

AGENDA
FLORIDA DEPARTMENT OF LAW ENFORCEMENT
March 14, 2017

Attachments to the items below can be viewed at the following link:
<http://www.fdle.state.fl.us/cms/Cabinet/Cabinet-Packages.aspx>

ITEM 1 Respectfully submit the **Minutes of the January 24, 2017 Cabinet Meeting.**

(See Attachment 1)

RECOMMEND APPROVAL

ITEM 2. Respectfully submit **Notice of Proposed Rules** for the following: **Rule Chapters 11A-7, 11B-14, 11B-18, 11B-20, 11B-27, 11B-30, 11B-35, 11C-6, 11C-7 and 11D-6, F.A.C.**

(See Attachment 2)

RECOMMEND APPROVAL

ITEM 3. Respectfully submit **Florida Department of Law Enforcement's FY 16-17 2nd Quarter Report, with Contracts, Agreements and Purchases over \$100,000 for October 1 to December 31, 2016.**

(See Attachment 3)

RECOMMEND APPROVAL

ITEM 4. Respectfully submit **Amendments to the Florida Department of Law Enforcement's FY 17-18 Legislative Budget Request.**

(See Attachment 4)

RECOMMEND APPROVAL

STATE OF FLORIDA

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IN RE: MEETING OF THE GOVERNOR AND
CABINET

_____ /

CABINET MEMBERS: GOVERNOR RICK SCOTT
ATTORNEY GENERAL PAM BONDI
CHIEF FINANCIAL OFFICER JEFF
ATWATER
COMMISSIONER OF AGRICULTURE
ADAM PUTNAM

DATE: TUESDAY, JANUARY 24, 2017

LOCATION: CABINET MEETING ROOM
LOWER LEVEL, THE CAPITOL
TALLAHASSEE, FLORIDA

REPORTED BY: NANCY S. METZKE, RPR, FPR
COURT REPORTER

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Florida Department of Law Enforcement
By Commissioner Swearingen

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**Board of Trustees of the Internal
Improvement Trust Fund**
By Mr. Knickerbocker

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* * * *

1 **FLORIDA DEPARTMENT OF LAW ENFORCEMENT**

2

3 GOVERNOR SCOTT: Next I'd like to recognize

4 Rick Swearingen with the Florida Department of Law

5 Enforcement.

6 Good morning, Rick.

7 COMMISSIONER SWEARINGEN: Good morning.

8 I have two agenda items for you today. First,

9 I respectfully submit the minutes from the

10 December 6th, 2016 Cabinet meeting for your

11 approval.

12 GOVERNOR SCOTT: Is there a motion on the

13 item?

14 ATTORNEY GENERAL BONDI: So move.

15 GOVERNOR SCOTT: Is there a second?

16 CFO ATWATER: Second.

17 GOVERNOR SCOTT: Comments or objections?

18 (NO RESPONSE).

19 GOVERNOR SCOTT: Hearing none, the motion

20 carries.

21 COMMISSIONER SWEARINGEN: Thank you.

22 The second item is submission of the 2017

23 Florida Law Enforcement Officers' Hall of Fame

24 nominees. The Florida Law Enforcement Officers'

25 Hall of Fame, as you know, was created to recognize

1 and honor law enforcement officers who put their
2 lives on the line for the safety and protection of
3 Florida citizens and visitors through their works,
4 service, and exemplary accomplishments.

5 The first five members were inducted in 2016,
6 and plaques are displayed upstairs on the Plaza
7 Level for the honorees. Nominations were accepted
8 from the Florida Sheriffs' Association; the Florida
9 Police Chiefs' Association; the Police Benevolent
10 Association; the Fraternal Order of Police; and the
11 State Law Enforcement Chiefs' Association.

12 The 2017 nominees are Richard M. Barry;
13 William B. Berger; James T. Moore; Neil J. Perry;
14 and J. M. "Buddy" Phillips.

15 I would like to note that two of the nominees
16 are former FDLE members. James "Tim" Moore spent
17 30 years of his law enforcement career at FDLE,
18 serving as Commissioner for 15 of those years. As
19 Commissioner, he was at the helm when the
20 Department underwent some significant changes in
21 the 1990s that remain in place today, including
22 regional restructuring and allocation of resources
23 and developing our fundamental values of service,
24 integrity, respect and quality.

25 He continues to be a valuable confidant today.

1 I have Commissioner Moore come back and speak to
2 every one of our incoming agent classes about the
3 FDLE way and the FDLE culture, and they always rate
4 that as one of the highest segments of that
5 training.

6 And J. M. "Buddy" Phillips served as FDLE's
7 director of mutual aid, providing valuable
8 assistance to the law enforcement community in
9 emergency situations. Ironically enough, his son,
10 Mike Phillips, currently serves as the Assistant
11 Special Agent in Charge in that same role at FDLE
12 today.

13 I'd also like to point out that Buddy was
14 appointed by two different governors between 1983
15 and 2004 to fill posts of sheriffs who could not
16 complete their term. He actually served as sheriff
17 in seven different counties. No other Floridian
18 has ever held that -- or probably ever will hold
19 that title.

20 A reception and induction ceremony is
21 scheduled for Saturday, May 20th. And, again, I
22 respectfully submit the names of the 2017 nominees
23 for your consideration.

24 GOVERNOR SCOTT: Is there a motion on the
25 item?

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ATTORNEY GENERAL BONDI: So move.

GOVERNOR SCOTT: Is there a second?

COMMISSIONER PUTNAM: Second.

GOVERNOR SCOTT: Comments or objections?

(NO RESPONSE).

GOVERNOR SCOTT: Hearing none, the motion carries.

Thank you, Rick.

COMMISSIONER SWEARINGEN: Thank you.

* * * *

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11A-7, FLORIDA ADMINISTRATIVE CODE
AMENDING RULE 11A-7.002
COMMISSION PROCEDURES FOR PUBLIC COMMENT
SUMMARY OF THE RULE

11A-7 is amended to make a grammatical change.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11A-7.002: Makes a grammatical change to utilize consistent terminology within the Rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND
LEGISLATIVE RATIFICATION

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

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

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Department of Law Enforcement
Division or Board: Criminal Justice Standards and Training Commission
Rule Chapter: 11A-7; Criminal Justice Standards and Training Procedures

RULE NO.: **RULE TITLE:**

11A-7.002 Commission Procedures for Public Comment

PURPOSE AND EFFECT:

11A-7.002(2), F.A.C.: Makes a grammatical change.

SUMMARY:

Makes a grammatical change.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

OTHER RULES INCORPORATING THIS RULE: N/A. **EFFECT ON THOSE OTHER RULES:** N/A. The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

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

RULEMAKING AUTHORITY: 943.03(4) FS.

LAW IMPLEMENTED: 286.0114, 943.11(2) FS.

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

DATE AND TIME: Wednesday, May 10, 2017 at 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

AMERICANS WITH DISABILITIES ACT: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting:

Joyce Gainous-Harris at 850-410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Joyce Gainous-Harris at 850-410-8615 or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bureau Chief Glen Hopkins

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 25, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2016

THE FULL TEXT OF THE PROPOSED RULE IS:

11A-7.002 Commission Procedures for Public Comment.

The Criminal Justice Standards and Training Commission invites and encourages all members of the public to provide comment on matters or propositions before the Commission or a committee of the Commission. The opportunity to provide comment shall be subject to the following:

(1) No change.

(2) Members of the public shall be limited to five minutes to provide comment. This time shall not include time spent by the presenter responding to questions posed by Commission members, staff or ~~Commission~~ counsel. The chair of the Commission may extend the time to provide comment if time permits.

(3) No change.

Rulemaking Authority 943.03(4) FS. Law Implemented 286.0114, 943.11(2) FS. History--New 9-4-16. Amended.

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11B-14, FLORIDA ADMINISTRATIVE CODE
AMENDING RULES 11B-14.001 and 11B-14.002
SALARY INCENTIVE PROGRAM
SUMMARY OF THE RULE

11B-14 is amended to update the forms website link and the title of the ATMS Global Profile Sheet.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-14.001(10): Updates the title of the ATMS Global Profile Report to reflect ATMS Global Profile Sheet to utilize consistent terminology within the rule.

11B-14.002(5)(a)1.: Updates the title of the ATMS Global Profile Report to reflect ATMS Global Profile Sheet to utilize consistent terminology within the rule.

11B-14.002(15): Updates the forms website link to reflect the correct link at which the forms are available.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND
LEGISLATIVE RATIFICATION

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the

information expressly relied upon and described herein: The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

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

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Department of Law Enforcement

Division or Board: Criminal Justice Standards and Training Commission

Rule Chapter: 11B-14; Salary Incentive Program

RULE NO.:	RULE TITLE:
11B-14.001	Definitions
11B-14.002	General Program Provisions

PURPOSE AND EFFECT:

Subsection 11B-14.001(10), F.A.C.: Updates the title of the ATMS Global Profile Report to reflect ATMS Global Profile Sheet for consistency within the rule.

Sub-paragraph 11B-14.002(5)(a)1., F.A.C.: Updates the title of the ATMS Global Profile Report to reflect ATMS Global Profile Sheet for consistency within the rule.

11B-14.002(15), F.A.C.: Updates the forms website link.

SUMMARY:

Updated forms website link and title of the ATMS Global Profile Sheet.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

OTHER RULES INCORPORATING THIS RULE: N/A. EFFECT ON THOSE OTHER RULES: N/A. The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

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

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

LAW IMPLEMENTED: 943.22 FS.

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

DATE AND TIME: Wednesday, May 10, 2017 at 10:00 a.m.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Joyce Gainous-Harris at 850-410-8615 or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bureau Chief Glen Hopkins

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 25, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2016

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-14.001 Definitions. For the purpose of this rule chapter, the definitions of “employing agency,” “law enforcement officer,” “correctional officer,” “correctional probation officer,” and “Commission,” pursuant to Section 943.10, F.S., and the definitions of “community college degree or equivalent,” “bachelor’s degree,” and “accredited college or university or community college,” pursuant to Section 943.22, F.S., shall be deemed controlling. The definition of “law enforcement officer” also includes those elected officers who, pursuant to Section 943.253, F.S., choose to participate in the Salary Incentive Program. In addition, for the purpose of this rule chapter, the term “officer” is limited to include “law enforcement officer,” “correctional officer,” or “correctional probation officer,” pursuant to Section 943.10(14), F.S. Further, in order to provide effectively for the administration of the Salary Incentive Program, certain additional definitions are necessary, therefore, the following words or phrases shall have these meanings:

(1) through (9) No change.

(10) “ATMS Global Profile ~~Sheet Report~~” means a continuous record of criminal justice officer employment, salary incentive, mandatory training, certifications, instructor topics, examination records, equivalency of training exemption, and officer training generated from the Automated Training Management System.

Specific Authority 943.03(4), 943.12(1), 943.22(2)(h) FS. Law Implemented 943.22 FS. History—New 8-19-72, Repromulgated 1-5-75, Amended 1-13-81, 5-16-83, 9-1-83, 1-7-85, Formerly 11B-14.01, Amended 7-13-87, 9-3-87, 12-13-92, 1-2-97, 7-7-99, 11-5-02, 11-30-04, 3-13-13,_____.

11B-14.002 General Program Provisions.

(1) through (4) No change.

(5) Training Salary Incentive Payments.

(a) Full-time officers are eligible to receive training salary incentive payment based on their date of certification, provided the officer notifies the agency of his or her eligibility to receive salary incentive payments. The date of eligibility for salary incentive payments shall be:

1. Determined by the date of “successful completion,” defined in subsection 11B-14.001(9), F.A.C., of a Commission-approved training course indicated on the ATMS Global Profile Sheet Report or the date of certification, whichever date is later; or

2. through 3. No change.

(b) through (d) No change.

(6) through (14) No change.

(15) All forms referenced in this rule chapter may be obtained on the following web site: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx> ~~http://www.fdle.state.fl.us~~ or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Bureau of Standards, Forms Liaison.

Rulemaking Authority 943.03(4), 943.12(1), 943.22(2)(h) FS. Law Implemented 943.22 FS. History— New 10-16-78, Amended 9-11-79, 1-13-81, 5-16-83, 1-7-85, Formerly 11B-14.02, Amended 7-13-87, 9-3-87, 5-23-88, 5-14-92, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 3-13-13, 7-29-15, 9-4-16,_____.

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11B-18, FLORIDA ADMINISTRATIVE CODE
AMENDING RULE 11B-18.0071

CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND

SUMMARY OF THE RULE

11B-18 is amended to update the forms website link.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-18.0071(1)-(2): Updates the forms website link to reflect the correct link at which the forms are available.

11B-18.0071(4): Updates the forms website link to reflect the correct link at which the forms are available.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND

LEGISLATIVE RATIFICATION

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative

ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

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

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Department of Law Enforcement

Division or Board: Criminal Justice Standards and Training Commission

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

RULE NO.: RULE TITLE:

11B-18.0071 Development of Officer Training Monies Budgets and Required Reports

PURPOSE AND EFFECT:

Paragraphs 11B-18.0071(1)-(2), F.A.C.: Updates the forms website link.

Subsection 11B-18.0071(4), F.A.C.: Updates the forms website link.

SUMMARY:

Updated the forms website link.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

OTHER RULES INCORPORATING THIS RULE: N/A. EFFECT ON THOSE OTHER RULES: N/A. The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

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

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), (2), 943.25(4), (5) FS.

LAW IMPLEMENTED: 943.25 FS.

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

DATE AND TIME: Wednesday, May 10, 2017 at 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

AMERICANS WITH DISABILITIES ACT: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting:

Joyce Gainous-Harris at 850-410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Joyce Gainous-Harris at 850-410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bureau Chief Glen Hopkins

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 25, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2016

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-18.0071 Development of Officer Training Monies Budgets and Required Reports.

