) E-mail: Cox.April@mail.dc.state.fl.us E-mail: Gonzalez.Mary@mail.dc.state.fl.us E-mail: Buss.Edwin@mail.dc.state.fl.us Term: Not applicable</p>	<p>Lieutenant Steve Courtoy proxy for Attorney General Pam Bondi (effective 4/25/11) Tampa Police Department, District 11 411 N. Franklin Street Tampa, Florida 33602 Telephone Number: 813-913-6500 E-mail: Charles.Courtoy@tampagov.net Term: Not applicable</p>
Director of Florida Highway Patrol	
<p>Colonel David H. Brierton, Jr. (Effective 3/2/2011) Florida Department of Highway Safety and Motor Vehicles Division of Florida Highway Patrol Neil Kirkman Building, Room A437 2900 Apalachee Parkway Tallahassee, Florida 32399-0500 Telephone Number: 850-617-2300 Fax Number: 850-922-0148 E-mail: Brierton.David@hsmv.state.fl.us Secretary: Kitty Carden E-mail: Carden.Kitty@hsmv.state.fl.us Term: Not applicable</p>	
Sheriffs (3)	
<p>Sheriff John H. Rutherford Jacksonville Sheriff's Office 501 E. Bay Street Jacksonville, Florida 32202 Telephone Number: 904-630-5898 Fax Number: 904-630-1772 E-mail: Linda.McElroy@jaxsheriff.org Secretary: Linda McElroy E-mail: Linda.McElroy@jaxsheriff.org Partial Term: 4/7/2009 – 8/1/2009 First Term: 8/3/2009 – 8/1/2013</p>	<p>Sheriff Susan Benton Highlands County Sheriff's Office 434 Fernleaf Avenue Sebring, FL 33870 Telephone Number: 863-402-7243 Fax Number: 863-402-7296 E-mail: sheriff@highlandssheriff.org Secretary Christi Ogg E-mail: Kogg@highlandssheriff.org First Term: 12/10/2010 – 8/1/2014</p>
<p>Sheriff Ric L. Bradshaw Palm Beach County Sheriff's Office 3228 Gun Club Road West Palm Beach, Florida 33406 Telephone Number: 561-688-3021 Fax Number: 561-688-3033 E-mail: bradshawr@pbso.org Executive Assistant: Annette Marvin E-mail: marvina@pbso.org First Term: 8/25/2008 – 8/1/2012</p>	

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

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

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

MINUTES OF THE FEBRUARY 3, 2011 COMMISSION MEETING

Chairman Ernie George called the Criminal Justice Standards and Training Commission meeting to order on February 3, 2011, at the Orlando Marriott Lake Mary, in Lake Mary, Florida.

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

Presentation of Colors: Longwood and Seminole Police Department Honor Guard. **Pledge of Allegiance:** Director Bill Lee of the Seminole State College. **Invocation:** Chaplain Kevin Tuck of the Longwood Police Department. **Officers Killed in the Line of Duty:** Officer Roger Morales of the Davie Police Department; Sergeant Wesley Whitmore of the Polk County Sheriff's Office; Deputy Brandon Coates of the Orange County Sheriff's Office; Officers Roger Castillo and Amanda Haworth of the Miami-Dade Police Department; Officers Thomas Baitinger and Jeffrey Yaslowitz of the St Petersburg Police Department; and Colonel Greg Malloy of the Holmes County Correctional Institution.

COMMISSION MEETING ACTIVITIES

Chairman George thanked the following individuals for participating in the Commission meeting activities:

- 1) Troopers Wanda Diaz, Darryl Davis, and Harry Dennard of the Florida Highway Patrol provided Security;
- 2) Longwood and Seminole Police Department Honor Guard presented the colors; Director Bill Lee of the Seminole State College lead the audience in the pledge of allegiance; 3) Chaplain Kevin Tuck of the Longwood Police Department gave the invocation.

COMMISSION MEMBERS OR ALTERNATES PRESENT OR ABSENT

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

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| <p>1. Mr. Ernest W. George, Chairman
Florida Citizen , Palm Beach County PBA
2100 Florida Mango Road
West Palm Bch, FL 33409, Telephone: 561-689-3745</p> <p>3. Deputy Secretary George B. Sapp, (Absent)
Secretary Walter A. McNeil, Florida Department of
Corrections, Institutions and Re-Entry, 2601 Blair Stone Road
Tallahassee, FL 32399-2500, Telephone: 850-488-2288</p> <p>5. Captain James N. Mann
proxy for Attorney General Bill McCollum
Office of the Attorney General, 110 SE 6th St., 10th Floor
Ft. Lauderdale, FL 33301, Telephone: 954-712-4661</p> <p>7. Colonel John Czernis, Director (Absent)
Florida Department of Highway Safety and Motor Vehicles
Division of Florida Highway Patrol, Neil Kirkman Building
Tallahassee, FL 32399, Telephone: 850-617-2300</p> <p>9. Sheriff John H. Rutherford (Absent)
Jacksonville Sheriff's Office
501 E. Bay Street
Jacksonville, FL 32202, Telephone: 904-630-5898</p> | <p>2. Sergeant Michael "Mick" McHale
Sarasota Police Department
Florida PBA, 2075 Main St., Suite 4
Sarasota, FL 34237, Telephone: 941-366-1436</p> <p>4. Officer Patrick Hanrahan
Broward County Sheriff's Office
Broward County PBA, 2601 West Broward Blvd
Fort Lauderdale, FL 33312, Telephone: 954-584-7600</p> <p>6. Sergeant John Rivera
Miami-Dade Police Department
Dade County PBA, 10680 N. W. 25th Street
Miami, FL 33172, Telephone: 305-593-0044</p> <p>8. Officer Kathleen A. Connell
Tallahassee Police Department
234 East Seventh Street
Tallahassee, FL 32303, Telephone: 850-891-4353</p> <p>10. Warden Mary Holcomb
Hernando Correctional Institution
16415 Spring Hill Drive
Brooksville, FL 34604-8167, Telephone: 352-540-6035</p> |
|--|--|

11. **Sheriff Susan Benton**
Highlands Sheriff's Office
501 E. Bay Street
Jacksonville, FL 32202, Telephone: 904-630-5898
13. **Sheriff Ric L. Bradshaw**
Palm Beach County Sheriff's Office
3228 Gun Club Road
West Palm Beach, FL 33406, Telephone: 561-688-3021
15. **Chief Gerald Monahan**
Port Orange Police Department
4545 S. Clyde Morris Boulevard
Port Orange, FL 32129-4062, Telephone: 386-506-5870
17. **Major David W. Diggs**
Seminole County Sheriff's Office
Department of Detention Services, 211 Bush Boulevard
Sanford, FL 32773, Telephone: 407-665-1201

COMMISSION ATTORNEY PRESENT:

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

12. **Correctional Officer Belinda Murvin**
Palm Beach County Sheriff's Office
673 West Fairgrounds Road
West Palm Beach, FL 33411, Telephone: 561-688-4913
14. **Director J.C. Brock**
St. Petersburg College Southeastern Public Safety Institute
3200 34th Street South
St. Petersburg, FL 33711-3829, Telephone: 727-341-4495
16. **Officer Nelson Cuba**
Jacksonville Sheriff's Office
Jacksonville FOP, 5530 Beach Boulevard,
Jacksonville, FL. 32207, Telephone: 904-398-7010
18. **Chief Dennis Jones**
Tallahassee Police Department
234 East Seventh Avenue
Tallahassee, FL 32303, Phone: 850-891-4393

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

1. **Program Director Michael D. Crews**
Criminal Justice Professionalism Program
3. **Bureau Chief Glen Hopkins (Absent)**
Bureau of Standards/Medical Examiners Commission
5. **Training & Research Manager Terry Baker**
Field Services and Records Sections
7. **Government Operations Consultant Donna Hunt**
Director's Office/Commission Operations
9. **Training & Research Manager Linda Adams**
Bureau of Training - Curriculum
11. **Field Specialist Dawn Reed**
Bureau of Standards
13. **Field Specialist Lee Zahuranec**
Bureau of Standards
15. **Field Specialist Wayne Graves**
Bureau of Standards
17. **Field Specialist Chuck Reaume**
Bureau of Standards
19. **Field Specialist Shelia Randolph**
Bureau of Standards
21. **Staff Attorney Joe White**
General Counsel's Office
23. **Intern Kim Smith**
Bureau of Standards
2. **Bureau Chief Dwight Floyd**
Bureau of Training
4. **Operations Analyst Cheryl Taylor**
Program and Commission Support
6. **Policy and Planning Administrator Margaret Edwards**, Program and Commission Support
8. **Training & Research Manager Stacy Lehman**
Professional Compliance and Trust Fund Section
10. **Research & Training Specialist Ashley Hegler**
Professional Compliance Section
12. **Research & Training Specialist Cliff Chitwood**
Professional Compliance Section
14. **Training & Research Manager Roy Gunnarsson**
Bureau of Training
16. **Field Specialist Donna Suereth**
Bureau of Standards
18. **Field Specialist Joni Livingston**
Bureau of Standards
20. **Field Specialist Kathy Myers**
Bureau of Standards
22. **Staff Attorney Kerra Smith**
General Counsel's Office
24. **Trust Fund Auditor Michelle Sparks-Raymond**
Bureau of Standards

25. Education & Training Mgr Leisha Fordham

Bureau of Professional Development

26. Mr. Bryan Byington

Bureau of Training – Basic Abilities Test

27. Staff Attorney Grace Jaye

Office of General Counsel

APPROVAL OF THE FEBRUARY 3, 2011 COMMISSION MEETING BUSINESS AGENDA

Chairman George asked if there were amendments to the February 3, 2011, Commission meeting business agenda. Commission Secretary Donna Hunt read into the record the following amendments to the agenda:

1) Agenda Item 2B, Trust Fund Audits for Region XIV, was amended on 1/14/2011; 2) Agenda Item 4, 2011 Officer Discipline Penalty Guidelines Task Force Report, was amended on 1/27/11; 3) Agenda Item H, Curriculum Updates, was amended on 1/14/2011; and Agenda item I, Commission-approved Training Courses Update, was amended on 1/14/2011.

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

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

APPROVAL OF THE OCTOBER 28, 2010 COMMISSION MEETING MINUTES

Chairman George asked if there were amendments to the October 28, 2010, Commission meeting minutes. Commission Secretary Donna Hunt stated that there were no amendments to the minutes.

RECOMMENDATION: Commission staff recommended that the Commission approve the minutes as presented.

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

RESOLUTION(S)

A resolution was presented to former Commission member, Colonel John Czernis for his tenure with the Commission from December 1, 2007 to February 3, 2011. Resolutions were presented to Criminal Justice Professionalism Program staff members Paulette Simms for her tenure with the Program from August 22, 1997 to December 31, 2010, and to staff member David Brand for his tenure with the Program from June 5, 2000 to November 12, 2010.

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

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

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

TCDA Chairman Tim Gillette of the Broward County Sheriff's Office presented the following report for the Associations meeting held on Wednesday, February 2, 2011: 1) The Physical Fitness Trainer Course was developed with the assistance of Commission staff and the final draft will be present at the May 2011 Commission meeting. This course will provide instructors insight to promoting wellness and fitness for recruits. 2) Discussion was held on the recent rule changes to the Florida Retirement System (FRS). These changes prohibit retired law enforcement personnel from working for an employer that contributes to the FRS for a period of one year after retirement. The recent rule change may have unintended consequences for a training school's ability to maintain qualified law enforcement instructors. The TCDA did not take a vote on any specific course of action, however, the

training center directors will be polled to determine the impact to training. 3) Chairman Gillette thanked Commissioners Holcomb and Diggs for attending the TCDA meeting. **COMMISSION ACTION:** This agenda item did not require commission action.

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

On behalf of Chairman Tom Lange, Director Mike Dwyer of the Gulf Coast Community College presented the results of the Associations meeting held on Wednesday, February 2, 2011: The main topic of discussion was the Basic Abilities Test (BAT). There were concerns about the BAT being scored with a pass/fail score versus a percentage score, however, after reading the justifications for using a pass/fail score presented in Agenda Item 8 of the Commission packet, the Association now supports the pass/fail scoring method for the FDLE-administered BAT. **RECOMMENDATION AND COMMISSION ACTION:** This agenda item did not require commission action.

WELCOME NEW COMMISSION MEMBERS AND NEW COMMISSION STAFF MEMBERS

Director Michael Crews of the Criminal Justice Professionalism Program welcomed the following new Commission members: Sheriff Susan Benton of Highlands County Sheriffs Office and Chief Dennis Jones of the Tallahassee Police Department.

In addition, Director Crews introduced the following new Program members: Intern Kim Smith, Trust Fund Auditor Michelle Sparks-Raymond, Brian Byington who will develop and implement the Basic Abilities Test, Research and Training Specialist Ashley Hegler of the Professional Compliance Section, and Education and Training Administrator Leisha Fordham of the Executive Institute.

AGENDA ITEM 1: 2011 LEGISLATIVE INITIATIVES AND BUDGET UPDATE

Director Crews gave the following report:

- 1) The proposed rule revision to increase the State Officer Certification Examination by \$50.00 was removed from the 2010 rule promulgation process, with the understanding that Commission staff will resubmit the request upon election of the new Governor. Commission staff has not met with the Cabinet members to discuss the fee increase and do not plan to resubmit the request at this time.
- 2) To supplement the Criminal Justice Standards and Training Trust Funds, FDLE has requested that the Legislature replenish the one-time \$1.5 million General Revenue funds transferred from the Criminal Justice Standards and Training Trust Fund, and replenish the \$1.2 million fund shift that was used to pay for other positions/programs within FDLE.
- 3) On January 4, 2011, the Governor issued an Executive Order to suspend all rulemaking and requires each agency to submit, within 90 days, a review of all rules and complete certain forms to justify why the rule changes are needed, i.e., "can the rule be repealed, is there any fiscal impact to local agencies, and does it impede or impact business and job growth," which fits closely to Governor Scott's campaign agenda. Commission staff has been working with the training center directors on one of the most extensive rule revision packets in the last several years, which includes changes for officer discipline, curriculum, trust fund, and many other important areas. Commission staff will continue to move forward with the rule promulgation process, which includes internal reviews, legal reviews, and additional corrections. After that process, Commissioner Bailey will determine when and which rules can be filed for rule adoption. The training center directors will inform Commission staff of the key rules that need to be submitted for rulemaking by the end of February.

At this time, the key rules that should move forward are Computer-Based Testing, the Basic Abilities Test, and distance learning. If the Governor does not allow our rules to move forward in the rulemaking process in the near future, Commission staff will enter into a contract with the training schools to implement the Computer-Based State

Officer Certification Examination. FDLE Command staff has conveyed to Commission staff that the administrative and housekeeping rules will probably not be considered a priority and will not move forward in the rulemaking process. The rule changes that will move forward are items of key issues with a solid justification as to why they need to move forward.

**AGENDA ITEM 2A – 2B: FLORIDA CRIMINAL JUSTICE EXECUTIVE INSTITUTE POLICY BOARD MEMBERSHIP:
REQUEST FOR REAPPOINTMENT OF SHERIFF JEFFREY DAWSY AND APPOINTMENT OF CHIEF BUTCH ARENAL**

Director Crews presented this agenda item and stated that Florida Statute requires an individual to be nominated by the entities referred to in Section 943.1755(3), F.S., and shall become members of the board upon approval of the Criminal Justice Standards and Training Commission for a period of two years. The Florida Criminal Justice Executive Institute (FCJEI) Policy Board recommended that the Commission Reappoint Sheriff Jeffrey Dawsy of the Citrus County Sheriff's Office and appoint Chief Butch Arenal of the Punta Gorda Police Department to the position vacated by Chief Terry Lewis.

RECOMMENDATION: Commission staff recommended that the Commission approve the reappointment of Sheriff Jeffrey Dawsy to the FCJEI Policy Board and appoint Chief Albert "Butch" Arenal as Chief Terry Lewis' replacement. **COMMISSION ACTION:** *Commissioner Hanrahan moved that the Commission adopt staff's recommendation; seconded by Commissioner McHale; motion carried.*

AGENDA ITEM 3A: TRUST FUND REVENUE REPORT FOR FISCAL YEAR 2010 – 2011

Director Crews presented the following trust fund revenue report and stated that in comparison to last years revenue balance for the same period in 2010, the collections have continued to fall by one quarter of a million dollars. The legislative appropriation of trust fund dollars for FY 2010 – 2011 (July 2010 – November 2010) totaled \$15.8 million. Revenue (excluding examination and tuition fees) for the months of July 2010 through November 2010 totaled \$5.2 million, which is 5½ percent less than the amount collected for the same period in 2009. The FY 2010 - 2011 appropriation for officer training is \$6 million, with officer funding remaining at \$67. Disbursements to the regional training areas for the first two quarters totaled \$2.7 million. The beginning cash balance on July 1, 2010, was \$4.9 million and the cash balance on November 30, 2010, after meeting all year-to-date obligations was \$3.6 million. Commission staff's goal is to maintain the \$67 allocated for officer funding through June 30, 2011.

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

**AGENDA ITEM 3B: TRUST FUND AUDIT RECOMMENDATIONS FOR: FY 2008 - 2009 FOR REGION XIV AND
FY 2009 – 2010 FOR REGION IV**

Director Crews presented this agenda item and stated that Rule 11B-18.010, F.A.C., requires the Commission to audit training facilities/programs and fiscal agent accounting records and procedures for compliance with laws, rules, budget provisions, and contractual agreements. A perfect audit certificate was presented to the Miami Police Training Center.

RECOMMENDATION: Commission staff recommended that the Commission approve the audit findings and recommended corrective actions for Fiscal Year 2008 - 2009 for Region XIV, and for Fiscal Year 2009 - 2010 for Region IV. The published Commission packet included an amendment dated January 14, 2011 for Region XIV. **COMMISSION ACTION:** *Vice-Chairman Bradshaw moved that the Commission adopt staff's recommendation; seconded by Commissioner Brock; motion carried.*

AGENDA ITEM 4: 2011 OFFICER PENALTY GUIDELINES TASK FORCE REPORT

Director Crews presented this agenda item and stated that Section 943.1395(8)(b)2, F.S., requires the Criminal Justice Standards and Training Commission to conduct a workshop on or before July 1 of each odd-numbered year to evaluate disciplinary guidelines and penalties and receive public comment.

The following rule revisions were recommended by the Task Force at its meeting held on January 20, 2011, in Ocala Florida: **1)** Rule 11B-20.0012(2)(f), F.A.C., Denial and Discipline of Instructor Certification, was revised to include violations made by Commission-certified instructors for sexually intimate conduct between instructors and students participating in basic recruit training programs. **2)** Rule 11B-27.0011(4)(c)3.c., F.A.C., Moral Character Rule, was revised to define "a romantic association with an inmate, detainee, probationer, parolee, or community controlee." **3)** Rule 11B-27.0011(4)(b)1., F.A.C., Moral Character, and Rule 11B-27.005(5)(b)4., F.A.C., Revocation or Disciplinary Actions, Disciplinary Guidelines, Range of Penalties, Aggravating and Mitigating Circumstances, was revised to include Section 365.16(1)(c)(d), F.S., as a moral character violation for harassing phone calls, and Rule 11B-27.0011(4)(b)1., F.A.C., as a moral character violation for giving a false name or false identification by a person arrested or lawfully detained. **4)** Rule 11B-27.005(6)(a)13., F.A.C., Revocation or Disciplinary Actions, Disciplinary Guidelines, Range of Penalties, Aggravating and Mitigating Circumstances, was revised to revoke an officer's certification in all default cases when the respondent has been appropriately notified and has failed to respond to the Administrative Complaint. **5)** The Affidavit of Separation form CJSTC-61 and corresponding rule language was amended to require the agency administrator or designee to provide proof of an internal or criminal investigation upon request by Commission staff.

RECOMMENDATION: Commission staff recommended that the Commission adopt the rules and form revisions recommended by the Task Force. **COMMISSION ACTION:** *Commissioner Cuba moved that the Commission adopt staff's recommendation; seconded by Commissioner Diggs; motion carried.*

AGENDA ITEM 5A: REQUEST FOR WAIVER OF RULE 11B-27.013(8)(b), F.A.C., BY ROBERT J. DUDLEY

Staff Attorney Grace Jaye presented this agenda item at the request of Robert J. Dudley, who was petitioning the Commission to grant a waiver of Rule 11B-27.013(8)(b), F.A.C. This rule requires a canine team evaluator to train a minimum of twelve patrol canine teams that have successfully completed the canine team certification process. Mr. Dudley's teams have been certified through the United States Police Canine Association (USPCA), however, only seven of his teams have been certified through FDLE because of the small size of his agency and the lack of turnover in the canine unit. Mr. Dudley has trained patrol, detection, and tracking canine teams since 1989, trained approximately 29 canine teams, trained canine teams for several agencies in Northwest Florida, and has been the K-9 Unit Trainer for the Okaloosa County Sheriff's Office since 1997.

RECOMMENDATION: Commission staff recommended that the Commission grant the permanent rule waiver and accept Mr. Dudley's training of the seven teams in lieu of the required twelve based on the volume of successful canine teams he has trained for USPCA certification. **COMMISSION ACTION:** *Commissioner Rivera moved that the Commission adopt staff's recommendation; seconded by Vice-Chairman Bradshaw; motion carried.*

AGENDA ITEM 5B: REQUEST FOR WAIVER OF RULE 11B-27.0011(4), F.A.C., BY ANDREA JOHNSON-MINNIS

Staff Attorney Grace Jaye presented this agenda item at the request of Andrea-Johnson-Minnis, who was petitioning the Commission to grant a waiver of Rule 11B-27.0011(4), F.A.C., to become a Commission-certified instructor. Ms. Andrea-Johnson-Minnis' correctional certification was revoked because of a positive drug test, and then became employed with the Department of Juvenile Justice (DJJ) in 1990. Her instructor certification expired in 2007, however she completed the Instructor Techniques course and the required internship in 2008. Ms. Johnson-Minnis has continued to work at her current job for over two years without certification as a Commission-certified instructor.

RECOMMENDATION: Commission staff recommended that the Commission deny the waiver. Ms. Johnson-Minnis has not demonstrated that she has suffered substantial hardship because of the rule requirement. She continues to be employed and delivers DJJ courses. She has not shown that failing to grant the petition would violate the principles of fairness. She does not teach CJSTC courses for an agency or Commission-certified training school and is not eligible to be certified as a CJSTC instructor. It is further evident that the purposes of the underlying statute, Section 943.13, F.S., will not be served by granting a waiver of the rule to Ms. Johnson-Minnis, who had her corrections certification revoked by the Commission in 1990 due to a positive drug test, which is prima facie evidence of poor moral character. **COMMISSION ACTION:** *Commissioner Mann moved that the Commission adopt staff's recommendation; seconded by Commissioner Brock; motion carried.*

AGENDA ITEM 5C: REQUEST FOR WAIVER OF RULE 11B-27.00213(4)(a)(b), F.A.C., BY TABITAH WILLIAMS

Staff Attorney Grace Jaye presented this agenda item at the request of Tabitah Williams, who was petitioning the Commission to grant a waiver of Rule 11B-27.00213(4)(a)(b), F.A.C., to obtain a second Temporary Employment Authorization (TEA) without waiting the required four years. The Commission reviewed and denied Ms. Williams' waiver request at the August 2010 Commission meeting. Ms. Williams filed another petition on December 3, 2010, which was the same request denied in August 2010. She conveyed to Commission staff that because her termination was in error she wanted to reapply for her job at the Department of Corrections (DOC), and needed a second TEA.

RECOMMENDATION: Commission staff recommended that the Commission deny with prejudice the rule waiver. Ms. Williams has not demonstrated that she has suffered substantial hardship because of her termination for cause by DOC. She has not shown that failing to grant her petition would violate the principles of fairness. The rule applies to the petitioner in the same manner as it applies to others who have failed to complete a TEA. It is further evident that the purposes of the Section 943.131, F.S., and will not be served by granting the requested rule waiver. **COMMISSION ACTION:** *Commissioner Holcomb moved that the Commission adopt staff's recommendation; seconded by Commissioner Brock; motion carried.*

AGENDA ITEM 6: Request for Denial of Basic Abilities Test for Robenson J. Joseph

Staff Attorney Grace Jaye presented this agenda item to the Commission for the falsification of a Basic Abilities Test by Robenson J. Joseph. On August 9, 2010, Mr. Joseph submitted an application for admission into the Correctional Officer Basic Recruit Training Program at Daytona State College. Mr. Joseph submitted a passing BAT score of 74 from I/O Solutions, which was taken at Valencia Community College on January 20, 2006. Mr. Joseph was then advised that his BAT score had expired and he would need to retake the BAT. On September 17, 2010, Mr. Joseph retook the BAT at Daytona State College and failed. On September 20, 2010, Mr. Joseph submitted a BAT score report from Valencia Community College, dated January 20, 2009, with a passing score of 74 from I/O Solutions. Upon a closer review of the score report, Daytona State College staff determined that the score report appeared to have been forged. Contact was made with I/O Solutions that confirmed the score report document had been altered, and was determined that Mr. Joseph never took the BAT on January 20, 2009.

RECOMMENDATION: Commission staff recommended that the Commission find probable cause that Mr. Robenson J. Joseph did engage in conduct that subverted or attempted to subvert the BAT Process, and to direct Commission staff to issue Mr. Joseph a letter of intent to deny, which would prohibit him from taking a Basic Abilities Test for a period of five-years from the date of the final order, pursuant to Rule 11B-35.0011(5), F.A.C.
COMMISSION ACTION: *Vice-Chairman Bradshaw moved that the Commission adopt staff's recommendation; seconded by Commissioner Murvin; motion carried.*

AGENDA ITEM 7A – 7J: OFFICER TRAINING: ADVANCED TRAINING PROGRAM COURSES

Bureau Chief Dwight Floyd presented this agenda item to request approval of the updates to the following Advanced Training Program Courses and for one new course: Developing and Maintaining a Sound Organization # 011; Building and Maintaining a Sound Behavioral Climate # 013; Community and Human Relations # 073; Computers and Technology in Criminal Justice # 080; Advanced Traffic Homicide Investigations # 087, currently named "Advanced Traffic Accident Investigations"; Traffic Crash Reconstruction # 088, currently named, "Traffic Accident Reconstruction"; Basic Traffic Homicide Investigations # 098, currently named "Traffic Homicide Investigation"; Computer Crime Investigations # 1153, currently named "Computer Crimes Investigations"; Spanish for Criminal Justice Professionals Number # 1165; and the new Field Training Course for Correctional Probation Officers # 1188.

These courses are 40-hour courses that were updated or created by Subject Matter Experts recommended by the training center directors, and include input from members of the Training Center Directors Association's Advanced and Specialized Training Committee. The courses allow a student to apply the concepts and skills used by criminal justice officers using scenarios, case studies, and/or role-play exercises. Courses in this program may be funded using Officer Training Trust Fund Monies, and officers attending the courses at a Commission-certified training school are eligible for salary incentive monies.

RECOMMENDATION: Commission staff recommended that the Commission approve the nine updated Advanced Training Program Courses effective April 1, 2011, and approve the new Field Training Officer Course for Correctional Probation Officers effective February 3, 2011. **COMMISSION ACTION:** *Commissioner Benton moved that the Commission adopt staff's recommendation; seconded by Commissioner Connell; motion carried.*

AGENDA ITEM 8: BASIC ABILITIES TEST UPDATE

Bureau Chief Dwight Floyd presented this agenda item to update the Commission on the development of the future FDLE -administered Basic Abilities Test (BAT), and to request direction on they type of test score that should be used. In previous meetings, discussion was held about using a pass/fail test score versus a numeric test score, which is currently used by the three BAT vendors under contract with FDLE. The reason a pass/fail score was chosen for the FDLE-administered BAT, is because if an individual scores a 71% on the BAT and another makes a 90%, they both pass and may enroll in a basic recruit training program. Even though a student will be issued a pass/fail score, the BAT will be validated against academic performance indicators, and Commission staff will report scores, including subscale scores, to the training schools for the purpose of academic advisement and diagnostics, and will work with the appropriate parties to achieve a feasible and desirable level of detail on the tests.

