

Petition for Variance From or Waiver of Florida

Administrative Rule 11B-30.008 (1), F.A.C.

The Petitioner

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Rule from which the Waiver is Sought: Rule 11B-30.008(1), F.A.C. and the laws implemented are Section 943.12(17), FS and Section 943.131(2), FS

Petitioner requests a waiver for rule 11B-38.008(1), F.A.C. involving the testing of out of state candidates for the State Officer Certification Examination [SOCE]. The Statue states in part that all SOCE testing will be completed by a Pearson Vue Center, and in the State of Florida.

Requested Action: The Petitioner is requesting a **permanent** waiver or variance for the SOCE, rule Rule 11B-30.008(1), F.A.C. and the laws implemented are Section 943.12(17), FS and Section 943.131(2), FS due to substantial hardship and principles of fairness.

Reason for requested waiver or variance: The Petitioner completed and passed his Equivalency of Training at Chipola College on September 1, 2017. The Petitioner then logged into the Pearson Vue website, and located his Florida Department of Law Enforcement [FDLE] test signup for the SOCE. The Petitioner signed up for the SOCE test, and was given several local testing locations in Maryland. The Petitioner contacted Pearson Vue to confirm that the SOCE test was able to be administered out of the State of Florida. The Petitioner was given expressed written confirmation that the SOCE test was approved to be administered out of state, and would be honored by the FDLE. The Petitioner paid his \$100 testing fee, and took the SOCE test on

September 19, 2017, and passed with a score of 93%. The Petitioner was given an unofficial copy of his score and testing site information [testing center 47034]. On October 11, 2017, the Petitioner was served with a letter from the FDLE training center that the test was given in error out of state, and a waiver was required.

The Petitioner has applied for and is in the process of a background investigation with two Florida Departments. The Petitioner has a current application submitted with the Pinellas County Sheriff's Office and is awaiting the background process. The Petitioner is also in the middle of a background investigation with the Clearwater Police Department through the PASS program. The Petitioner has submitted his background packet, and is scheduled for interviews, polygraph, and testing next week, October 16, 2017. The Petitioner has completed all steps in the FLDE requirements for certification for out of state Law Enforcement. The Petitioner studied and paid moneys to complete and pass all aspects of the certifications program. The Petitioner thus states that having to retest, pay more money, and possibly delay the background and hiring process, would be a hardship on the Petitioner. The Petitioner also submits that on the principal of fairness that for the SOCE to be invalidated when the testing center made the mistake, would be singling out the Petitioner for following the rules set forth by the approved testing process. The Petitioner offers that he had no knowledge of the error with Pearson Vue, and took the further steps to confirm he was in compliance with all FDLE polices and requirements before signing up for test. The Petitioner was prepared to take the SOCE in Florida, however when offered with a significant time and money saving option that appeared legitimate, it is only fair to assume any petitioner would opt for that option. [28-104.002 (2) (g)]

Why the Variance or Waiver Would Satisfy the Underlying Statue: The underlying waiver or variance of rule 1B-30.008(1), F.A.C. and the laws implemented are Section 943.12(17), FS and Section 943.131(2), FS has been satisfied and serves the purpose of the statue in the same manner as if the SOCE test was administered in the state of Florida. The testing process was administered in the same manner at a legal Pearson Vue testing center. The testing center provided the same standards and policies as all Pearson Vue testing centers adhere too. To that end, the Petitioner feels he satisfies the requirements for FDLE testing requirements, and to exclude the Petitioner from that testing process would violate the "principles of fairness" and create a "substantial hardship" as described above. [28-104.002 (2) (h)].

1. The Petitioner attended and completed an FDLE approved EOT training at Chipola College on September 1, 2017.

2. The Petitioner is a current Maryland Law Enforcement Officer, and met the criteria for EOT training and certification.
3. The Petitioner completed and passed with a 93% score for the SOCE at a Pearson Vue center.
4. The Petitioner completed and passed all aspects of the process required by the FDLE for certification of an out of state law enforcement officer. The Petitioner requests a **permanent** waiver from the FDLE division of Criminal Justice Standards and Training Commission for rule 11B-30.008(1), F.A.C. Approval of the waiver would serve the purpose of Florida Statue 943.1395 which gives the Commission authority to grant a waiver or variance to the rule for certification of out of state Law Enforcement. [28-104.002 (2) (i)]

Submitted to:

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Respectfully Submitted