(1) Operating Budget. No later than February 1 of each year, the Officer Training Monies Operating Budget, form CJSTC-310, revised February 7, 2002, hereby incorporated by reference, shall be submitted to Commission staff by each Regional Training Council and shall reflect the region's proposed operating budget for the upcoming fiscal year, beginning July 1 and ending June 30 of the next year, based on the Officer Training Monies available and projected for the region pursuant to subsection 11B-18.0052(1), F.A.C. Form CJSTC-310 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx> <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The region shall also include a request to expend the previous year's accrued interest pursuant to subsection (5) of this rule section. Each Regional Training Council is responsible for including in its approved budget, the Criminal Justice Standards and Training Commission's priority budget issues as they relate to the training needs of the region. The region's projected annual operating budget shall list items in order of priority within each budget category as set forth in Rule 11B-18.0053, F.A.C. A region that fails to meet the required deadline, or fails to receive an extension of the submission deadline from Commission staff, shall forfeit the opportunity to propose an operating budget for the region and Commission-certified training schools for that fiscal year. Officer Training Monies forfeited by a region due to noncompliance with the February 1 deadline shall be distributed to other regions

in the state based on the statewide distribution formula set forth in subsection 11B-18.0052(2), F.A.C.

(2) Budget Amendment and Programmatic Change. The Officer Training Monies Programmatic Change and Budget Amendment, form CJSTC-302, revised February 7, 2002, hereby incorporated by reference, shall be used by a Commission-certified training school through its Regional Training Council to reflect changes to its annual operating budget. Form CJSTC-302 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>
~~<http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>~~, or by contacting Commission staff at (850) 410-8615.

(a) through (d) No change.

(3) No change.

(4) Year-End Fiscal Report. Each Regional Fiscal Agent shall submit to Commission staff a completed Officer Training Monies Year-End Fiscal Report, form CJSTC-301, revised February 7, 2002, hereby incorporated by reference, reporting all expenditures, to include a list of all Operating Capital Outlay Property purchased pursuant to subsection 11B-18.0053(4), F.A.C. The report shall be filed by October 30 of each year and shall include interest earned for the previous fiscal year ending June 30. Form CJSTC-301 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>
~~<http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>~~, or by contacting Commission staff at (850) 410-8615.

(a) through (b) No change.

(5) No change.

Rulemaking Authority 943.03(4), 943.12(1), (2), 943.25(4), (5) FS. Law Implemented 943.25 FS. History—New 1-13-81, Amended 7-1-81, 7-28-82, 1-7-85, 1-28-86, Formerly 11B-18.071, Amended 7-13-87, 5-23-88, 10-17-90, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04, 3-13-13,_____.

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-20, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11B-20.001, 11B-20.0014 and 11B-20.0017

CERTIFICATION OF CRIMINAL JUSTICE TRAINING INSTRUCTORS

SUMMARY OF THE RULE

11B-20 is amended to update high liability instructor requirements, to revise the Affidavit of Separation (Form CJSTC-61), to revise the Internal Investigation Report (Form CJSTC-78), to revise the ATMS Global Profile Sheet and to revise the Instructor Exemption form (Form CJSTC-82).

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-20.001(3)(a)5.a.: Incorporates the revised Affidavit of Separation (Form CJSTC-61) to remove the reference to the Affidavit of Separation Supplement form (Form CJSTC-61A), which is being repealed. Also provides clarification concerning an agency's responsibility in conducting an internal investigation upon the separation of an officer.

11B-20.001(3)(a)5.b.: Incorporates the use of the revised Internal Investigation Report (Form CJSTC-78) instead of completing the repealed Affidavit of Separation Supplement form (Form CJSTC-61A), for instructors whose separations involve a violation of Section 943.13(4), F.S., or moral character violation.

11B-20.001(3)(a)5.c.: Updates the title of the ATMS Global Profile Report to reflect ATMS Global Profile Sheet for consistency within the rule.

11B-20.001(4): Incorporates the revised Instructor Exemption (Form CJSTC-82), which adds a certification statement to ensure the training center director or designee is aware of their responsibility to verify individual meets the eligibility requirements.

11B-20.0014(1)(f): Changes the length of time an individual has to apply for a high liability instructor topic to four years following the completion of the topic instructor training course to ensure the individual completes the required training within a reasonable time period.

11B-20.0017(7)(c)-(e): Revises the subsections of Rule 11B-20.0017(7)(c)-(e), F.A.C., because specific requirements were added pertaining to High-Liability Instructor Certification.

11B-20.0017(7)(c)1.-3.: Includes rule language to identify the requirements which must be met for High-Liability Instructors whose High-Liability Instructor Certification has lapsed for a period of four years or fewer.

11B-20.0017(7)(d): Adds new rule language to identify the requirements which must be met for High-Liability Instructors whose High-Liability Instructor Certification has lapsed for a period of more than four years.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND
LEGISLATIVE RATIFICATION

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule is not expected to

exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

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

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Department of Law Enforcement

Division or Board: Criminal Justice Standards and Training Commission

Rule Chapter: 11B-20; Certification of Criminal Justice Training Instructors

RULE NO.:	RULE TITLE:
11B-20.001	Definitions and Minimum Requirements for General Certification of Instructors
11B-20.0014	Minimum Requirements for High-Liability and Specialized Instructor Certifications
11B-20.0017	Maintenance and Duration of Instructor Certifications

PURPOSE AND EFFECT:

Sub-subparagraph 11B-20.001(3)(a)5.a., F.A.C.: Incorporates the revised Affidavit of Separation, form CJSTC-61, to remove the reference to the Affidavit of Separation Supplement, form CJSTC-61A, which is being repealed. Also provides clarification concerning an agency’s responsibility in conducting an internal investigation upon the separation of an officer.

Sub-subparagraph 11B-20.001(3)(a)5.b., F.A.C.: Incorporates the use of the revised Internal Investigation Report, form CJSTC-78, instead of completing the repealed Affidavit of Separation Supplement, form CJSTC-61A, for instructors whose separations involve a violation of Section 943.13(4), F.S., or moral character violation.

Sub-subparagraph 11B-20.001(3)(a)5.c., F.A.C.: Updates the title of the ATMS Global Profile Report to reflect ATMS Global Profile Sheet for consistency within the rule.

Subsection 11B-20.001(4), F.A.C.: Incorporates the revised Instructor Exemption, form CJSTC-82, which adds a certification statement to ensure the training center director or designee is aware of their responsibility to verify individual meets the eligibility requirements.

Paragraph 11B-20.0014(1)(f), F.A.C.: Changes the length of time an individual has to apply for a high liability instructor topic to four years following the completion of the topic instructor training course to ensure the individual completes the required training within a reasonable time period.

Paragraphs 11B-20.0017(7)(c)-(e), F.A.C.: Revises the subsections of Rule 11B-20.0017(7)(c)-(e), F.A.C., because specific requirements were added pertaining to High-Liability Instructor Certification.

Sub-paragraph 11B-20.0017(7)(c)1.-3., F.A.C.: Includes rule language to identify the requirements which must be met for High-Liability Instructors whose High-Liability Instructor Certification has lapsed for a period of four years or fewer.

Paragraph 11B-20.0017(7)(d), F.A.C.: Adds new rule language to identify the requirements which must be met for High-Liability Instructors whose High-Liability Instructor Certification has lapsed for a period of more than four years.

SUMMARY:

Updated high liability instructor requirements and revised Affidavit of Separation, form CJSTC-61; Internal Investigation Report, form CJSTC-78; ATMS Global Profile Sheet; and Instructor Exemption, form CJSTC-82.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department's economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

OTHER RULES INCORPORATING THIS RULE: N/A. **EFFECT ON THOSE OTHER RULES:** N/A. The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

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

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

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

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

DATE AND TIME: Wednesday, May 10, 2017 at 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

AMERICANS WITH DISABILITIES ACT: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting:

Joyce Gainous-Harris at 850-410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Joyce Gainous-Harris at 850-410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bureau Chief Glen Hopkins

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 25, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2016

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) through (2) No change.

(3) General Instructor Certification.

(a) Instructor applicants shall comply with the following requirements to obtain General Instructor Certification:

1. through 4. No change.

5. Instructor Separation or Change of Affiliation.

a. When an instructor requests a change of affiliation, the training center director, agency administrator, or designee shall complete an Affidavit of Separation, form CJSTC-61, revised ~~August 4, 2016~~ ~~November 5, 2015~~, effective _____ 9/2016, hereby incorporated by reference ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-07370>~~, and submit to Commission staff, or immediately transmit through the Commission's ATMS. Form CJSTC-61 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615. A copy shall be maintained in the instructor's file.

b. Instructor Separation. When a training center director, agency administrator, or designee separates an instructor, the training center director, agency administrator, or designee shall notify the instructor of the separation and submit form CJSTC-61 to Commission staff or electronically transmit through the Commission's ATMS. A copy of form CJSTC-61 shall be maintained in the Instructor's file. An instructor's certification shall become inactive upon separation and remain inactive until the instructor is affiliated with a training school or agency. If the separation

involves a violation of Section 943.13(4), F.S., or moral character violation, the training center director, agency administrator, or designee shall also complete the Internal Investigation Report form CJSTC-78, revised August 4, 2016, effective, _____, hereby incorporated by reference, ~~Affidavit of Separation Supplement, form CJSTC-61A~~, revised December 16, 2010 (effective 5/2012), _____ hereby _____ incorporated _____ by _____ reference ~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-02217>~~, and form CJSTC-61, and submit to Commission staff or immediately transmit through the Commission's ATMS. Form CJSTC-78 and ~~CJSTC-61A~~ can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615.

c. Request for new Affiliation. The instructor requesting the change shall submit to the employing agency or training school the Instructor Certification Application form CJSTC-71, the training center director, agency administrator, or designee shall enter the employment into the Commission's ATMS, and the instructor's ATMS Global Profile Sheet Report shall be maintained in the instructor's file.

(b) through (c) No change. Equivalent Instructor Training.

(4) Exemption from General Instructor Certification. An individual, who has a professional or technical certification or three years of experience in the specified subject matter to be instructed, shall be exempt from General Instructor Certification. The training center director or designee shall document the individual's qualifications by completing the Instructor Exemption, form CJSTC-82, revised August 4, 2016, ~~November 6, 2014~~ effective _____ 7/2015, hereby incorporated by reference ~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-05654>~~, which shall be maintained in the course file at the training school. Form CJSTC-82 can be obtained at

the following FDLE Internet address:
<http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(5) through (6) No change.

Rulemaking Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.14(3) FS. History—New 7-21-82, Formerly 11B-20.01, Amended 10-26-88, 5-14-92, 12-8-92, 1-10-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 6-3-10, 5-21-12, 3-13-13, 5-29-14, 7-29-15, 9-4-16,_____.

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

(1) High-Liability Topics Instructor Certification. Instructor applicants shall comply with the following requirements for certification:

(a) through (e) No change.

(f) Instructor applicants who apply for a High-Liability Instructor Certification shall have completed the applicable High-Liability Instructor Course within four years of the date the instructor applicant applies for certification. ~~Instructor applicants who apply for a High-Liability Instructor Certification more than four years from the date training was completed shall complete an internship and demonstrate the proficiency skills applicable to the high-liability topic.~~ Instructor applicants shall meet the requirements for High-Liability Instructor Certification for each topic requested.

(2) through (3) No change.

Rulemaking Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.13(6), 943.14(3) FS. History—New 7-29-01, Amended 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 3-13-13, 5-29-14, 7-29-15, 9-4-16,_____.

11B-20.0017 Maintenance and Duration of Instructor Certifications. Documentation for instructors shall be maintained in the instructor's file at the respective training school or agency. Additionally, the training school or agency shall submit or transmit to Commission staff, through the Commission's ATMS, an Instructor Compliance Application, form CJSTC-84, revised November 5, 2015, effective 9/2016, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref-07387>, to verify compliance with the mandatory retraining requirements. Form CJSTC-84 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(1) through (6) No change.

(7) Lapse of Instructor Certifications.

(a) through (b) No change.

(c) High-Liability Instructor Certification. Instructors whose High-Liability Instructor Certification has lapsed for a period of four years or fewer shall: ~~demonstrate proficiency skills in the applicable high-liability topic pursuant to Rule 11B-35.0024, F.A.C.~~

1. Demonstrate proficiency skills in the applicable high-liability topic pursuant to Rule 11B-35.0024, F.A.C.; and

2. Complete continuing education or training approved by the training center director, agency administrator, or designee; and

3. Complete a high-liability internship documented on the Instructor Competency Checklist, form CJSTC-81, that is supervised by an instructor who is certified in the high-liability topic area.

(d) High-Liability Instructor Certification. Instructors whose High-Liability Instructor Certification has lapsed for a period of more than four years shall comply with Rule 11B-20.0014(1), F.A.C.

(e)(d) Specialized Instructor Certification. Instructors whose Specialized Instructor Certification has lapsed shall complete an internship in the applicable specialized topic documented on form CJSTC-81.

(8) through (9) No change.

Rulemaking Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), 943.14(3) FS. History—New 7-29-01, Amended 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 6-3-10, 3-13-13, 5-29-14, 7-29-15, 9-4-16, _____.

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-27, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11B-27.0011, 11B-27.002, 11B-27.00211, 11B-27.003 and 11B-27.005

CERTIFICATION AND EMPLOYMENT OR APPOINTMENT

SUMMARY OF THE RULE

11B-27 is amended to add rule language to define and include penalty guidelines for “prejudicial behavior,” to update the forms website links and revised Exemption-From-Training form (Form CJSTC-76), to update the Physician’s Assessment form (Form CJSTC-75), to update the Affidavit of Separation (Form CJSTC-61), to update the Internal Investigation Report (Form CJSTC-78), to repeal the Physical Fitness Assessment form (Form CJSTC-75B), and to repeal the Affidavit of Separation Supplement (Form CJSTC-61A).

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-27.0011(4)(c)15.: Adds a new sub-paragraph to include “prejudicial behavior” as a moral character violation.