During a meeting held with the Selection Center Association on February 2, 2011, this issue was discussed in length and all came to an agreement that the proposed pass/fail scoring system was the most appropriate system. The purpose of the BAT is to ensure that entrance into a law enforcement or correctional officer basic recruit training program is limited to those who pass a basic skills examination and assessment instrument based on a job task analysis for each discipline and should not be used as a employment selection tool.

The benefit of FDLE administering the BAT is to bring \$1.4 million, currently being paid to BAT vendors, into FDLE as revenue to offset the trust fund shortfall. Currently, students shop for the easiest test among the three vendors,

which is not fair, and Commission staff believes that a higher quality and more useful test can be developed by FDLE. To date, two individuals have been employed with FDLE who have the expertise to develop a quality BAT.

RECOMMENDATION: Commission staff recommended that the unofficial test results on the forthcoming FDLE BAT be reported to applicants as pass/fail only, with areas of weakness listed for failing applicants in a manner consistent with the intended use of the test; and that the official results continue to be recorded in ATMS as a pass/fail. **COMMISSION ACTION:** *Commissioner Diggs moved that the Commission adopt staff's recommendation; seconded by Commissioner Hanrahan; motion carried.*

AGENDA ITEM 9: 2011 CRIMINAL JUSTICE INSTRUCTOR TRAINING WORKSHOPS

Bureau Chief Dwight Floyd presented this agenda item to advise the Commission of the 2011 Criminal Justice Instructor Training Workshops that will be held on June 13 – 17, 2011, at the Florida Hotel and Conference Center in Orlando, Florida.

The theme of the workshops is "providing quality training on a shoestring budget," i.e., provide alternative means for conducting training such as eLearning and simulation; share resources available to decrease cost while delivering effective training; conduct train-the-trainer classes on new topic areas of need such as Investigating Human Trafficking; introduce opportunities to access outside funding; encourage networking among agencies locally, statewide and nationally; explore instructional strategies beyond the traditional; deliver topics that may be used to meet mandatory retraining requirements; and promote quality training of criminal justice officers. For more information, individuals can contact FDLE Workshops Coordinators Chris Minardi at chrisminardi@fdle.state.fl.us or (850) 410-8659, or Stacey Price at staceyprice@fdle.state.fl.us or (850) 410-8680.

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

AGENDA ITEM 10: SUPPORT OF THE SOCE ADMINISTERED BY AGENCIES

Examination Manager Roy Gunnarsson presented this agenda item to advise the Commission of the local and state criminal justice agencies that contributed to the examination process by providing proctors to assist with the administration of the State Officer Certification Examination (SOCE).

The SOCE was administered 42 times to 8,058 examinees in 2010. Because Commission staff does not employ sufficient personnel to provide the number of proctors needed to administer the monthly examinations, local and Florida state criminal justice agencies volunteer each year to assist with the administration.

A resolution was presented to Commissioner Sapp on behalf of the Florida Department of Corrections, to Commissioner Monahan on behalf of the Florida Police Chiefs Association, Commissioner Benton on behalf of the Florida Sheriff's Association, and to Commissioner Czernis on behalf of the State Law Enforcement Chiefs Association. The Commission commends Florida's local and state criminal justice agencies that assist with the administration of the SOCE, and each agency will receive a resolution.

RECOMMENDATION: Commission staff recommended that the Commission adopt the resolutions as read into the Commission record. **COMMISSION ACTION:** *Commissioner Rivera moved that the Commission adopt staff's recommendation; seconded by Commissioner Cuba; motion carried.*

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

Examination Manager Roy Gunnarsson presented this agenda item and stated that the implementation of the Computer-Based SOCE (CB-SOCE) has been delayed because of the Executive Order issued by Governor Scott to stop all rulemaking, however, if the rules are not promulgated, Commission staff plans to enter into a contract with the training schools to implement the Computer-Based State Officer Certification Examination. Commission staff has entered into negotiations with McCann Associates for a platform to accommodate the administration of the online CB-SOCE. The projected implementation date of the CB-SOCE is July 1, 2011. The length of the implementation phase will depend on the ease of the new system being integrated with the Commission's Automated Training Management System.

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

UNAGENDAED ITEM: OFFICERS KILLED IN THE LINE OF DUTY

Commissioner Rivera stated that on January 20, 2011, two officers of the Miami-Dade Police Department were killed in the line of duty and that he wanted to publicly recognize Sheriff Ric Bradshaw of the Palm Beach County Sheriff's Office who aided the Department beyond the call of duty. All the agencies and the community came together, but the sheriff stepped forward in a big way, and he wanted to recognize the Sheriff and his employees for their exemplary service to the law enforcement community.

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

UNAGENDAED ITEM: Statewide HUMAN TRAFFICKING TASK FORCE UPDATE

Commissioner Monahan stated that the Statewide Human Trafficking Task Force is working on a draft strategic plan, and a component of the plan effects law enforcement, and specifically affects the Commission because of training for in-service officers and basic recruit training students.

Commissioner Monahan read the following statement from the strategic plan: *FDLE staff has explored the recommendation to develop on-line training for human trafficking and met with the Statewide Human Trafficking Task Force at a meeting in October 2010 to discuss this recommendation. During the meeting, an additional recommendation was introduced involving the inclusion of a human trafficking component for the academy, the chief executive training program, and any cross-over or equivalency-of-training with the purpose of having all Florida law enforcement officers receive training on human trafficking. Any changes to recognize programs are contingent upon approval by the Criminal Justice Standards and Training Commission. Therefore, FDLE staff recommends that the Statewide Human Trafficking Task Force present its recommendation to the Criminal Justice Standards and Training Commission at its quarterly Commission meeting for formal adoption.*

Commissioner Monahan advised the Commission of this recommendation for future discussion, and stated that he has been involved with the Task Force since its inception, and its recommendation was that human trafficking would be best served by Florida law enforcement officers if the training was delivered via distance learning, one-time training for in-service officers, and continuing training as new recruits complete the academy, to avoid overwhelming agencies. This recommendation was met with favor by the Task Force.

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

UNAGENDAED ITEM: *Certificate of Relief from Disabilities*

Staff Attorney Grace Jaye addressed the Commission and stated that Commission staff had received a request for Certification of Relief from Disabilities by Paul Salone from New York for Commission action at the May 2011 Commission meeting. Mr. Salone was requesting that he receive credit to obtain certification as a correctional officer in Florida and is a convicted felon. Staff Attorney Jaye stated that she and Commission Attorney Fernandes would determine if the Certificates of Relief from Disabilities represent a full or partial pardon.

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

UNAGENDAED ITEM: *Use of Private Security Guards by the Jacksonville Sheriffs Office*

Chairman George stated that the Commission agreed that when the new Attorney General took office that the "Use of Private Security Guards by the Jacksonville Sheriffs Office" issue would be resubmitted for an Attorney General's opinion, and asked if Commission staff had resubmitted the issue. Program Director Crews stated that he would resubmit the issue to the new Attorney General upon return from the Commission meeting.

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

Business Meeting Adjourned

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

Business Meeting Reconvened

RECOMMENDATION: . Chairman George stated that because of unusual circumstances, the business meeting would have to be reconvened. **COMMISSION ACTION:** *Vice-Chairman Bradshaw moved that the Commission reconvene the business meeting; seconded by Commissioner Hanrahan; motion carried.*

AGENDA ITEM 5B: *REQUEST FOR WAIVER OF RULE 11B-27.0011(4), F.A.C., BY ANDREA JOHNSON-MINNIS*

Staff Attorney Grace Jaye stated that Andrea Johnson-Minnis was present and wished to address the Commission regarding her request for waiver of Rule 11B-27.0011(4), F.A.C. Ms. Johnson-Minnis addressed the Commission and explained the circumstances that lead to the revocation of her certification and why she needed the requested waiver approved. The Commission listened to her testimony and consideration was taken, however, because her certification was revoked due to a positive drug test, the Commission stated that its zero tolerance for drug use prohibited them from approving the waiver.

COMMISSION ACTION: *Vice-Chairman Bradshaw moved that the Commission uphold its original action to deny the rule waiver; seconded by Commissioner Connell; motion carried.* There was one no vote.

UNAGENDAED ITEM: Probable Cause Intervention Program for DUI's

Commission Attorney Brian Fernandes stated that discussion was previously held about "when a respondent should enter into a Probable Cause Intervention Program (Program)," i.e., whether it occurs during a Probable Cause Hearing or during a full Commission meeting, and "what type of information should be provided to the Probable Cause Panel (Panel) when offering a respondent the choice of entering into the Program.

Commission staff will document on the Probable Cause Information Sheet that the respondent has or has not been offered the Program, and that the respondent has the option to enter into the Program for six months, complete substance abuse training, and receive a Letter of Guidance.

The Probable Cause Information Sheet will note that the respondent was offered the Program and whether the respondent did not respond to the offer to enter into the Program and/or refused the Program, which will serve to advise the Panel of why the case is being presented during the Probable Cause Hearing and why Commission staff is requesting the Panel to find Probable Cause.

In addition, the Probable Cause Information Sheet will list any aggravators, which will support Commission staff's decision to recommend that the respondent enter into the Program and to inform the Panel of why Commission staff is requesting that the Panel find Probable Cause for the case to be presented before the full Commission.

If the respondent's case is submitted before the full Commission for Commission action, the respondent has the opportunity to complete the six-month probation, complete substance abuse training, and receive a Letter of Guidance, Commission staff would document that there was no disciplinary action taken and that the respondent was treated the same as any individual who entered into the Program at the time of a Probable Cause Hearing. Vice-Chairman Bradshaw added a caveat that the chairman of the Probable Cause Panel would advise the respondent that a 2nd DUI would result in an automatic revocation of certification.

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

Business Meeting Adjourned

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

AGENDA ITEM A: CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND STATUS REPORT

This agenda item contains the following Criminal Justice Standards and Training Trust Fund Officer Training Monies information for the 3rd quarter of FY 2010 – 2011:

Criminal Justice Standards and Training Trust Fund Officer Training Monies of \$1,339,363.50 were distributed to the following entities.

- | | |
|---|---|
| 1. Brevard Community College - \$25,007.75 | 11. Indian River Community College - \$32,578.75 |
| 2. Broward Community College - \$93,599.00 | 12. Jacksonville Sheriff's Office - \$47,804.50 |
| 3. Central Florida Community College \$15,172.99 | 13. Lake City Community College - \$6,499.00 |
| 4. Chipola Junior College - \$2,730.25 | 14. Lake County School Board - \$13,634.50 |
| 5. Citrus County School Board - \$7,305.51 | 15. Manatee County Sheriff's Office - \$5,812.25 |
| 6. Daytona Beach Community College - \$27,001.00 | 16. Miami-Dade College-N. Campus - \$152,274.25 |
| 7. Escambia County School Board - \$21,758.25 | 17. North Florida Community College - \$5,092.00 |
| 8. Florida Department of Corrections - \$343,626.25 | 18. Northwest Florida State College - \$12,227.50 |
| 9. Gulf Coast Community College - \$10,301.25 | 19. Palm Beach Community College - \$65,375.25 |
| 10. Hillsborough Community College - \$55,978.50 | 20. Pasco-Hernando Comm College - \$19,162.00 |

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|---|---|
| 21. Polk Community College - \$32,344.25 | 28. St. Johns River Community College - \$17,805.25 |
| 22. Santa Fe Community College - \$18,257.50 | 29. St. Petersburg Junior College - \$48,256.75 |
| 23. School Board of Manatee County - \$8,726.75 | 30. Tallahassee Community College-State - \$63,867.75 |
| 24. School Board of Sarasota County - \$15,879.00 | 31. Tallahassee Community College-Local - \$23,031.25 |
| 25. School District of Lee County - \$53,767.50 | 32. Valencia Community College - \$61,824.25 |
| 26. School District of Osceola County - \$12,579.25 | 33. Washington-Holmes Technical Center \$1,691.75 |
| 27. Seminole Community College - \$18,391.50 | |

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

AGENDA ITEM B: OFFICER RECORDS QUARTERLY REPORT

This agenda item contained the following officer records statistics for active officers: The total officer count as of December 22, 2010, was 87,179, and of these officers, 45,727 were law enforcement officers, 33,552 were correctional officers, 2,562 were correctional probation officers, and 5,338 were concurrent officers.

The number of active officers and concurrent certifications required to meet the June 30, 2011, mandatory retraining requirement are 18,978. Of these officers, 10,487* are law enforcement, 7,680* are correctional, and 811* are correctional probation. The number of officers who have met the June 30, 2011, mandatory retraining requirement date is 6,373.

The total number of active law enforcement officers required to complete training in elder abuse investigations by June 30, 2011, is 50,783. The number of law enforcement officers who have met the June 30, 2011, elder abuse investigations requirement date is 37,633.

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

AGENDA ITEM C: AUTOMATED TRAINING MANAGEMENT SYSTEM (ATMS) QUARTERLY REPORT

This agenda item contained the following ATM statistics: The total number of agencies and training schools using ATMS as of December 22, 2010, was 494, and of that total, 291 were police departments; 67 were sheriff's offices; 30 were correctional agencies; 54 were state agencies; 41 were training schools; and 11 were assessment centers. The number of individual ATMS users was 2,606 and the number of active criminal justice officers at agencies using ATMS was 87,179.

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

AGENDA ITEM D: FIELD SERVICES QUARTERLY REPORT

This agenda item contained the following statistics for work activities performed by the Field Specialists from October 2010 through December 2010: 190 new hire officers were registered in ATMS with 53 non-compliances; 931 officers were registered in ATMS as new certifications and there were 154 non-compliances; 679 agency contacts and assists were completed; 13 basic recruit training high-liability classes were monitored and there was 2 non-compliances; 11 basic recruit training classes were monitored and there were 0 non-compliances; 3 advanced and specialized training classes were monitored and there was 0 non-compliances; 185 training school contacts and assists were completed; 369 criminal justice instructor applications were reviewed and there were 139 deficiencies; there were 1,748 incoming/outgoing telephone calls and 23 workshops and training classes were conducted.

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

AGENDA ITEM E: OFFICER DISCIPLINE QUARTERLY REPORT FOR JANUARY 2010 TO DECEMBER 2010

This agenda item contained the following officer discipline statistics for January 2010 to December 2010:

Probable Cause Cases as of December 30, 2010. 688 probable cases were presented for the following months: January – 0 cases; February – 76 cases; March – 123 cases; April – 0 cases; May 119 cases; June 67 cases, July – 0 cases; August 62 cases; September 59 cases; October 85 cases; November 0 cases; and December 97 cases.

Active open cases as of December 30, 2010. 1,398 cases were open in the following categories: Awaiting information 696 cases (49.78%); Pending Probable Cause 144 cases (10.30%); Pending final Commission action 298 cases (21.32%); Pending formal hearing 53 cases (3.79%); and Probation/Suspension 207 cases (14.81%).

National Decertification Index for January 2010 – December 2010. The officer discipline cases added to the National Decertification Index were 255 Revocations and 145 Voluntary Relinquishments.

Officer Discipline Case Report and Case Dispositions. The Disciplinary Case Report for case dispositions is on page 2 of Agenda Item “E” in the published Commission packet. **Violations Report.** The most frequent violations resulting in revocation or relinquishment is on page 3 of Agenda Item “E” in the published Commission packet. **Completed Probations or Suspensions.** Completion of probations or suspensions is listed on page 4 of Agenda Item “E” in the published Commission packet.

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

AGENDA ITEM F: BASIC ABILITIES TEST QUARTERLY REPORT

This agenda item contained the following Basic Abilities Test statistics for September 1, 2010 to November 30, 2010: The year-to-date passing scores for law enforcement officers was 8,467 (70.6%); for correctional officers 7,553 (77.8%); and for correctional probation officers 162 (88.5%). The year-to-date failing scores for law enforcement officers was 3,519 (29.4%); for correctional officers 2,156 (22.2%); and for correctional probation officers 21 (11.5%).

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

AGENDA ITEM G: STATE OFFICER CERTIFICATION EXAMINATION QUARTERLY REPORT

This agenda item contained the following State Officer Certification Examination test performance data: Basic Recruit Training Programs for September 2010 through November 2010. Florida CMS Law Enforcement Basic Recruit Training Program (BRTP): 762 applicants took the examination and 638 (84%) passed. Traditional Correctional BRTP: 614 applicants took the examination and 466 (76%) passed. Florida Correctional Probation BRTP: 34 applicants took the examination and 33 (97%) passed. **Equivalency-of-Training Programs.** Florida CMS Law Enforcement BRTP: 84 applicants took the examination and 59 (70%) passed and for the Traditional Correctional BRTP: 20 applicants took the examination and 12 (60%) passed.

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

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

The following is a list of Curriculum Alerts since the October 2010 Commission Meeting:

Basic Recruit Training Program Curriculum Alerts: **Version 2010.07 Number 2.** Traditional Correctional Basic Recruit Training Program: 2010 legislative revisions, effective 11-17-10; **Version 2010.07 Number 3.** Correctional Auxiliary Officer Basic Recruit Training Program: 2010 legislative revisions, effective 11-17-10; **Version 2010.07 Number 4.** Correctional Probation Officer Cross-Over Training to Traditional Correctional Basic Recruit Training Program: 2010 legislative revisions, effective 11-17-10; **Version 2010.07 Number 5.** Law Enforcement Officer Cross-Over Training to Traditional Correctional Basic Recruit Training Program: 2010 legislative revisions, effective 11-17-10; **Version 2010.07 Number 6.** Florida Correctional Probation Basic Recruit Training Program: 2010 legislative revisions, effective 11-17-10; **Version 2010.07 Number 7.** Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Basic Recruit Training Program: 2010 legislative revisions, effective 11-17-10; **Version 2010.07 Number 8.** Law Enforcement Officer Cross-Over Training to Florida Correctional Probation Officer Basic Recruit Training Program: 2010 legislative revisions, effective 11-17-10; and **Version 2010.07 Number 9.** Florida CMS Law Enforcement Basic Recruit Training Program—Chapter 3 Communications Course CJK_0017: Revised language to reflect Supreme Court decision related to *Miranda*, effective 11-30-10.

Advanced Training Program Courses Curriculum Alerts: **Version 2005.07 Number 2.** Narcotics and Dangerous Drugs: Added disclaimer and updated language to reflect current law, effective 12-23-10; **Version 2005.11 Number 1.** Financial Fraud Investigations 1154: Added disclaimer and updated language to reflect current law, effective 12-23-10; **Version 2006.04 Number 2.** Crimes against the Elderly Course 100: Updated front material and Updated Lesson 5 and Attachment 5-1, Florida Statutes Specific to Crimes Against the Elderly, effective 12-23-10; and **Version 2007.01 Number 2.** Sex Crimes Investigations Course 033: Corrected a statutory reference and made changes to reflect a recent U.S. Supreme Court decision, effective 12-23-10.

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

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

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

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

Advanced Training Program Courses: Line Supervision; Middle Management; Developing and Maintaining a Sound Organization; Planning the Effective Use of Financial Resources; Building and Maintaining a Sound Behavioral Climate; Narcotics and Dangerous Drugs Investigations; Criminal Law; Case Preparation and Court Presentation; Special Tactical Problems; Sex Crimes Investigation; Injury and Death Investigations; Interviews and Interrogations; Stress Management Techniques; Crisis Intervention; Organized Crime; Discipline and Special Confinement Techniques; Supervision of the Youthful Offender; Advanced Report Writing and Review; Firefighting for Correctional Officers; Community and Human Relations; Substance Abuse Awareness and Education; Underwater Police Science and Technology; Computers and Technology in Criminal Justice; Emergency

Preparedness for Correctional Officers; Advanced Traffic Accident Investigation; Traffic Accident Reconstruction; School Resource Officer; Domestic Intervention; Hostage Negotiation; Drug Abuse Resistance Education (D.A.R.E.) – FDLE Instructed Only; Drug Abuse Resistance Education (D.A.R.E.); Drug Abuse Resistance Education (D.A.R.E.); Traffic Homicide Investigation; Crimes Against the Elderly; CMS Field Training Officer Program Course; Field Training Officer Course for Correctional Officers; Conducting Background Investigations; Investigation and Supervision of Officer Involved Shootings; Computer Crimes Investigations; Financial Fraud Investigations; Speed Measurement Course; Managing and Communicating with Inmates and Offenders; Gangs and Security Threat Groups; Inmate Manipulation; Spanish for Criminal Justice Professionals; Advanced Investigative Techniques of Human Trafficking Offenses; and Investigating Crimes Against Children.

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

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

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

COMMISSION MEMBERS OR ALTERNATES PRESENT OR ABSENT

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

1. **Mr. Ernest W. George, Chairman**
Florida Citizen , Palm Beach County PBA
2100 Florida Mango Road
West Palm Bch, FL 33409, Telephone: 561-689-3745
 2. **Sergeant Michael "Mick" McHale**
Sarasota Police Department
Florida PBA, 2075 Main St., Suite 4
Sarasota, FL 34237, Telephone: 941-366-1436
 3. **Deputy Secretary George B. Sapp, (Absent)**
Secretary Walter A. McNeil, Florida Department of
Corrections, Institutions and Re-Entry, 2601 Blair Stone Road
Tallahassee, FL 32399-2500, Telephone: 850-488-2288
 4. **Officer Patrick Hanrahan**
Broward County Sheriff's Office
Broward County PBA, 2601 West Broward Blvd
Fort Lauderdale, FL 33312, Telephone: 954-584-7600
 5. **Captain James N. Mann**
proxy for Attorney General Bill McCollum
Office of the Attorney General, 110 SE 6th St., 10th Floor
Ft. Lauderdale, FL 33301, Telephone: 954-712-4661
 6. **Sergeant John Rivera**
Miami-Dade Police Department
Dade County PBA, 10680 N. W. 25th Street
Miami, FL 33172, Telephone: 305-593-0044
 7. **Colonel John Czernis**, Director **(Absent)**
Florida Department of Highway Safety and Motor Vehicles
Division of Florida Highway Patrol, Neil Kirkman Building
Tallahassee, FL 32399, Telephone: 850-617-2300
 8. **Officer Kathleen A. Connell**
Tallahassee Police Department
234 East Seventh Street
Tallahassee, FL 32303, Telephone: 850-891-4353
 9. **Sheriff John H. Rutherford (Absent)**
Jacksonville Sheriff's Office
501 E. Bay Street
Jacksonville, FL 32202, Telephone: 904-630-5898
 10. **Warden Mary Holcomb**
Hernando Correctional Institution
16415 Spring Hill Drive
Brooksville, FL 34604-8167, Telephone: 352-540-6035
 11. **Sheriff Susan Benton**
Highlands Sheriff's Office
501 E. Bay Street
Jacksonville, FL 32202, Telephone: 904-630-5898
 12. **Correctional Officer Belinda Murvin**
Palm Beach County Sheriff's Office
673 West Fairgrounds Road
West Palm Beach, FL 33411, Telephone: 561-688-4913
 13. **Sheriff Ric L. Bradshaw**
Palm Beach County Sheriff's Office
3228 Gun Club Road
West Palm Beach, FL 33406, Telephone: 561-688-3021
 14. **Director J.C. Brock**
St. Petersburg College Southeastern Public Safety Institute
3200 34th Street South
St. Petersburg, FL 33711-3829, Telephone: 727-341-4495
 15. **Chief Gerald Monahan**
Port Orange Police Department
4545 S. Clyde Morris Boulevard
Port Orange, FL 32129-4062, Telephone: 386-506-5870
 16. **Officer Nelson Cuba**
Jacksonville Sheriff's Office
Jacksonville FOP, 5530 Beach Boulevard,
Jacksonville, FL. 32207, Telephone: 904-398-7010
 17. **Major David W. Diggs**
Seminole County Sheriff's Office
Department of Detention Services, 211 Bush Boulevard
Sanford, FL 32773, Telephone: 407-665-1201
 18. **Chief Dennis Jones**
Tallahassee Police Department
234 East Seventh Avenue
Tallahassee, FL 32303, Phone: 850-891-4393
- COMMISSION ATTORNEY PRESENT:**
Assistant Statewide Prosecutor Brian Fernandes
Office of the Statewide Prosecutor, Flagler Waterview Building
West Palm Beach, FL 33401, Telephone: 561-837-5000
- Commission Staff Attorneys Joe White and Kerra Smith** of the Florida Department of Law Enforcement, Office of the General Counsel, Post Office Box 1489, Tallahassee, FL 32302-1489.

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

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

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

Stipulation and Settlement Agreement Cases

Tab A-13, Case 30140	Jenna Maldonado Attorney Natalie Kato and the respondent were present.	Misconduct/Guideline Penalty: Aggravated assault with weapon; (2-7-2010; (Prospective suspension to revocation). Agency: Homestead Police Department.
RECOMMENDATION: Staff Attorney Kerra Smith presented this case and recommended that the Commission impose a 9-month retroactive suspension; a 90-day prospective suspension beginning 15 days following the filing of the final order; a 1-year probation to begin at the conclusion of the suspension; and provide Commission staff with proof of successful completion of an approved anger management course prior to the end of the probation. COMMISSION ACTION: Discussion was held, and <i>Commissioner Rivera moved that the Commission adopt staff counsel's penalty recommendation; seconded by Commissioner Monahan; motion carried.</i>		
Tab A-17, Case 30230	Clemon Thomas, III Respondent was present without legal counsel.	Misconduct/Guideline Penalty: Possession of contraband at state correctional institution; perjury in official proceeding; (12-29-2009; 12-29-2009); (revocation; prospective suspension to revocation). Agency: Department of Corrections, Region IV.
RECOMMENDATION: Staff Attorney Kerra Smith presented this case and recommended that the Commission accept the voluntary relinquishment of certification. COMMISSION ACTION: Discussion was held, and <i>Commissioner Cuba moved that the Commission reject staff counsel's recommendation and allow the case to be heard at an Informal Hearing; seconded by Commissioner Connell; motion carried.</i> Commissioner Holcomb did not vote on this case.		

Consent Agenda - Stipulation and Settlement Agreement Cases

Tab A-1 Donald Barber; Tab A-2 Timothy Bible; Tab A-3 David Brady; Tab A-4 John Caldwell; Tab A-5 Jose Careaga; Tab A-6 David Ellis; Tab A-7 Isaac Fountain; Tab A-8 Richard Frye; Tab A-9 Diane Ham; Tab A-10 Kevin Hicks; Tab A-11 Ernest Hunt; Tab A-12 James Isom; Tab A-14 Terry Naumann; Tab A-15 Eaan Silcox; Tab A-16 David Silvas; and Tab A-18 Thomas Tippins.
RECOMMENDATION: Staff Attorney Joe White recommended that the Commission adopt the conditions of the Stipulation and Settlement Agreement as the final disposition in each of the above cases. COMMISSION ACTION: <i>Commissioner Holcomb moved that the Commission adopt staff counsel's recommendation; seconded by Commissioner Diggs; motion carried.</i> Commission Attorney Brian Fernandes stated that the mitigating factors for the downward departure on Tab A-11, Ernest Hunt, was that the respondent was still employed, lack of severity of the offense, and the effective date of discipline.