11B-27.002(1)(d): Combines the original Physician’s Assessment form (Form CJSTC-75) and the Physical Fitness Assessment form (Form CJSTC-75B) to create and incorporate the revised Physician’s Assessment form (Form CJSTC-75), which includes student participation activities and medical conditions regarding OC/CS contamination. Also prohibits a chiropractor from completing the form as a medical doctor and repeals original form CJSTC-75B.

11B-27.002(3)(a)11.: Incorporates the revised Exemption-From-Training form (Form CJSTC-76) to change the discipline field name to “Florida Correctional Probation Officer Training Academy” and revise the deficiency topics.

11B-27.002(3)(a)15.: Incorporates the revised Affidavit of Separation form (Form CJSTC-61) and removes the reference to the Affidavit of Separation Supplement form (Form CJSTC-61A), which is being repealed. Also provides clarification concerning an agency's responsibility in conducting an internal investigation upon the separation of an officer.

11B-27.002(6): Deletes paragraph containing the repealed Affidavit of Separation Supplement form (Form CJSTC-61A), because the form will no longer be used.

11B-27.00211(2)(a): Updates the forms website link to reflect the correct link at which the forms are available.

11B-27.003(2)(a): Revises the Internal Investigation Report (Form CJSTC-78) to update the instructions for completing the form. Also specifies that only the last four digits of the officer's social security number are required for completion of the form, pursuant to s. 119.071, F.S., and updates the forms website link to reflect the correct link at which the forms are available.

11B-27.005(5)(c)16.-17.: Adds the violation of "prejudicial behavior" to the penalty guidelines and includes recommended penalty ranges of "written reprimand to revocation" and "revocation."

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND
LEGISLATIVE RATIFICATION

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

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

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Department of Law Enforcement

Division or Board: Criminal Justice Standards and Training Commission

Rule Chapter: 11B-27; Certification and Employment or Appointment

RULE NO.:	RULE TITLE:
11B-27.0011	Moral Character
11B-27.002	Certification and Employment or Appointment: Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers
11B-27.00211	Fingerprint Processing and Criminal Record Results
11B-27.003	Certification and Employment or Appointment: Duty to Report, Investigations, Procedures
11B-27.005	Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT:

Sub-paragraph 11B-27.0011(4)(c)15., F.A.C.: Adds a new sub-paragraph to include “prejudicial behavior” as a moral character violation.

Sub-subparagraphs 11B-27.0011(4)(c)15.a.-b., F.A.C.: Adds new sub-paragraphs to define “prejudicial behavior” violation and includes penalty guidelines for Florida officers who exhibit prejudicial behavioral courses of conduct and who participate in activity which furthers the interests of a “hate group”, as defined in Section 874.03(6), F.S.

Paragraph 11B-27.002(1)(d), F.A.C.: Combines the original Physician’s Assessment, form CJSTC-75, and the Physical Fitness Assessment, form CJSTC-75B, to create and incorporate the revised Physician’s Assessment, form CJSTC-75, which includes the student participation activities and medical conditions regarding OC/CS contamination; and prohibits a chiropractor from completing the form as a medical doctor. The original form CJSTC-75B will be repealed.

Sub-paragraph 11B-27.002(3)(a)11., F.A.C.: Incorporates the revised Exemption-From-Training, form CJSTC-76, to change the discipline field name to “Florida Correctional Probation Officer Training Academy” and revise the deficiency topics.

Sub-paragraph 11B-27.002(3)(a)15., F.A.C.: Incorporates the revised Affidavit of Separation, form CJSTC-61, and removes the reference to the Affidavit of Separation Supplement, form CJSTC-61A, which is being repealed. Also provides clarification concerning an agency’s responsibility in conducting an internal investigation upon the separation of an officer.

Subsection 11B-27.002(6), F.A.C.: Deletes paragraph containing the repealed Affidavit of Separation Supplement, form CJSTC-61A, because the form will no longer be used.

Paragraph 11B-27.00211(2)(a), F.A.C.: Updates the forms website link.

Paragraph 11B-27.003(2)(a), F.A.C.: Revises the Internal Investigation Report, form CJSTC-78, to update the instructions for completing the form; specifies that only the last four digits of the officer’s social security number are required for completion of the form, pursuant to 119.071, F.S.; and updates the forms website link.

Sub-paragraphs 11B-27.005(5)(c)16.-17., F.A.C.: Adds the violation of “prejudicial behavior” to the penalty guidelines and includes recommended penalty ranges of “written reprimand to revocation” and “revocation”.

SUMMARY:

Add rule language to define and include penalty guidelines for “prejudicial behavior” as a moral character violation; update forms website links and revised Exemption-From-Training, form CJSTC-76; Physician’s Assessment, form CJSTC-75; Affidavit of Separation, form CJSTC-61; and Internal Investigation Report, form CJSTC-78; repealed Physical Fitness Assessment, form CJSTC-75B, and Affidavit of Separation Supplement, form CJSTC-61A.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department's economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

OTHER RULES INCORPORATING THIS RULE: N/A. **EFFECT ON THOSE OTHER RULES:** N/A. The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

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

RULEMAKING AUTHORITY: 943.03(4), 943.12(1) FS.

LAW IMPLEMENTED: 943.12(3), 943.13, 943.13(7), 943.133, 943.139, 943.1395, 943.1395(5), (7), (8) FS.

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

DATE AND TIME: Wednesday, May 10, 2017 at 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

AMERICANS WITH DISABILITIES ACT: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting:

Joyce Gainous-Harris at 850-410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Joyce Gainous-Harris at 850-410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bureau Chief Glen Hopkins

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 25, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2016

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-27.0011 Moral Character.

(1) through (3) No change.

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

(a) through (b) No change.

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

1. through 14. No change.

15. Prejudicial Behavior:

a. The perpetration by the officer of either a course of conduct or a single egregious act that evidences prejudice based on the race, color, religion, sex, pregnancy, national origin, age handicap, or sexual orientation, which does not involve an expression of public concern, and which causes substantial doubts concerning the officer's honesty, fairness, or respect for the rights of others or for the laws of the state and nation, irrespective of whether such act or conduct constitutes a crime; or

b. Knowingly, willfully, and actively participating in any activity committed with the intent to benefit, promote, or further the interests of a "hate group", as defined in Section 874.03(6), Florida Statutes.

(d) No change.

(5) through (7) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.13(7), 943.1395(7) FS. History--New 1-7-85, Formerly 11B-27.011, Amended 7-13-87, 10-25-88, 12-13-92, 9-5-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 4-11-04, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 4-16-09, 6-3-10, 5-21-12, 3-13-13, 5-29-14, 7-29-15, 9-4-16, _____.

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

(1) Certification or Reactivation of Certification. Prior to submitting an application for certification or reactivation of certification for a law enforcement, correctional, or correctional probation officer, the employing agency shall collect and verify documents establishing that an applicant has complied with the requirements of Section 943.13, F.S. Verified documents shall be maintained in the officer's training file at the employing agency. The following documents are required for verification of an applicant's compliance with this rule section:

(a) through (c) No change.

(d) A Physician's Assessment, form CJSTC-75, revised August 4, 2016, effective _____ ~~November 8, 2007~~, hereby incorporated by reference, or an equivalent form signed by a physician, certified advanced registered nurse practitioner, or physician assistant licensed in the United States or its territories, verifying the applicant's fitness to perform the duties of an officer pursuant to Section 943.13(6), F.S. Form CJSTC-75 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615. A copy of the officer's position description shall be reviewed by the physician to ensure that the applicant can meet the physical standards required of the position. A Patient Information, form CJSTC-75A, revised November 8, 2007, hereby incorporated by reference, may also be provided to the examining physician, certified advanced registered nurse practitioner, or physician assistant for reference. Form CJSTC-75A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The CJSTC-75 form or equivalent, shall be completed with each new employment or appointment of an officer, and shall not be completed more than one year prior to an officer's employment or appointment. A CJSTC-75 form prepared for a specific employing agency shall not be used by any other employing agency.

(e) through (h) No change.

(2) No change.

(3) Employment requirements pursuant to Sections 943.13, F.S., shall be documented on an Agency New Hire Report, form CJSTC-207, revised November 8, 2007, hereby incorporated by reference. Form CJSTC-207 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(a) No change.

1. through 10. No change.

11. An Exemption-From-Training, form CJSTC-76, revised ~~August 4, 2016, November 5, 2015~~, effective ~~9/2016~~, hereby incorporated by reference ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref 07380>~~, and an Exemption-From-Training Proficiency Demonstration, form CJSTC-76A, revised November 6, 2014, effective 7/2015, hereby incorporated by reference, for previous Florida and out-of-state, federal, or military officers, if the officer used this training option. Forms CJSTC-76 and CJSTC-76A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

12. through 14. No change.

15. An Affidavit of Separation, form CJSTC-61, revised ~~August 4, 2016, November 5, 2015~~, effective ~~9/2016~~, hereby incorporated by reference ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref 07371>~~, and ~~Affidavit of Separation Supplement, form CJSTC-61A, revised December 16, 2010, (effective 5/2012)~~, hereby incorporated by ~~reference~~, if the officer has separated employment with the agency. Forms CJSTC-61 and ~~CJSTC-61A~~ can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(b) No change.

(4)(a) No change.

(b) No change.

(5) No change.

~~(6) A completed Affidavit of Separation Supplement form CJSTC-61A, shall be submitted to Commission staff, along with form CJSTC-61, whenever there is a separation involving a violation of Section 943.13(4), F.S., or while being investigated for an alleged moral character violation.~~

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.133, 943.139, 943.1395 FS. History–New 10-6-82, Amended 4-26-84, 1-7-85, Formerly 11B-27.02, Amended 9-3-87, 3-29-89, 5-14-92, 12-13-92, 9-5-93, 1-19-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 6-3-10, 5-21-12, 3-13-13, 5-29-14, 7-29-15, 9-4-16, _____.

11B-27.00211 Fingerprint Processing and Criminal Record Results. An employing agency shall maintain on file, at minimum, a Federal Bureau of Investigation Civil Applicant Response provided from a Live Scan device by the Florida Department of Law Enforcement (FDLE) Certified Mail Application, with the National Crime Information Center (NCIC) criminal history record attached, and an FDLE Customer Summary Report and Transaction Listing with the Florida Criminal Information Center (FCIC) criminal history record attached. If a Civil Applicant Response is not received by the agency, the FCIC Criminal History indicating no single state or multi-state offender criminal history record exists shall be proof the applicant's fingerprints have been processed.

(1) No change.

(2) Private Correctional Institutions and Jails.

(a) Private correctional institutions under contract with the Florida Department of Management Services (DMS) or the Florida Department of Children and Families (DCF) shall submit for processing an applicant's fingerprints to the FDLE. The private correctional institution is required to use an electronic fingerprinting submission device and is responsible for any cost associated with the fingerprint submission. The response to the fingerprint submission shall be electronically transmitted to the respective contract agency (DMS or DCF) for review for compliance with Section 943.13(4), F.S. The contract agency will complete the Fingerprint Notification, form CJSTC-62, revised November 8, 2007, hereby incorporated by reference, or other written notice to document compliance with Section 943.13(4), F.S., and provide it to the private correctional institution. Form CJSTC-62 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx> ~~<http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism Program Forms.aspx>~~, or by contacting Commission staff at (850) 410-8615.

(b) No change.

(3) through (11) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.133, 943.139, 943.1395 FS. History–New 11-5-02, 11-30-04, 6-9-08, 5-29-14, _____.

11B-27.003 Duty to Report, Investigations, Procedures.

(1) No change.

(2) Upon concluding the investigation:

(a) If the allegations are sustained, the employing agency shall complete an Internal Investigation Report, form CJSTC-78, revised ~~August 4, 2016, effective~~ ~~November 8, 2007~~, hereby incorporated by reference,

regardless of whether any civil service appeal, arbitration, employment hearing, administrative, civil, or criminal action is pending or contemplated. Form CJSTC-78 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx> ~~<http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism Program Forms.aspx>~~, or by contacting Commission staff at (850)410-8615.

(b) through (c) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.1395(5) FS. History–New 10-6-82, Amended 1-7-85, Formerly 11B-27.03, Amended 12-13-92, 9-5-93, 7-7-99, 8-22-00, 11-5-02, 11-30-04, 6-9-08, _____.

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

(1) through (4) No change.

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

(a) through (b) No change.

(c) For the perpetration by the officer of an act or conduct, as described in paragraph 11B-27.0011(4)(c), F.A.C., if such act or conduct does not constitute a crime described in paragraphs (5)(a)-(b) of this rule section, the action of the Commission shall be to impose the following penalties, absent aggravating or mitigating circumstances:

1. through 15. No change.

	Violation	Recommended Penalty Range
<u>16.</u>	<u>Prejudicial Behavior specified in 11B-27.0011(4)(c)15.a., F.A.C.</u>	<u>Written reprimand to revocation</u>
<u>17.</u>	<u>Prejudicial Behavior specified in 11B-27.0011(4)(c)15.b., F.A.C.</u>	<u>Revocation</u>

(d) No change.

(6) through (10) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.1395(8) FS. History–New 10-6-82, Amended 1-7-85, Formerly 11B-27.05, Amended 3-29-89, 12-13-92, 2-17-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 4-11-04, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 6-3-10, 5-21-12, 5-29-14, 9-4-16, _____.

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-30, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11B-30.006, 11B-30.0062, 11B-30.007, 11B-30.0071, 11B-30.008,
11B-30.009, 11B-30.011, 11B-30.012 and 11B-30.013

STATE OFFICER CERTIFICATION EXAMINATION

SUMMARY OF THE RULE

11B-30 is amended to revise the Exemption-From-Training form (Form CJSTC-76), to revise the procedures related to examination challenges and “paper and pencil or computer-based” examinations, and to update the website links.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-30.006(2)(b): Incorporates the revised Exemption-From-Training form Form CJSTC-76), to change the discipline field name to “Florida Correctional Probation Officer Training Academy” and to revise the deficiency topics.