Informal Hearing – Moral Character Cases

Tab B-1, Case 29181	Jessica Davis Respondent was present without legal counsel.	Misconduct/Guideline Penalty: Petit theft; (6-14-2009); (suspension to revocation). Agency: Not employed with a criminal justice agency.
RECOMMENDATION: Staff Attorney Kara Smith presented this case and recommended that the Commission impose a 30-day prospective suspension beginning 15 days following the filing of the final order; a 1-year probation to begin at the conclusion of the suspension; and provide Commission staff with proof of successful completion of an approved ethics course prior to the end of the probation. COMMISSION ACTION: Discussion was held, and <i>Commissioner Cuba moved that the Commission adopt staff counsel's penalty recommendation; seconded by Commissioner Diggs; motion carried.</i>		
Tab B-6, Case 30617	Wilbert Jimenez Respondent was present without legal counsel.	Misconduct/Guideline Penalty: Driving under the influence of alcohol with property damage; (1-28-2010); (probation with substance abuse counseling). Agency: Miami-Dade County Public Schools Police Department.
RECOMMENDATION: Staff Attorney Joe White presented this case and recommended that the Commission impose a 15-day prospective suspension beginning 15 days following the filing of the final order; a 1-year probation to begin at the conclusion of the suspension; and provide Commission staff with proof of successful completion of an approved substance abuse counseling and ethics course prior to the end of the probation. COMMISSION ACTION: Discussion was held, and <i>Commissioner McHale moved that the Commission adopt staff counsel's penalty recommendation; seconded by Commissioner Hanrahan; motion carried.</i>		
Tab B-10, Case 30392	Barbara Mitchem Respondent was present without legal counsel.	Misconduct/Guideline Penalty: Test positive for marijuana; (3-22-2010); (prospective suspension to revocation). Agency: Department of Corrections, Region II.
RECOMMENDATION: Staff Attorney Joe White presented this case and recommended that the Commission revoke the respondent's certification. COMMISSION ACTION: <i>Commissioner Mann moved that the Commission adopt staff counsel's penalty recommendation; seconded by Commissioner Cuba; motion carried.</i>		
Tab B-11, Case 29069	Roger Odom Respondent was present without legal counsel.	Misconduct/Guideline Penalty: Official misconduct; willful failure of the agency administrator to comply with chapter 943, F.S.; (on or about 4-11-2007; on or between 12-11-2006 and 4-11-2007); (suspension to revocation; suspension to revocation). Agency: Center Hill Police Department.
RECOMMENDATION: Staff Attorney Kerra Smith presented this case and recommended that the Commission impose a 180-day prospective suspension to begin within 180 days following the filing of the final order; a 1-year probation to begin at the conclusion of the suspension; and provide Commission staff with proof of successful completion of an approved ethics course prior to the end of the probation. The penalty recommendation was amended to include the charge of a false statement because a falsified letter submitted into evidence regarding Mr. Garcia's status, therefore, the letter qualified Recantation Rule 11B-27.0011(5), F.A.C. Staff Attorney Smith requested that the Commission vote on the amended Administrative Complaint for falsification of records in the Commission's Automated Management Training System. <i>Commissioner Cuba moved that the Commission adopt the amended Administrative Complaint; seconded by Commissioner Diggs; motion carried.</i> Discussion was held regarding the 180-day prospective suspension beginning 180 days versus 15 days. Staff Attorney Smith stated that as a practice, the employer is afforded the opportunity to implement the suspension within 180 days for any officer employed at the time discipline is imposed. COMMISSION ACTION: <i>Commissioner Cuba moved that the Commission adopt staff counsel's penalty</i>		

<i>recommendation; seconded by Vice-Chairman Bradshaw; motion carried.</i> Commissioners Benton and Monahan did not vote on this case.		
Tab B-12, Case 30848	James Ooley Respondent was present without legal counsel.	Misconduct/Guideline Penalty: Willfully compromised or circumvented the trainee performance requirements pursuant to subsection 11B-35.0024, F.A.C.; the instructor intentionally and materially falsified criminal justice documentation; (on or between 5-26-2009 and 3-26-2010); (reprimand to revocation). Agency: Indian River Sheriff's Office.
RECOMMENDATION: Staff Attorney Joe White presented the facts of the case and recommended that the Commission impose a reprimand. COMMISSION ACTION: <i>Commissioner Cuba moved that the Commission adopt staff counsel's penalty recommendation; seconded by Commissioner Connell; motion carried.</i>		
Tab B-13, Case 28903	Jeffery Pope	Misconduct/Guideline Penalty: Introduction of contraband at state correctional institution; (between 10-1-2008 and 12-19-2008); (suspension to revocation). Agency: Department of Corrections, Region I.
RECOMMENDATION: Staff Attorney Joe White stated that the respondent submitted a letter dated February 1, 2011, requesting to continue his case to the May 19, 2011 Commission meeting. COMMISSION ACTION: <i>Commissioner McHale moved that the Commission approve the continuance; seconded by Commissioner Diggs; motion carried.</i>		
Tab B-14, Case 30837	Steven Vazquez Respondent was present without legal counsel.	Misconduct/Guideline Penalty: Misuse of official position (42 counts); on or between 3-26-2008 and 12-19-2009); (suspension). Agency: Osceola County Sheriff's Office.
RECOMMENDATION: Staff Attorney Joe White recommended that the Commission impose a 30-day prospective suspension beginning 15 days following the filing of the final order; a 1-year probation to begin at the conclusion of the suspension; and provide Commission staff with proof of successful completion of an ethics course prior to the end of the probation. COMMISSION ACTION: <i>Commissioner Brock moved that the Commission adopt staff counsel's penalty recommendation; seconded by Vice-Chairman Bradshaw; motion carried.</i>		

Consent Agenda - Informal Hearing Moral Character Cases

<p>Tab B-2 John Fischer; Tab B-3 Qurandus Gaines; Tab B-4 Mario Goderich; Tab B-5 Maria Guzman; Tab B-7 was removed; Tab B-8 was removed; Tab B-9 Belinda Mills; and Tab B-15 was removed.</p> <p>RECOMMENDATION: Staff Attorney Kara Smith recommended that the Commission find each respondent in violation of officer standards and adopt the penalty recommendation as the final disposition in each of the above cases. COMMISSION ACTION: <i>Commissioner Diggs moved that the Commission adopt staff counsel's recommendation; seconded by Commissioner Holcomb; motion carried.</i> Commission Attorney Brian Fernandes stated that for Tab B-4, Mario Goderich, the aggravators that increased the penalty recommendation were the severity of the misconduct, danger to the public, and the use of official authority.</p>
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Informal Hearing – Felony Case

Tab C-1, Case 19306	Paul Brosky, Jr. Respondent was not present.	Misconduct/Guideline Penalty: Found guilty of sexual battery by a law enforcement officer; found guilty of kidnapping with a weapon; (11-5-2007; 11-5-2007); (revocation; revocation). Agency: Miami-Dade Police Department.
RECOMMENDATION: Staff Attorney Kerra Smith recommended that the Commission revoke the respondent's certification. COMMISSION ACTION: <i>Commissioner Cuba moved that the Commission adopt staff counsel's penalty recommendation; seconded by Commissioner Connell; motion carried.</i>		

Informal Hearing - Violation of Probation Case

Tab D-1, Case 29976	Jeanette Armstrong Respondent was not present.	Misconduct/Guideline Penalty: Violation of commission ordered probation; (11-17-2009); (reprimand to revocation). Agency: Not employed with a criminal justice agency.
RECOMMENDATION: Staff Attorney Joe White recommended that the Commission revoke the respondent's certification. COMMISSION ACTION: <i>Commissioner Murvin moved that the Commission adopt staff counsel's penalty recommendation; seconded by Commissioner Rivera; motion carried.</i>		

Consent Agenda - Voluntary Relinquishment Cases

Tab E-1 Jason Busbin; Tab E-2 Cass Collins; Tab E-3 Michael Craven; Tab E-4 Thomas Davenport; Tab E-5 Crashona Green; Tab E-6 Jeremy Hodges; Tab E-7 Rockey Kummer; Tab E-8 Josias Nazario; Tab E-9 April Padgett; Tab E-10 Richard Pillajo; Tab E-11 Gary Schiaffo; Tab E-12 Jose Torres; and Tab E-13 Ronald Wilson.	
RECOMMENDATION: Staff Attorney Joe White stated that the respondents had been served with an Administrative Complaint alleging a violation of officer standards and an Election of Rights had been filed indicating that the respondents were voluntarily relinquishing certification and recommended that the Commission adopt the voluntary relinquishment of certification in each of the above cases. COMMISSION ACTION: <i>Commissioner Brock moved that the Commission adopt staff counsel's recommendation; seconded by Vice-Chairman Bradshaw; motion carried.</i>	

Consent Agenda - Default Moral Character Cases

Tab F-1 Kimberly Ableman; Tab F-2 Frankie Agosto; Tab F-3 Barbara Baggett; Tab F-4 Melvin Bowen; Tab F-5 Amanda Box; Tab F-6 Tomika Breden; Tab F-7 Angelo Brown; Tab F-8 Robert Brown; Tab F-9 Jacqueline Calhoun; Tab F-10 Tiffani Chewning; Tab F-11 Joslyn Collinsworth-Meyer; Tab F-12 Deborah Cutchins; Tab F-13 Debra Dardy; Tab F-14 Timothy Decker; Tab F-15 Jeremy Dye; Tab F-16 Dorian Gillum; Tab F-17 Gregory Green; Tab F-18 Christopher Hallisey; Tab F-19 Alexander Hejazi; Tab F-20 Brandon Hysell; Tab F-21 Dennis Lanier; Tab F-22 Darron Lee-Case 30615; Tab F-23 Darron Lee-Case 30814; Tab F-24 Ashley Little; Tab F-25 Jorge Lopez; Tab F-26 Roderick Lopez; Tab F-27 was removed; Tab F-28 Keneisha Major; Tab F-29 James Maynor; Tab F-30 Alton Mercer; Tab F-31 Sharon Mungin; Tab F-32 Donald Murphy; Tab F-33 Karleen Nelson; Tab F-34 Wade Nordby; Tab F-35 Precious Northern; Tab F-36 Jahbari Reynolds; Tab F-37 Delbert Roach; Tab F-38 Reynaldo Smith; Tab F-39 Michael Teston; Tab F-40 Jeffrey Thornton; Tab F-41 James Waltz; Tab F-42 Durrell Warren; and Tab F-43 Jacob Wooten.	
RECOMMENDATION: Staff Attorney Kerra Smith stated that the respondents were served with an administrative complaint alleging failure to maintain good moral character required by Section 943.13(7), F.S. Each respondent was served in accordance to Section 120.60(5), F.S., and failed to respond to the Administrative Complaint. Staff Counsel recommended that the Commission admit into evidence the case materials set forth in each of the above cases as prima facie evidence in support of the allegation and find each respondent in violation of officer standards based on the evidence, and impose the disciplinary actions set forth in staff counsel's penalty recommendation. COMMISSION ACTION: <i>Vice-Chairman Bradshaw moved that the Commission adopt staff counsel's recommendation; seconded by Commissioner Brock; motion carried.</i> Commissioner Holcomb did not vote on Tab E-1. Commission Attorney Fernandes stated that the aggravators for Tab F-19, for Alexander Hejazi, were multiple violations and the severity of the conduct.	

Consent Agenda - Default Felony Cases

Tab G-1 Devang Bhavsar; Tab G-2 Kenyetta Biggs; Tab G-3 Melvin Brown; Tab G-4 Miranda Decker; Tab G-5 Dondrick Eaves; Tab G-6 Rene Guillen; Tab G-7 Robert Hendrix; Tab G-8 Michael Hudy; Tab G-9 Melissa Jefferson; Tab G-10 Randolph Jones; Tab G-11 Paul Lawrence; Tab G-12 Donna Newhouse; Tab G-13 Eric Obryan; Tab G-14 Urijah Robinson; Tab G-15 Jeremy Smith; Tab G-16 Pauline Thompson; Tab G-17 James Toner; Tab G-18 Kenneth Turner; Tab G-19 Zedra Warner; Tab G-20 Charles Williams; Tab G-21 Adam Willis; and Tab G-22 Tanika Wright.

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

Consent Agenda - Default Misdemeanor Involving Perjury or False Statement Cases

Tab H-1, Case 28593	Harold Morales Respondent was not present.	Misconduct/Guideline Penalty: Pled no contest to false official statement; (10-8-2009); (revocation). Agency: Not employed with a criminal justice agency.
<p>RECOMMENDATION: Staff Attorney Joe White recommended that the Commission revoke the respondent's certification. COMMISSION ACTION: <i>Commissioner Holcomb moved that the Commission adopt staff counsel's penalty recommendation; seconded by Commissioner Mann; motion carried.</i></p>		

Consent Agenda - Violation of Probation Cases

Tab I-1 Tiffany Alexander; Tab I-2 Anthony Benedetto; Tab I-3 Tony Campbell; Tab I-4 Larry Cooney; Tab I-5 Jason Cooper; Tab I-6 Evelyn Cooper-Holcy; Tab I-7 Jeffrey Davis; Tab I-8 Elizabeth Dillon; Tab I-9 Maurice Gardner; Tab I-10; Matthew Hellmers; Tab I-11 Aaron Kendrick; Tab I-12 Kali Oliver-Shortridge; Tab I-13 Lynn Quirin; Tab I-14 Wanda Wallace; and Tab I-15 Don Wheeler.

RECOMMENDATION: Staff Attorney Kerra Smith stated that each of the respondents were served with an Administrative Complaint alleging a violation of Commission-ordered probation. Each respondent was served in compliance with Section 120.60(5), F.S., and failed to respond to the Administrative Complaint. Staff counsel recommended that the Commission revoke the certifications in each of the above cases. **COMMISSION ACTION:** *Commissioner Hanrahan moved that the Commission adopt staff counsel's penalty recommendation; seconded by Commissioner Cuba; motion carried.* Commissioner Holcomb did not vote on Tab I-6.

Consent Agenda - Recommended Order Cases

Tab J-1 William McLeod and Tab J-2 Sonia Torres.

RECOMMENDATION: Staff Attorney Kerra Smith recommended that the Commission adopt the Administrative Law Judges findings of fact and conclusions of law as the final disposition in each of the above cases. **COMMISSION ACTION:** *Commissioner Murvin moved that the Commission adopt staff counsel's recommendation; seconded by Commissioner Benton; motion carried.*

Consent Agenda - Motion to vacate/set aside

Tab K-1 Alphonso Lamar and Tab K-2 Frieda Williams.

RECOMMENDATION: Staff Attorney Joe White recommended that the Commission grant the motion to vacate/set aside the final orders accepting the voluntary relinquishment that state that each of the above officers have reimbursed the Florida Department of Corrections for their training expenses. **COMMISSION ACTION:** *Commissioner Diggs moved that the Commission adopt staff counsel's recommendation; seconded by Commissioner Brock; motion carried.*

Consent Agenda – Voluntary Dismissal

Tab L-1 Kelvin Cooper; Tab L-2 Jason Copeland; Tab L-3 Pamyly Crompton; Tab L-4 Maurice Gardner; Tab L-5 Darron Lee; Tab L-6 Antonio McClain; Tab L-7 Sharon Mungin; Tab L-8 Paul O'Donnell; Tab L-9 Michael Primus; and Tab L-10 Kenneth Stanley.

RECOMMENDATION: Staff Attorney Joe White recommended that the Commission dismiss the Administrative Complaint in each of the above cases. **COMMISSION ACTION:** *Commissioner Monahan moved that the Commission adopt staff counsel's recommendation; seconded by Commissioner Connell; motion carried.*

Consent Agenda - Motion to Withdraw Stipulation and Settlement Agreement

Tab M-1 Willie Smith.

RECOMMENDATION: Staff Attorney Joe White stated that the respondent requested a continuance. **COMMISSION ACTION:** *Commissioner Holcomb moved that the Commission approve the continuance of this case; seconded by Commissioner Diggs; motion carried.*

The Criminal Justice Standards and Training Commission meeting adjourned at 11:05 a.m. on Thursday, February 3, 2011. The minutes were prepared by Government Operations Consultant/Commission Secretary Donna J. Hunt of the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302.

AGENDA ITEM: 1

2011 Legislative Initiatives and Budget Report

ISSUE NUMBER 1

This agenda item is presented to update the Commission on the 2011 legislative initiatives and budget status.

EXECUTIVE SUMMARY

Program Director Michael Crews will give an update on the 2011 Legislative initiatives and budget status.

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

VOTING IMPACT

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

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

AGENDA ITEM: 2A

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

ISSUE NUMBER 1

This issue provides information to the Commission about Criminal Justice Standards and Training Trust Fund revenues and training disbursements for the months of July 2010 through March 2011, and the trust fund cash balance on March 31, 2011.

EXECUTIVE SUMMARY

1. The legislative appropriation of CJS&T Trust Fund dollars for FY 2010-2011 totaled \$15,783,723. Revenue (excluding examination and tuition fees) for the months of July 2010 through March 2011 totaled \$9,198,309, down by six percent from the amount collected for the same period in FY 2009-2010.
2. The appropriation for officer training for FY 2010-2011 is \$6 million, which maintains the per officer funding at \$67. Disbursements to the regional training areas for the first three quarters totaled \$4,018,091.
3. The beginning cash balance in the CJS&T Trust Fund on July 1, 2010 was \$4,893,417. The cash balance on March 31, 2011 after meeting all year-to-date obligations was \$2,648,386.

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

VOTING IMPACT

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

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

SUPPORTING INFORMATION

1. Criminal Justice Standards and Training Trust Fund Legislative Appropriations for FY 2010 – 2011, **page 2**.
2. Criminal Justice Standards and Training Trust Fund Operations for FY 2010 – 2011, **page 2**.
3. Criminal Justice Standards and Training Trust Fund Monthly receipts comparison, court costs, and traffic infractions for July 2010 through June 2011, **page 3**.

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

CJS&T Trust Fund Operations FY 2010-2011			
	Monthly Revenue*	Quarterly Disbursement for Officer Training	CJSTC Trust Fund Cash Balance
July 1, 2010 beginning cash balance			\$4,893,417
July	1,136,956	1,339,364	
August	1,053,244	N/A	
September	1,023,809	N/A	
October	1,012,043	1,339,364	
November	973,856	N/A	
December	964,162	N/A	
January	908,271	1,339,364	
February	976,825	N/A	
March	1,149,143	N/A	
Year-to-Date	\$9,198,309	\$4,018,091	
Cash Balance March 31, 2011			\$2,648,386

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

**Florida Department of Law Enforcement
Criminal Justice Training Trust Fund
Monthly Receipts Comparison - Court Costs and Traffic Infractions
July 2010 through June 2011**

<u>MONTH</u>	<u>FY 00-01</u>	<u>FY 01-02</u>	<u>FY 02-03</u>	<u>FY 03-04</u>	<u>FY 04-05</u>	<u>FY 05-06</u>	<u>FY 06-07</u>	<u>FY 07-08</u>	<u>FY 08-09</u>	<u>FY 09-10</u>	<u>FY 10-11</u>	<u>FY 09-10</u>
July	1,583,375	823,508	1,357,118	1,431,186	1,298,735	797,171	1,505,018	1,371,585	1,330,754	1,113,987	1,136,956	22,969
August	888,312	1,388,232	169,702	1,225,471	1,031,800	1,756,384	1,286,361	1,449,575	816,719	1,178,444	1,053,244	-125,200
September	1,420,115	1,251,931	1,636,655	1,353,417	1,206,545	1,358,621	828,984	1,341,906	962,668	1,051,752	1,023,809	-27,944
October	421,212	838,995	2,340,996	1,183,371	1,137,681	1,356,247	1,941,076	1,330,675	1,834,917	1,053,905	1,012,043	-41,862
November	1,835,528	1,285,247	1,816,329	1,086,539	1,199,600	633,743	1,419,440	1,399,216	1,211,492	1,093,239	973,856	-119,383
December	187,789	534,260	982,576	1,203,845	1,109,158	1,787,798	879,972	1,324,254	762,947	904,909	964,162	59,253
January	1,807,934	1,472,330	1,639,063	1,541,984	1,265,303	1,416,757	1,572,032	1,284,439	1,450,217	1,087,971	908,271	-179,700
February	379,759	1,120,957	1,159,686	1,143,117	1,122,834	1,381,141	1,799,432	1,498,813	1,214,338	1,018,043	976,825	-41,217
March	1,710,298	937,783	1,250,629	1,471,014	1,569,640	1,838,169	1,302,115	1,415,619	1,370,159	1,282,234	1,149,143	-133,092
April	487,925	835,907	1,510,671	1,695,292	1,396,596	1,023,513	1,707,342	1,604,032	1,324,199	1,292,387		
May	1,523,842	924,316	1,195,541	1,381,649	659,709	1,902,298	1,427,353	1,430,795	1,164,819	1,112,122		
June	<u>1,654,832</u>	<u>1,749,944</u>	<u>1,053,690</u>	<u>1,244,670</u>	<u>2,089,723</u>	<u>1,441,957</u>	<u>1,426,811</u>	<u>1,399,079</u>	<u>1,069,516</u>	<u>983,649</u>		
Total	<u>13,900,922</u>	<u>13,163,409</u>	<u>16,112,656</u>	<u>15,961,554</u>	<u>15,087,323</u>	<u>16,693,799</u>	<u>17,095,936</u>	<u>16,849,988</u>	<u>14,512,746</u>	<u>13,172,642</u>	<u>9,198,309</u>	<u>-586,175</u>
FY Percent Change or for Current Year, Monthly Average Percent Change						9.62%	2.35%	-1.46%	-16.10%	-10.17%	-7.41%	
Monthly Average	1,158,410	1,096,951	1,342,721	1,330,130	1,257,277	1,391,150	1,424,661	1,404,166	1,209,396	1,097,720	1,022,034	
Cash Balance - March 31											2,648,386	
Cash Balance - February 28											3,462,791	
Cash Balance - January 31											2,922,116	
Cash Balance - December 31											4,290,754	
Cash Balance - November 30											3,556,180	
Cash Balance - October 31											3,462,174	
Cash Balance - September 30											4,761,380	
Cash Balance - August 31											4,239,125	
Cash Balance - July 31											3,904,473	

NOTES: This comparison is based on the monthly transfer of funds to FDLE from the DOR (categories 001200 & 001600) and excludes certification exam receipts.

AGENDA ITEM: 2B

Criminal Justice Standards and Training Trust Fund Officer Training Monies:
Trust Fund Operating Budget Requests for Fiscal Year 2011 - 2012

ISSUE NUMBER 1

This agenda item is presented to the Commission to request approval of the proposed Trust Fund Operating Budget Requests for Fiscal Year 2011 – 2012.

EXECUTIVE SUMMARY

1. Section 11B-18.0052, F.A.C., requires the Criminal Justice Professionalism Program to notify the Regional Training Councils of the projected allocation of officer training monies by July 1 of each year.
2. The proposed distribution of the \$5,366,030.00 allocation is determined by the total regional officer count of 80,090 at the rate of \$67.00 per officer. Each Commission-certified criminal justice training school submits a budget request to their Regional Training Council for approval and the Regional Chairpersons forward the respective region's budget(s) to Commission staff for review and approval.

3. **Operating Budget Requests.**

A. All budgets shall comply with the following Officer Training Monies Expenditure Formula:

- Administrative Category - No more than 5%
- Training Category - No less than 80%
- Operating Capital Outlay Category - No more than 15%

B. Details for the Fiscal Year 2011-2010 Operating Budget Requests begin on **page 2**. These budgets have been reviewed and approved by Commission staff.

C. The following is a summary of the Operating Budget Requests for Fiscal Year 2011 – 2012:

• Region I	\$136,680.00	Region IX	\$547,055.00
• Region II	\$59,429.00	Region X	\$274,231.00
• Region III	\$93,398.00	Region XI	\$127,300.00
• Region IV	\$119,662.00	Region XII	\$258,419.00
• Region V	\$271,216.00	Region XIII	\$369,639.00
• Region VI	\$90,450.00	Region XIV	\$613,653.00
• Region VII	\$634,155.00	Region XV	\$258,017.00
• Region VIII	\$131,119.00	Region XVI	\$1,381,607.00

RECOMMENDATION(S): Commission staff recommends that the Commission approve the allocation of officer training monies for the Fiscal Year 2011 - 2012 Operating Budget Requests.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: The training schools will receive operating funds for Fiscal Year 2011 - 2012.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: The training schools will not receive operating funds for Fiscal Year 2011 - 2012.

SUPPORTING INFORMATION

The following Operating Budgets have been reviewed and approved by the Criminal Justice Professionalism Program.

REGION I - TOTAL ALLOCATION FY 2011-2012			\$136,680.00
Regional Administrative Cost	3%		\$3,450.00
A. George Stone Vo-Tech		\$3450.00	
B. Northwest Florida State College		\$0.00	
Regional Training Cost	97%		\$133,230.00
A. George Stone Vo-Tech		\$84,119.00	
B. Northwest Florida State College		\$49,111.00	
Regional Operating Capital Outlay Cost	0%		\$0.00
A. George Stone Vo-Tech		\$0.00	
	None Budgeted		
B. Northwest Florida State College		\$0.00	
	None Budgeted		

REGION II - TOTAL ALLOCATION FY 2011-2012			\$59,429.00
Regional Administrative Cost	5%		\$2,620.05
A. Chipola College		\$546.05	\$59,161
B. Gulf Coast Community College		\$2074.00	Short \$268
C. Washington-Holmes Technical Center		\$0.00	
	None Budgeted		
Regional Training Cost	95%		\$56,540.95
A. Chipola College		\$10,374.95	
B. Gulf Coast Community College		\$39,399.00	
C. Washington-Holmes Technical Center		\$6,767.00	
Regional Operating Capital Outlay Cost	0%		\$0.00
A. Chipola College		\$0.00	
	None Budgeted		
B. Gulf Coast Community College		\$0.00	
	None Budgeted		
C. Washington-Holmes Technical Center		\$0.00	
	None Budgeted		

REGION III - TOTAL ALLOCATION FY 2011-2012		\$93,398.00
Regional Administrative Cost	5%	\$4,669.90
A. Tallahassee Community College	\$4,669.90	
Regional Training Cost	95%	\$88,728.10
A. Tallahassee Community College	\$88,728.10	
Regional Operating Capital Outlay Cost	0%	\$0.00
A. Tallahassee Community College	\$0.00	
	None Budgeted	

REGION IV - TOTAL ALLOCATION FY 2011-2012		\$119,662.00
Regional Administrative Cost	11%*	\$13,100.00
A. Florida Gateway College	\$3,000.00	
B. North Florida Community College	\$3,500.00	
C. Santa Fe College	\$6,600.00	
Regional Training Cost	89%	\$106,294.00
A. Florida Gateway College	\$23,197.00	
B. North Florida Community College	\$17,270.00	
C. Santa Fe College	\$66,095.00	
Regional Operating Capital Outlay Cost	0%	\$0.00
A. Florida Gateway College	\$0.00	
	None Budgeted	
B. North Florida Community College	\$0.00	
	None Budgeted	
C. Santa Fe College	\$0.00	
	None Budgeted	

REGION V - TOTAL ALLOCATION FY 2011-2012		\$271,216.00
Regional Administrative Cost	2%	\$5,061.00
A. NE Florida Criminal Justice Training & Educ. Ctr.	\$1,500.00	
B. St. Johns River State College	\$3,561.00	
Regional Training Cost	94%	\$255,475.00
A. NE Florida Criminal Justice Training & Educ. Ctr.	\$198,495.00	
B. St. Johns River State College	\$56,980.00	
Regional Operating Capital Outlay Cost	4%	\$10,680.00
A. NE Florida Criminal Justice Training & Educ. Ctr.	\$0.00	
None Budgeted		
B. St. Johns River State College	\$10,680.00	
Unobligated Funds (\$10,683.15)		

REGION VI – TOTAL ALLOCATION FY 2011-2012		\$90,450.00
Regional Administrative Cost	9%*	\$7,700.00
A. College of Central Florida	\$4,800.00	
B. Withlacoochee Technical Institute	\$2,900.00	
Regional Training Cost	90%	\$81,750.00
A. College of Central Florida	\$55,253.75	
B. Withlacoochee Technical Institute	\$26,496.25	
Regional Operating Capital Outlay Cost	1%	\$1,000.00
A. College of Central Florida	\$1,000.00	
Unobligated Funds (\$1,000.00)		
B. Withlacoochee Technical Institute	\$0.00	
None Budgeted		

REGION VII - TOTAL ALLOCATION FY 2011-2012		\$634,155.00
Regional Administrative Cost	5%	\$33,907.45
A. Brevard Community College	\$7,238.40	
B. Valencia Community College	\$12,271.05	
C. Daytona State College	\$5,353.00	
D. Criminal Justice Academy Of Osceola	\$2,669.95	
E. Lake Technical Center	\$2,680.00	
F. Seminole State College	\$3,695.05	
Regional Training Cost	92%	\$581,351.30
A. Brevard Community College	\$90,690.20	
B. Valencia Community College	\$233,149.95	
C. Daytona State College	\$101,713.00	
D. Criminal Justice Academy Of Osceola	\$42,719.20	
E. Lake Technical Center	\$42,880.00	
F. Seminole State College	\$70,205.95	
Regional Operating Capital Outlay Cost	3%	\$18,888.25
A. Brevard Community College	\$2,838.40	
Unobligated Funds (\$2,801.55)		
B. Valencia Community College	\$0.00	
None Budgeted		
C. Daytona State College	\$0.00	
Unobligated Funds (\$0.00)		
D. Criminal Justice Academy Of Osceola	\$8,009.85	
Unobligated Funds (\$7,547.55)		
E. Lake Technical Center	\$8,040.00	
Unobligated Funds (\$8,180.70)		
F. Seminole State College	\$0.00	
Unobligated Funds (\$11,034.90)		