11B-30.0062(1): Removes the rule text relating to “paper and pencil or computer-based” examination, as the paper and pencil option is no longer offered.

11B-30.007(1): Updates the FDLE website link to reflect the correct link at which applicants can access, complete, and submit an online application to take the State Officer Certification Examination (SOCE).

11B-30.0071(1): Updates the FDLE website link to reflect the correct link at which applicants can access the “Request for Test Accommodations for Examinees with Disabilities” document.

11B-30.0071(2)-(3): Removes the rule text relating to “paper and pencil or computer-based” examination because the paper and pencil option is no longer offered. Also updates the forms website link to reflect the correct link at which the forms are available.

11B-30.0071(3)(a)-(b): Removes the rule text relating to “paper and pencil or computer-based” examination because the paper and pencil option is no longer offered. Also provides clarification regarding approved flexible time limits for testing accommodations.

11B-30.0071(3)(c)-(d): Deletes the rule text relating to “paper and pencil” examination because this option is no longer offered.

11B-30.0071(4): Removes the rule text relating to “paper and pencil or computer-based” examination because the paper and pencil option is no longer offered.

11B-30.0071(6): Removes the rule text relating to “paper and pencil or computer-based” examination because the paper and pencil option is no longer offered.

11B-30.008(1): Removes the specific reference to computer-based examination because this is now the only form of examination offered.

11B-30.008(1)(a): Makes a grammatical change.

11B-30.008(2)-(3): Deletes Rule 11B-30.008(2)-(3), F.A.C., because the rule sections provide paper and pencil examination instructions but paper and pencil examinations are no longer offered.

11B-30.009(1): Removes the rule text relating to “paper and pencil or computer-based” examination because the paper and pencil option is no longer offered.

11B-30.009(4)(b): Removes the rule text relating to “paper and pencil or computer-based” examination because the paper and pencil option is no longer offered.

11B-30.011: Removes the rule text relating to “paper and pencil or computer-based” examination scoring and grade notification because the paper and pencil option is no longer offered.

11B-30.012(6): Adds rule text to clarify and explain that a challenge to examination results will not be processed if an individual retakes and passes the examination before his or her submitted challenge is processed.

11B-30.013: Removes the rule text relating to “paper and pencil or computer-based” examination because the paper and pencil option is no longer offered.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND
LEGISLATIVE RATIFICATION

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

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

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Department of Law Enforcement

Division or Board: Criminal Justice Standards and Training Commission

Rule Chapter: 11B-30; State Officer Certification Examination

RULE NO.:	RULE TITLE:
11B-30.006	State Officer Certification Examination General Eligibility Requirements
11B-30.0062	State Officer Certification Examination Assignment and Retake Eligibility Requirements
11B-30.007	Application for the State Officer Certification Examination and Notification Process
11B-30.0071	Examination Accommodations for Applicants with Disabilities
11B-30.008	State Officer Certification Examination Site Administration
11B-30.009	Applicant Conduct at Test Site and Notice of Protection of Program Privileges
11B-30.011	Examination Scoring and Grade Notification
11B-30.012	Post Examination Review of Missed Questions, Answers, and Grading Key
11B-30.013	Challenge to Examination Results; Right of Hearing

PURPOSE AND EFFECT:

Paragraph 11B-30.006(2)(b), F.A.C.: Incorporates the revised Exemption-From-Training, form CJSTC-76, to change the discipline field name to “Florida Correctional Probation Officer Training Academy” and revise the deficiency topics.

Subsection 11B-30.0062(1), F.A.C.: Removes the rule text relating to “paper and pencil or computer-based” examination, as the paper and pencil option is no longer offered because only computer-based testing is available.

Subsection 11B-30.007(1), F.A.C.: Updates the FDLE website link for applicants to access, complete, and submit an online application to take the State Officer Certification Examination (SOCE).

Subsection 11B-30.0071(1), F.A.C.: Updates the FDLE website link for applicants to access the “Request for Test Accommodations for Examinees with Disabilities,” document.

Paragraphs 11B-30.0071(2)-(3), F.A.C.: Removes the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered; and updates the forms website link.

Paragraphs 11B-30.0071(3)(a)-(b), F.A.C.: Removes the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered; and provides clarification to define approved flexible time limits for testing accommodations.

Paragraphs 11B-30.0071(3)(c)-(d), F.A.C.: Deletes the rule text relating to paper and pencil examination because this option is no longer offered.

Subsection 11B-30.0071(4), F.A.C.: Removes the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered.

Subsection 11B-30.0071(6), F.A.C.: Removes the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered.

Subsection 11B-30.008(1), F.A.C.: Removes the specific reference to computer-based examination because the paper and pencil option is no longer offered.

Paragraph 11B-30.008(1)(a), F.A.C.: Makes a grammatical change.

Paragraphs 11B-30.008(2)-(3), F.A.C.: Deletes Rule 11B-30.008(2)-(3), F.A.C., because the rule sections provide paper and pencil examination instructions, which are no longer required because administration of the paper and pencil examination is no longer offered.

Subsection 11B-30.009(1), F.A.C.: Removes the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered.

Paragraph 11B-30.009(4)(b), F.A.C.: Removes the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered.

Rule 11B-30.011, F.A.C.: Removes the rule text relating to paper and pencil or computer-based examination scoring and grade notification because the paper and pencil option is no longer offered.

Subsection 11B-30.012(6), F.A.C.: Clarifies and adds rule text to explain that challenges will not be processed if an individual retakes and passes the examination before their submitted challenges are processed.

Rule 11B-30.013, F.A.C.: Removes the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered.

SUMMARY:

Revised Exemption-From-Training, form CJSTC-76; procedures related to examination challenges and “paper and pencil or computer-based” examinations; and updated website links.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

OTHER RULES INCORPORATING THIS RULE: N/A. **EFFECT ON THOSE OTHER RULES:** N/A. The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

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

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), (17), 943.173(3) FS.

LAW IMPLEMENTED: 120, 943.12(17), 943.13(7), (10), 943.131(2), 943.1397, 943.1397(1), (3), 943.173 FS.

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

DATE AND TIME: Wednesday, May 10, 2017 at 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

AMERICANS WITH DISABILITIES ACT: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting:

Joyce Gainous-Harris at 850-410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Joyce Gainous-Harris at 850-410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bureau Chief Glen Hopkins

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 25, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2016

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) No change.

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

(a) No change.

(b) Inactive Florida law enforcement, correctional, and correctional probation officers, defined in Section 943.1395(3), F.S., who comply with paragraph 11B-27.00212(12)(a), and Rule 11B-35.009, F.A.C., shall pass the SOCE within one year of notification of approval of the Exemption-From-Training, form CJSTC-76, revised August 4, 2016, November 5, 2015, effective 9/2016, incorporated by reference, ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-07381>~~. Form CJSTC-76 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(c) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17), 943.131(2), 943.1397 FS. History–New 1-10-94, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 6-3-10, 5-21-12, 5-29-14, 7-29-15, 9-4-16,_____.

11B-30.0062 State Officer Certification Examination Assignment and Retake Eligibility Requirements.

(1) Individuals who have successfully completed a Commission-approved Basic Recruit Training Program or are exempt from a Basic Recruit Training Program, pursuant to subsection 11B-30.006(2), F.A.C., shall be allowed to apply for and take the ~~applicable Paper and Pencil or Computer Based~~ State Officer Certification Examination (SOCE) corresponding to the specific law enforcement, correctional, or correctional probation discipline and curriculum for which training was completed or exempted. Individuals completing a Basic Recruit Training Program shall pass the SOCE within four years of the beginning date of training pursuant to subsection 11B-27.002(4), F.A.C. Individuals exempt from a Basic Recruit Training Program shall pass the SOCE within one year of receiving the exemption pursuant to Section 943.131, F.S.

(2) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17), 943.13(10), 943.1397 FS. History - New, 7-29-01, Amended 11-5-02, 11-30-04, 6-9-08, 5-21-12, 3-13-13,_____.

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 an application online per the instructions available on the following FDLE website, ~~<http://www.fdle.state.fl.us/cms/CJSTC/Officer-Requirements/How-to-Become-an-Officer.aspx>~~ ~~http://www.fdle.state.fl.us/Content/certification_exam.aspx~~. All applications shall be accompanied by payment of the \$100 examination fee using a credit card or debit card:

(2) No change.

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, 5-21-12, 5-29-14,_____.

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/cms/CJSTC/Documents/Exam/SpecialAccommodationsManual-1.aspx> ~~<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)410-7948.

(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 calendar days prior to the requested examination date for the Paper and Pencil State Officer Certification Examination (P&P SOCE). For the Computer Based State Officer Certification Examination (CB-SOCE),~~ Commission staff shall notify the applicant of the approval or denial of accommodations within forty-five calendar days of receipt of form CJSTC-502. Form CJSTC-502 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx> ~~<http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism Program Forms.aspx>~~, or by contacting Commission staff at (850)410-8615. 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. Form 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)410-7958.

(3) Accommodations to take the ~~P&P SOCE or CB-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 ~~P&P SOCE or CB-SOCE~~ shall submit a recommendation of such from an appropriate professional, pursuant to paragraph (7)(e) of this rule section. Approved accommodations for extra time shall be limited to one and a half times the regularly allowed time to complete the examination. Untimed certification examinations shall not be provided.

(b) Flexible Setting. Individual and small group settings for administration of the ~~P&P-SOCE~~ shall be made available to individuals when such a service is recommended by an appropriate professional, however, ~~and the CB-SOCE~~ flexible settings are subject to test site capabilities.

~~(c) Flexible Format. The test booklet may be produced in large print for the P&P SOCE.~~

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

(4) Accommodations that are not permissible. A reader shall not be allowed for applicants taking the ~~for the P&P SOCE or CB-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) No change.

(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 ~~P&P SOCE or CB-SOCE~~.

(7) No change.

Rulemaking Authority 943.03(4), 943.12(1), 943.1397 FS. Law Implemented 943.12(17), 943.1397 FS. History—New 7-29-01, Amended 11-5-02, 11-30-04, 3-21-07, 6-9-08, 5-21-12,_____.

11B-30.008 State Officer Certification Examination Site Administration.

(1) Administration of the Computer-Based State Officer Certification Examination (CB-SOCE) shall be limited to test sites authorized by the Commission and located within the State of Florida. To be eligible to administer the CB-SOCE, a test site must be:

(a) A test center exclusively dedicated to the administration of academic and/or professional certification or licensure examinations and operated or contracted by a Commission-approved criminal Justice training center or its parent organization; or

(b) A computer lab located at a Commission-approved criminal justice training school.

~~(2) Examination administrators and proctors are responsible for maintaining secure and proper administration of the Paper and Pencil State Officer Certification Examination (P&P SOCE). During the administration of the SOCE, applicants shall follow the instructions of the examination administrator and proctors, and shall only be permitted to ask questions of the examination administrator relating to the test administration instructions.~~

~~(3) An applicant who has been scheduled to take the P&P SOCE shall arrive at the scheduled examination site on the designated date and time, and shall present a valid photo identification. Each time an applicant takes the examination, the applicant shall present a valid driver's license, state identification card issued by the Florida Department of Highway and Safety Motor Vehicles, a valid military identification, or a State of Florida agency~~

~~identification card. The identification shall contain the applicant's first and last name, which shall correspond with the name on the examination roster.~~

Rulemaking Authority 943.03(4), 943.12(1), (17) FS. Law Implemented 943.12(17), 943.131(2) FS. History–New 1-10-94, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-21-07, 6-9-08, 5-21-12, 5-29-14, _____.

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

Any violation of the provisions of this subsection shall be documented in writing to the Program Director of the Criminal Justice Professionalism Program.

(1) The applicant shall not engage in conduct that subverts or attempts to subvert the ~~Paper and Pencil or Computer-Based~~ State Officer Certification Examination (SOCE) process. An applicant engaging in conduct intended to subvert the SOCE process shall be dismissed from the SOCE administration. Conduct that subverts or attempts to subvert the SOCE process includes:

(a) through (m) No change.

(2) through (3) No change.

(4) The applicant shall not engage in conduct that violates the standards of the SOCE Administration. An applicant has violated the standards of the SOCE administration by:

(a) No change.

(b) Possession of anything other than the personal identification ~~and pencils~~ at the test site for the ~~P&P-SOCE~~. ~~Possession of anything other than personal identification for the Computer Based SOCE (CB-SOCE).~~

(5) through (6) No change.

Rulemaking Authority 943.03(4), 943.12(1), (17), 943.173(3) FS. Law Implemented 943.12(17), 943.13(7), 943.1397(1), (3), 943.173 FS. History–New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 5-21-12, _____.

11B-30.011 Examination Scoring and Grade Notification.

Individuals who graduate from a Commission-approved Basic Recruit Training Program shall be required to achieve a passing score on the State Officer Certification Examination (SOCE) with an overall scale score equal to or higher than the established cut-off score. Official examination results shall only be stored in, and retrieved from, the Commission's Automated Training Management System (ATMS). ~~For the Paper and Pencil State Officer Certification Examination (P&P-SOCE), Commission staff shall provide the applicant, within thirty days of the test date, with an unofficial grade notification to be used for the applicant's records only. For the Computer Based State Officer Certification Examination (CB-SOCE) the applicant shall receive an unofficial grade notification at the conclusion of the examination.~~

Rulemaking Authority 943.03(4), 943.12(1), (17) FS. Law Implemented 943.12(17), 943.1397(1) FS. History–New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 5-21-12, 5-29-14, _____.

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

(1) through (5) No change.

(6) Individuals submitting challenges to questions shall be notified in writing, within thirty working days of the post-examination review session of the Commission's response to the challenges submitted during the post-examination review session. Submitted challenges shall not be processed should an individual retake and pass the examination before receiving the Commission's response to the challenges submitted.

Rulemaking Authority 943.03(4), 943.12(1), (17) FS. Law Implemented 943.12(17), 943.173 FS. History–New 1-10-94, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 5-21-12, 5-29-14, 7-29-15, 9-4-16, _____.

11B-30.013 Challenge to Examination Results; Right of Hearing. Should the Commission deny an individual's ~~Paper and Pencil or Computer-Based~~ State Officer Certification Examination (SOCE) grade review challenge, the Commission shall notify the individual by submitting a statement denying the challenge. The statement shall specify the basis for the Commission's denial and shall be forwarded to the individual. The individual shall be entitled to a hearing pursuant to the Administrative Procedures Act set forth in Chapter 120, F.S., and the Uniform Rules of Procedure, Rule Chapter 28, F.A.C.

Rulemaking Authority 943.03(4), 943.12(1), (17) FS. Law Implemented 120, 943.12(17) FS. History–New 1-10-94, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 5-21-12, _____.

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-35, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11B-35.001, 11B-35.0010, 11B-35.002, 11B-35.0021, 11B-35.0023,
11B-35.0024, 11B-35.003 and 11B-35.009

TRAINING PROGRAMS

SUMMARY OF THE RULE

11B-35 is amended to revise the criminal justice officer training programs and course requirements, to revise the Academy Physical Fitness Standards Report (Form CJSTC-67A), to revise the Physician's Assessment form (Form CJSTC-75), to repeal the Physical Fitness Assessment form (Form CJSTC-75B), to make a grammatical change, and to update rule references, the forms website link, and the title of the ATMS Global Profile Sheet.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-35.001(9)-(15): Deletes subsection 11B-35.001(9), F.A.C., because the new Correctional Probation Basic Recruit Training Program was developed and approved with an effective date of November 1, 2016. Also renumbers subsections 11B-35.001(9)-(15), F.A.C.

11B-35.001(10)(b): Incorporates and revises the Academy Physical Fitness Standards Report (Form CJSTC-67A), updates the rule reference, modifies the rule to only require the last four digits of a student's social security number, updates the name of the Florida Correctional Probation BRTP by adding "BRTP," and adds the Florida Correctional Probation Officer Training Academy course as another course that requires the submission of Form CJSTC-67A.

11B-35.001(10)(d)8.: Updates the title of the ATMS Global Profile Report to reflect ATMS Global Profile Sheet for consistency within the rule. Also incorporates the revised

Instructor Exemption form (Form CJSTC-82), which adds a certification statement to ensure the training center director or designee is aware of his or her responsibility to verify an individual's satisfaction of the eligibility requirements.

11B-35.001(10)(d)9.-10.: Updates the rule reference.

11B-35.001(10)(d)13.: Updates the rule reference.

11B-35.001(10)(d)14.: Incorporates the revised Physician's Assessment form (Form CJSTC-75), which combines the original Physician's Assessment form (Form CJSTC-75) and the Physical Fitness Assessment form (Form CJSTC-75B), to create the revised Physician's Assessment form (Form CJSTC-75), which replaces the repealed Physical Fitness Assessment (Form CJSTC-75B).

11B-35.001(11)(c): Updates the rule reference.

11B-35.001(12)(a): Updates the rule reference.

11B-35.001(12)(b): Updates the rule reference.

11B-35.001(13): Updates the rule reference.

11B-35.001(14)(b): Revises the rule text to require a student to complete the Physician's Assessment form (Form CJSTC-75) prior to beginning a Basic Recruit Training Program, instead of completing the Physical Fitness Assessment (Form CJSTC-75B), which is being repealed.

11B-35.0010(4)(a): Makes a grammatical change.

11B-35.0010(4)(b): Updates the forms website link to reflect the correct link at which the forms are available.

11B-35.002(1)(a)7.: Retires the Correctional Officer Cross-Over Training to Florida Law Enforcement Academy, number 2003, because it is being replaced with the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy, number 3002.

11B-35.002(1)(a)8.: Retires the Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy, number 2004, because it is being replaced with the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy, number 3005.

11B-35.002(1)(a)9.: Adds the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy, number 3002, to the list of Law Enforcement Basic Recruit Training Programs to replace the retired Correctional Officer Cross-Over Training to Florida Law Enforcement Academy, number 2003, effective July 1, 2016.

11B-35.002(1)(a)10.: Adds the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy, number 3005, to the list of Law Enforcement Basic Recruit Training Programs to replace the retired Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy, number 2004, effective July 1, 2016.

11B-35.002(1)(b)5.: Retires the Correctional Probation Officer Training to Florida CMS Correctional BRTP, number 1193, because it is being replaced with the new Correctional Probation Officer Training to Florida CMS Correctional BRTP, number 3004.

11B-35.002(1)(b)8.-9.: Retires the Law Enforcement Officer Cross-Over Training to Florida CMS Correctional BRTP, number 2005, because it is being replaced with the new Law Enforcement Officer Cross-Over Training to Florida CMS Correctional BRTP, number 3001. Commission staff is no longer using crossover-specific courses in the cross-over programs. Instead staff is only using existing courses in their entirety from the discipline to be learned.

11B-35.002(1)(b)10.: Adds the new Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program, number 3004, to the list of Correctional Basic Recruit Training Programs to replace the retired Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program, number 1193, because crossover-specific courses are no longer being used, effective July 1, 2016.

11B-35.002(1)(c)1.: Retires the Florida Correctional Probation BRTP number 1176.

11B-35.002(1)(c)2.: Retires the Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy, number 1183, and replaces it with the new Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy, number 3003.

11B-35.002(1)(c)4.: Revises the rule text to require a basic recruit student to complete the new Florida Correctional Probation Officer Training Academy instead of the Correctional Probation BRTP in order to become a certified Correctional Probation Auxiliary Officer. Also updates the rule references.

11B-35.002(1)(c)5.: Adds the new Florida Correctional Probation Officer Training Academy, number 3000, to the list of Correctional Probation Basic Recruit Training Programs, effective November 1, 2016.

11B-35.002(1)(c)6.: Adds the new Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy, number 3003, to the list of Correctional Probation Basic Recruit Training Programs to replace the Correctional Officer Cross-Over Training to Florida Correctional Probation BRTP number 1183, effective November 1, 2016.

11B-35.002(5)(d): Retires the Florida Correctional Probation Basic Recruit Training Program, number 1176, and deletes the table of associated courses.

11B-35.002(5)(f): Includes the new Florida Correctional Probation Officer Training Academy, number 3000, and associated courses to the list of Correctional Probation Basic Recruit Training Programs, effective November 1, 2016.

11B-35.002(6)(d)2.: Replaces the Correctional Officer Cross-Over Training to Florida Law Enforcement Academy, number 2003, with the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy, number 3002, because crossover-specific courses are no longer used in the crossover programs.

11B-35.002(6)(d)3.-7.: Renumbers the rule subsections because the list of Correctional Probation Basic Recruit Training Programs was updated.

11B-35.002(6)(d)3.: Includes the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy, number 3002, and associated courses in the Law Enforcement Cross-Over Basic Recruit Training Programs because crossover-specific courses are no longer used in the crossover programs.

11B-35.002(6)(d)5.: Replaces the Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy, number 2004, with the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy, number 3005, because crossover-specific courses are no longer used in the crossover programs.

11B-35.002(6)(d)6.: Includes the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy, number 3005, in the list of Correctional Probation Basic Recruit Training Programs, effective July 1, 2016.

11B-35.002(6)(e)2.: Replaces the retired Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program, number 2005, with the Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program, number 3001. Also renumbers subparagraphs in Rule 11B-35.002(6)(e), F.A.C.

11B-35.002(6)(e)3.: Adds the new Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program, number 3001, and associated courses to the list of Correctional Cross-Over Basic Recruit Training Programs, effective July 1, 2016.

11B-35.002(6)(e)6.: Replaces the retired Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program, number 1193, with the Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program, number 3004.

11B-35.002(6)(e)7.: Adds the new Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program, number 3004, and associated courses to the list of Correctional Cross-Over Basic Recruit Training Programs, effective July 1, 2016.

11B-35.002(6)(f)5.: Replaces the retired Correctional Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program, number 1183, with the Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy number 3003.

11B-35.002(6)(f)6.: Adds the new Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy, number 3003, and associated courses to the list of Correctional Probation Cross-Over Basic Recruit Training Programs, effective November 1, 2016.

11B-35.0021(1)(e): Removes the “Cross-Over Handgun Transition Course” from the High-Liability Basic Recruit Training Program and retires the course from crossover programs involving the Corrections Officer BRTP because corrections officers no longer need this training.

11B-35.0021(8)(a): Removes the “Cross-Over Handgun Transition Course” as a course that requires instructor to student ratio of proficiency demonstration. The course is being retired from cross-over programs involving the Corrections Officer BRTP because corrections officers no longer need this training.

11B-35.0023(2)(c): Updates the title of the ATMS Global Profile Report to ATMS Global Profile Sheet for consistency within the rule. Also adds text to allow for other documentation as proof of a student’s course completion.

11B-35.0023(3): Adds new text that allows high liability courses completed in one Basic Recruit Training Program to be transferred to another Program and identifies the requirements which must be met in order to transfer the courses.

11B-35.0023(3)(a)-(d): Includes rule language that identifies the requirements which must be met in order to transfer from one Basic Recruit Training Program to another Program.

11B-35.0023(4)-(6): Renumbers paragraphs because a new paragraph (11B-35.0023(3), F.A.C.) was added.

11B-35.0024(3): Removes the “Cross-Over Handgun Transition Course” as a proficiency demonstration course. The course is being retired from cross-over programs involving the Corrections Officer BRTP because corrections officers no longer need this training.

11B-35.0024(3)(a)3.: Revises the rule text to require a basic recruit student to complete the Physician's Assessment form (Form CJSTC-75) prior to beginning a Basic Recruit Training Program, instead of completing the Physical Fitness Assessment form (Form CJSTC-75B), which is being repealed.

11B-35.0024(4): Removes the specialized Role-play Scenario for Facilitative Learning course, number 2001, from a list of courses that require students to demonstrate proficiency as such a demonstration is no longer required. Also removes related text.

11B-35.0024(4)(m): Removes the statement that Role-play Scenarios for Facilitative Learning course, number 2001, does not require a proficiency demonstration as such a demonstration is no longer required.

11B-35.003(2): Updates the rule text to require an applicant to complete the Florida Correctional Probation Officer Training Academy in its entirety in order to become a certified law enforcement or correctional auxiliary officer.

11B-35.003(8): Revises the rule text to require an individual to complete the new Florida Correctional Probation Officer Training Academy, number 3000, instead of the Florida Correctional Probation Basic Recruit Training Program, number 1176, in order to become a correctional probation auxiliary officer.

11B-35.009(3)(c): Updates the topics and exemption-from-training requirements for correctional probation officer training to complete the new Florida Correctional Probation Officer Training Academy, number 3000, instead of the Florida Correctional Probation Basic Recruit Training Program, number 1176.

11B-35.009(5): Incorporates the revised Exemption-From-Training form (Form CJSTC-76), changes the discipline field name to “Florida Correctional Probation Officer Training Academy,” and revises the deficiency topics.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND
LEGISLATIVE RATIFICATION

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

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

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Department of Law Enforcement

Division or Board: Criminal Justice Standards and Training Commission

Rule Chapter: 11B-35; Training Programs

RULE NO.:	RULE TITLE:
11B-35.001	General Training Programs; Requirements and Specifications
11B-35.0010	eLearning Instruction
11B-35.002	Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation
11B-35.0021	Courses and Requirements for Basic Recruit Training, Advanced, Specialized, and Instructor Training Requiring Proficiency Demonstration
11B-35.0023	Student Transfers within Basic Recruit Training Programs
11B-35.0024	Student Performance in Commission-approved High-Liability Basic Recruit Training Courses, Instructor Training Courses, and Specialized and Advanced Training Program Courses Requiring Proficiency Demonstration
11B-35.003	Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation Auxiliary Training
11B-35.009	Exemption from Basic Recruit Training

PURPOSE AND EFFECT:

Paragraphs 11B-35.001(9)-(15), F.A.C.: Deletes subsection 11B-35.001(9), F.A.C., because the Correctional Probation Basic Recruit Training Program was developed and approved with an effective date of November 1, 2016; and renumbers subsections 11B-35.001(9)-(15), F.A.C.

Paragraph 11B-35.001(10)(b), F.A.C.: Incorporates and revises the Academy Physical Fitness Standards Report, form CJSTC-67A, to update the rule reference and only request the last four digits of the student’s social security number; updates the name of the Florida Correctional Probation BRTP by adding “BRTP”; and adds the Florida Correctional Probation Officer Training Academy course as another course that requires the submission of form CJSTC-67A.

Sub-paragraph 11B-35.001(10)(d)8., F.A.C.: Updates the title of the ATMS Global Profile Report to reflect ATMS Global Profile Sheet for consistency within the rule and incorporates the revised Instructor Exemption, form CJSTC-82, which adds a certification statement to ensure the training center director or designee is aware of their responsibility to verify individual meets the eligibility requirements.

Sub-paragraphs 11B-35.001(10)(d)9.-10., F.A.C.: Updates the rule reference.

Sub-paragraph 11B-35.001(10)(d)13., F.A.C.: Updates the rule reference.

Sub-paragraph 11B-35.001(10)(d)14., F.A.C.: Incorporates the revised Physician’s Assessment, form CJSTC-75, which combines the original Physician’s Assessment, form CJSTC-75, and the Physical Fitness Assessment, form CJSTC-75B, to create the revised Physician’s Assessment, form CJSTC-75, to replace the repealed Physical Fitness Assessment, form CJSTC-75B.

Paragraph 11B-35.001(11)(c), F.A.C.: Updates the rule reference.

Paragraph 11B-35.001(12)(a), F.A.C.: Updates the rule reference.