REGION VIII - TOTAL ALLOCATION FY 2011-2012		\$131,119.00
Regional Administrative Cost	5%	\$6,555.95
A. Polk State College	\$5,028.35	
B. South Florida Community College	\$1,527.60	
Regional Training Cost	80%	\$104,895.20
A. Polk State College	\$80,453.60	
B. South Florida Community College	\$24,441.60	
Regional Operating Capital Outlay Cost	15%	\$19,667.85
A. Polk State College	\$15,085.05	
Unobligated Funds (\$14,803.65)		
B. South Florida Community College	\$4,582.80	
Unobligated Funds (\$4,602.90)		

REGION IX - TOTAL ALLOCATION FY 2011-2012		\$547,055.00
Regional Administrative Cost	5%	\$25,672.31
A. Hillsborough Community College	\$11,185.65	
B. St. Petersburg College	\$9,333.10	
C. Pasco-Hernando Community College	\$884.04	
D. Manatee Technical Institute	\$3,119.52	
E. Manatee County Sheriff's Office	\$1,150.00	
Regional Training Cost	95%	\$521,382.69
A. Hillsborough Community College	\$212,527.35	
B. St. Petersburg College	\$177,328.90	
C. Pasco-Hernando Community College	76,969.96	
D. Manatee Technical Institute	\$32,390.48	
E. Manatee County Sheriff's Office	\$22,166.00	
Regional Operating Capital Outlay Cost	0%	\$0.00
A. Hillsborough Community College	\$0.00	
None Budgeted		
B. St. Petersburg College	\$0.00	
None Budgeted		
C. Pasco-Hernando Community College	\$0.00	
None Budgeted		

D. Manatee Technical Institute	\$0.00
None Budgeted	
E. Manatee County Sheriff's Office	\$0.00
None Budgeted	

REGION X - TOTAL ALLOCATION FY 2011-2012		\$274,231.00
Regional Administrative Cost	5%	\$13,870.25
A. Sarasota Criminal Justice Academy	\$1,899.45	
B. Southwest Florida Criminal Justice Academy	\$11,970.80	
Regional Training Cost	95%	\$260,360.75
A. Sarasota Criminal Justice Academy	\$61,415.55	
B. Southwest Florida Criminal Justice Academy	\$198,945.20	
Regional Operating Capital Outlay Cost	0%	\$0.00
A. Sarasota Criminal Justice Academy	\$0.00	
None Budgeted		
B. Southwest Florida Criminal Justice Academy	\$0.00	
None Budgeted		

REGION XI - TOTAL ALLOCATION FY 2011-2012		\$127,300.00
Regional Administrative Cost	6%*	\$7,638.00
A. Indian River State College	\$7,638.00	
Regional Training Cost	94%	\$119,662.00
A. Indian River State College	\$119,662.00	
Regional Operating Capital Outlay Cost	0%	\$0.00
A. Indian River State College	\$0.00	
None Budgeted		

REGION XII - TOTAL ALLOCATION FY 2011-2012		\$258,419.00
Regional Administrative Cost	5%	\$12,920.95
A. Palm Beach State College	\$12,920.95	
Regional Training Cost	80%	\$206,735.20

A. Palm Beach State College	\$206,735.20	
Regional Operating Capital Outlay Cost	15%	\$38,762.85
A. Palm Beach State College	\$38,762.85	
Unobligated Funds (\$39,015.15)		

REGION XIII - TOTAL ALLOCATION FY 2011-2012		\$369,639.00
Regional Administrative Cost	6%*	\$21,014.65
A. Broward College	\$21,014.65	
Regional Training Cost	94%	\$348,624.35
A. Broward College	\$348,624.35	
Regional Operating Capital Outlay Cost	0%	\$0.00
A. Broward College	\$0.00	
None Budgeted		

REGION XIV - TOTAL ALLOCATION FY 2011-2012		\$613,653.00
Regional Administrative Cost	5%	\$30,682.65
A. Miami-Dade College (School Of Justice)	\$30,682.65	
Regional Training Cost	95%	\$582,970.35
A. Florida Keys Community College	\$32,830.44	
B. Miami Police Department Training Center	\$92,047.95	
C. Miami-Dade Police Department (MPI)	\$212,753.50	
D. Miami Dade College (School Of Justice)	\$245,338.47	
Regional Operating Capital Outlay Cost	0%	\$0.00
A. Florida Keys Community College	\$0.00	
None Budgeted		
B. Miami Police Department Training Center	\$0.00	
None Budgeted		
C. Miami-Dade Police Department (MPI)	\$0.00	
None Budgeted		
D. Miami Dade College (School Of Justice)	\$0.00	
None Budgeted		

REGION XV - TOTAL ALLOCATION FY 2011-2012		\$258,017.00
Regional Administrative Cost	5%	\$12,900.85
A. Tallahassee Community College (State Agencies)	\$12,900.85	
Regional Training Cost	95%	\$245,116.15
A. Tallahassee Community College (State Agencies)	\$245,116.15	
Regional Operating Capital Outlay Cost	0%	\$0.00
A. Tallahassee Community College (State Agencies)	\$0.00	
None Budgeted		

REGION XVI - TOTAL ALLOCATION FY 2011-2012		\$1,381,607.00
Regional Administrative Cost	5%	\$70,030.35
A. Florida Department Of Corrections	\$70,030.35	
Regional Training Cost	95%	\$1,311,576.65
A. Florida Department Of Corrections	\$1,311,576.65	
Regional Operating Capital Outlay Cost	0%	\$0.00
A. Florida Department of Corrections	\$0.00	
None Budgeted		

***Note:** Regions reflecting more than five percent (5%) budgeted in Administration have deducted travel allowances for Regional Chairpersons, Director(s), and Fiscal Agents to attend Commission Workshops, prior to application of Revised Formula, and/or Training Center Directors (not designees) to attend Commission Meetings, prior to application of the Commission's Trust Fund Expenditure Formula.

AGENDA ITEM: 2C

Criminal Justice Standards and Training Trust Fund Officer Training Monies:
Trust Fund Audit Recommendations for FY 2009 - 2010 for Regions V, XI, and XII

ISSUE NUMBER 1

The final Fiscal Year 2009 – 2010 audits for Regions V, XI, and XII are included in the Commission and Commission staff's materials only, and are presented to the Commission for approval of the final audit recommendations.

EXECUTIVE SUMMARY

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

RECOMMENDATION(s): Commission staff recommends that the Commission approve the audit findings and recommended corrective actions for Fiscal Year 2009 – 2010 for Regions V, XI, and XII.

VOTING IMPACT

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

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

SUPPORTING INFORMATION

(Supporting Documentation is provided to the Commission only)

AGENDA ITEM: 3

2010 Criminal Justice Agency Profile (CJAP) Report

ISSUE NUMBER 1

Section 943.18, F. S., requires that the Criminal Justice Standards and Training Commission, "...make a comprehensive study of the compensation and benefits paid to law enforcement and correctional officers throughout the state..." to include the factors upon which compensation is based. This report, **presented on CD-ROM**, is intended for use by law enforcement and correctional agencies, as well as local and state governments, as a tool to evaluate the sufficiency of compensation paid to criminal justice personnel throughout Florida.

EXECUTIVE SUMMARY

1. The 2010 CJAP Survey Report contains information on officer demographics, compensation, benefits, training programs, and specialized units. The report has been transferred to a CD-Rom in an HTML format and is viewed through an internet browser - no internet connection is required.
2. The 2010 CJAP Survey Report is separated by disciplines for comparison of compensation and benefits of responding agencies. The data was collected from surveys distributed to the agency heads of all state, county, and city law enforcement and correctional agencies, and is based on minimum compensation for entry-level officers.
3. A list of the survey data elements collected and reported in the 2010 CJAP Report is on **page 2**.

RECOMMENDATION(S): Commission staff requests that the Commission review and approve the 2010 CJAP Survey Report. The 2010 CJAP survey results will be placed on the FDLE website and copies provided to criminal justice agencies upon request.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: The 2010 CJAP Survey Report will be approved and distributed accordingly.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: The 2010 CJAP Survey Report will not be distributed as required by Section 943.18, F.S.

SUPPORTING INFORMATION

1. CJAP Survey Report is on a Separate CD ROM included with the Commission packet.
2. 2010 Data Representative of Florida Criminal Justice Agencies on **page 2**.
3. **943.18 Compensation and benefits study; recommendation.**--The commission shall make a comprehensive study of the compensation and benefits paid to law enforcement officers and correctional officers throughout the state. Among the items to be researched shall be variation in salary scale, education and training of officers, retirement and pension programs, and any other factors on which compensation is based. The commission shall make recommendations to the Legislature for achieving uniformity in compensation for officers with equal or comparable responsibilities, experience, education, and training. **History.**--s. 7, ch. 74-386; s. 4, ch. 78-323; s. 8, ch. 80-71; ss. 11, 24, 25, ch. 81-24; s. 1, ch. 82-46; s. 2, ch. 83-265; s. 24, ch. 84-254; ss. 5, 6, ch. 87-186; s. 5, ch. 91-429.

SUPPLEMENTAL INFORMATION

Criminal Justice Standards & Training Commission Criminal Justice Agency Profile Report 2010 Data Representative of Florida Criminal Justice Agencies									
Requirements & Pre-Requisites	Training	Weapons Issued - Lethal	Weapons Issued – Non Lethal	Insurance	Special Units	Canine Unit	Salary	Benefits & Retirement	Supplemental Programs
Minimum Education (Entry)	Length of FTO Program (weeks)	Handgun	Chemical Agents	Life Insurance	Narcotics Unit	Dog Types	Entry Salary	Special Risk State	Take Home Vehicle
Minimum Education (Promotion)	Continued Training Required	Shotgun	Stun gun taser	Medical Insurance	Tactical/SWAT Unit	Used For	Sergeant Min. Salary	Special Risk County	Provide Uniforms
Minimum Age	Defensive Tactics	Rifle	Rubber Bullets	Dental Insurance	Emergency Response		Lieutenant Min. Salary	Special Risk Local	Clothing Allowance (entry)
Standard Shift (hrs)	Firearms	Based on Job Duties	Bean Bag Projectile	Disability Insurance	Internal Affairs		Min. Salary Increase	Deferred Comp Plan	Clothing Allowance (special)
Probationary Period (months)	Stun gun		Baton		Training Unit		Longevity Pay	Local Retirement Plan	Cleaning Allowance
Fitness Program	Medical/First Responder				Gang Unit		Overtime Pay	401K	Fitness Equipment
Fitness Condition of Employment	In-Service Fitness				Canine Unit		Shift Differential Pay	Drop	Tuition Reimbursement
Psychological Exam	Chemical Agents							Other	Sponsor Recruits
Voice Stress Analysis	Driving							Annual Vacation (hrs)	Mobile Digital Terminals
Polygraph Exam								Annual Sick (hrs)	Provide Cell phone
Physical Fitness								Paid Holidays	Collective Bargaining Unit
Vision Requirement								Personal Days	
Oral Interview Board								Accrual Change	
Selection/Basic Abilities Test								Sick Leave	
Previous CJ Experience									
Prior CJ Employment									
Driving History									
Restrictive Tobacco Policy									
Swimming Test									

AGENDA ITEM: 4

Use of Private Security Guards by the Jacksonville Sheriff's Office

ISSUE NUMBER 1

This agenda item is presented to the Commission as a follow up to the initial request by the Florida Police Benevolent Association for this issue to be heard during the May 2010 Commission meeting.

EXECUTIVE SUMMARY

1. On January 25, 2010, Bureau Chief Glen Hopkins received a letter from Police Benevolent Association General Counsel Gary Lippman requesting whether or not it was permissible for the Jacksonville Sheriff's Office (JSO) to use non-certified personnel to "guard prisoners" in locations that are off-site of prisons.
2. Bureau Chief Glen Hopkins spoke to Sheriff John Rutherford during the February 2010 Commission meeting about this issue and how he used such individuals. Sheriff Rutherford stated to Bureau Chief Hopkins that sworn correctional officers do accompany these non-sworn "security personnel" during off-site transport of inmates and that these officers maintain care, custody, and control of the inmates. **Sheriff Rutherford clarified this at the May 2010 Commission meeting that the "Jacksonville Sheriff's Office does not use sworn correctional officers to accompany non-sworn security officers during transport of prisoners to off-site facilities."**
3. Commission staff received the Agreement for Services, **pages 22 – 43**, between the Jacksonville Sheriff's Office and the Wackenhut Corporation (TWC) in which TWC agrees to guard all Office of the Sheriff prisoners at the following locations: Shands Jacksonville Holding Cell, Shands Jacksonville Emergency Room placements, All Psychiatric Unit placements, Shands Jacksonville Admissions, Shift Hold, Dialysis, and all other placements.
4. Bureau Chief Hopkins responded back to Mr. Lippman's initial letter on March 5, 2010, explaining what he found out from Sheriff Rutherford, and that from staff's perspective Sheriff Rutherford did not appear to be violating statute due to the fact that there is no specific officer to inmate ratio in Florida Statutes.
5. Police Benevolent Association General Counsel Hal Johnson submitted a letter dated March 25, 2010, which was addressed to Commission Chairman Jay Romine and Bureau Chief Hopkins requesting that this issue be addressed by the Commission during a workshop on May 19, 2010, and that the matter be discussed and possibly considered during the May 20, 2010 Commission meeting. This matter was discussed during the May 2010 Commission meeting as a workshop item on May 19, 2010, and as a business item during the Commission meeting on May 20, 2010.
6. During the May 2010 Commission meeting, the Commission voted to send Sheriff Rutherford a letter requesting that he cease using private security in this manner and that he use only sworn correctional officers. Under the direction of Chairman Ernie George, Commission staff forwarded this letter to Sheriff Rutherford on June 7, 2010. Sheriff Rutherford submitted a response to this letter dated July 16, 2010, wherein he stated that "based on his review of the applicable statutes in this matter and on the Florida Model Jail Standards, Jacksonville Sheriff's Office's use of private security in this manner is permissible."
7. Upon further research, Commission Attorney Brian Fernandes did identify two Attorney General Opinions and case law that apply to this issue.

8. During the August 2010 Commission meeting, the Commission discussed this issue again and determined that the Jacksonville Sheriff's Office appeared to be in violation of Sections 943.13 and 943.133(4), F.S. The Commission voted to convey a formal request to the Department of Legal Affairs to apply for injunctive relief against the Jacksonville Sheriff's Office under the Commission's authority outlined in Section 943.133(6), F.S.
9. Chairman George submitted this request to Attorney General McCollum on September 2, 2010, requesting injunctive relief against the Jacksonville Sheriff's Office.
10. Attorney General McCollum responded to Chairman George's request on September 16, 2010, stating that he would not pursue injunctive relief in this matter.
11. During the October 2010 Commission meeting, the Commission voted to convey a formal request for an Attorney General Opinion regarding the employment of private security officers by the Jacksonville Sheriff's Office to guard prisoners at external medical facilities or at other external sites that require care, custody, and control of these individuals.
12. Chairman George submitted a letter to Attorney General Bondi on February 9, 2011, on behalf of the Commission conveying this request for an Attorney General opinion.
13. Attorney General Bondi responded to Chairman George's letter on February 16, 2011, stating that an opinion will not be issued in this matter.

RECOMMENDATION(S): This agenda item does not require a formal vote, unless the Commission directs Commission staff to initiate further action in this matter.

SUPPORTING INFORMATION

(Supporting Documentation is provided on CD-ROM only)

1. Letter dated January 20, 2010, from Police Benevolent Association General Counsel Gary Lippman, **page 4**.
2. Letter dated March 5, 2010, from Bureau Chief Glen Hopkins, **page 5**.
3. Letter dated March 25, 2010, from Police Benevolent Association General Counsel Hal Johnson, **pages 6 - 7**.
4. Letter dated June 7, 2010, from Chairman Ernie George to Sheriff John Rutherford, **page 8**.
5. Letter dated July 16, 2010, from Sheriff John Rutherford to Chairman Ernie George, **pages 9 - 10**.
6. Letter dated September 2, 2010, from Chairman George to Attorney General McCollum, **page 11**.
7. Letter dated September 16, 2010, from Attorney General McCollum to Chairman George, **pages 12 - 13**.
8. Letter dated February 9, 2011, from Chairman Ernie George to Attorney General Bondi, **page 14**.
9. Response letter and supporting documentation from Attorney General Bondi to Chairman George dated February 16, 2011, **pages 15 - 21**.
10. Agreement for Services between the Jacksonville Sheriff's Office and the Wackenhut Corporation, **pages 22 - 43**.
11. Section 30.24, F.S., Transportation and return of prisoners, **page 44**.
12. Section 943.133(6), F.S., Responsibilities of employing agency, commission, and program with respect to compliance with employment qualifications and the conduct of background investigations; injunctive relief., **pages 45 - 46**.
13. Section 944.597, F.S., Transportation and return of prisoners by private transport company, **page 47**.

14. Section 951.23, F.S., County and municipal detention facilities; definitions; administration; standards and requirements, **pages 48 – 51.**
15. Attorney General Opinion 072-346, Liability for Medical and Surgical Expenses of Prisoners, **pages 52 - 53.**
16. Attorney General Opinion 75-47, Liability for Torts; Medical Treatment for Wounded Prisoner; Liability for Prisoner; Elements of "Custody", **pages 54 – 56.**
17. Medical Center Hospital v. Coleman, 462 So. 2d 588, **pages 57 – 58.**

AGENDA ITEM: 5

Request for Declaratory Statement by Paul Salone pursuant to Section 120.565, F.S., and Rule 28-105.002, F.A.C.

ISSUE NUMBER 1

This agenda item is presented to the Commission by Paul Salone to request a declaratory statement on the issue of whether a certificate of relief from disabilities issued by a New York court upon conviction of a felony operates as a full pardon for purposes of permitting a person convicted of a felony to become certified as a criminal justice professional pursuant to Section 943.13, F.S.

EXECUTIVE SUMMARY

1. Petitioner was convicted of a felony on May 8, 1987, for Criminal Sale of Controlled Substance.
2. Petitioner immediately received a certificate of relief from disabilities issued by the court upon his conviction.
3. Petitioner believes that the law governing the certificate of relief from disabilities in New York would permit him to become certified in a criminal justice discipline in that state. He wishes to know if full faith and credit may be extended to permit his certificate of relief from disabilities to allow for him to be employed as a criminal justice professional in Florida.

RECOMMENDATION(S): The Certificate of Relief from disabilities appears to operate as a partial pardon, not a full pardon, and, as such, cannot remove the bar to criminal justice employment raised by Section 943.13(4), F.S.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a declaratory statement will reflect that the present statutory scheme in Florida is not satisfied by the partial pardon represented by a "Class A" certificate of relief from disabilities issued by the State of New York.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a declaratory statement will reflect that the present statutory scheme in Florida is satisfied by the partial pardon represented by a "Class A" certificate of relief from disabilities issued by the State of New York.

SUPPORTING INFORMATION

(Supporting Information is provided on CD-ROM only)

1. Section 120.565, F.S., Declaratory statement by agencies, page 2.
2. Rule 28-105.002, F.A.C., The Petition, page 2.
3. Petition for Declaratory Statement, pages 3 – 4.
4. Supporting documentation, pages 5 – 48.

120.565; Declaratory statement by agencies.

(1) Any substantially affected person may seek a declaratory statement regarding an agency's opinion as to the applicability of a statutory provision, or of any rule or order of the agency, as it applies to the petitioner's particular set of circumstances.

(2) The petition seeking a declaratory statement shall state with particularity the petitioner's set of circumstances and shall specify the statutory provision, rule, or order that the petitioner believes may apply to the set of circumstances.

(3) The agency shall give notice of the filing of each petition in the next available issue of the Florida Administrative Weekly and transmit copies of each petition to the committee. The agency shall issue a declaratory statement or deny the petition within 90 days after the filing of the petition. The declaratory statement or denial of the petition shall be noticed in the next available issue of the Florida Administrative Weekly. Agency disposition of petitions shall be final agency action.

History.—s. 6, ch. 75-191; s. 7, ch. 76-131; s. 5, ch. 78-425; s. 5, ch. 79-299; s. 760, ch. 95-147; s. 17, ch. 96-159.

28-105.002; The Petition.

A petition seeking a declaratory statement shall be filed with the clerk of the agency that has the authority to interpret the statute, rule, or order at issue and shall provide the following information:

(1) The caption shall read: Petition for Declaratory Statement Before (Name of Agency).

(2) The name, address, telephone number, and any facsimile number of the petitioner.

(3) The name, address, telephone number, and any facsimile number of the petitioner's attorney or qualified representative (if any).

(4) The statutory provision(s), agency rule(s), or agency order(s) on which the declaratory statement is sought.

(5) A description of how the statutes, rules, or orders may substantially affect the petitioner in the petitioner's particular set of circumstances.

(6) The signature of the petitioner or of petitioner's attorney of qualified representative.

(7) The date.

Specific Authority 120.54(5) FS. Law Implemented 120.565 FS. History—New 4-1-97, Amended 3-18-98, 1-15-07.

AGENDA ITEM: 6A

Request for Denial of Basic Abilities Test for Gilberto Llorens

ISSUE NUMBER 1

Cheating on Commission-approved Basic Abilities Test. Section 943.17(1)(g), F. S., requires that applicants entering a Commission-approved Basic Recruit Training Program pass a Basic Abilities Test (BAT) for the discipline in which training is sought. Further, Rule 11B-35.0011, F.A.C., details misconduct relating to the Basic Abilities Test and the appropriate disciplinary action for such misconduct. This issue addresses alleged misconduct on the part of Mr. Gilberto Llorens.

EXECUTIVE SUMMARY

1. Mr. Llorens took and failed the Correctional Basic Abilities Test at Broward College on January 12, 2010.
2. Mr. Llorens provided Miami Dade College with documentation, on **page 7**, indicating that he had passed the Correctional Basic Abilities Test at Broward State College on January 12, 2010.
3. The documentation provided by Mr. Llorens to Miami Dade College, indicating a passing BAT score, was an apparent forgery and was an attempt on his part to gain entry into the Law Enforcement Officer Basic Recruit Training Program under false pretenses.
4. Miami Dade College notified Commission staff that Mr. Llorens subverted the Basic Abilities Test process on or about January 12, 2010. The documentation provided by Miami Dade College can be found on **pages 6 - 9**.
5. Supporting documentation from Broward College can be found on **pages 8 - 9**.
6. Documentation provided, on **page 7**, indicates that the test results from Mr. Llorens January 12, 2010 test were altered to reflect a passing score for Mr. Llorens on Law Enforcement Basic Abilities Test on January 12, 2010.
7. ATMS records, on **page 10**, reflect that Mr. Llorens is not currently a certified officer or an applicant for certification.

RECOMMENDATION(S): Commission staff recommends that the Commission find that probable cause exists and that Mr. Gilberto Llorens did engage in conduct that subverted or attempted to subvert the Basic Abilities Test Process, and direct Commission staff to:

1. Nullify all Basic Abilities Test scores for all tests taken after January 12, 2010; and
2. Issue Mr. Llorens a letter of intent to deny, which would prohibit him from taking a Basic Abilities Test for a period of five-years from the date of the final order, pursuant to Rule 11B-35.0011(5), F.A.C.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: Commission staff will issue a letter of intent to deny and associated election of rights form to Mr. Llorens, who would be banned from taking a Basic Abilities Test for five-years following the issuance of a final order.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: Mr. Llorens will not be banned from taking a Basic Abilities Test and upon passage would be allowed entry into a Law Enforcement Officer Basic Recruit Training Program.

SUPPORTING INFORMATION

(Supporting Information is provided on CD-ROM only)

1. Section 943.17, F.S., Basic recruit, advanced, and career development training programs; participation; cost; evaluation, **page 2**.
2. Rule 11B-35.0011, F.A.C., Basic Abilities Requirements for Applicant Admission into a Law Enforcement into a Law Enforcement, Correctional, and Correctional Probation Basic Recruit Training Program, **pages 2 – 3**.
3. Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Officer Profile Sheet, **page 4**.
4. A memorandum dated 1/13/2011 from Examination Manager Roy Gunnarsson of the Florida Department of Law Enforcement, **page 5**.
5. Letter dated 11/2/2010 from Director Richard Moss of the Miami Dade College, **page 6**.
6. Notification of BAT results dated 1/12/2009, with a score of 82, **page 7**.
7. Screen print of Broward College IPS Criminal Justice Testing Center Applicant Test Results verifying the test scores of 63 taken on 1/12/2010, **pages 8 – 9**.
8. Letter to Mr. Gilberto Llorens dated March 1, 2011, notifying him of the May 19, 2011 Commission meeting, **page 10**.

943.17 Basic recruit, advanced, and career development training programs; participation; cost; evaluation.

The commission shall, by rule, design, implement, maintain, evaluate, and revise entry requirements and job-related curricula and performance standards for basic recruit, advanced, and career development training programs and courses. The rules shall include, but are not limited to, a methodology to assess relevance of the subject matter to the job, student performance, and instructor competency.

(1) The commission shall:

(g) Assure that entrance into the basic recruit training program for law enforcement, correctional, and correctional probation officers are limited to those who have passed a basic skills examination and assessment instrument, based on a job task analysis in each discipline and adopted by the commission.

11B-35.0011 Basic Abilities Requirements for Applicant Admission into Law Enforcement, Correctional, and Correctional Probation Basic Recruit Training Program.

To comply with Section 943.17(1)(g), F.S., applicants who apply for entry into a Commission-approved Basic Recruit Training Program after January 1, 2002, shall obtain a passing score on a Basic Abilities Test (BAT) for law enforcement, correctional, or correctional probation disciplines, and prior to entering a program.

(1) The applicant shall not engage in conduct that subverts or attempts to subvert the BAT process.

Conduct that subverts or attempts to subvert the BAT process includes:

(a) Removing BAT materials from the examination room.

(b) Reproducing or reconstructing any portion of the BAT.

(c) Aiding by any means in the reproduction of any portion of the BAT.

(d) Selling, distributing, buying, receiving, or having unauthorized possession of any portion of a past, current, or future BAT.

(e) Revealing test questions or other information that would compromise the integrity of the BAT.

(f) Possession of altered BAT official documents including student performance reports.

(2) The applicant shall not violate the standards of the BAT test administration. Violations of test administration include:

(a) Communication with any other applicant during the administration of the BAT.

(b) Copying answers from another applicant or intentionally allowing one's answers to be copied by another applicant during the administration of the BAT.

(c) Having in one's possession during the administration of the BAT, any books, notes, written, or printed materials or data of any kind.

(d) Failing to comply with the BAT administrator's instructions.

(3) The applicant shall not violate the applicant identification process. Conduct that violates the applicant identification process is as follows:

(a) Falsifying or misrepresenting information required for admission to the BAT.

(b) Impersonating an applicant.

(c) Having an impersonator take the BAT on one's behalf.

(d) Disrupting the test administration.

(4) Any violation of the provisions of this rule section shall be documented in writing and submitted to Commission staff within seven days to the address set forth in subsection 11B-35.001(15), F.A.C.

(5) When the Commission finds that an applicant has committed an act that violates subsections (1) - (3) of this rule section, the applicant shall:

(a) Have their BAT declared invalid;

(b) Forfeit the application fee;

(c) Be ineligible to apply to take the BAT 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) A passing score on a Commission-approved Basic Abilities Test is valid two years from the date of the test.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.17 FS. History–New 7-29-01. Amended 11-5-02, 11-30-04.

AGENDA ITEM: 6B

Request for Denial of Basic Abilities Test for Portia L. Hines

ISSUE NUMBER 1

Cheating on Commission approved Basic Abilities Test. Section 943.17(1)(g), F. S., requires that applicants entering a Commission-approved Basic Recruit Training Program pass a Basic Abilities Test (BAT) for the discipline in which training is sought. Further, Rule 11B-35.0011, F.A.C., details misconduct relating to the Basic Abilities Test and the appropriate disciplinary action for such misconduct. This issue addresses alleged misconduct on the part of Portia L. Hines.

EXECUTIVE SUMMARY

1. On September 11, 2007, Hines received a failing test score of 53% on the Corrections Basic Abilities Test (BAT) provided by I/O Solutions Inc. On November 16, 2010, Hines retook the I/O Solutions Corrections BAT and received a failing test score of 49%, **page 5**.
2. On February 3, 2011, Hines appeared at Valencia Community College in order to retake the BAT. She was accompanied by Desheria L. McCrimmon who was taking the test for the first time. Each student was given a security bag where they maintained all belongings until exiting the test lab assigned to the corresponding computer where they sat. Both students entered the testing lab and began the exam at the same time.
3. McCrimmon completed her test and remained in the testing lab. The proctor, Andrew Becker, noticed her and asked her to leave. Becker requested McCrimmon's identification. McCrimmon asked why and Becker told her so he could give her the score report. McCrimmon stated her identification was in Hines' security bag.
4. A few minutes later, Hines exited the lab. Becker made a copy of her score report and asked her to produce identification. Hines produced a driver license that indicated she was Portia Hines. Assessment Coordinator Brenda Martinez-Richardson explained the test report printed for her had McCrimmon's name on it, **page 7**.
5. Hines and McCrimmon stated VCC staff sat them at the wrong computers. Becker explained Assessment staff could not cause the discrepant score reports since students must type their social security number and personal information before they begin the test. Becker advised them sitting at the wrong computer did not explain how they took the test for each other.
6. ATMS record, on **page 4**, reflects Hines is not currently a certified officer or an applicant for certification.

RECOMMENDATION(S): Commission staff recommends the Commission find probable cause exists and that Portia L. Hines did engage in conduct that subverted or attempted to subvert the Basic Abilities Test Process, and direct Commission staff to:

1. Nullify all Basic Abilities Test scores for all tests taken on or after February 3, 2011; and
2. Issue Hines a letter of intent to deny, which would prohibit her from taking a Basic Abilities Test for a period of five-years from the date of the final order, pursuant to Rule 11B-35.0011(5), F.A.C.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: Commission staff will issue a letter of intent to deny and associated election of rights form to Hines, who would be banned from taking a Basic Abilities Test for five-years following the issuance of a final order.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: Hines will not be banned from taking a Basic Abilities Test and upon passage would be allowed entry into a Correctional Officer Basic Recruit Training Program.

SUPPORTING INFORMATION

(Supporting information is provided on CD-ROM only)

1. Section 943.17, F.S., Basic recruit, advanced, and career development training programs; participation; cost; evaluation, **page 2**.
2. Rule 11B-35.0011, F.A.C., Basic Abilities Requirements for Applicant Admission into a Law Enforcement into a Law Enforcement, Correctional, and Correctional Probation Basic Recruit Training Program, **pages 2 - 3**.
3. Florida Department of Law Enforcement, Criminal Justice Professionalism Program Officer Profile Sheet for Portia L. Hines, **page 4**.
4. I/O Solutions BAT results for Portia Hines dated 11/16/10, **page 5**.
5. I/O Solutions BAT results for Desheria McCrimmon dated 02/03/11, **page 6**.
6. Roy Gunnarsson's Memorandum, **pages 7 - 8**.
7. E-mails from Valencia Community College and Commission Staff, **pages 9 - 14**.

943.17 Basic recruit, advanced, and career development training programs; participation; cost; evaluation.

The commission shall, by rule, design, implement, maintain, evaluate, and revise entry requirements and job-related curricula and performance standards for basic recruit, advanced, and career development training programs and courses. The rules shall include, but are not limited to, a methodology to assess relevance of the subject matter to the job, student performance, and instructor competency.

(1) The commission shall:

(g) Assure that entrance into the basic recruit training program for law enforcement, correctional, and correctional probation officers are limited to those who have passed a basic skills examination and assessment instrument, based on a job task analysis in each discipline and adopted by the commission.

11B-35.0011 Requirements for Applicant Admission into a Law Enforcement, Correctional, and Correctional Probation Basic Recruit Training Program.

(1) Basic Abilities Test. To comply with Section 943.17(1)(g), F.S., applicants who apply for entry into a Commission-approved Basic Recruit Training Program after January 1, 2002, shall obtain a passing score on a Commission-approved Basic Abilities Test (BAT) for law enforcement, correctional, or correctional probation disciplines, prior to entering a program. The BAT shall be administered in the state of Florida.

(a) The applicant shall not take a specific provider's BAT more than three total times in each discipline during any twelve-month period. Any subsequent results on the provider's test in each discipline within this period will be invalid.

(b) BAT providers shall restrict access to the BAT to those applicants who produce valid photo identification pursuant to paragraph 11B-30.008(2)(a), F.A.C. Providers shall validate the name, date of birth, gender, and social

security number of each applicant to ensure that the information given by the applicant is consistent with the applicant's driver license and social security record.

(c) The applicant shall not engage in conduct that subverts or attempts to subvert the BAT process. Conduct that subverts or attempts to subvert the BAT process includes:

1. Removing BAT materials from the examination room.
2. Reproducing or reconstructing any portion of the BAT.
3. Aiding by any means in the reproduction of any portion of the BAT.
4. Selling, distributing, buying, receiving, or having unauthorized possession of any portion of a past, current, or future BAT.
5. Revealing test questions or other information that would compromise the integrity of the BAT.
6. Possession of altered BAT official documents including student performance reports.

(d) The applicant shall not violate the standards of the BAT test administration. Violations of test administration include:

1. Communication with any other applicant during the administration of the BAT.
2. Copying answers from another applicant or intentionally allowing one's answers to be copied by another applicant during the administration of the BAT.
3. Having in one's possession during the administration of the BAT, any books, notes, written, or printed materials or data of any kind.
4. Failing to comply with the BAT administrator's instructions.

(e) The applicant shall not violate the applicant identification process. Conduct that violates the applicant identification process is as follows:

1. Falsifying or misrepresenting information required for admission to the BAT.
2. Impersonating an applicant.
3. Having an impersonator take the BAT on one's behalf.
4. Disrupting the test administration.

(f) Any violation of the provisions of this rule section shall be documented in writing and submitted to Commission staff within seven days to the address set forth in subsection 11B-35.001(17), F.A.C.

(g) When the Commission finds that an applicant has committed an act that violates paragraphs (1)(c)-(e) of this rule section, the Commission shall impose one or more of the following sanctions:

1. Declare the applicant has failed the BAT;
2. Require the applicant to forfeit the application fee;
3. Declare the applicant ineligible to apply to take the BAT in any discipline for a period of five years;
4. Deny certification by the Commission pursuant to Rule 11B-27.007, F.A.C.;
5. Take action against any currently held Commission certification pursuant to Rule 11B-27.0011 and subsection 11B-27.005(5), F.A.C.

(h) A passing score on a Commission-approved Basic Abilities Test is valid four years from the date of the test.

(i) Requests for accommodations pursuant to the Americans with Disabilities Act shall be governed by subsection 11B-30.0071(4), F.A.C. Determinations as to eligibility for accommodations shall be made by the individual BAT providers on a case-by-case basis.

(2) Basic Recruit Student Physical Fitness Test and Chemical Agent Exposure. Prior to beginning a Florida CMS Law Enforcement, Traditional Correctional, or Florida Correctional Probation Basic Recruit Training Program, a student shall receive a physical examination and complete the Physical Fitness Assessment form CJSTC-75B, which shall be maintained in the student or course file at the training school.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.17 FS. History--New 7-29-01, Amended 11-5-02, 11-30-04, 3-21-07, 6-9-08.

AGENDA ITEM: 6C

Request for Denial of Basic Abilities Test for Desheria L. McCrimmon

ISSUE NUMBER 1

Cheating on Commission approved Basic Abilities Test. Section 943.17(1)(g), F. S., requires that applicants entering a Commission-approved Basic Recruit Training Program pass a Basic Abilities Test (BAT) for the discipline in which training is sought. Further, Rule 11B-35.0011, F.A.C., details misconduct relating to the Basic Abilities Test and the appropriate disciplinary action for such misconduct. This issue addresses alleged misconduct on the part of Desheria L. McCrimmon.

EXECUTIVE SUMMARY

1. On February 3, 2011, McCrimmon appeared at Valencia Community College in order to take the BAT. She was accompanied by Portia Hines who was retaking the test for the third time. Each student was given a security bag where they maintained all belongings until exiting the test lab, assigned to the corresponding computer where they sat. Both students entered the testing lab and began the exam at the same time.
2. McCrimmon completed her test and remained in the testing lab. The proctor, Andrew Becker, noticed her and asked her to leave. Becker requested McCrimmon's identification. McCrimmon asked why and Becker told her so he could give her the score report. McCrimmon stated her identification was in Hines' bag.
3. A few minutes later, Hines exited the lab. Becker made a copy of her score report and asked her to produce identification. Hines produced a driver license that indicated she was Portia Hines. Assessment Coordinator Brenda Martinez-Richardson explained the test report printed for her had McCrimmon's name on it, **page 6**.
4. Hines and McCrimmon stated VCC staff sat them at the wrong computers. Becker explained Assessment staff could not cause the discrepant score reports since students must type their social security number and personal information before they begin the test. Becker advised them sitting at the wrong computer did not explain how they took the test for each other.
5. ATMS record, on **page 4**, reflects McCrimmon is not currently a certified officer or an applicant for certification.

RECOMMENDATION(S): Commission staff recommends the Commission find probable cause exists and that Desheria L. McCrimmon did engage in conduct that subverted or attempted to subvert the Basic Abilities Test Process, and direct Commission staff to:

1. Nullify all Basic Abilities Test scores for all tests taken on or after February 3, 2011; and
2. Issue McCrimmon a letter of intent to deny, which would prohibit her from taking a Basic Abilities Test for a period of five-years from the date of the final order, pursuant to Rule 11B-35.0011(5), F.A.C.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: Commission staff will issue a letter of intent to deny and associated election of rights form to McCrimmon, who would be banned from taking a Basic Abilities Test for five-years following the issuance of a final order.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: McCrimmon will not be banned from taking a Basic Abilities Test and upon passage would be allowed entry into a Correctional Officer Basic Recruit Training Program.

SUPPORTING INFORMATION

(Supporting information is provided on CD-ROM only)

1. Section 943.17, F.S., Basic recruit, advanced, and career development training programs; participation; cost; evaluation, **page 2**.
2. Rule 11B-35.0011, F.A.C., Basic Abilities Requirements for Applicant Admission into a Law Enforcement into a Law Enforcement, Correctional, and Correctional Probation Basic Recruit Training Program, **pages 2 - 3**.
3. Florida Department of Law Enforcement, Criminal Justice Professionalism Program Officer Profile Sheet for Desheria L. McCrimmon, **page 4**.
4. I/O Solutions BAT results for Portia Hines dated 11/16/10, **page 5**.
5. I/O Solutions BAT results for Desheria McCrimmon dated 02/03/11, **page 6**.
6. Roy Gunnarsson's Memorandum, **pages 7 - 8**.
7. E-mails from Valencia Community College and Commission Staff, **pages 9 - 14**.

943.17 Basic recruit, advanced, and career development training programs; participation; cost; evaluation.

The commission shall, by rule, design, implement, maintain, evaluate, and revise entry requirements and job-related curricula and performance standards for basic recruit, advanced, and career development training programs and courses. The rules shall include, but are not limited to, a methodology to assess relevance of the subject matter to the job, student performance, and instructor competency.

(1) The commission shall:

(g) Assure that entrance into the basic recruit training program for law enforcement, correctional, and correctional probation officers are limited to those who have passed a basic skills examination and assessment instrument, based on a job task analysis in each discipline and adopted by the commission.

11B-35.0011 Requirements for Applicant Admission into a Law Enforcement, Correctional, and Correctional Probation Basic Recruit Training Program.

(1) Basic Abilities Test. To comply with Section 943.17(1)(g), F.S., applicants who apply for entry into a Commission-approved Basic Recruit Training Program after January 1, 2002, shall obtain a passing score on a Commission-approved Basic Abilities Test (BAT) for law enforcement, correctional, or correctional probation disciplines, prior to entering a program. The BAT shall be administered in the state of Florida.

(a) The applicant shall not take a specific provider's BAT more than three total times in each discipline during any twelve-month period. Any subsequent results on the provider's test in each discipline within this period will be invalid.

(b) BAT providers shall restrict access to the BAT to those applicants who produce valid photo identification pursuant to paragraph 11B-30.008(2)(a), F.A.C. Providers shall validate the name, date of birth, gender, and social security number of each applicant to ensure that the information given by the applicant is consistent with the applicant's driver license and social security record.

(c) The applicant shall not engage in conduct that subverts or attempts to subvert the BAT process. Conduct that subverts or attempts to subvert the BAT process includes:

1. Removing BAT materials from the examination room.
2. Reproducing or reconstructing any portion of the BAT.
3. Aiding by any means in the reproduction of any portion of the BAT.
4. Selling, distributing, buying, receiving, or having unauthorized possession of any portion of a past, current, or future BAT.
5. Revealing test questions or other information that would compromise the integrity of the BAT.
6. Possession of altered BAT official documents including student performance reports.

(d) The applicant shall not violate the standards of the BAT test administration. Violations of test administration include:

1. Communication with any other applicant during the administration of the BAT.
2. Copying answers from another applicant or intentionally allowing one's answers to be copied by another applicant during the administration of the BAT.
3. Having in one's possession during the administration of the BAT, any books, notes, written, or printed materials or data of any kind.
4. Failing to comply with the BAT administrator's instructions.

(e) The applicant shall not violate the applicant identification process. Conduct that violates the applicant identification process is as follows:

1. Falsifying or misrepresenting information required for admission to the BAT.
2. Impersonating an applicant.
3. Having an impersonator take the BAT on one's behalf.
4. Disrupting the test administration.

(f) Any violation of the provisions of this rule section shall be documented in writing and submitted to Commission staff within seven days to the address set forth in subsection 11B-35.001(17), F.A.C.

(g) When the Commission finds that an applicant has committed an act that violates paragraphs (1)(c)-(e) of this rule section, the Commission shall impose one or more of the following sanctions:

1. Declare the applicant has failed the BAT;
2. Require the applicant to forfeit the application fee;
3. Declare the applicant ineligible to apply to take the BAT in any discipline for a period of five years;
4. Deny certification by the Commission pursuant to Rule 11B-27.007, F.A.C.;
5. Take action against any currently held Commission certification pursuant to Rule 11B-27.0011 and subsection 11B-27.005(5), F.A.C.

(h) A passing score on a Commission-approved Basic Abilities Test is valid four years from the date of the test.

(i) Requests for accommodations pursuant to the Americans with Disabilities Act shall be governed by subsection 11B-30.0071(4), F.A.C. Determinations as to eligibility for accommodations shall be made by the individual BAT providers on a case-by-case basis.

(2) Basic Recruit Student Physical Fitness Test and Chemical Agent Exposure. Prior to beginning a Florida CMS Law Enforcement, Traditional Correctional, or Florida Correctional Probation Basic Recruit Training Program, a student shall receive a physical examination and complete the Physical Fitness Assessment form CJSTC-75B, which shall be maintained in the student or course file at the training school.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.17 FS. History--New 7-29-01, Amended 11-5-02, 11-30-04, 3-21-07, 6-9-08.

AGENDA ITEM: 6D

Request for Denial of Basic Abilities Test for Esteban Arce

ISSUE NUMBER 1

Cheating on a Commission-approved Basic Abilities Test. Section 943.17(1)(g), F. S., requires that applicants entering a Commission-approved Basic Recruit Training Program pass a Basic Abilities Test (BAT) for the discipline in which training is sought. Further, Rule 11B-35.0011, F.A.C., details misconduct relating to the Basic Abilities Test and the appropriate disciplinary action for such misconduct. This issue addresses alleged misconduct on the part of Mr. Esteban Arce.

EXECUTIVE SUMMARY

1. Mr. Arce took and failed the Correctional Basic Abilities Test at Valencia Community College on October 12, 2010; November 12, 2010; and January 7, 2011.
2. Mr. Arce provided Taylor Correctional Institution (Taylor CI) with documentation on **page 7**, indicating that he had passed the Correctional Basic Abilities Test at Valencia Community College on January 7, 2011.
3. The documentation provided by Mr. Arce to Taylor Correctional Institution, indicating a passing BAT score, was an apparent forgery and was an attempt on his part to gain entry into the Correctional Officer Basic Recruit Training Program under false pretenses.
4. Valencia Community College notified Commission staff that Mr. Arce subverted the Basic Abilities Test process on or about January 7, 2011.
5. Supporting information from I/O Solutions can be found, **pages 8 - 9**.
6. Documentation provided on **page 7**, indicates that the test results from Mr. Arce's January 7, 2011 test were altered to reflect a passing score for Mr. Arce on I/O Solutions' Correctional Basic Abilities Test on January 7, 2011.
7. ATMS records on **page 4**, reflect that Mr. Arce is not currently a certified officer or an applicant for certification.

RECOMMENDATION(S): Commission staff recommends that the Commission find that probable cause exists and that Mr. Esteban Arce did engage in conduct that subverted or attempted to subvert the Basic Abilities Test Process, and direct Commission staff to:

1. Nullify all Basic Abilities Test scores for all tests taken on or after January 7, 2011; and
2. Issue Mr. Arce a letter of intent to deny, which would prohibit him from taking a Basic Abilities Test for a period of five-years from the date of the final order, pursuant to Rule 11B-35.0011(5), F.A.C.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: Commission staff will issue a letter of intent to deny and associated election of rights form to Mr. Arce, who would be banned from taking a Basic Abilities Test for five-years following the issuance of a final order.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: Mr. Arce will not be banned from taking a Basic Abilities Test and upon passage would be allowed entry into a Correctional Office Basic Recruit Training Program.

SUPPORTING INFORMATION

(Supporting information is provided on CD-ROM only)

1. Section 943.17, F.S., Basic recruit, advanced, and career development training programs; participation; cost; evaluation, **page 2**.
2. Rule 11B-35.0011, F.A.C., Basic Abilities Requirements for Applicant Admission into a Law Enforcement, Correctional, and Correctional Probation Basic Recruit Training Program, **pages 2 - 3**.
3. Florida Department of Law Enforcement, Criminal Justice Professionalism Program Officer Profile Sheet on **page 4**.
4. A memorandum dated 03/24/11 from Roy Gunnarsson of Florida Department of Law Enforcement, **pages 5 - 6**.
5. Basic abilities test (BAT) score report indicating a score of 78% from I/O Solutions, Inc. provided by Mr. Esteban Arce, **page 7**.
6. Electronic BAT score record provided by I/O Solutions indicating a failing score of 56 on January 7, 2011, **page 8**.
7. Electronic BAT score record provided by I/O Solutions indicating a failing score of 56 on January 7, 2011; a failing score of 57 on October 12, 2010; and a failing score of 59 on November 12, 2010, **page 9**.
8. Electronic BAT score record provided by Valencia Community College indicating a failing score of 56 on January 7, 2011; a failing score of 57 on October 12, 2010; and a failing score of 59 on November 12, 2010, **page 10**.

943.17 Basic recruit, advanced, and career development training programs; participation; cost; evaluation.

The commission shall, by rule, design, implement, maintain, evaluate, and revise entry requirements and job-related curricula and performance standards for basic recruit, advanced, and career development training programs and courses. The rules shall include, but are not limited to, a methodology to assess relevance of the subject matter to the job, student performance, and instructor competency.

(1) The commission shall:

(g) Assure that entrance into the basic recruit training program for law enforcement, correctional, and correctional probation officers be limited to those who have passed a basic skills examination and assessment instrument, based on a job task analysis in each discipline and adopted by the commission.

11B-35.0011 Basic Abilities Requirements for Applicant Admission into a Law Enforcement, Correctional, and Correctional Probation Basic Recruit Training Program.

To comply with Section 943.17(1)(g), F.S., applicants who apply for entry into a Commission-approved Basic Recruit Training Program after January 1, 2002, shall obtain a passing score on a Basic Abilities Test (BAT) for law enforcement, correctional, or correctional probation disciplines, prior to entering a program.

(1) The applicant shall not engage in conduct that subverts or attempts to subvert the BAT process. Conduct that subverts or attempts to subvert the BAT process includes:

(a) Removing BAT materials from the examination room.

(b) Reproducing or reconstructing any portion of the BAT.

(c) Aiding by any means in the reproduction of any portion of the BAT.

(d) Selling, distributing, buying, receiving, or having unauthorized possession of any portion of a past, current, or future BAT.

(e) Revealing test questions or to him information that would compromise the integrity of the BAT.

(f) Possession of altered BAT official documents including student performance reports.

(2) The applicant shall not violate the standards of the BAT test administration. Violations of test administration include:

(a) Communication with any other applicant during the administration of the BAT.

(b) Copying answers from another applicant or intentionally allowing one's answers to be copied by another applicant during the administration of the BAT.

(c) Having in one's possession during the administration of the BAT, any books, notes, written, or printed materials or data of any kind.

(d) Failing to comply with the BAT administrator's instructions.

(3) The applicant shall not violate the applicant identification process. Conduct that violates the applicant identification process is as follows:

(a) Falsifying or misrepresenting information required for admission to the BAT.

(b) Impersonating an applicant.

(c) Having an impersonator take the BAT on one's behalf.

(d) Disrupting the test administration.

(4) Any violation of the provisions of this rule section shall be documented in writing and submitted to Commission staff within seven days to the address set forth in subsection 11B-35.001(15), F.A.C.

(5) When the Commission finds that an applicant has committed an act that violates subsections (1) - (3) of this rule section, the applicant shall:

(a) Have their BAT declared invalid;

(b) Forfeit the application fee;

(c) Be ineligible to apply to take the BAT 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) A passing score on a Commission-approved Basic Abilities Test is valid four years from the date of the test.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.17 FS. History—New 7-29-01. Amended 11-5-02, 11-30-04.

AGENDA ITEM: 7A

Request for Waiver of Rule 11B-27.00212(14), F.A.C., by Oak Hill Police Department on behalf of 7 officers.

ISSUE NUMBER 1

This agenda item is presented to the Commission by the Oak Hill Police Department to request a permanent waiver of the above mentioned rule for 7 officers named in the Petition.

EXECUTIVE SUMMARY

1. 7 officers of the Oak Hill Police Department were requalified pursuant to Rule 11B-27.00212(14), F.A.C., for the 2010 reporting cycle by an instructor who failed to comply with all administrative aspects of firearms instructor certification.
2. Oak Hill Police Department believed that the firearms instructor was in compliance with CJSTC firearms instructor certification rules at the time he requalified the 7 officers in question.
3. On July 27, 2010, Chief Young contacted Field Specialist Kathy Myers to express concern regarding the deficiency in the firearms instructor certification status of the firearms instructor who qualified her officers.
4. The 7 officers were successfully qualified by the Volusia County Sheriff's Office within 24 hours of this contact with Ms. Myers.
5. The Oak Hill Police Department is requesting that the Commission view the 2010 reporting cycle for the 7 named officers as in compliance because they did, in fact, comply with the performance requirements of Rule 11B-27.00212(14), F.A.C. The 7 officers affected by this issue are: Meredith Eberhart; Greg Gfell; Manuel Perez; Brian Riley; Diane Young; Russell McCarthy; and, Thaddeus Smith.

RECOMMENDATION(S): Commission staff recommends that the Commission grant the waiver of Rule 11B-27.00212(14), F.A.C., effective immediately, thereby recognizing the validity of the 7 named officers' firearms requalifications for 2010 and preventing the 7 officers from incurring any breaks in service.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will be granted and the 7 named officers shall be deemed compliant with firearms requalification requirements for the 2010 reporting cycle. The 7 named officers shall not have their certificates become inactive as a result of any deficiencies in the firearms instructor's certification, and the 7 officer shall not incur breaks in service.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will not be granted and the 7 named officers shall not be deemed compliant with firearms requalification requirements for the 2010 reporting cycle. The 7 named officers shall have their certificates become inactive as a result of deficiencies in the firearms instructor's certification, and the 7 officers shall incur breaks in service.

SUPPORTING INFORMATION

(Supporting information will be provided on CD-ROM only)

1. Rule 11B-27.00212(14), F.A.C., Maintenance of Officer Certification, **page 2**.
2. Section 120.542, F.S., **page 3**.
3. April 19, 2011 memo from Field Specialist Kathy Myers and supporting documentation, **pages 4 – 13**.
4. April 20, 2011 letter to State Attorney R.J. Larizza, **page 14**.
5. April 15, 2011 Petition for Waiver of Rule 11B-27.00212(14), F.A.C., by Oak Hill Police Department on behalf of 7 named officers, **pages 15 – 19**.

11B-27.00212 Maintenance of Officer Certification.

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

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

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

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

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

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

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

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

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

AGENDA ITEM: 7B

Request for Waiver of Rule 11B-27.00212(14), F.A.C. by Ocean Ridge Police Department on behalf of 24 officers.

ISSUE NUMBER 1

This issue is presented to the Commission by the Ocean Ridge Police Department to request a permanent waiver of the above mentioned rule for 24 officers named in the Petition.

EXECUTIVE SUMMARY

1. 24 officers of the Ocean Ridge Police Department were requalified pursuant to Rule 11B-27.00212(14), F.A.C., for reporting cycles in 2008 and 2010 by Sergeant Steven C. Wohlfiel, an instructor who failed to comply with all administrative aspects of firearms instructor certification.
2. Ocean Ridge Police Department believed that the firearms instructor was in compliance with CJSTC firearms instructor certification rules at the time he requalified the 24 officers in question.
3. The Ocean Ridge Police Department became aware of the deficiency in the firearms instructor certification status of the firearms instructor on October 18, 2010. All of the officers in question had successfully completed the required course of fire prior to the discovery of the instructor's certification deficiencies. As a proactive means of ameliorating the situation, the department immediately took action to requalify all of the 24 affected officers using a certified firearms instructor. These qualifications took place between October 19, 2010 and November 12, 2010. Sergeant Wohlfiel is also in the process of completing all administrative aspects of becoming a CJSTC certified firearms instructor.
4. The Ocean Ridge Police Department is requesting that the Commission view the 2008 and 2010 reporting cycles for the 24 named officers as in compliance because they did, in fact, comply with the performance requirements of Rule 11B-27.00212(14), F.A.C. The only deficiency involved in their requalification courses of fire was that the Sergeant supervising the shooting was not fully certified as a CJSTC certified firearms instructor.

The 24 officers affected by this issue are: Christopher T. Yannuzzi; Edward G. Hillery, Jr.; Hal Hutchins; Stefan Katz; Daniel Tinfina; William Hallahan; Eve Eubanks; Steve Wohlfiel; Darville Wavell; Gene Rosenberg; David Cazzolli; Warren Burnett; Robert McAllister; Mario Galluscio; James Loughnan; Robert Massimino; Vincent Mollica; John Giardino; David Kurz; William Cunningham; Thomas Letizial; Steve Sholock; Joseph Toste; David Zeldweg.

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

VOTING IMPACT

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

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will not be granted and the 24 named officers shall not be deemed compliant with firearms requalification requirements for the 2008 and 2010 reporting cycles. The 24 named officers' employments shall reflect a break in service for the periods July 1, 2008 through November 12, 2010 for failure to comply with Rule 11B-27.00212(14), F.A.C.

SUPPORTING INFORMATION

(Supporting information will be provided on CD-ROM only)

1. Rule 11B-27.00212(14), F.A.C., Maintenance of Officer Certification, **pages 2 - 3**.
2. Section 120.542, F.S., **page 3**.
3. Memo from Field Specialist Joni Livingston to Manager Terry Baker dated April 8, 2011, **pages 4 - 5**.
4. Letter to State Attorney Michael McAuliffe, **page 6**.
5. Petition for Waiver of Rule 11B-27.00212(14), F.A.C., by Ocean Ridge Police Department on behalf of 24 named officers, **pages 7 - 34**.

11B-27.00212 Maintenance of Officer Certification.

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

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

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

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

(d) The certificate of a law enforcement officer shall become inactive if the officer has separated from

employment or appointment and is not reemployed or reappointed within the two-year reporting cycle. The officer will be required to comply with the firearms qualification standard upon employment or appointment.

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

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

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

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

AGENDA ITEM: 7C

Request for Waiver of Rule 11B-27.00212(14), F.A.C., by Riviera Beach Police Department on behalf of 127 officers.