Paragraph 11B-35.001(12)(b), F.A.C.: Updates the rule reference.

Subsection 11B-35.001(13), F.A.C.: Updates the rule reference.

Paragraph 11B-35.001(14)(b), F.A.C.: Revises the rule text to require a student to complete the Physician's Assessment, form CJSTC-75, prior to beginning a Basic Recruit Training Program, instead of completing the Physical Fitness Assessment, form CJSTC-75B, which is being repealed.

Paragraph 11B-35.0010(4)(a), F.A.C.: Makes a grammatical change.

Paragraph 11B-35.0010(4)(b), F.A.C.: Updates the forms website link.

Subparagraph 11B-35.002(1)(a)7., F.A.C.: Retires the Correctional Officer Cross-Over Training to Florida Law Enforcement Academy, number 2003, because it is being replaced with the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy, number 3002.

Subparagraph 11B-35.002(1)(a)8., F.A.C.: Retires the Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy, number 2004 because it is being replaced with the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy, number 3005.

Sub-paragraph 11B-35.002(1)(a)9., F.A.C.: Adds the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 3002 to the list of Law Enforcement Basic Recruit Training Programs, effective July 1, 2016, to replace the retired Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 2003.

Sub-paragraph 11B-35.002(1)(a)10., F.A.C.: Adds the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy number 3005 to the list of Law Enforcement Basic Recruit Training Programs, effective July 1, 2016, to replace the retired Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy number 2004.

Sub-paragraph 11B-35.002(1)(b)5., F.A.C.: Retires the Correctional Probation Officer Training to Florida CMS Correctional BRTP, number 1193, because it is being replaced with the new Correctional Probation Officer Training to Florida CMS Correctional BRTP, number 3004.

Sub-paragraphs 11B-35.002(1)(b)8.-9., F.A.C.: Retires the Law Enforcement Officer Cross-Over Training to Florida CMS Correctional BRTP, number 2005, because it is being replaced with the new Law Enforcement Officer Cross-Over Training to Florida CMS Correctional BRTP, number 3001. Commission staff is no longer using crossover-specific courses in the cross-over programs. Instead staff is only using existing courses in their entirety from the discipline to be learned.

Sub-paragraph 11B-35.002(1)(b)10., F.A.C.: Adds the new Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 3004 to the list of Correctional Basic Recruit Training Programs, effective July 1, 2016, to replace the retired Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 1193 because crossover-specific courses are no longer being used.

Sub-paragraph 11B-35.002(1)(c)1., F.A.C.: Retires the Florida Correctional Probation BRTP number 1176.

Sub-paragraph 11B-35.002(1)(c)2., F.A.C.: Retires the Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy number 1183 and replaces it with the new Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy number 3003.

Sub-paragraph 11B-35.002(1)(c)4., F.A.C.: Revises the rule text to require a basic recruit student to complete the new Florida Correctional Probation Officer Training Academy instead of the Correctional Probation BRTP in order to become a certified Correctional Probation Auxiliary Officer. Also updates the rule references.

Sub-paragraph 11B-35.002(1)(c)5., F.A.C.: Adds the new Florida Correctional Probation Officer Training Academy number 3000 to the list of Correctional Probation Basic Recruit Training Programs, effective November 1, 2016.

Sub-paragraph 11B-35.002(1)(c)6., F.A.C.: Adds the new Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy number 3003 to the list of Correctional Probation Basic Recruit Training Programs to replace the Correctional Officer Cross-Over Training to Florida Correctional Probation BRTP number 1183, effective November 1, 2016.

Paragraph 11B-35.002(5)(d), F.A.C.: Retires the Florida Correctional Probation Basic Recruit Training Program number 1176 and deletes the table of associated courses.

Paragraph 11B-35.002(5)(f), F.A.C.: Includes the new Florida Correctional Probation Officer Training Academy number 3000 and associated courses to the list of Correctional Probation Basic Recruit Training Programs, effective November 1, 2016.

Sub-paragraph 11B-35.002(6)(d)2., F.A.C.: Replaces the Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 2003 with the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 3002 because crossover-specific courses are no longer used in the crossover programs.

Sub-paragraphs 11B-35.002(6)(d)3.-7., F.A.C.: Renumbers the rule subsections because the list of Correctional Probation Basic Recruit Training Programs was updated.

Sub-paragraph 11B-35.002(6)(d)3., F.A.C.: Includes the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 3002 and associated courses to the Law Enforcement Cross-Over Basic Recruit Training Programs because crossover-specific courses are no longer used in the crossover programs.

Sub-paragraph 11B-35.002(6)(d)5., F.A.C.: Replaces the Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy number 2004 with the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy number 3005 because crossover-specific courses are no longer used in the crossover programs.

Sub-paragraph 11B-35.002(6)(d)6., F.A.C.: Includes the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy number 3005 to the list of Correctional Probation Basic Recruit Training Programs, effective July 1, 2016.

Sub-paragraph 11B-35.002(6)(e)2., F.A.C.: Replaces the retired Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 2005 with the Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 3001; and renumbers subparagraphs in Rule 11B-35.002(6)(e), F.A.C.

Sub-paragraph 11B-35.002(6)(e)3., F.A.C.: Adds the new Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 3001 and associated courses to the list of Correctional Cross-Over Basic Recruit Training Programs, effective July 1, 2016.

Sub-paragraph 11B-35.002(6)(e)6., F.A.C.: Replaces the retired Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 1193 with the Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 3004.

Sub-paragraph 11B-35.002(6)(e)7., F.A.C.: Adds the new Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 3004 and associated courses to the list of Correctional Cross-Over Basic Recruit Training Programs, effective July 1, 2016.

Sub-paragraph 11B-35.002(6)(f)5., F.A.C.: Replaces the retired Correctional Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program number 1183 with the Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy number 3003.

Sub-paragraph 11B-35.002(6)(f)6., F.A.C.: Adds the new Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy number 3003 and associated courses to the list of Correctional Probation Cross-Over Basic Recruit Training Programs, effective November 1, 2016.

Sub-paragraph 11B-35.0021(1)(e), F.A.C.: Removes the “Cross-Over Handgun Transition Course” from the High-Liability Basic Recruit Training Program and retires the course from crossover programs involving the Corrections Officer BRTP because corrections officers no longer need this training.

Paragraph 11B-35.0021(8)(a), F.A.C.: Removes the “Cross-Over Handgun Transition Course” as a course that requires instructor to student ratio of proficiency demonstration. The course is being retired from cross-over programs involving the Corrections Officer BRTP because corrections officers no longer need this training.

Paragraph 11B-35.0023(2)(c), F.A.C.: Updates the title of the ATMS Global Profile Report to reflect ATMS Global Profile Sheet for consistency within the rule; and adds text to allow for other documentation as proof of a student’s course completion.

Subsection 11B-35.0023(3), F.A.C.: Adds new paragraph to include text that allows high liability courses completed in one Basic Recruit Training Program to be transferred to another Program and identify the requirements which must be met in order to transfer the courses.

Paragraphs 11B-35.0023(3)(a)-(d), F.A.C.: Includes rule language to identify the requirements which must be met in order to transfer from one Basic Recruit Training Program to another Program.

Paragraphs 11B-35.0023(4)-(6), F.A.C.: Renumbers paragraphs because the new paragraph 11B-35.0023(3), F.A.C., was added.

Subsection 11B-35.0024(3), F.A.C.: Removes the “Cross-Over Handgun Transition Course” as a proficiency demonstration course. The course is being retired from cross-over programs involving the Corrections Officer B RTP because corrections officers no longer need this training.

Sub-paragraph 11B-35.0024(3)(a)3., F.A.C.: Revises the rule text to require a basic recruit student to complete the Physician’s Assessment, form CJSTC-75, prior to beginning a Basic Recruit Training Program, instead of completing the Physical Fitness Assessment, form CJSTC-75B, which is being repealed.

Subsection 11B-35.0024(4), F.A.C.: Removes the specialized “Role-play Scenario for Facilitative Learning” course from a list of courses that require students to demonstrate proficiency. Also, removes related text stating the same.

Paragraph 11B-35.0024(4)(m), F.A.C.: Removes the unnecessary statement that the Role-play Scenarios for Facilitative Learning course, number 2001, does not require a proficiency demonstration.

Subsection 11B-35.003(2), F.A.C.: Updates the rule text to reflect that an applicant must complete the Florida Correctional Probation Officer Training Academy in its entirety in order to become a certified law enforcement or correctional auxiliary officer.

Subsection 11B-35.003(8), F.A.C.: Revises the rule text to require an individual to complete the new Florida Correctional Probation Officer Training Academy number 3000 instead of the Florida Correctional Probation Basic Recruit Training Program, number 1176, in order to become a correctional probation auxiliary officer.

Paragraph 11B-35.009(3)(c), F.A.C.: Updates the topics and exemption-from-training requirements for correctional probation officer training to complete the new Florida Correctional Probation Officer Training Academy number 3000 instead of the Florida Correctional Probation Basic Recruit Training Program, number 1176.

Subsection 11B-35.009(5), F.A.C.: Incorporates the revised Exemption-From-Training, form CJSTC-76, to change the discipline field name to “Florida Correctional Probation Officer Training Academy” and revise the deficiency topics.

SUMMARY:

Criminal justice officer training programs and course requirements; revised Academy Physical Fitness Standards Report, form CJSTC-67A; and Physician’s Assessment, form CJSTC-75; repealed Physical Fitness Assessment, form CJSTC-75B; grammatical change and updated rule references, forms website link, and title of the ATMS Global Profile Sheet.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

OTHER RULES INCORPORATING THIS RULE: N/A. **EFFECT ON THOSE OTHER RULES:** N/A. The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a

legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

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

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), (2), 943.14(3), 943.17 FS.

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

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

DATE AND TIME: Wednesday, May 10, 2017 at 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

AMERICANS WITH DISABILITIES ACT: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting:

Joyce Gainous-Harris at 850-410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Joyce Gainous-Harris at 850-410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bureau Chief Glen Hopkins

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 25, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2016

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) through (8) No change.

~~(9) Implementation of the new Correctional Probation Basic Recruit Training Program. The Commission is preparing a significant update to the Commission-approved Correctional Probation Basic Recruit Training Program to be implemented in 2016. This program and courses are based on a statewide job task analysis and provides an enhanced learning environment. Delivery of the program shall comply with the requirements set forth in the Commission's new approved Correctional Probation Basic Recruit Training Curriculum.~~

~~(9)(10)~~ Reporting requirements for Commission-approved Basic Recruit, Advanced, and Specialized Training Program Courses are as follows:

(a) No change.

(b) Following the completion of a Commission-approved Basic Recruit Training Program, Advanced Training Program Course, or Instructor Training Course, the training center director or designee shall, within thirty days of the program or course completion date, electronically transmit a completed Training Report form CJSTC-67, or transmit an updated CJSTC-67 form through the Commission's ATMS. Submission of the Academy Physical Fitness Standards Report, form CJSTC-67A, revised August 4, 2016 ~~November 6, 2014~~, effective _____ ~~7/2015~~, hereby incorporated by reference, is required for the Florida CMS Law Enforcement, Florida Law Enforcement Academy, Florida Correctional Probation B RTP, Florida Correctional Probation Officer Training Academy, and Florida CMS Correctional Basic Recruit Training Programs within thirty days of the course completion. Form CJSTC-67A can be obtained at the

following FDLE Internet address:
<http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(c) No change.

(d) The training center director or designee shall ensure that the records for Commission-approved Basic Recruit, Advanced, and Specialized Training Program Courses are maintained in the course file within the training school. Each course shall be subject to audit by Commission staff. Such records shall, at a minimum, include:

1. through 7. No change.

8. List of course instructor(s) to include full name and a copy of the instructor's current ATMS Global Profile ~~Sheet Report~~ filed alphabetically in a master file, or maintained in the course file, or completion of Instructor Exemption, form CJSTC-82, revised August 4, 2016 ~~November 6, 2014~~, effective _____ 7/2015, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref-05651> if applicable. Form CJSTC-82 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

9. Student daily attendance records, to include documentation of excused absences, pursuant to subsection (10)~~(11)~~ of this rule section.

10. Documentation of student makeup work, pursuant to subsection (11)~~(12)~~ of this rule section.

11. through 12. No change.

13. Form CJSTC-67A for Basic recruit Training Programs pursuant to subsection 11B-35.001(13)(14), F.A.C.

14. For Basic Recruit Training Programs, proof of compliance with Sections 943.14(7) and 943.17(1)(g), F.S., and paragraph 11B-35.001(13)(14)(b), F.A.C., which includes a completed Physician's Assessment, form CJSTC-75, revised, August 4, 2016, effective _____, hereby incorporated by reference. ~~Physical Fitness Assessment, form CJSTC-75B, revised November 5, 2015, effective 9/2016, hereby incorporated by reference~~ <http://www.flrules.org/Gateway/reference.asp?No=Ref-07379>. Form CJSTC-75 ~~CJSTC-75B~~ can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

15. through 16. No change.

(10)(11) Student attendance requirements for Commission-approved Basic Recruit Training Programs outlined in subsection 11B-35.002(1), F.A.C., Specialized Training Programs outlined in subsection 11B-35.007(1), F.A.C., and Advanced Training Program Courses outlined in paragraph 11B-35.006(1)(b), F.A.C.

(a) through (b) No change.

(c) Competency-Based Instruction. The Commission approves competency-based instruction in the delivery of basic recruit training programs, specialized training program courses, specialized instructor training courses, and courses created from specialized goals and objectives, defined in subparagraph (10)(12)(c)1., of this rule section.

1. through 3. No change.

~~(11)(12)~~ Student Re-examination Policy for Commission-approved Basic Recruit Training Program Courses.

(a) A student shall achieve a passing score, pursuant to subsection 11B-35.001~~(8)(9)~~, F.A.C., on all end-of-course examinations in a Commission-approved Basic Recruit Training Program to successfully complete a program. A student who has failed a written end-of-course examination may be granted a re-examination by the training center director if:

1. through 3. No change.