ISSUE NUMBER 1

This agenda item is presented to the Commission by the Riviera Beach Police Department to request a permanent waiver of the above mentioned rule for 127 officers named in the Petition.

EXECUTIVE SUMMARY

1. 127 officers of the Riviera Beach Police Department were requalified pursuant to Rule 11B-27.00212(14), F.A.C., for reporting cycles in 2008 and 2010 by Instructor Allen C. O'Neal and Lieutenant Anthony L. Smith.
2. Riviera Beach Police Department believed that the firearms instructors were in compliance with CJSTC firearms instructor certification rules at the time they requalified the 127 officers in question.
3. When Riviera Beach Police Department attempted to re-certify its Commission-certified firearms instructors on March 22, 2011, it discovered that the instructors were not in compliance with all administrative aspects of firearms instructor certification. All of the officers in question had successfully completed the required course of fire prior to the discovery of the instructors' certification deficiencies. As a proactive means of ameliorating the situation, the department immediately took action to requalify all of the affected officers using a certified firearms instructor. These qualifications took place between March 24, 2011, and April 5, 2011, with the exception of Chief Williams and one officer serving a suspension are the only officers currently not requalified by a certified firearms instructor. Chief Williams is scheduled to be recertified April 25, 2011. Corporal O'Neal and Lieutenant Smith are also in the process of completing all administrative aspects of becoming a CJSTC certified firearms instructors, having already completed their internship before a CJSTC certified firearms instructor. They are both scheduled to attend the General Instructor Refresher Course April 21, 2011, in Orlando.
4. The Riviera Beach Police Department is requesting that the Commission view the 2008 and 2010 reporting cycles for the 127 named officers as in compliance because they did, in fact, comply with the performance requirements of Rule 11B-27.00212(14), F.A.C. The only deficiency involved in their requalification courses of fire was that the instructors supervising the shooting were not fully certified as a CJSTC certified firearms instructors.

The 127 officers affected by this issue are: Francisco Aguirre; Brian Armour; Nancy Aspenleiter; Charles Bahruth; Brian Barr; Willie Bethea; David Bodenheimer; Ralph Brau; Michael Brown; Russell Byrd; Christopher Cade; Jeremy Campbell; Christopher Chase; Charles Cheeseman; Kyle Christoffel; Seretha Colbert; Obed Colon; Rochelet Commond; Rafael Conde; Robert Coppin; Cherline Cornelius; Alexander Cruz; Michael Dandria; Brian Desantis; Michael Dodson; Cedrick Edwards; Randy Edwards; Angela Ellis; Harold Elmore; Robinel Eugene; Bertram Fashaw; Mervin Fergusson; Edgar Foster; Alexander Freeman; Christopher Freeman; Brian Gordon; Nathan Gordon; David Harris; John Haslup; Jemel Headings; Jose Hernandez; Andrew Hinds; Joseph Hoffinan; Brian Jackson; Derrick Jackson; Eli Jackson; Quenton Jacobs; Danny Jones; Kenneth Jones; Frank Laporta; Roosevelt Lee; Joshua Lewis; William Loudon; Michael Madden; John Mammino; Cornelius McGriff; Melvin Menard; Glen Meyer; Leonard Mitchell; Peter Modica; Nir Mordechay; Everton Morgan; Thomas Murphy; Jonathan Nance; Andrew Newton; Jennifer Nubin; Allen O'Neal; Joseph Passaro; Kenneth Patterson; Larry Payne; Russell Payne; Warren Poteat; Regina Price; Ozell Prieto; Ashley Puckett; Adnan Raja; Worrell Ramsey; Kathy Ribeiro; Deliea Robinson; Edgar Roman; Richard Rott; Brandon Russo; William Saunders; Nubia Savino; Lee Schneider; Anthony Scott; Matthew Singer; Alexander Smith; Anthony Smith; Kevin Smith; Tabitha Smith; Silas Spearman; Neimah Spence; Jeremy Summers; Kenneth Thomas; Steven Thomas; Jennifer Thorton; John Tooms; John Vander-Laen; Tanzy Vassell; Travis Walker;

Patrick Walsh; Brooke Weiner; Reno Wells; Clarence Williams; Toney Williams; Gregory Williamson; Garry Wilson; Jose Abreu; Richard Alteus; Brandon Bines; Andrew Borrows; Daryl Cameron; Acedy Cherrulus; Patrick Galligan; Tina Hall; Victor Hall; Charles Hoeffler; Elsworth Jones; Kristopher Knight; John Miller; Terrence Paramore; Daniel Rivera; Louis Rose; William Shepherd; and, Precious Washington.

RECOMMENDATION(S): Commission staff recommends that the Commission grant the waiver of Rule 11B-27.00212(14), F.A.C., effective immediately, thereby recognizing the validity of the 127 named officers' firearms requalifications for 2008 and 2010 and preventing the 127 officers from incurring any breaks in service.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will be granted and the 127 named officers shall be deemed compliant with firearms requalification requirements for the 2008 and 2010 reporting cycles. The 127 named officers shall not have their certificates become inactive as a result of any deficiencies in the two firearms instructors' firearms instructor certifications and will incur no breaks in service.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will not be granted and the 127 named officers shall not be deemed compliant with firearms requalification requirements for the 2008 and 2010 reporting cycles. The 127 named officers' employments shall reflect a break in service for the periods July 1, 2008 through March 24, 2011 for failure to comply with Rule 11B-27.00212(14), F.A.C.

SUPPORTING INFORMATION

(Supporting information will provided on CD-ROM only)

1. Rule 11B-27.00212(14), F.A.C. Maintenance of Officer Certification, **pages 2 - 3.**
2. Section 120.542, F.S., **page 3.**
3. April 8, 2011 Memo from Field Specialist Joni Livingston to Manager Terry Baker, **pages 4 – 5.**
4. April 21, 2011 letter to State Attorney Michael McAuliffe, **page 6.**
5. Petition for Waiver of Rule 11B-27.00212(14), F.A.C., by Riviera Beach Police Department, **pages 7 – 33.**

11B-27.00212; Maintenance of Officer Certification.

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

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

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

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

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

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

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

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

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

AGENDA ITEM: 7D (5-5-11 Addendum)

Petition for Variance or Waiver: Request for Waiver of Rule 11B-35.001(9)(b), F.A.C., by Indian River State College on behalf of Alonzo Coleman

ISSUE NUMBER 1

This agenda item is presented to the Commission by Indian River State College to request a permanent waiver of the above mentioned rule for Alonzo Coleman.

EXECUTIVE SUMMARY

1. Indian River State College (IRSC), Criminal Justice Training Institute held a "Sex Crimes Investigation Course" that began on October 6, 2009. Officer Alonzo Coleman was enrolled in the course and scored 78% on his final exam. All preparatory work for the class was done well ahead of the start date. The instructor understood that Commission rule set passing scores at 75% or above for Commission-approved Advanced and Specified Specialized Training Program courses.
2. On September 28, 2009, a rule change made passing scores 80% or higher for Commission-approved Advanced and Specified Specialized Training Program courses. Because of the rule change's proximity to the start date of this course, the old rule on passing scores was recognized and accepted for the duration of the course.
3. For the reasons stated above, IRSC is requesting that the Commission view the score achieved by Alonzo Coleman as a passing score. IRSC states that the decision to rely upon the old rule would cause undue hardship to Alonzo Coleman who would have to make arrangements to miss work to repeat the course as well as endure a lengthy commute from his work site to IRSC. IRSC further states that the petition violates the principles of fairness as it applies to Alonzo Coleman who is treated differently from other similarly situated individuals who are subject to the rule because Alonzo Coleman relied upon the passing grade being set at 75%, and both he and the college relied upon that score in compiling final grades for the "Sex Crimes Investigation Course."

RECOMMENDATION(S): Commission staff recommends that the Commission grant the waiver of Rule 11B-35.001(9)(b), F.A.C., effective immediately, thereby recognizing Alonzo Coleman's score of 78% achieved in the "Sex Crimes Investigation Course" as a passing score.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will be granted and Alonzo Coleman will be deemed to have passed the "Sex Crimes Investigation Course."

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will not be granted and Alonzo Coleman will not be deemed to have passed the "Sex Crimes Investigation Course" and will have to make arrangements to repeat the course.

SUPPORTING INFORMATION

1. Rule 11B-35.001(9)(b), F.A.C. , page 2.
2. Section 120.542, F.S., page 2.
3. Global Profile Sheet, pages 3 – 4.
4. Petition and supporting documentation from IRSC, pages 5 – 6.

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

(9) Student academic performance in courses.

(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 written end-of-course examinations, exclusive of demonstration of proficiency skills in the Basic Recruit Training Courses. A student enrolled in a Commission-approved Advanced or Specified Specialized Training Program Course pursuant to subparagraph (d)1.-13., of this rule section shall achieve a score of no less than 80% on the written end-of-course examination. A student enrolled in a Specialized Instructor Training Course shall achieve a score of no less than 85% on the written end-of-course examination, exclusive of demonstration of any proficiency skills.

Rulemaking Authority 943.03(4), 943.12(1), (2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History—New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 6-3-10.

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

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

AGENDA ITEM: 7E (5-5-11 Addendum)

Petition for Variance or Waiver: Request for Waiver of Rule 11B-35.001(9)(b), F.A.C., by Indian River State College on behalf of Daniel Hauck.

ISSUE NUMBER 1

This agenda item is presented to the Commission by Indian River State College to request a permanent waiver of the above mentioned rule for Daniel Hauck.

EXECUTIVE SUMMARY

1. Indian River State College (IRSC), Criminal Justice Training Institute held a "Field Training Officer Program Course" that began on September 28, 2009. Officer Daniel Hauck was enrolled in the course and scored 78% on his final exam. All preparatory work for the class was done well ahead of the start date. The instructor understood that Commission rule set passing scores at 75% or above for Commission-approved Advanced and Specified Specialized Training Program courses.
2. On September 28, 2009, a rule change made passing scores 80% or higher for Commission-approved Advanced and Specified Specialized Training Program courses. Because of the rule change's proximity to the start date of this course, the old rule on passing scores was recognized and accepted for the duration of the course.
3. For the reasons stated above, IRSC is requesting that the Commission view the score achieved by Daniel Hauck as a passing score. IRSC states that the decision to rely upon the old rule would cause undue hardship to Daniel Hauck who would have to make arrangements to miss work to repeat the course as well as endure a lengthy commute from his work site to IRSC. IRSC further states that the petition violates the principles of fairness as it applies to Daniel Hauck who is treated differently from other similarly situated individuals who are subject to the rule because Daniel Hauck relied upon the passing grade being set at 75% and both he and the college relied upon that score in compiling final grades for the "Field Training Officer Program Course."

RECOMMENDATION(S): Commission staff recommends that the Commission grant the waiver of Rule 11B-35.001(9)(b), F.A.C., effective immediately, thereby recognizing Daniel Hauck's score of 78% achieved in the "Field Training Officer Program Course" as a passing score.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will be granted and Daniel Hauck will be deemed to have passed the "Field Training Officer Program Course."

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver will not be granted and Daniel Hauck will not be deemed to have passed the "Field Training Officer Program Course" and will have to make arrangements to repeat the course.

SUPPORTING INFORMATION

1. Rule 11B-35.001(9)(b), F.A.C. , page 2.
2. Section 120.542, F.S., page 2.
3. Global Profile Sheet, page 3.
4. Petition and supporting documentation from IRSC, pages 4 – 5.

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

(9) Student academic performance in courses.

(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 written end-of-course examinations, exclusive of demonstration of proficiency skills in the Basic Recruit Training Courses. A student enrolled in a Commission-approved Advanced or Specified Specialized Training Program Course pursuant to subparagraph (d)1.-13., of this rule section shall achieve a score of no less than 80% on the written end-of-course examination. A student enrolled in a Specialized Instructor Training Course shall achieve a score of no less than 85% on the written end-of-course examination, exclusive of demonstration of any proficiency skills.

Rulemaking Authority 943.03(4), 943.12(1), (2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History–New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 6-3-10.

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AGENDA ITEM: 7F (5-12-11 Addendum)

Petition for Variance or Waiver: Request for Waiver of Rule 11B-27.00212(12), F.A.C., by David E. Needs

ISSUE NUMBER 1

This agenda item is presented to the Commission at the request of David E. Needs to request a permanent waiver of the above mentioned rule.

EXECUTIVE SUMMARY

1. Petitioner David E. Needs retired from full-time active law enforcement after nearly twenty years with the Broward County Sheriff's Office (December 17, 1977 to May 31, 2007).
2. Petitioner intended to return to law enforcement soon after his retirement, however, a series of major health crises within his family beginning in 2009 prevented his doing so immediately. Petitioner is the sole caretaker of his elderly parents, one of whom was diagnosed with terminal cancer in late 2009 and the other of whom does not drive. Petitioner alone was responsible for taking his parents to and from treatments and appointments.
3. Petitioner contacted FDLE in the fall of 2010 and was advised that he had to complete his 40 hour mandatory retraining course to activate his law enforcement certification. Petitioner signed up for the next available course at his own expense. His certificate of completion is attached.
4. During the fall of 2010, his sixteen year old son became increasingly ill. After a series of misdiagnoses and failed treatments, Petitioner was told that his son had Hodgkin's lymphoma cancer with a 75% chance of survival. Petitioner received this news while he was completing his mandatory retraining course.
5. Petitioner has contacted and applied for positions at the Florida Wildlife Commission, Sea Ranch Lakes Police Department, and several other agencies in his area. The hiring freeze in place in his area has led to many agencies expressing interest, but none willing to commit to making any hiring decision until after their budget year begins in October.
6. Petitioner requests a six month extension to permit him to further seek employment with those agencies such as Sea Ranch Lakes Police Department who have expressed interest, but who are not in a position to hire anyone until their new budget year begins.
7. This would be a temporary rule waiver granting Petitioner six months to find employment without incurring a four to eight year break in service and without being required to demonstrate high liability proficiencies and pass the SOCE.

RECOMMENDATION(S): Commission staff recommends that the Commission grant the waiver of Rule 11B-27.00212(12), F.A.C., effective immediately, granting David E. Needs a six month exemption from the effects of the rule in order for him to obtain employment. The exemption will run from the date of the Commission vote. If the Petitioner obtains employment within the six month exemption, the Petitioner would be exempt from the one year requirements of demonstrating proficiency in the high liability areas and passing the State Officer Certification Examination.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver of Rule 11B-27.00212(12), F.A.C., will be granted and he will be permitted six additional months from the date of the Commission vote to obtain employment. The Petitioner will be exempt from further compliance with the requirements of Rule 11B-27.00212(12), F.A.C., if he obtains employment within the six month window.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: The Petitioner's request for a rule waiver of Rule 11B-27.00212(12), F.A.C., will not be granted and he will not be permitted six additional months from the date of the Commission vote to obtain employment. The Petitioner will not be exempt from further compliance with the requirements of Rule 11B-27.00212(12), F.A.C., if he obtains employment within the six month window.

SUPPORTING INFORMATION

1. Rule 11B-27.00212(12), F.A.C. Maintenance of Officer Certification, **page 2**.
2. Section 120.542, F.S., **page 2**.
3. Petition for Waiver of Rule 11B-27.00212(12), F.A.C., by David Needs, **page 3**.
4. Mandatory retraining completion certificate, **page 4**.
5. Global Profile Sheet, **pages 5 - 6**.

11B-27.00212 Maintenance of Officer Certification.

(12) Prerequisites for certificate reactivation and reemployment as an officer. To become eligible for reactivation of certification and reemployment in the discipline for which the officer has experienced a break-in-service, pursuant to subsection (11) of this rule section, the officer shall, on or after July 1, 1993, meet the following conditions:

(a) If the break-in-service is between four years and eight years the officer shall:

1. Successfully demonstrate proficiency in the High-Liability Basic Recruit Training Courses pursuant to Rule 11B-35.0024, F.A.C.
2. Achieve a passing score on the applicable State Officer Certification Examination pursuant to procedures in Rule Chapter 11B-30, F.A.C., State Officer Certification Examination.
3. Meet the minimum qualifications described in Rules 11B-27.002, 11B-27.0021, 11B-27.0022, and 11B-27.00225, F.A.C., as evidenced by an employing agency's compliance with Section 943.133(2), F.S. Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12, 943.13(11), 943.135, 943.1395(3), 943.1701, 943.1715, 943.1716, 943.253 FS. History—New 11-5-02, Amended 12-3-03, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 4-16-09, 9-28-09, 6-3-10.

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

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

David Need
6821 W. Wedgewood Avenue
Davie, FL 33331 (954)-288-8678

April 12, 2011

Dear Counsel Members:

My entire life I have enjoyed Serving and Protecting the Public as a Law Enforcement Officer. At the age of 21 I became a Certified Reserve Deputy (attended reserve academy) with the Broward Sheriff's Office. After working as A Reserve Deputy I was given the opportunity to go to the Broward College CJI Police Academy graduating in December 1977. I spent 12 years on the Road Patrol and then 18 years as a Major Crime Detective. I have 5 children, 4 currently live at home, with 3 of the 4 currently attending college. In May 2007, I retired from BSO. I never knew how much I would miss being a Law Enforcement Officer. Toward the end of 2009, my 80 year old father who was a former Certified Corrections Deputy In Port St. Lucie, developed terminal cancer, my 79 year old mother does not drive. I was/am taking them to doctor appointments, shopping, among various tasks.

Last fall I contacted FDLE and was advised that I had to complete a 40 hour Mandatory Training Course to activate my Police Certification. I was further advised that the next Mandatory Course was not until February 21-25, 2011 so I signed up paying for the class myself. At that time my youngest son Alexander Needs age 16 had been sick during the fall of 2010. I was taking him to the pediatrician from September through February, with him missing days of school. My son (who has never been sickly) was diagnosed with everything from viruses, Cat Scratch Fever, to asthma, yet continued to get worse despite treatment.

On February 17, 2011 my son Alexander came home from school and was coughing every breathe. I gave him a breathing treatment and called his pediatrician at 4:00pm. I was advised to bring him to the office wherein he received 3 additional breathing treatments without improvement. I was the advised to transport my son Alexander to Memorial Hospital for further treatment. Alexander was there for three days, but now only coughing every third breath, and was advised that he was going to be released. I advised the ER releasing physician that my Alexander has never been sick, been sick since September of 2010, and they were missing something. I requested further testing that was granted. A CT Scan was done which showed his lymph nodes were enlarged and there was a possibility that he had cancer, which was confirmed while I was in training. I am Alexander's only biological parent even though I remarried, his biological mother left him when he was 18 months old. Alexander was transferred to Joe DiMaggio Children's Hospital for further evaluation. He was scheduled for a biopsy while I was scheduled to take my 40 hour Mandatory Training. My wife took off work, so I could attend this retraining which I did and his cancer was confirmed via biopsy while I was in this training (Certificate Attached).

Between Helping my parents with my father dying, my mother unable to drive, helping my son whose treatment that has a 75 percent survival rate as he is between was diagnosed between stage 3 & stage 4 Lymphoma. If my son survives he is expected to continue at least until August 2011. I am respectfully requesting the Counsel to extend my time as long as it can be due to these unforeseen emergency circumstances- under rule 11B-27.00212(11) F.A.C. My personal belief is God first, then family 2nd, then work, although I take great pride in work. I pray the Counsel will grant me grace due to my aforementioned circumstances that are beyond my control. The workplace is difficult at this time, If I can be granted an extension of time to be reemployed I will work for a Reserve Capacity to maintain my FDLE Certification. I applications for servable agency's but, I don't have time for processing. Thank You for your time and consideration.

Respectfully Submitted

David Needs

INSTITUTE OF PUBLIC SAFETY

BROWARD COLLEGE

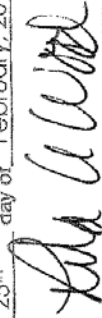
CERTIFICATE OF ACHIEVEMENT

David E. Needs

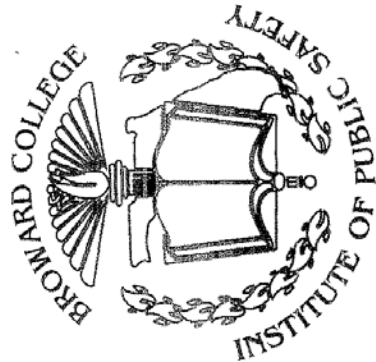
has successfully completed

Forty Hour Mandatory Training Course
February 21 - 25, 2011
40 hours

Given this 25th day of February, 2011



Director



5/10/2011

Florida Department of Law Enforcement
Criminal Justice Professionalism Program
Global Profile Sheet

Name : David E Needs			
Race : Wh	Sex : M	Birthdate : 11/7/1954	Education : Associate

Employment							
Agency	Class	Type	Start Date	Sep. Date	Sep. Reason	TEA	FP Date
Broward County Sheriff's Office	LE	Aux	6/29/1976	12/17/1977	Resigned/Retired (Historical Use Only)	N	6/29/1976
Broward County Sheriff's Office	LE	FT	12/17/1977	5/31/2007	Retired (Not involving misconduct)	N	12/17/1977

Salary Incentive			
Basic LE	Career Dev.	Education	Maximum Eligible
\$0	\$0	\$0	\$0

Mandatory Firearms Qualification
Law Enforcement Officer Firearms Qualification Standard: No Firearm Qualification Date

Certification					
Type	Number	Status	Cert. Date	Man. Retr. Due Date	Mand. Retr. Comp. Date
LE	82736	Inactive Mandatory Retraining	12/16/1977	6/30/2009	4/22/2004

Topics				
Topic	Topic Date	Recert Date	Status	Met Req
There is no topic information available.				

Exam									
Exam Type	Exam Date	Form	Part 1	Part 2	Part 3	Part 4	Part 5	Overall	Amended
LE	6/30/1993	1	Pass	Pass	Pass	Pass	Pass	Pass	

Equivalency							
Agency	Discipline	Date Of Application	Decision Date	Approval Authority	Date Applicant Advised	App Status	Exp Date
This Person has no Equivalency records entered.							

Training						
Start Date	End Date	Sequence	Version	Title	Grade	Hours Taught
6/21/1967	6/14/1976	00-1900-001-0	N/A	Auxiliary Recruit-Law Enforcement	P	0
1/1/1968	12/16/1977	00-1900-002-0	N/A	Certificate Of Compliance-Law Enforcement	P	400
10/31/1983	11/4/1983	03-1983-028-23	N/A	Officers Skills Improvement And Stress Reduction	P	40
9/18/1989	9/29/1989	03-1989-047-5	1989.01	Interviews And Interrogations	P	40

WMD/ICS Training for Certified Law Enforcement Officers	
Training Name	Completion Date

<https://www.fdle.state.fl.us/ATMS2/instructors/GlobalProfile.asp?filler=Global Profile - A...> 5/10/2011

Weapons of Mass Destruction(WMD)	6/7/2002
Incident Command System (ICS)	6/7/2002

David E Needs

<https://www.fdle.state.fl.us/ATMS2/instructors/GlobalProfile.asp?filler=Global Profile - A...> 5/10/2011

AGENDA ITEM: 8A

Officer Training Advanced Training Program Course: Hostage Negotiation Number 093 (Update)

ISSUE NUMBER 1

This agenda item is presented to the Commission to approve updates to Hostage Negotiation Number 093.

EXECUTIVE SUMMARY

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

RECOMMENDATION(S): Commission staff recommends that the Commission approve the updated Hostage Negotiation Number 093 course with an effective date of July 1, 2011.

VOTING IMPACT

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

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

SUPPORTING INFORMATION

(Supporting information will be provided on CD-ROM only)

- Hostage Negotiation Course 093, effective July 1, 2011, Version 2011.07, **pages 2 – 44.**

AGENDA ITEM: 8B

Officer Training Specialized Training Program Course: Physical Fitness Trainer Course 1189 (New)

ISSUE NUMBER 1

This agenda item is presented to the Commission to approve the new Physical Fitness Trainer Course 1189.

EXECUTIVE SUMMARY

1. The Commission is responsible for maintaining Specialized Training Program Courses for Commission-certified law enforcement, correctional, and correctional probation officers. Courses in the Specialized Training Program may be delivered using Criminal Justice Standards and Training Officer Training Trust Fund Monies.
2. At the request of the Training Center Directors' Association, the new 32-hour Physical Fitness Trainer Course was written by Subject Matter Experts who were recommended by Training Center Directors, the Department of Corrections, criminal justice agencies, and industry experts. The course includes input from members of the Training Center Directors Association Advanced and Specialized Training Committee and the Physical Fitness Training Committee.
3. The new course provides prospective physical fitness instructors with skills and fitness concepts that will assist them in developing and implementing a safe and effective physical fitness training program for their academy or agency.
4. The course does not set physical fitness standards for basic recruits or officers, nor does it provide an instructor certification for those completing the course.

RECOMMENDATION(S): Commission staff recommends that the Commission approve the Physical Fitness Trainer Course 1189 with an effective date of May 19, 2011.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: A yes vote will permit Commission-certified training schools to provide up-to-date training for the Physical Fitness Trainer Course.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: A no vote will not permit Commission-certified training schools to provide up-to-date training for the Physical Fitness Trainer Course.

SUPPORTING INFORMATION

(Supporting information will be provided on CD-ROM only)

- Physical Fitness Trainer Course (new), effective May 19, 2011, Version 2011.05, **pages 2 – 53**.

AGENDA ITEM: 8C-1

Officer Training Specialized Instructor Training Program Course:
CMS Vehicle Operations Instructor Course 800 (Update)

ISSUE NUMBER 1

This agenda item is presented to the Commission to approve the updated CMS Vehicle Operations Instructor Course 800.

EXECUTIVE SUMMARY

1. The Commission is responsible for maintaining Specialized Instructor Training Program Courses for Commission-certified law enforcement, correctional, and correctional probation officers. Courses in the Specialized Training Program may be delivered using Criminal Justice Standards and Training Officer Training Trust Fund Monies.
2. The 40-hour CMS Vehicle Operations Instructor Course was updated by Subject Matter Experts who were recommended by Training Center Directors and criminal justice agencies. The revised course contains the new driving course diagrams and other changes to coincide with the 2011 basic recruit course. The attached errata lists the major revisions.
3. The updated course provides prospective instructors with the knowledge and skills required for a high-liability instructor certification in vehicle operations.

RECOMMENDATION(S): Commission staff recommends that the Commission approve CMS Vehicle Operations Instructor Course 800 with an effective date of July 1, 2011.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: A yes vote will permit Commission-certified training schools to provide up-to-date training for the CMS Vehicle Operations Instructor Course.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: A no vote will not permit Commission-certified training schools to provide up-to-date training for the CMS Vehicle Operations Instructor Course.

SUPPORTING INFORMATION

(Supporting information will be provided on CD-ROM only)

1. Errata for CMS Vehicle Operations Instructor Course 800, effective July 1,2011, Version 2011.07, **pages 2 - 3.**
2. CMS Vehicle Operations Instructor Course 800, effective July 1,2011, Version 2011.07, **pages 4 – 175.**

**Errata for CMS Criminal Justice Vehicle Operations Instructor Course
Specialized Instructor Course 800
Effective July 1, 2011**

Unit/Lesson	Text	Instructor Notes
	General edits throughout course.	
Title Page	Effective date changed to July 1, 2011. Version number changed to 2011.07	
Copyright date in footer	Updated the copyright date in the footer of each file	
Front Material Copyright	Statement added to give training schools authority to duplicate training materials	
Front Material Disclaimer	Language added re liability during training	
Front Material Updates	Section removed—all changes from curriculum alerts incorporated into new version	
Front Material Foreword	New language clarifying CJSTC rules	
All Lessons	Removed suggested time	
Lesson 1 Introduction		<p>Added text to clarify instruction requirement for internship:</p> <p>A new instructor is required to demonstrate instructing students in the performance of skills in a vehicle operations course under the direct supervision of a Commission-certified vehicle operations instructor. Students should also provide written evaluations of the instructor's performance during the internship.</p>
Lesson 2 Classroom Management	<p>Revised Objective: VOI 5.A. Identify elements of classroom management.</p> <p>Moved information about maintaining instructor proficiency to Lesson 1</p> <p>Deleted duplicate information about demonstration of proficiency (covered in Lesson 1)</p> <p>Moved sample remediation plan to Lesson 5</p> <p>Removed reference to Facility Inspection Checklist and added reference to form CJSTC-202</p>	

Lesson 3 Vehicle and Range Inspection	Changed “Tires and Rims” to “Tires and Wheels”	
Lesson 4 Driving Course Setup and Driving Proficiencies	<p>Replaced all diagrams of driving exercises</p> <p>Revised the driving instructions for the course exercises.</p> <p>Revised objective VOI 3.B.2 <u>Practice the duties of a vehicle operations rangemaster</u> Coordinate the schedule for drivers, vehicles, and instructors to complete the exercises, and evaluate students.</p>	
Lesson 5 Remediation	<p>Clarified requirements of remediation</p> <p>Attached sample remediation plan</p>	

AGENDA ITEM: 8C-2

Officer Training Specialized Instructor Training Program Course:
CMS Firearms Instructor Course 801 (Update)

ISSUE NUMBER 2

This agenda item is presented to the Commission to approve the updated CMS Firearms Instructor Course 801.