(b) Exclusive of the Commission's Basic Recruit Training Courses requiring proficiency demonstration and re-examinations in paragraph ~~(11)(12)~~(a) of this rule section, a student may be granted one written end-of-course re-examination during a single Basic Recruit Training Program. Students, who have failed the written end-of-course examination after a second attempt, shall be deemed to have failed the course.

(c) No change.

~~(12)(13)~~ Student re-examination policy for Commission-approved Advanced and Specialized Training Program Courses. A student who has failed a written end-of-course examination in a Commission-approved Advanced or Specialized Training Program Course may be granted a re-examination of the course by the training center director as set forth in paragraph ~~(11)(12)~~(a) of this rule section. Each training school shall develop its own administrative procedures for processing a student's request for a re-examination as set forth in subsection ~~(11)(12)~~ of this rule section. Training school procedures for processing student requests for re-examination shall be documented and maintained on file at the training school for review by Commission staff and the student.

~~(13)(14)~~ Basic Recruit Student Physical Fitness Program.

(a) No change.

(b) Basic Recruit Student Physical Fitness Test and Chemical Agent Exposure. Prior to beginning a Basic Recruit Training Program, a student shall receive a physical examination and complete the Physician's Assessment, form CJSTC-75 ~~Physical Fitness Assessment form CJSTC 75B, <https://www.flrules.org/Gateway/reference.asp?No=Ref-05637>~~, which shall be maintained in the student or course file at the training school.

(c) No change.

~~(14)~~(15) Proof of course completion. A training school shall, within thirty days following the completion of a Commission-approved Basic Recruit, Advanced, or Specialized Training Program Course, provide to a student who has successfully completed the program, a certificate, which shall contain at a minimum, the name of the training school, the student's name, the dates of the program or course, the number of program or course hours, the title of the Basic Recruit, Advanced, or Specialized Training Program Course, and the current training center director's signature. Basic Recruit Training Completion Certificates shall contain the Curriculum Version Number for the course taught. The training school shall provide a certificate to a student who has successfully completed a Commission-approved Basic Recruit Training Program, and the student shall be required to pass the State Officer Certification Examination.

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, 5-21-12, 3-13-13, 5-29-14, 7-29-15, 9-4-16,

11B-35.0010 eLearning Instruction.

(1) through (3) No change.

(4) Training schools are permitted to expend Criminal Justice Standards and Training Trust Fund Officer Training Monies for conducting eLearning instruction for Commission-approved Specialized Training Program Courses and Specialized Instructor Courses, and courses created from Specialized Goals and Objectives, provided the courses are delivered using a learning management system, are instructor led, and the courses meet minimum standards pursuant to (4)(b) of this rule section. Officer Training monies shall be expended pursuant to the requirements of Rule Chapter 11B-18, F.A.C.

(a) “Learning Management System” (LMS) is defined as a web-based software application for the administration, documentation, tracking, and reporting of training programs, classroom and on-line events, eLearning programs, and training content. The LMS shall facilitate:

1. through 11. No change.

(b) eLearning courses shall conform to the minimum standards and criteria established and shall be documented on the eLearning Course Minimum Standards, Form CJSTC-18, Commission-approved December 16, 2010, (effective 3/2013), hereby incorporated by reference, prior to delivery of the course and maintained in the course file. An electronic copy of the corresponding course shall be maintained for a minimum of five years, and upon request shall be made available for review by Commission staff. Form CJSTC-18 can be obtained at the following FDLE Internet address:
<http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>
<http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.175, 943.25 FS. History—New 3-13-13,_____.

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

(1) There are established by the Criminal Justice Standards and Training Commission, Basic Recruit Training Programs (BRTP) that provide the minimum required knowledge and proficiency skills necessary for officer employment and certification pursuant to Sections 943.10(1)-(3), F.S. Individuals who apply for employment as a Florida law enforcement, correctional, or correctional probation officer, shall successfully complete one of the following Commission-approved Basic Recruit Training Programs:

(a) Law Enforcement Discipline

1. through 6. No change.

(a) Law Enforcement Discipline				
	Program Number	Basic Recruit Training Programs	Program Hours	Retired (R) Effective (E)
7.	2003	Correctional Officer Cross-Over Training to Florida Law Enforcement Academy	515	E-7/1/14 <u>R-6/30/16</u>
8.	2004	Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy	567	E-7/1/14 <u>R-6/30/16</u>
<u>9.</u>	<u>3002</u>	<u>Correctional Officer Cross-Over Training to Florida Law Enforcement Academy</u>	<u>518</u>	<u>E-7/1/16</u>
<u>10.</u>	<u>3005</u>	<u>Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy</u>	<u>532</u>	<u>E-7/1/16</u>

(b) Correctional Discipline

1. through 4. No change.

(b) Correctional Discipline				
	Program Number	Basic Recruit Training Programs	Program Hours	Retired (R) Effective (E)
5.	1193	Correctional Probation Officer Cross-Over Training to Florida CMS Correctional B RTP	250	E-7/1/12 <u>R-6/30/16</u>

6. through 7. No change.

8.	2005	Law Enforcement Officer Cross-Over Training to Florida CMS Correctional B RTP	172	E-7/1/14 <u>R-6/30/16</u>
<u>9.</u>	<u>3001</u>	<u>Law Enforcement Officer Cross-Over Training to Florida CMS Correctional B RTP</u>	<u>198</u>	<u>E-7/1/16</u>
<u>10.</u>	<u>3004</u>	<u>Correctional Probation Officer Cross-Over Training to Florida CMS Correctional B RTP</u>	<u>238</u>	<u>E-7/1/16</u>

(c) Correctional Probation Discipline

(c) Correctional Probation Discipline				
	Program Number	Basic Recruit Training Programs	Program Hours	Retired (R) Effective (E)
1.	1176	Florida Correctional Probation B RTP	449	E-4/1/08 <u>R-10/31/16</u>
2.	1183	Correctional Officer Cross-Over Training to Florida Correctional Probation B RTP	194	E-4/1/08 <u>R-10/31/16</u>

3. No change.

4.	NA	Correctional Probation Auxiliary BRTP; there is no course. To become certified as a Correctional Probation Auxiliary Officer, pursuant to subsection 11B-35.003(8), F.A.C., a basic recruit student shall complete the <u>Florida Correctional Probation Officer Training Academy</u> Correctional Probation BRTP , pursuant to paragraph (5)(g)(d) of this rule section.	NA	NA
<u>5.</u>	<u>3000</u>	<u>Florida Correctional Probation Officer Training Academy</u>	<u>482</u>	<u>E-11/1/16</u>
<u>6.</u>	<u>3003</u>	<u>Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy</u>	<u>290</u>	<u>E-11/1/16</u>

(2)(a) through (4) No change.

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

(a) through (c) No change.

(d) Florida Correctional Probation Basic Recruit Training Program number 1176, Version 2008.04 (Retired October 31, 2016). ~~(Effective April 1, 2008):~~

	Course Name	Course Hours
1.	Correctional Probation Legal	57
2.	Correctional Probation Interpersonal Communication Skills	44
3.	Correctional Probation Caseload Management	40
4.	Correctional Probation Supervision	88
5.	Correctional Probation Investigations	39
6.	Correctional Probation Management Information Systems	27
7.	CMS Criminal Justice Defensive Tactics	80
8.	CMS First Aid for Criminal Justice Officers	40
9.	Criminal Justice Officer Physical Fitness Training	34
	TOTAL	449

(e) No change.

(f) Florida Correctional Probation Officer Training Academy number 3000 (Effective November 1, 2016):

	<u>Course Name</u>	<u>Course Hours</u>
1.	<u>Introduction to Correctional Probation</u>	<u>14</u>
2.	<u>Legal Foundations for Correctional Probation</u>	<u>44</u>
3.	<u>Communications</u>	<u>46</u>
4.	<u>Intake and Orientation</u>	<u>24</u>

5.	<u>Caseload Management</u>	<u>32</u>
6.	<u>Supervision of Offenders</u>	<u>88</u>
7.	<u>Field Supervision</u>	<u>80</u>
8.	<u>CMS First Aid for Criminal Justice Officers</u>	<u>40</u>
9.	<u>CMS Criminal Justice Defensive Tactics</u>	<u>80</u>
10.	<u>Criminal Justice Officer Physical Fitness Training</u>	<u>34</u>
	<u>TOTAL</u>	<u>482</u>

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

(a) through (c) No change.

(d) Law Enforcement Cross-Over Basic Recruit Training Programs.

1. No change.

2. Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 2003 (Retired June 30, 2016). (~~Effective July 1, 2014~~). ~~An individual, who has successfully completed the Correctional Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a law enforcement officer:~~

	Course Title	Course Hours
a.	Overview of Law Enforcement	64
b.	Interactions In Crisis Situations	40
e.	Reporting Procedures	32

d.	Fundamentals Of Patrol	35
e.	Calls For Service	36
f.	Criminal Investigations	50
g.	Crime Scene To Courtroom	35
h.	Critical Incidents	44
i.	Traffic Stops	30
j.	DUI Traffic Stops	24
k.	Traffic Crash Investigations	32
l.	Cross Over Program Updates	8
m.	CMS Law Enforcement Vehicle Operations	48
n.	Dart Firing Stun Gun	8
o.	Cross Over Handgun Transition Course	24
p.	Correctional Cross over to Law Enforcement Officer Wellness	35
	TOTAL	515

3. Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 3002 (Effective July 1, 2016). An individual, who has successfully completed the Correctional Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a law enforcement officer:

	<u>Course Title</u>	<u>Course Hours</u>
a.	<u>Introduction to Law Enforcement</u>	<u>10</u>
b.	<u>Legal</u>	<u>62</u>

c.	<u>Interactions With a Diverse Community</u>	<u>40</u>
d.	<u>Interviewing and Report Writing</u>	<u>56</u>
e.	<u>Fundamentals of Patrol</u>	<u>35</u>
f.	<u>Calls For Service</u>	<u>36</u>
g.	<u>Criminal Investigations</u>	<u>50</u>
h.	<u>Crime Scene To Courtroom</u>	<u>35</u>
i.	<u>Critical Incidents</u>	<u>44</u>
j.	<u>Traffic Stops</u>	<u>30</u>
k.	<u>DUI Traffic Stops</u>	<u>24</u>
l.	<u>Traffic Crash Investigations</u>	<u>32</u>
m.	<u>Cross-Over Program Updates</u>	<u>8</u>
n.	<u>CMS Law Enforcement Vehicle Operations (See Volume 2: High Liability Textbook and Instructor Guide)</u>	<u>48</u>
o.	<u>Dart-Firing Stun Gun (See Volume 2: High Liability Textbook and Instructor Guide)</u>	<u>8</u>
	<u>TOTAL</u>	<u>518</u>

~~4. 3-~~ Correctional Officer Cross-Over Training to Florida CMS Law Enforcement Basic

Recruit Training Program number 1191 (Retired June 30, 2014).

~~5. 4-~~ Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy number 2004 (Retired June 30, 2016). (~~Effective July 1, 2014~~). ~~An individual who has successfully completed the Correctional Probation Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a law enforcement officer:~~

	Course Title	Course Hours
a.	Overview of Law Enforcement	64
b.	Law Enforcement Report Writing	28
e.	Fundamentals of Patrol	35
d.	Responding to Calls for Service	47
e.	Criminal Investigations	50
f.	Crime Scene Procedures	27
g.	Critical Incidents	44
h.	Traffic Stops	30
i.	DUI Traffic Stops	24
j.	Traffic Crash Investigations	32
k.	Cross-Over Program Updates	8
l.	CMS Law Enforcement Vehicle Operations	48
m.	Dart Firing Stun Gun	8
n.	CMS Criminal Justice Firearms	80
o.	Correctional Probation Cross-Over to Law Enforcement Officer Wellness	42
	TOTAL	567

6. Correctional Probation Officer Cross-Over Training to Florida Law Enforcement

Academy number 3005 (Effective July 1, 2016). An individual who has successfully completed the Correctional Probation Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a law enforcement officer:

	<u>Course Title</u>	<u>Course Hours</u>
a.	<u>Legal</u>	<u>62</u>
b.	<u>Interactions in a Diverse Community</u>	<u>40</u>
c.	<u>Fundamentals of Patrol</u>	<u>35</u>
d.	<u>Calls for Service</u>	<u>36</u>
e.	<u>Criminal Investigations</u>	<u>50</u>
f.	<u>Crime Scene to Courtroom</u>	<u>35</u>
g.	<u>Critical Incidents</u>	<u>44</u>
h.	<u>Traffic Stops</u>	<u>30</u>
i.	<u>DUI Traffic Stops</u>	<u>24</u>
j.	<u>Traffic Crash Investigations</u>	<u>32</u>
k.	<u>Cross-Over Program Updates</u>	<u>8</u>
l.	<u>CMS Law Enforcement Vehicle Operations</u>	<u>48</u>
m.	<u>CMS Criminal Justice Firearms</u>	<u>80</u>
n.	<u>Dart-Firing Stun Gun</u>	<u>8</u>
	<u>TOTAL</u>	<u>532</u>

7. 5. Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement

Basic Recruit Training Program number 1179 (Retired June 30, 2014).

(e) Correctional Cross-Over Basic Recruit Training Programs.