EXECUTIVE SUMMARY

1. The Commission is responsible for maintaining Specialized Instructor Training Program Courses for Commission-certified law enforcement, correctional, and correctional probation officers. Courses in the Specialized Training Program may be delivered using Criminal Justice Standards and Training Officer Training Trust Fund Monies.
2. The 44-hour CMS Firearms Instructor Course was updated by Subject Matter Experts who were recommended by Training Center Directors and criminal justice agencies. The attached errata lists the major revisions which were made to coincide with the 2011 basic recruit course.
3. The updated course provides prospective instructors with the knowledge and skills required for a high-liability instructor certification in firearms.

RECOMMENDATION(S): Commission staff recommends that the Commission approve CMS Firearms Instructor Course 801 with an effective date of July 1, 2011.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: A yes vote will permit Commission-certified training schools to provide up-to-date training for the CMS Firearms Instructor Course.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: A no vote will not permit Commission-certified training schools to provide up-to-date training for the CMS Firearms Instructor Course.

SUPPORTING INFORMATION

(Supporting information will be provided on CD-ROM only)

1. Errata for the CMS Firearms Instructor Course 801, Version 2011.07, pages 2 - 3.
2. CMS Firearms Instructor Course 801, effective July 1, 2011, Version 2011.07, pages 4 – 209.

**Errata for CMS Criminal Justice Firearms Instructor Course
Specialized Instructor Course 801
Effective July 1, 2011**

Unit/Lesson	Text	Instructor Notes
Front Material Copyright	Statement added to give training schools authority to duplicate training materials	
Front Material Disclaimer	Language added re liability during training	
Front Material Updates	Section removed—all changes from curriculum alerts incorporated into new version	
Front Material Foreword	New language clarifying CJSTC rules	
Front Material Equipment, Materials, and Supplies	New online training video added related to use of force (optional) Flashlights and belts added to list	
Front Material Instructional Strategies	“Role-playing” added	
Front Material Course Outline	Suggested time for each lesson removed	
Throughout course	Due to updates in the basic recruit firearms course, references to semiautomatic pistols in the Instructor Course refer to the Glock instead of the Baretta.	
Throughout course	All sketches related to handguns, rifles, and types of grips were replaced with photographs in the basic recruit firearms course.	
Throughout course	The term “low ready position” was replaced with “tactical ready position” when referring to handguns.	
Lesson 1	The following statement was added reflecting a current requirement for course completion: “Successfully demonstrate Discretionary Shooting skills.”	
Lesson 1		Revised text clarifying rule for instructor internship: This internship is different than the student teaching exercises in this course. A new instructor is required to <u>demonstrate instructing students in the performance of skills in a firearms course</u> instruct both in a classroom lecture setting and in the performance of skills in a CMS Criminal Justice Firearms Course

		under the direction and supervision of a Commission-certified Firearms instructor. Students should also provide written evaluations of the instructor's performance during the internship.
Lesson 4	The following statement was added: "Violation of safety protocols are not subject to remediation and may result in immediate dismissal from the training program."	
Lesson 4, 5	The following statement was added: "Once testing on a proficiency skill has begun, no additional training, assistance, or practice is allowed on that proficiency skill."	
Lesson 9		The following statement was added: "Teaching and qualifying in the prone position are both optional. It must be taught though, if it is an option for the student during testing."
Lesson 9	The following language (pursuant to Tech Memo 2010-01, February 26, 2010) was added to clarify the use of the B-21E target: "A commercially produced B-21E target or equivalent PRIDE Enterprise (P.R.I.D.E.) target" is the standard target."	

AGENDA ITEM: 8C-3

Officer Training Specialized Instructor Training Program Course:
CMS Defensive Tactics Instructor Course 802 (Update)

ISSUE NUMBER 3

This agenda item is presented to the Commission to approve the updated CMS Defensive Tactics Instructor Course 802.

EXECUTIVE SUMMARY

1. The Commission is responsible for maintaining Specialized Instructor Training Program Courses for Commission-certified law enforcement, correctional, and correctional probation officers. Courses in the Specialized Training Program may be delivered using Criminal Justice Standards and Training Officer Training Trust Fund Monies.
2. The 80-hour CMS Defensive Tactics Instructor Course was updated by staff to coincide with technical revisions to other instructor courses. The attached errata lists the major revisions.
3. The updated course provides prospective instructors with the knowledge and skills required for a high-liability instructor certification in defensive tactics.

RECOMMENDATION(S): Commission staff recommends that the Commission approve the CMS Defensive Tactics Instructor Course 802 with an effective date of July 1, 2011.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: A yes vote will permit Commission-certified training schools to provide up-to-date training for the CMS Defensive Tactics Instructor Course.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: A no vote will not permit Commission-certified training schools to provide up-to-date training for the CMS Defensive Tactics Instructor Course.

SUPPORTING INFORMATION

(Supporting information will be provided on CD-ROM only)

1. Errata for the CMS Defensive Tactics Instructor Course 802, Version 2011.07, **pages 2**.
2. CMS Defensive Tactics Instructor Course 802, effective July 1, 2011, Version 2011.07, **pages 3 – 211**.

**Errata for CMS Criminal Justice Defensive Tactics Instructor Course
Specialized Instructor Course 802
Effective July 1, 2011**

Unit/Lesson	Text	Instructor Notes
Title Page	Effective date changed to July 1, 2011. Version number changed to 2011.07	
Copyright date in footer	Updated the copyright date in the footer of each file.	
Front Material Copyright	Statement added to give training schools authority to duplicate training materials	
Front Material Disclaimer	Language added re for liability during training	
Front Material Updates	Section removed—all changes from curriculum alerts incorporated into new version	
Front Material Foreword	New language clarifying CJSTC rules	
Unit 1 Course Introduction Lesson 1 Introduction		<p>Revised text to clarify instructor requirement for internship:</p> <p>A new instructor is required to instruct both in a classroom lecture setting and demonstrate instructing students in the performance of skills in a CMS Criminal Justice Defensive Tactics Course or a defensive tactics course under the direct supervision of a Commission-certified Defensive Tactics instructor. Generally, two to four hours are sufficient for the internship; however, the training school will set the specific requirements for the internship. Students should also provide written evaluations of the instructor's performance during the internship.</p>
Unit 4 Teaching Physical Skills Lesson 1 Basic Recruit Student Evaluation and Remediation	<p>The following text was added: NOTE: Once testing on a proficiency skill has begun, no additional training, assistance, or practice is allowed on that proficiency skill. If the student does not pass the first proficiency test, the instructor will initiate the remediation process.</p>	<p>The following text was added:</p> <p>This does not mean remediation can no longer occur, it simply means when a student begins proficiency testing they can not stop to review materials or practice skills before completing the test.</p>

AGENDA ITEM: 8C-4

Officer Training Specialized Instructor Training Program Course:
CMS First Aid Instructor Course 1114 (Update)

ISSUE NUMBER 4

This agenda item is presented to the Commission to approve the updated CMS First Aid Instructor Course 1114.

EXECUTIVE SUMMARY

1. The Commission is responsible for maintaining Specialized Instructor Training Program Courses for Commission-certified law enforcement, correctional, and correctional probation officers. Courses in the Specialized Training Program may be delivered using Criminal Justice Standards and Training Officer Training Trust Fund Monies.
2. The 40-hour CMS First Aid Instructor Course was updated by staff to coincide with technical revisions to other instructor courses. The attached errata lists the major revisions.
3. The updated course provides prospective instructors with the knowledge and skills required for a high-liability instructor certification in first aid.

RECOMMENDATION(S): Commission staff recommends that the Commission approve CMS First Aid Instructor Course 1114 with an effective date of July 1, 2011.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: A yes vote will permit Commission-certified training schools to provide up-to-date training for the CMS First Aid Instructor Course.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: A no vote will not permit Commission-certified training schools to provide up-to-date training for the CMS First Aid Instructor Course.

SUPPORTING INFORMATION

(Supporting information will be provided on CD-ROM only)

1. Errata for the CMS First Aid Instructor Course 1114, effective July 1, 2011, Version 2011.07, **page 2**.
2. CMS First Aid Instructor Course 1114, effective July 1, 2011, Version 2011.07, **pages 3 – 120**.

**Errata for CMS First Aid Instructor Course
Specialized Instructor Course 1114
Effective July 1, 2011**

Unit/Lesson	Text	Instructor Notes
Title Page	Changed the date on the Title Page	
Throughout the course	Updated copyright in all footers	
Front Material Copyright	Statement added to give training schools authority to duplicate training materials	
Front Material Disclaimer	Language added re liability during training	
Front Material Updates	Section removed—all changes from curriculum alerts incorporated into new version	
Front Material Foreword	New language clarifying CJSTC rules	
Front Material Instructor Materials	Removed Video: <i>Command & Control: Medical Safety: New Concerns for a Growing Problem</i> (15:42 min.) (video no longer available)	
Unit 1 Introduction to First Aid Training Lesson 1 Florida Basic Recruit Training Program: High Liability, Chapter 2 Page 6	Removed Video: <i>Command & Control: Medical Safety: New Concerns for a Growing Problem</i> (15:42 min.) (DVD, Vol. 2) and requires the”	
Unit 2 Evaluation and Documentation Lesson 1 Correcting Student Deficiencies, Remediation, and Documentation Page 4	Add the following statement to clarify the intent of performance evaluations: “Once testing on a proficiency skill has begun, no additional training, assistance, or practice is allowed on that proficiency skill.”	

AGENDA ITEM: 8C-5

Officer Training Specialized Instructor Training Program Course:
General Instructor Refresher Course 1115 (Update)

ISSUE NUMBER 5

This agenda item is presented to the Commission to approve the updated General Instructor Refresher Course 1115.

EXECUTIVE SUMMARY

1. The Commission is responsible for maintaining Specialized Instructor Training Program Courses for Commission-certified law enforcement, correctional, and correctional probation officers. Courses in the Specialized Training Program may be delivered using Criminal Justice Standards and Training Officer Training Trust Fund Monies.
2. The 8-hour General Instructor Refresher Course was updated based on feedback from CJSTC-certified instructors and coincides with revisions to the Florida General Instructor Techniques Course 1186. The attached errata lists the major revisions.
3. The course is required for instructors whose certification has lapsed in order to renew their general instructor certification.

RECOMMENDATION(S): Commission staff recommends that the Commission approve General Instructor Refresher Course 1115 with an effective date of July 1, 2011.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: A yes vote will permit Commission-certified training schools to provide up-to-date training for the General Instructor Refresher Course.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: A no vote will not permit Commission-certified training schools to provide up-to-date training for the General Instructor Refresher Course.

SUPPORTING INFORMATION

(Supporting information will be provided on CD-ROM only)

1. Errata for the General Instructor Refresher Course 1115, effective July 1, 2011, Version 2011.07, **pages 2 - 11**.
2. General Instructor Refresher Course 1115, effective July 1, 2011, Version 2011.07, **pages 12 – 145**.

**Errata for General Instructor Refresher Course
Instructor Course 1115
Effective July 1, 2011**

Unit/Lesson	Text	Instructor Notes
Front Material Copyright	Statement added to give training schools authority to duplicate training materials	
Front Material Disclaimer	Language added re for liability during training	
Front Material Updates	Section removed—All changes from curriculum alerts incorporated into new version	
Front Material Foreword	New language clarifying CJSTC rules	
Front Material Equipment	DVD player and monitor removed	“Murphy Brown” video removed (no longer available)
Front Material Instructor Notes/Information	Language edited/clarified to list instructor requirements	
Lesson 0—Administration Orientation/Student Competency Requirements	Removed (duplicate information)	
Lesson 1—Training Liability and Instructor Certification Requirements	<p>Text moved:</p> <p>1.18. Describe the CJSTC requirements for General Instructor Certification.</p> <p>Instructor applicants shall comply with the following requirements to obtain General Instructor Certification:</p> <ol style="list-style-type: none"> 1. Successfully complete the Florida General Instructor Techniques Course delivered through a CJSTC-certified training school or complete an equivalent instructor course as verified by a training center director. 2. Apply for and obtain certification within four years of completion of the instructor course. Instructor Certification more than four years from the date training was completed shall be required to complete the General Instructor Refresher Course. 32. Be affiliated with a CJSTC-certified training school or criminal justice employing agency. 43. Successfully complete an internship that is not included in the instructor course. The hour requirement for the 	

internship is determined by the training center/agency providing the training course. Internship requirements for the instructor applicant include the following:

- a. supervision and evaluation by a training center director/agency administrator, or designee, who is currently an instructor, and who shall complete the Instructor Competency Checklist, form CJSTC-81
- b. demonstration of the applicable competencies listed on the Instructor Competency Checklist, form CJSTC-81
- c. evaluation by the students which shall be reviewed with the instructor applicant and documented on the Instructor Competency Checklist, form CJSTC-81

45. Possess good moral character pursuant to Chapter 11B-27.0011(4), F.A.C., as applied to instructor applicants and certified instructors including the following:

- a. have not been convicted of a felony or a misdemeanor involving perjury or false statement or received a dishonorable discharge from any of the Armed Forces of the United States
- b. after July 1, 1981, have not had a suspended sentence or adjudication withheld, or pled nolo contendere (no contest) for a felony or misdemeanor involving perjury or false statement
- c. any person who has pled nolo contendere to a misdemeanor involving a false statement prior to December 1, 1985, and has had such record expunged may be eligible for instructor certification

65. Apply for affiliation/certification through a CJSTC- approved training

	<p>center or criminal justice employing agency by completing the Instructor Certification Application, form CJSTC-71, and attaching all required documents noted in form item #9 within four years of completion of the instructor course.</p> <p><u>Instructor applicants who apply for a General Instructor Certification more than four years from the date training was completed shall be required to complete the General Instructor Refresher Course.</u></p>	
<p>Lesson 1—Training Liability and Instructor Certification Requirements</p>	<p>Text clarified:</p> <p>1.26. Explain that the CJSTC can impose disciplinary action against an instructor’s certificate.</p> <p>Refer to Rule 11B-20.0012, F.A.C. The CJSTC may take action against an instructor’s certification if:</p> <ul style="list-style-type: none"> • The instructor willfully compromises the security and confidentiality of examinations, grading keys, or test specifications used in training courses or engage in any other conduct that subverts or attempts to subvert the State Officer Certification Exam. For example: <u>DO keep all exam materials in a secure location. DO NOT provide exam questions to students prior to an exam, during course review, or assist any student during an exam. Further, do not engage in any other conduct that subverts or attempts to subvert the State Officer Certification Examination process.</u> 	
<p>Lesson 3—Diversity in the Classroom</p>		<p>“Murphy Brown” video removed (no longer available)</p>
<p>Lesson 3—Lesson Plan Development</p>	<p>Text clarified:</p> <p>3.1. Explain the stages of instructional design.</p> <p>3.2. Explain the role of the lesson plan within the instructional design process.</p> <p>3.3. State the four purposes of lesson</p>	<p>Added Text to 5.1:</p> <p>Note: <u>Instruction is not to be confused with the instructional design process (ISD).</u></p> <p><u>The ISD process refers to the creation of instruction. It is a</u></p>

	plans.	<u>systematic, iterative process in which every component (i.e., teacher, students, materials, and learning environment) is crucial to successful learning; and, the entire system uses feedback to determine if its desired goal has been reached. Typically, the major phases of ISD are analysis, design, development, implementation, and evaluation (ADDIE).</u>
Lesson 3—Lesson Plan Development	<p>Text clarified:</p> <p>3.4. Discuss the format for a lesson plan.</p> <p>The format of a lesson plan will vary with different courses, <u>training and academy requirements, and instructors.</u> However, lesson plans should contain the same basic information. All lesson plans within a course or curriculum should follow the same format. This provides consistency and structure in the development of each block of instruction.</p> <p>A typical lesson plan will contain:</p> <p>1. Introductory Information</p> <p>The Introductory Information consists of two components: the Cover Sheet and the Overview. The Cover Sheet contains the following:</p> <ul style="list-style-type: none"> ● Course Title and Course Number ● Development/Revision Date ● Author <p>The Overview contains the following:</p> <ul style="list-style-type: none"> ● Topic identification (lesson name) ● Presentation Length ● Instructional Methods ● Instructional Aids ● Attachments/Handouts ● Lesson Goal ● Objective(s) 	<p>Added text to 3.4:</p> <p><u>Distribute this lesson’s instructor guide to the students for their review.</u></p> <p><u>The purpose of this is to know and see the difference between lesson plans and instructor guides.</u></p>

- ~~References and Suggested Readings~~
- ~~Instructor Notes~~

Presentation

- ~~Introduction~~
- ~~Body~~
- ~~Review~~
- ~~Instructor Notes~~

Introductory Information:

~~Keep the course~~ The lesson title should be simple and used the name consistently. In-service instruction may use fields instead of course names.

Example: Firearms

The lesson plan *date* depicts when it was developed or revised.

Author identifies the individual or agency that created the lesson plan.

The *topic identification* is a broad subdivision under the larger identifier used in the name of the course.

Example:
 Course: Firearms
 Topic: In-service Qualification

Presentation Length informs the instructor of the time frame in which the ~~presentation~~ lesson is to be delivered. When calculating the delivery time frame, include time for student practice and feedback.

Instructional Methods are ways that instruction is presented to the students. The most common types of instructional methods used include lecture, demonstration, simulation, and questioning. For this course, a minimum of two instructional methods is required in the final presentation.

Instructional Aids list the items necessary to teach the block of instruction. Audio/Visual aids are used to increase interest, understanding, and

memory. When an instructor is developing training aids for instruction, the aids should appeal to the students' senses (e.g., sight, sound, touch, smell, and taste). For this course, a minimum of two instructional aids is required in the final presentation.

Attachments/Handouts/Activities are additional materials that allow the student to acquire supplemental or more specific information. The instructor typically distributes handouts to the students, whereas attachments are provided with the course material.

The *lesson goal* is a ~~broad expression~~ statement of the ~~course~~ lesson's training purpose. This is defined further below.

Objective(s) inform the student of what is expected and the circumstances under which the learning/performance is to be done. For this course, a minimum of five objectives are required in the final presentation. This is defined further below.

References are used to document the validity and source of information. For this course, a minimum of three references are required in the final presentation.

Presentation:

The ~~presentation~~ layout provides structure to the lesson and guidance on the delivery to the instructor. Because the instructor should be familiar with the information or material, a simple outline format is usually all that is needed. ~~The introduction begins the presentation of the course material to the class. This is a very important part of the presentation because it is used to gain the students' interest and attention by sharing the course topics and lesson goal.~~

A variety of methods can be used to create interest, such as:

- ~~establishing relevance of the material~~

	<ul style="list-style-type: none"> ● using the questioning technique ● using a pre-test ● using humor ● The presentation should also include the performance expected of the student. <p>The <i>body</i> is typically an outline of information in sequential order. The goal of the information is to provide enough material so that a competent instructor could teach the class<u>lesson</u>.</p> <p>The <i>review section</i> provides a summary of the material that has been covered with emphasis on the item(s) relating to objectives. It also allows the instructor to determine how much learning has occurred.</p>	
Lesson 3—Lesson Plan Development	<p>Added new objective:</p> <p><u>3.5. Discuss the format for an instructor guide.</u></p> <p><u>The instructor guide is the collection of all the lesson plans and other materials for a given course. Sometimes, it contains the text’s contents in conjunction with instructor information on delivery of instruction. It specifically tells the instructor what content to deliver, but not how.</u></p> <p>The <i>instructor notes</i> section is<u>are</u> normally found <u>within</u> in the body of the lesson plan<u>instructor guide</u>. The instructor notes are used to</p> <ul style="list-style-type: none"> ● clarify the information ● remind the instructor to use different instructional method(s) ● cue the instructor to use audio/visual aid(s) ● describe an exercise ● provide notes to the instructor not intended for the students <p><u>For the purpose of this course’s final presentation, only lesson plans are required, but not an instructor guide.</u></p>	<p>Added new objective:</p> <p><u>3.5. Discuss the format for an instructor guide.</u></p>

	<p>Student Guide (if applicable):</p> <p>The <i>student guide</i> is a document created to assist the student while following the lesson. <u>Therefore, it is the text for the course, without the instructor notes.</u></p>	
Lesson 3—Lesson Plan Development	<p>Text clarified and objective re-numbered:</p> <p>3.65. Define lesson goal.</p> <p>The <i>lesson goal</i> is a general statement of what the student is expected to learn <u>know or be able to do within a smaller block of instruction at the conclusion of the lesson.</u></p> <p>The lesson goal:</p> <ul style="list-style-type: none"> • does not require the same level of clarity <u>specificity</u> that objectives require • gives both the instructor and the student an overview of the objectives of the course <u>lesson</u> or program <p>Example: The student will apply the stages in the instructional design process to develop a block of instruction <u>lesson plan</u> for a final presentation.</p> <p>3.76. Develop the lesson goal for a block of instruction.</p> <p>3.87. Describe the four elements (ABCD method) in the development of objectives.</p> <p>3.98. Describe methods used to sequence the objectives within a course <u>lesson</u>.</p>	
Attachment 3-4—Presentation Checklist	Replaced	
Lesson 5—Evaluation, Measurement, and Simulation	<p>Text clarified:</p> <p>5.1 Differentiate between measurement and evaluation.</p> <p>Measurement is a standard against which something can be compared. consists of rules for assigning numbers or symbols to a subject to represent the quantity of a particular</p>	<p>Text added to 5.1:</p> <p><u>Explain</u> that <i>test difficulty</i> is not to be confused with <i>passing score</i>.</p> <p><i>Difficulty</i> refers to the number of students expected to answer an item correctly. <u>A higher percentage indicates a less difficult item. This can be determined by field-testing</u></p>

	<p>attribute.</p> <p>Example: What does a value (score) of five mean in and of itself? Only that it is more than four and less than six. What value does it have? It has no value until one has been assigned to it.</p> <p>Evaluation is the interpretation of the measurement by assigning a value to it. consists of making an informed judgment or interpretation regarding a particular attribute.</p> <p>Example: The CJSTC has provided the value of measurement of tests in this course. A stated that a measurement (passing score) (measurement) of 85% on the written final test is required to be the acceptable evaluation of learning for this course (e.g., measurement equals 85%; evaluation equals the minimum acceptable response level).</p>	<p><u>the item on a test that does not count for or against the student.</u></p> <p><u>Passing score (proficiency standard) refers to the degree of correctly answered items, of varying difficulty, needed to demonstrate competency. This measurement is represented by percentage.</u></p>
<p>Lesson 5—Evaluation, Measurement, and Simulation</p>		<p>Text updated to 5.6, #7 Simulation:</p> <p><u>Assuming the husband has no visible injuries of any kind, then arrest the husband. If there are injuries on both parties, the officer will arrest the primary aggressor at his or her discretion upon reviewing the totality of circumstances. Except in rare circumstances, an officer should arrest only the primary aggressor and not a person who acted reasonably to protect or defend him- or herself or another family or household member from domestic violence. If only one person lodged a complaint, the incident did not involve mutual combatants.</u></p>
<p>Lesson 5—Evaluation, Measurement, and Simulation</p>	<p>Text clarified:</p> <p>5.8 Define formative and summative evaluations.</p> <p><i>Formative evaluation</i> provides the student with ongoing feedback regarding his or her progress. These periodic evaluations identify learning deficiencies and allow for immediate corrective action. It is similar to a quiz,</p>	

	<p><u>verbal or written—not an assessment for a final grade, but periodic feedback regarding the effectiveness of the instructor and/or instruction. The instructor uses the results to assess student understanding so they may modify instruction and address issues, if necessary. They identify learning deficiencies and allow for immediate corrective action as well.</u></p>	
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AGENDA ITEM: 8C-6

Officer Training Specialized Instructor Training Program Course:
Speed Measurement Instructor Course 1159 (Update)

ISSUE NUMBER 6

This agenda item is presented to the Commission to approve the updated Speed Measurement Instructor Course 1159.

EXECUTIVE SUMMARY

1. The Commission is responsible for maintaining Specialized Instructor Training Program Courses for Commission-certified law enforcement, correctional, and correctional probation officers. Courses in the Specialized Training Program may be delivered using Criminal Justice Standards and Training Officer Training Trust Fund Monies.
2. The 40-hour Speed Measurement Instructor Course was updated by staff to coincide with technical revisions to other instructor courses.
3. The updated course provides prospective instructors with the knowledge and skills required for a special topics instructor certification in speed measurement.

RECOMMENDATION(S): Commission staff recommends that the Commission approve CMS Speed Measurement Instructor Course 1159 with an effective date of July 1, 2011.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: A yes vote will permit Commission-certified training schools to provide up-to-date training for the Speed Measurement Instructor Course.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: A no vote will not permit Commission-certified training schools to provide up-to-date training for the Speed Measurement Instructor Course.

SUPPORTING INFORMATION

(Supporting information will be provided on CD-ROM only)

1. Errata for the CMS Speed Measurement Instructor Course 1159, effective July 1, 2011, Version 2011.07, **page 2**.
2. CMS Speed Measurement Instructor Course 1159, effective July 1, 2011, Version 2011.07, **pages 3 – 280**.

**Errata for Speed Measurement Instructor Course
Specialized Instructor Course 1159
Effective July 1, 2011**

Unit/Lesson	Text	Instructor Notes
Title Page	Effective date changed to July 1, 2011. Version number changed to 2011.07	
Copyright date in footer	Updated the copyright date in the footer of each file.	
Front Material Copyright	Statement added to give training schools authority to duplicate training materials	
Front Material Disclaimer	Language added re liability during training	
Front Material Updates	Section removed—all changes from curriculum alerts incorporated into new version	
Front Material Foreword	New language clarifying CJSTC rules	
Front Material References and Suggested Readings	Updated reference to <i>The Winning Trainer</i>	
Unit 3 Radar Principles and Operation Lesson 2 Operational Considerations of Police Traffic Radar	Replaced DHSMV Form 61070, Radar Speed Measuring Device Certification with newer form	
Unit 4 Laser Principles and Operation Lesson 1 Scientific Principles of Police Traffic Laser	Replaced DHSMV Form 61071, Laser Speed Measuring Device Certification with newer form	

AGENDA ITEM: 8C-7

Officer Training Specialized Instructor Training Program Course:
Florida General Instructor Techniques Course 1186 (Update)

ISSUE NUMBER 7

This agenda item is presented to the Commission to approve the updated Florida General Instructor Techniques Course 1186.

EXECUTIVE SUMMARY

1. The Commission is responsible for maintaining Specialized Instructor Training Program Courses for Commission-certified law enforcement, correctional, and correctional probation officers. Courses in the Specialized Training Program may be delivered using Criminal Justice Standards and Training Officer Training Trust Fund Monies.
2. The 64-hour Florida General Instructor Techniques Course was updated based on feedback from CJSTC-certified instructors, coincides with technical revisions to other instructor courses, and clarifies information about CJSTC instructor certified training courses. The attached errata lists the major revisions.
3. Officers who meet the qualifications and complete this course are eligible to apply for a general instructor certification.

RECOMMENDATION(S): Commission staff recommends that the Commission approve Florida General Instructor Techniques Course 1186 with an effective date of July 1, 2011.

VOTING IMPACT

CONSEQUENCES OF A "YES" VOTE ON STAFF RECOMMENDATION: A yes vote will permit Commission-certified training schools to provide up-to-date training for the Florida General Instructor Techniques Course.

CONSEQUENCES OF A "NO" VOTE ON STAFF RECOMMENDATION: A no vote will not permit Commission-certified training schools to provide up-to-date training for the Florida General Instructor Techniques Course.

SUPPORTING INFORMATION

(Supporting information will be provided on CD-ROM only)

1. Errata for the Florida General Instructor Techniques Course 1186, effective July 1, 2011, Version 2011.07, pages 2 - 12.
2. Florida General Instructor Techniques Course 1186, effective July 1, 2011, Version 2011.07, pages 13 – 285.

**Errata for Florida General Instructor Techniques Course
Instructor Course 1186
Effective July 1, 2011**

Unit/Lesson	Text	Instructor Notes
Front Material Copyright	Statement added to give training schools authority to duplicate training materials	
Front Material Disclaimer	Language added re for liability during training	
Front Material Updates	Section removed—All changes from curriculum alerts incorporated into new version	
Front Material Foreword	New language clarifying CJSTC rules	
Front Material Equipment	DVD player and monitor removed	“Murphy Brown” video removed (no longer available)
Front Material Instructor Notes/Information	Language edited/clarified to list instructor requirements	
Lesson 0—Administration Orientation/Student Competency Requirements	Removed (duplicate information)	
Attachment 0-1—Florida General Instructor Techniques Course Student Competency Checklist	Moved to Front Material	
Lesson 1—Training Liability and Instructor Certification Requirements	<p>Text moved:</p> <p>1.18. Describe the CJSTC requirements for General Instructor Certification.</p> <p>Instructor applicants shall comply with the following requirements to obtain General Instructor Certification:</p> <ol style="list-style-type: none"> 1. Successfully complete the Florida General Instructor Techniques Course delivered through a CJSTC-certified training school or complete an equivalent instructor course as verified by a training center director. 2. Apply for and obtain certification within four years of completion of the instructor course. Instructor Certification more than four years from the date training was completed shall be required to complete the General Instructor Refresher Course. 3. Be affiliated with a CJSTC-certified 	

	<p>training school or criminal justice employing agency.</p> <p>43. Successfully complete an internship that is not included in the instructor course. The hour requirement for the internship is determined by the training center/agency providing the training course. Internship requirements for the instructor applicant include the following:</p> <ul style="list-style-type: none"> a. supervision and evaluation by a training center director/agency administrator, or designee, who is currently an instructor, and who shall complete the Instructor Competency Checklist, form CJSTC-81 b. demonstration of the applicable competencies listed on the Instructor Competency Checklist, form CJSTC-81 c. evaluation by the students which shall be reviewed with the instructor applicant and documented on the Instructor Competency Checklist, form CJSTC-81 <p>45. Possess good moral character pursuant to Chapter 11B-27.0011(4), F.A.C., as applied to instructor applicants and certified instructors including the following:</p> <ul style="list-style-type: none"> a. have not been convicted of a felony or a misdemeanor involving perjury or false statement or received a dishonorable discharge from any of the Armed Forces of the United States b. after July 1, 1981, have not had a suspended sentence or adjudication withheld, or pled nolo contendere (no contest) for a felony or misdemeanor involving perjury or false statement c. any person who has pled nolo contendere to a misdemeanor involving a false statement prior to December 1, 1985, and has 	
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	<p>had such record expunged may be eligible for instructor certification</p> <p>65. Apply for affiliation/certification through a CJSTC- approved training center or criminal justice employing agency by completing the Instructor Certification Application, form CJSTC-71, and attaching all required documents noted in form item #9 within four years of completion of the instructor course.</p> <p><u>Instructor applicants who apply for a General Instructor Certification more than four years from the date training was completed shall be required to complete the General Instructor Refresher Course.</u></p>	
Lesson 1—Training Liability and Instructor Certification Requirements	<p>Text clarified:</p> <p>1.26. Explain that the CJSTC can impose disciplinary action against an instructor’s certificate.</p> <p>Refer to Rule 11B-20.0012, F.A.C. The CJSTC may take action against an instructor’s certification if:</p> <ul style="list-style-type: none"> The instructor willfully compromises the security and confidentiality of examinations, grading keys, or test specifications used in training courses or engage in any other conduct that subverts or attempts to subvert the State Officer Certification Exam. <u>For example: DO keep all exam materials in a secure location. DO NOT provide exam questions to students prior to an exam, during course review, or assist any student during an exam. Further, do not engage in any other conduct that subverts or attempts to subvert the State Officer Certification Examination process.</u> 	
Lesson 3—Diversity in the Classroom		“Murphy Brown” video removed (no longer available)
Lesson 4—	Text added:	

<p>Communication Skills</p>	<p>4.3. Discuss barriers to effective communication.</p> <p>One barrier to effective communication is the lack of a common experience between the sender and receiver. For example, it would be difficult to explain the concept of “probable cause” to an individual who does not understand the implications of constitutional law.</p> <p><i>Semantics</i> is the study of the meaning of words. An instructor must be careful to use words that students will recognize. Care should be taken with words and phrases that can have multiple meanings. Often, the meaning of the word/phrase can be understood because the sentence context supports the intent. If the sender and receiver understand the meaning of a word, communication flows smoothly</p> <p><u>Humor and sarcasm should be used with care. It can create a barrier to effective communication if people are offended.</u></p>	
<p>Lesson 5—Lesson Plan Development</p>	<p>Text clarified:</p> <p>5.1. Explain the stages of instructional design.</p> <p>5.2. Explain the role of the lesson plan within the instructional design process.</p> <p>5.3. State the four purposes of lesson plans.</p>	<p>Added Text to 5.1:</p> <p><u>Note: Instruction is not to be confused with the instructional design process (ISD).</u></p> <p><u>The ISD process refers to the creation of instruction. It is a systematic, iterative process in which every component (i.e., teacher, students, materials, and learning environment) is crucial to successful learning; and, the entire system uses feedback to determine if its desired goal has been reached. Typically, the major phases of ISD are analysis, design, development, implementation, and evaluation (ADDIE).</u></p>
<p>Lesson 5—Lesson Plan Development</p>	<p>Text clarified:</p> <p>5.4. Discuss the format for a lesson plan.</p> <p>The format of a lesson plan will vary with different courses, <u>training and academy requirements, and instructors.</u></p>	<p>Added text to 5.4:</p> <p><u>Distribute this lesson’s instructor guide to the students for their review.</u></p> <p><u>The purpose of this is to know and see the difference between lesson plans and instructor guides.</u></p>

However, lesson plans should contain the same basic information. All lesson plans within a course or curriculum should follow the same format. This provides consistency and structure in the development of each block of instruction.

A typical lesson plan will contain:

1. Introductory Information

The Introductory Information consists of two components: the Cover Sheet and the Overview. The Cover Sheet contains the following:

- Course Title and Course Number
- Development/Revision Date
- Author

The Overview contains the following:

- Topic identification (lesson name)
- Presentation Length
- Instructional Methods
- Instructional Aids
- Attachments/Handouts
- Lesson Goal
- Objective(s)
- References and Suggested Readings
- Instructor Notes

Presentation

- Introduction
- Body
- Review
- Instructor Notes

Introductory Information:

~~Keep the course~~ The lesson title should be simple and used the name consistently. In-service instruction may use fields instead of course names.

	<p style="text-align: center;">Example: Firearms</p> <p>The lesson plan <i>date</i> depicts when it was developed or revised.</p> <p><i>Author</i> identifies the individual or agency that created the lesson plan.</p> <p>The <i>topic identification</i> is a broad subdivision under the larger identifier used in the name of the course.</p> <p style="text-align: center;">Example: Course: Firearms Topic: In-service Qualification</p> <p><i>Presentation Length</i> informs the instructor of the time frame in which the presentation<u>lesson</u> is to be delivered. When calculating the delivery time frame, include time for student practice and feedback.</p> <p><i>Instructional Methods</i> are ways that instruction is presented to the students. The most common types of instructional methods used include lecture, demonstration, simulation, and questioning. For this course, a minimum of two instructional methods is required in the final presentation.</p> <p><i>Instructional Aids</i> list the items necessary to teach the block of instruction. Audio/Visual aids are used to increase interest, understanding, and memory. When an instructor is developing training aids for instruction, the aids should appeal to the students' senses (e.g., sight, sound, touch, smell, and taste). For this course, a minimum of two instructional aids is required in the final presentation.</p> <p><i>Attachments/Handouts/Activities</i> are additional materials that allow the student to acquire supplemental or more specific information. The instructor typically distributes handouts to the students, whereas attachments are provided with the course material.</p> <p>The <i>lesson goal</i> is a broad expression<u>statement</u> of the course<u>lesson's</u> training purpose. <u>This is defined further below.</u></p>	
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Objective(s) inform the student of what is expected and the circumstances under which the learning/performance is to be done. For this course, a minimum of five objectives are required in the final presentation. This is defined further below.

References are used to document the validity and source of information. For this course, a minimum of three references are required in the final presentation.

Presentation:

The presentation layout provides structure to the lesson and guidance on the delivery to the instructor. Because the instructor should be familiar with the information or material, a simple outline format is usually all that is needed. ~~The introduction begins the presentation of the course material to the class. This is a very important part of the presentation because it is used to gain the students' interest and attention by sharing the course topics and lesson goal.~~

~~A variety of methods can be used to create interest, such as:~~

- ~~● establishing relevance of the material~~
- ~~● using the questioning technique~~
- ~~● using a pre-test~~
- ~~● using humor~~
- ~~● The presentation should also include the performance expected of the student.~~

~~The *body* is typically an outline of information in sequential order. The goal of the information is to provide enough material so that a competent instructor could teach the class lesson.~~

~~The *review section* provides a summary of the material that has been covered with emphasis on the item(s) relating to objectives. It also allows the instructor to determine how much~~

	learning has occurred.	
Lesson 5—Lesson Plan Development	<p>Added new objective:</p> <p><u>5.5. Discuss the format for an instructor guide.</u></p> <p><u>The <i>instructor guide</i> is the collection of all the lesson plans and other materials for a given course. Sometimes, it contains the text’s contents in conjunction with instructor information on delivery of instruction. It specifically tells the instructor what content to deliver, but not how.</u></p> <p><u>The <i>instructor notes</i> section is</u>are normally found <u>within</u> in the body of the lesson plan<u>instructor guide</u>. The instructor notes are used to</p> <ul style="list-style-type: none"> ● clarify the information ● remind the instructor to use different instructional method(s) ● cue the instructor to use audio/visual aid(s) ● describe an exercise ● provide notes to the instructor not intended for the students <p><u>For the purpose of this course’s final presentation, only lesson plans are required, but not an instructor guide.</u></p> <p>Student Guide (if applicable):</p> <p><u>The <i>student guide</i> is a document</u>created to assist the student while following the lesson. <u>Therefore, it is the text for the course, without the instructor notes.</u></p>	<p>Added new objective:</p> <p><u>5.5. Discuss the format for an instructor guide.</u></p>
Lesson 5—Lesson Plan Development	<p>Text clarified and objective re-numbered:</p> <p>5.65. Define lesson goal.</p> <p><u>The <i>lesson goal</i> is a general statement of what the student is expected to learn<u>know or be able to do within a smaller block of instruction at the conclusion of the lesson.</u></u></p> <p>The lesson goal:</p> <ul style="list-style-type: none"> ● does not require the same level of clarity<u>specificity</u> that 	

	<p>objectives require</p> <ul style="list-style-type: none"> gives both the instructor and the student an overview of the objectives of the course <u>lesson</u> or program <p>Example: The student will apply the stages in the instructional design process to develop a block of instruction <u>lesson plan</u> for a final presentation.</p> <p>5.76. Develop the lesson goal for a block of instruction.</p> <p>5.87. Describe the four elements (ABCD method) in the development of objectives.</p> <p>5.98. Select the four components of each objective.</p> <p>5.109. Describe methods used to sequence the objectives within a course <u>lesson</u>.</p> <p>5.1140. Write a minimum of five objectives for the final presentation.</p> <p>5.1244. Prepare a lesson plan for the final presentation.</p> <p>5.1342. Conduct a 15-minute presentation using a prepared lesson plan provided by the instructor.</p>	
Attachment 5-4— Presentation Checklist	Replaced	
Lesson 8—Evaluation, Measurement, and Simulation	<p>Text clarified:</p> <p>8.1. Differentiate between measurement and evaluation.</p> <p>Measurement is a standard against which something can be compared. consists of rules for assigning numbers or symbols to a subject to represent the quantity of a particular attribute.</p> <p>Example: What does a value (score) of five mean in and of itself? Only that it is more than four and less than six. What value does it have? It has no value until one has been assigned to it.</p> <p>Evaluation is the interpretation of the measurement by assigning a value to it. consists of making an informed judgment or interpretation regarding a particular attribute.</p>	<p>Text added to 8.1:</p> <p><u>Explain</u> that <i>test difficulty</i> is not to be confused with <i>passing score</i>.</p> <p><u>Difficulty</u> refers to the number of students expected to answer an item correctly. A higher percentage indicates a less difficult item. This can be determined by field-testing the item on a test that does not count for or against the student.</p> <p><u>Passing score</u> (proficiency standard) refers to the degree of correctly answered items, of varying difficulty, needed to demonstrate competency. This measurement is represented by percentage.</p>

	<p>Example: The CJSTC has provided the value of measurement of tests in this course. A stated that a measurement(<u>passing score</u>) (<u>measurement</u>) of 85% on the written final test is required to be the acceptable evaluation of learning for this course (e.g., measurement equals 85%; evaluation equals the minimum acceptable response level).</p>	
<p>Lesson 8—Evaluation, Measurement, and Simulation</p>		<p>Text updated to 8.6, #7 Simulation: Assuming the husband has no visible injuries of any kind, then arrest the husband. If there are injuries on both parties, the officer will arrest the primary aggressor at his or her discretion upon reviewing the totality of circumstances.<u>Except in rare circumstances, an officer should arrest only the primary aggressor and not a person who acted reasonably to protect or defend him- or herself or another family or household member from domestic violence. If only one person lodged a complaint, the incident did not involve mutual combatants.</u></p>
<p>Lesson 8—Evaluation, Measurement, and Simulation</p>	<p>Text clarified: 8.8. Define formative and summative evaluations. <i>Formative evaluation</i> provides the student with ongoing feedback regarding his or her progress. These periodic evaluations identify learning deficiencies and allow for immediate corrective action. <u>It is similar to a quiz, verbal or written—not an assessment for a final grade, but periodic feedback regarding the effectiveness of the instructor and/or instruction. The</u></p>	

	<u>instructor uses the results to assess student understanding so they may modify instruction and address issues, if necessary. They identify learning deficiencies and allow for immediate corrective action as well.</u>	
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AGENDA ITEM: 9

Correctional Basic Recruit Training Program Curriculum Rewrite

ISSUE NUMBER 1

The Commission is responsible for the development and maintenance of officer basic recruit training curricula. This agenda item is presented to update the Commission on the initiative to rewrite the Correctional Basic Recruit Training Program Curriculum and implement the new program on July 1, 2012.

EXECUTIVE SUMMARY

- 1. Rewrite of Correctional Basic Recruit Training.** The Bureau of Training is progressing with the rewrite of the Correctional Basic Recruit Training Program, a long-term project that will result in a comprehensive assessment of the critical tasks and a new curriculum to provide the training necessary to perform the job of a certified correctional officer in a state prison or county facility.

Summary of Project Plan

Steps	Target Completion Date	Status
1. Planning Phase	September 15, 2009	Complete
2. Job Task Analysis Phase	June 30, 2010	Complete
3. Instructional Design Phase	June 30, 2010	Complete
4. Curriculum Development Phase	May 31, 2011	In progress
5. Editing Phase	September 1, 2011	Pending
6. Commission Approval Phase	October 27, 2011	Pending
7. Publishing Phase	March 31, 2012	Pending
8. Revised Rule Implementation Phase	July 1, 2012	Pending
9. Exam Development Phase	July 1, 2012	Pending
10. Final Implementation Phase	July 1, 2012	Pending

- 2. Curriculum Development Phase.** Commission staff is in the final stage of content development including lesson plans. Once completed, a workshop will be conducted with the Correctional Basic Recruit Training Curriculum Steering Committee to make recommendations for course hours and organization of course delivery. The new curriculum will be presented to the Commission at its October 2011 meeting.

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

VOTING IMPACT

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

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

AGENDA ITEM: 10

2011 Criminal Justice Instructors' Training Workshop Update

ISSUE NUMBER 1

This agenda item is presented to advise the Commission of the third Criminal Justice Instructors' Training Workshop to be hosted by the Florida Department of Law Enforcement and Criminal Justice Standards and Training Commission.

EXECUTIVE SUMMARY

1. The Criminal Justice Instructors' Training Workshop is scheduled for June 13 - 17, 2011, at the Florida Hotel and Conference Center in Orlando, Florida. State and national criminal justice instructors are invited to attend. The theme for the 2011 workshop is "Providing Quality Training on a Shoe-String Budget".
2. Retired U.S. Army Paratrooper Dana Bowman will be the keynote speaker. His topic will be "Triumph of the Human Spirit." Other presenters include:
 - Steve Gower, "What Do They See When They See You Coming?"
 - Scott Barker, National Institute of Justice Overview/Public Safety Technologies Assistance
 - Donald Hughes, Certificate Workshop in Incident Management; and
 - Chuck Joyner, Minimizing Liability, Increasing Officer Safety, and Reducing Costs by Using Distance Learning
3. Along with many other great training opportunities that will be presented to our attendees, Gander Mountain has agreed to be a part of our workshop. One-hundred of the workshop participants will have onsite access to their Pro V Sim 180 and Pro V Sim 300 simulators.
4. Due to restrictions in use of state funds, coffee and refreshment breaks will be supported exclusively from vendor fees. At last count 10 vendors had committed to participating or signing on as sponsors.

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

VOTING IMPACT

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

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

AGENDA ITEM: 11

Computer-Based State Officer Certification Examination Update and Request for Clarification of Commission Rules
Pending Implementation of the Computer-Based State Officer Certification Examination

ISSUE NUMBER 1

This agenda item is presented to the Commission regarding the implementation of the Computer-Based State Officer Certification Examination (CB-SOCE).

EXECUTIVE SUMMARY

Contract. Commission staff is working with McCann Associates, the selected vendor, to finalize and execute a contract for the computer based delivery of both the State Officer Certification Exam and the Basic Abilities Test.

- 1. Implementation.** The implementation of CB-SOCE consists of three phases: technical, exam building, and pilot testing. During the spring of 2011, the primary focus will be to develop a new online exam registration system and integrating McCann's system with ATMS. Under the current timeline, the implementation of CB-SOCE is scheduled to conclude in September, 2011.
- 2. Rules.** While Commission staff has proposed Rules changes to accommodate CB-SOCE, certain subsections of the current Rules are incompatible with the computer based administration of the State Officer Certification Examination. In order to implement CB-SOCE, all candidates testing on the new format will require Rule clarification so as not to stand in violation of Commission Rules. The current incompatible Rules and corresponding clarifications sought are listed below in the recommendation.

RECOMMENDATION(s): Commission staff recommends that the Commission approve a clarification of the following three Rule Sections in Rule Chapter 11B-30, F.A.C., pending implementation of the administration of the Computer-Based State Officer Certification Examination.

1. 11B-30.007; Application for the State Officer Certification Examination and Notification Process

11B-30.007(1)(c), on page 3, Limits the number of times a candidate can register for the SOCE to one per calendar month on.

Issue:	Because the computer-based testing system will assign different forms on each attempt, the restriction is not needed.
Recommendation:	Grant a universal clarification of subsection (1)(c) – the restriction on registration - for the CB-SOCE - for all candidates taking the CB-SOCE.
Impact:	Beneficial to candidates.

11B-30.007(6), on page 3, Specifies conditions for rescheduling a missed exam.

Issue:	With computer-based testing, Commission staff does not need to reschedule exams as candidates can simply make another appointment at the test site.
Recommendation:	Grant a universal clarification of subsection (6) – conditions under which the SOCE may be rescheduled for all candidates taking the CB-SOCE.
Impact:	Beneficial to candidates.

2. 11B-30.0071; Examination Accommodations for Applicants with Disabilities

11B-30.0071(2) and (3)(b-d), on page 4, Allows for flexible setting, flexible format, and assistive devices when taking the SOCE.

Issue:	Commission staff cannot control exam sites' layout or capacity and cannot therefore ensure a flexible setting. Further, the computer-based testing format is by definition flexible in that the screen resolution can be changed and display brightness can be controlled.
Recommendation:	Grant a universal clarification of subsections (2) & (3)(b-d) – requiring eligible applicants to apply for special accommodations for flexible setting, flexible format, and assistive devices - for all candidates taking the CB-SOCE. With this clarification, CB-SOCE candidates seeking the accommodations listed in (3)(b-d), would no longer need to apply for such accommodations and would be free to make suitable arrangements directly with the test sites.
Impact:	Beneficial to candidates.

3. 11B-30.008; State Officer Certification Examination Site Administration

11B-30.008(2)(b-c), on page 5, Requires candidates to present CJSTC-517, Examination Admission Voucher, when taking the SOCE.

Issue:	With computer-based testing, the voucher will no longer be necessary as eligibility is verified in real-time as candidates register for the exam.
Recommendation:	Grant a universal clarification of subsections (2)(b-c) – requiring candidates to present form CJSTC-517 when taking the SOCE – for all candidates taking the CB-SOCE.
Impact:	Beneficial to candidates, training centers, and selection centers.

VOTING IMPACT

CONSEQUENCES OF A “YES” VOTE ON STAFF RECOMMENDATION: Commission staff can proceed with the implementation of CB-SOCE.

CONSEQUENCES OF A “NO” VOTE ON STAFF RECOMMENDATION: The CB-SOCE cannot be implemented until the pending rulemaking concludes.

SUPPORTING INFORMATION

11B-30.007; Application for the State Officer Certification Examination and Notification Process.

(1) Application to take the State Officer Certification Examination (SOCE) shall be made by submitting:

(a) An Application for State Officer Certification Examination form CJSTC-500 to the Florida Department of Law Enforcement, Office of Finance and Accounting, Post Office Box 1489, Tallahassee, Florida 32302-1489. All applications shall be accompanied by a cashiers check, money order, or public agency instrument in the amount of \$100 made payable to the Criminal Justice Standards and Training Trust Fund; or

(b) An on-line application electronically, via the internet, at <http://www4.fdle.state.fl.us/examregister>. All on-line applications shall be accompanied by payment of the \$100 examination fee using a credit card or debit card.

(c) Applicants are prohibited from registering for more than one SOCE in the same discipline during a calendar month, in accordance with the published examination dates.

(2) Applications submitted to take the SOCE shall be received by the Florida Department of Law Enforcement by the established deadline date for the examination requested.

(3) Form CJSTC-500 and the established examination dates may be obtained from a training school or from the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Attention: Certification Examination Section, Post Office Box 1489, Tallahassee, Florida 32302-1489.

(4) The applicant shall be notified of the testing site, date, and time the SOCE will be administered, prior to the date of the examination.

(5) If a mechanical fault, natural event, or other problem associated with the administration of the SOCE occurs, the applicant shall be permitted to reschedule the examination without further application or cost to the applicant. The applicant shall be notified when the SOCE is rescheduled, via the address provided on form CJSTC-500, within thirty working days of discovery that a problem exists with the administration of the SOCE. Re-scheduling of the SOCE shall not constitute a re-examination.

(6) An applicant who has been scheduled to take the SOCE and is unable to take the certification examination on the date scheduled, shall be given the opportunity to submit a request to reschedule the SOCE within sixty days of the missed examination date. Rescheduling shall be subject to all requirements for eligibility, pursuant to Rule 11B-30.006, F.A.C. An additional application fee shall not be charged. Rescheduling of the SOCE, pursuant to this rule section, does not constitute a re-examination, pursuant to Section 943.1397, F.S. The following conditions shall be documented in the applicant's request to reschedule the SOCE date:

(a) Military orders. An applicant shall provide a copy of military orders or a letter from his or her commanding officer advising that he or she was unavailable on the testing date; or

(b) Personal injury, illness, or physical impairment. An applicant shall provide a statement on official letterhead from the treating physician that provides a list and date(s) of treatment or confinement affirming that such injury, illness, or physical impairment made it impossible for the applicant to take the SOCE; or

(c) Death of an immediate family member. An applicant shall provide a copy of the death certificate or a statement on official letterhead from the funeral home responsible for the funeral arrangements; or

(d) Subpoena to appear in court. An applicant shall provide to Commission staff a copy of the subpoena substantiating the court date(s) for the applicant's appearance in court and the date the subpoena was issued.

(e) Traffic crash. An applicant involved in a vehicular crash while in route to the examination site shall provide Commission staff with a copy of the accident report issued by a law enforcement agency.

(f) Injury During Training. An applicant shall be permitted to reschedule an SOCE if the applicant is injured while in an academy and the injury prevents the applicant from completing the basic recruit training program prior to the scheduled SOCE examination date. The applicant's injury must occur as a result of participating in activities required in a basic recruit training program. Documentation of the applicant's injury and how the injury occurred shall be submitted to Commission staff on training school letterhead and signed by the training center director.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17), 943.1397(3) FS. History—New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04, 3-21-07, 6-9-08, 9-28-09.

11B-30.0071; Examination Accommodations for Applicants with Disabilities.

(1) In compliance with the Americans with Disabilities Act (ADA) of 1990, the Department shall provide reasonable and appropriate accommodations to individuals with physical, mental, or specific learning disabilities to the extent such accommodations do not create an undue cost, administration restraints, security considerations, and availability of resources. Accommodations made will vary depending upon the nature and the severity of the disability. Each case shall be dealt with on an individual basis with the limits prescribed herein. Reference information and guidelines regarding the process for documenting disabilities are contained in the "Request for Test Accommodations for Examinees with Disabilities," document, which may be obtained via the following web address: <http://www.fdle.state.fl.us/cjst/exam/SpecialAccommodationsManual.pdf> or by writing to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Certification Examination Section, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: ADA Coordinator, or by calling (Voice) (850) 410-8600, (TDD): (850) 656-9597.

(2) An applicant requesting special accommodations shall submit an Application for Individuals Requesting Special Test Accommodations, form CJSTC-502, revised November 8, 2007, hereby incorporated by reference, which shall be submitted forty-five days prior to the requested State Officer Certification Examination (SOCE) date. Form CJSTC-502 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The Application for Officer Certification Examination form CJSTC-500 shall be submitted according to the established deadline date for the requested SOCE. The individual shall provide documentation of the disability by an appropriate professional, pursuant to paragraph (7)(e) of this rule section, when the disability and the requested accommodations are not obvious. Forms CJSTC-500 and CJSTC-502 may be obtained by writing to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Certification Examination Section, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: ADA Coordinator, or by calling (Voice) (850) 410-8602, (TDD): (850) 656-9597.

(3) Accommodations to take the SOCE shall be provided for qualifying individuals pursuant to (2) of this rule section. All accommodations shall be directly linked to the amelioration of the identified functional limitations caused by the asserted disability and must be reasonable and effective. Permissible accommodations include:

(a) Flexible Time. Individuals requiring extra time to take the SOCE shall submit a recommendation of such from an appropriate professional, pursuant to paragraph (7)(e) of this rule section. Untimed certification examinations shall not be provided.

(b) Flexible Setting. Individual and small group settings for administration of the SOCE shall be made available to individuals when such a service is recommended by an appropriate professional.

(c) Flexible Format. The test booklet may be produced in large print.

(d) Assistive Devices. Upon approval by Commission staff and based on documented need, the individual shall be allowed to use lights and magnifiers.

(4) Accommodations that are not permissible. A reader shall not be allowed for applicants taking the SOCE or Basic Abilities Test (BAT). These examinations utilize diagrams, tables, or statutory reference materials to measure an applicant's ability to apply these professional tools to solve problems and answer questions.

(5) Commission staff shall request further evidence for the necessity of the accommodation when the evidence substantiating the need for the accommodation is incomplete, inconclusive, unclear, or does not substantiate the need for the requested accommodation.

(6) In no case shall any modifications authorized herein be interpreted or construed as an authorization to provide an individual with assistance in determining the answer to any test item. No accommodation or modification shall be made that adversely affects the integrity of the SOCE.

(7) Definition of Terms.

(a) Person with disabilities means any person who:

1. Has a physical, mental, or specific learning disability, which presently substantially limits one or more major life activities;

2. Has a record of such disability; or