1. No change.

2. Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 2005 (Retired June 30, 2016). (Effective July 1, 2014). An individual, who has successfully completed the Law Enforcement Officer Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a correctional officer:

Course Title	Course Hours
Overview of Corrections	14
Officer Safety	16
Facility and Equipment	8
Intake and Release	18
Supervising in a Correctional Facility	40
Supervising Special Populations	20
Law Enforcement Cross-Over to Correctional Responding to Incidents and Emergencies	12
Cross-Over Program Updates	8
Cross-Over Handgun Transition Course	24
Law Enforcement Cross-over to Correctional Officer Wellness	12
TOTAL	172

3. Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 3001 (Effective July 1, 2016). An individual, who has successfully completed the Law Enforcement Officer Basic Recruit Training Program and passed the SOCE,

shall complete the following courses to satisfy the training requirements to become a correctional officer:

	<u>Course Title</u>	<u>Course Hours</u>
a.	<u>Introduction to Corrections</u>	<u>32</u>
b.	<u>Communications</u>	<u>40</u>
c.	<u>Officer Safety</u>	<u>16</u>
d.	<u>Facility and Equipment</u>	<u>8</u>
e.	<u>Intake and Release</u>	<u>18</u>
f.	<u>Supervising in a Correctional Facility</u>	<u>40</u>
g.	<u>Supervising Special Populations</u>	<u>20</u>
h.	<u>Responding to Incidents and Emergencies</u>	<u>16</u>
i.	<u>Cross-Over Program Updates</u>	<u>8</u>
	<u>TOTAL</u>	<u>198</u>

4. ~~3.~~ Law Enforcement Officer Cross-Over Training to Florida CMS Correctional B RTP number 1192 (Retired June 30, 2014).

5. ~~4.~~ Correctional Probation Officer Cross-Over Training to Traditional Correctional Basic Recruit Training Program number 1182 (Retired June 30, 2012).

6. ~~5.~~ Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 1193 (Retired June 30, 2016). (~~Effective July 1, 2012~~). ~~An individual, who has successfully completed the Correctional Probation Officer Basic Recruit~~

~~Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a correctional officer:-~~

	Course Name	Course Hours
a.	Introduction to Corrections	32
b.	Correctional Probation Cross Over to Correctional Radio Communications and Searches	10
e.	Facility and Equipment	8
d.	Intake and Release	18
e.	Supervising in a Correctional Facility	40
f.	Supervising Special Populations	20
g.	Responding to Incidents and Emergencies	16
h.	Cross Over Program Updates	8
i.	CMS Criminal Justice Firearms	80
j.	Correctional Probation Cross Over to Correctional Officer Wellness	18
	TOTAL	250

7. Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 3004 (Effective July 1, 2016). An individual, who has successfully completed the Correctional Probation Officer Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a correctional officer:

	<u>Course Name</u>	<u>Course Hours</u>
a.	<u>Introduction to Corrections</u>	<u>32</u>
b.	<u>Officer Safety</u>	<u>16</u>
c.	<u>Facility and Equipment</u>	<u>8</u>
d.	<u>Intake and Release</u>	<u>18</u>
e.	<u>Supervising in a Correctional Facility</u>	<u>40</u>
f.	<u>Supervising Special Populations</u>	<u>20</u>
g.	<u>Responding to Incidents and Emergencies</u>	<u>16</u>
h.	<u>CMS Criminal Justice Firearms</u>	<u>80</u>
i.	<u>Cross-Over Program Updates</u>	<u>8</u>
	<u>TOTAL</u>	<u>238</u>

(f) Correctional Probation Cross-Over Basic Recruit Training Programs.

1. through 4. No change.

5. Correctional Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program number 1183 (Retired October 31, 2016). (~~Effective April 1, 2008~~). ~~An individual who has successfully completed the Correctional Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a correctional probation officer:~~

	<u>Course Name</u>	<u>Course Hours</u>

a.	Correctional Cross Over to Correctional Probation Legal and Communications	18
b.	Correctional Cross Over to Correctional Probation Supervision	57
e.	Correctional Cross Over to Correctional Probation Investigations	30
d.	Correctional Probation Management Information Systems	27
e.	Correctional Probation Caseload Management	40
g.	Cross Over Program Updates	8
h.	Correctional Cross Over to Correctional Probation Officer Wellness	14
	TOTAL	194

6. Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy number 3003 (Effective November 1, 2016). An individual who has successfully completed the Correctional Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a correctional probation officer:

	<u>Course Name</u>	<u>Course Hours</u>
a.	<u>Introduction to Correctional Probation</u>	<u>14</u>
b.	<u>Legal Foundations for Correctional Probation Officers</u>	<u>44</u>
c.	<u>Intake and Orientation</u>	<u>24</u>
d.	<u>Caseload Management for Correctional Probation</u>	<u>32</u>
e.	<u>Supervision of Offenders</u>	<u>88</u>
f.	<u>Field Supervision</u>	<u>80</u>

g.	<u>Cross-Over Program Updates</u>	<u>8</u>
	<u>TOTAL</u>	<u>290</u>

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 1-10-94, 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, 5-21-12, 3-13-13, 5-29-14, 7-29-15, 9-4-16, _____.

11B-35.0021 Courses and Requirements for Basic Recruit Training, Advanced, Specialized, and Instructor Training Requiring Proficiency Demonstration.

(1) High-Liability Basic Recruit Training Program Courses:

(a) through (d) No change.

~~(e) Cross-Over Handgun Transition Course.~~

(2) through (7) No change.

(8) Instructor to student ratios for instruction of proficiency skills in High-Liability Basic Recruit Training Program Courses, DUI Traffic Stops, High-Liability Instructor Training Courses, Specialized Instructor Courses, Advanced Training Program Courses, and Specialized Training Program Courses, requiring proficiency demonstration.

(a) For instruction of the CMS Criminal Justice Firearms Course, ~~Cross-Over Handgun Transition Course~~, CMS Firearms Instructor Course, or Safe Handling of Firearms course, there shall be no more than six students actively engaged on a firearms range for each Commission-certified firearms instructor. One rangemaster shall supervise all range activity while training is actively engaged. The rangemaster shall be a Commission-certified firearms instructor and shall not be included as an instructor to comply with the instructor to student ratio requirements.

Discretionary course of fire shall be conducted with a one-to-one instructor to student ratio. Actively engaged is defined as “a student on the firing range handling a weapon.”

(b) through (j) No change.

Rulemaking Authority 943.03(4), 943.12(1), (2), 943.14(3), 943.17 FS. Law Implemented 943.12(5), 943.17 FS. History—New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-21-07, 6-9-08, 9-28-09, 3-13-13, 5-29-14, 7-29-15, 9-4-16,_____.

11B-35.0023 Student Transfers within Basic Recruit Training Programs.

(1) No change.

(2) A student may transfer courses from a Commission-approved Basic Recruit Training Program to another training school, for the same training program, provided:

(a) through (b) No change.

(c) Verification has been made by reviewing the student’s grade on the ATMS Global Profile Sheet Report or other documentation provided by the school where the courses were completed.

(d) No change.

(3) A student may transfer Commission-approved Basic Recruit Training High Liability Courses, pursuant to Rule 11B-35.0021(1), F.A.C., completed in one Basic Recruit Training Program to another Basic Recruit Training Program provided:

(a) The courses have been successfully completed within four years from the beginning date of the Commission-approved Basic Recruit Training Program; and

(b) The student has not been dismissed for disciplinary reasons from the previous Commission-approved Basic Recruit Training Program; and

(c) Verification has been made by reviewing the student's grade on the ATMS Global Profile Sheet or other documentation provided by the school where the courses were completed.

(d) Demonstration of proficiency skills required by the rule at the time of the requested transfer shall be met by the student. The training center director or designee shall evaluate the student's completed performance evaluation form(s) and ensure the student meets the current proficiency standards. Demonstration of the new skills shall be documented on the applicable performance evaluation form pursuant to Section 11B-35.0024, F.A.C.

~~(4)(3)~~ Both the transferring student and the receiving training school shall request the transferring training school to complete and submit the appropriate student records. Upon receipt of such request, the transferring training school is responsible for submitting the transferring student's records to the receiving training school.

~~(5)(4)~~ When a student has successfully completed courses included in a Commission-approved Basic Recruit Training Program at two or more training schools, and has met all requirements for completion of the program set forth in the requirements of this rule section, the training school where the student has successfully completed the greatest number of courses in that program, shall upon receipt of the student records from the other training school(s), submit a Training Report form CJSTC-67 to Commission staff. The training school submitting form CJSTC-67, may require the student to demonstrate the required proficiency skills not completed at that school, pursuant to subsection 11B-35.0024(1), F.A.C. The training school submitting form CJSTC-67 shall provide the student with written evidence of the student's successful completion of the Basic Recruit Training Program.

~~(6)(5)~~ Nothing in this rule section shall be construed to prevent a training school from admitting a student for the limited purpose of completing a course(s) required for completion of

a Commission-approved Basic Recruit Training Program at another training school where the student is enrolled.

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

11B-35.0024 Student Performance in Commission-approved High-Liability Basic Recruit Training Courses, Instructor Training Courses, and Specialized and Advanced Training Program Courses Requiring Proficiency Demonstration.

(1) through (2) No change.

(3) Successful completion and demonstration of proficiency skills is required for each of the following high-liability courses: CMS Criminal Justice Defensive Tactics Course, CMS Defensive Tactics Instructor Course, CMS Criminal Justice Firearms Course, ~~Cross-Over Handgun Transition Course~~, CMS Firearms Instructor Course, Safe Handling of Firearms course, CMS Law Enforcement Vehicle Operations Course, CMS Vehicle Operations Instructor Course, CMS First Aid for Criminal Justice Officers Course, and CMS First Aid Instructor Course.

(a) CMS Criminal Justice Defensive Tactics Course.

1. through 2. No change.

3. A basic recruit student shall be subject to chemical agent contamination as described in the CMS Criminal Justice Defensive Tactics Course. Prior to beginning a Law Enforcement, Correctional, or Correctional Probation Basic Recruit Training Program, a student shall complete the Physician's Assessment, form CJSTC-75 ~~Physical Fitness Assessment form CJSTC 75B~~. .

This form verifies that there are no known medical conditions that would prevent a student from participating in chemical agent contamination.

(b) through (i) No change.

(4) Successful completion and demonstration of proficiency skills is required for each of the following basic recruit, advanced, specialized instructor, or specialized training program courses: DUI Traffic Stops, Speed Measurement Course, Speed Measurement Instructor Course, Breath Test Instructor Course, Breath Test Instructor Renewal Course, Breath Test Operator Course, Breath Test Operator Renewal Course, Agency Inspector Course, Agency Inspector Renewal Course, Underwater Police Science and Technology course, Canine Team Training Course, and Canine Team Training Instructor Course, ~~and Role-play Scenarios for Facilitative Learning.~~

(a) through (l) No change.

(m) Role-play Scenarios for Facilitative Learning course number 2001. An instructor student shall achieve a score of no less than 85% on the required written end-of-course examination. ~~There are no proficiency requirements for this course.~~

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12, 943.17 FS. History—New 2-17-93, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 6-3-10, 3-13-13, 5-29-14, 7-29-15, 9-4-16,_____.

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

(1) No change.

(2) To become certified as a law enforcement or correctional auxiliary officer, an applicant shall meet the requirements outlined in Sections 943.13(1) – (9), and (11), 943.14(7), and

943.17(1)(g), F.S. To become certified as a correctional probation auxiliary officer, an applicant shall meet the requirements outlined in Sections 943.13(1)-(9), and (11), and 943.14(7), F.S., and shall complete the Florida Correctional Probation Officer Basic Recruit Training Program Academy in its entirety. Applicants requesting certification as a correctional officer shall complete the Florida CMS Correctional Basic Recruit Training Program in its entirety. Applicants requesting certification as a law enforcement auxiliary officer shall successfully complete the following Auxiliary Officer Basic Recruit Training Program requirements:

(a) through (c) No change.

(3) through (7) No change.

(8) Correctional Probation Auxiliary Officer Basic Recruit Training Program. To become a Correctional Probation Auxiliary Officer an individual shall complete the Florida Correctional Probation Officer Training Academy, number 3000 ~~Florida Correctional Probation Basic Recruit Training Program, number 1176~~, pursuant to paragraph 11B-35.002(5)(i)(~~d~~), F.A.C.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(5), 943.17(1)(a) FS. History—New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 6-3-10, 3-13-13, 5-29-14, 9-4-16, .

11B-35.009 Exemption from Basic Recruit Training.

(1) through (2) No change.

(3) For individuals who request an exemption from a Commission-approved Basic Recruit Training Program, the employing agency or Criminal Justice Selection Center shall:

(a) through (b) No change.

(c) Verify that the applicant's correctional probation officer training is comparable to the Commission's Florida Correctional Probation Officer Training Academy ~~Florida Correctional Probation Basic Recruit Training Program~~ whenever an exemption is requested, and at a minimum reflects successful completion of training, pursuant to the Exemption-From-Training form CJSTC-76, for the topics of Legal Foundations for Correctional Probation, ~~Interpersonal Communications Skills~~, Intake and Orientation, Caseload Management, Supervision of Offenders, ~~Investigations~~, Field Supervision, ~~Management Information Systems~~, Defensive Tactics, and First Aid or equivalent.

(d) through (e) No change.

(4) Inactive Florida officers who have been separated from employment for a period of four to eight years, may apply for exemption from re-taking the Basic Recruit Training Program for which the officer has been previously certified as a sworn officer. There shall be no more than an eight-year break in employment, which is measured from the separation date of the most recent qualifying employment to the time a complete application is submitted, for an exemption under this rule section. The employing agency or Criminal Justice Selection Center shall verify that the applicant has:

(a) through (b) No change.

(5) Documentation requirements for out-of-state, federal, and inactive Florida Officers. Upon verification of an individual's request for exemption of training, pursuant to this rule section, an employing agency or Criminal Justice Selection Center shall submit to Commission staff a completed Exemption-From-Training, form CJSTC-76, revised August 4, 2016 ~~November 5, 2015~~, effective _____ 9/2016, hereby incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-07382>, for out-of-state, federal, and

inactive Florida Officers. Form CJSTC-76 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615. Supporting documentation verifying the individual's compliance with comparable basic recruit training and sworn criminal justice experience pursuant to this rule section shall be maintained on file by the employing agency or Criminal Justice Selection Center and submitted to Commission staff for review. The agency shall be notified of the approval or denial of the requested exemption of certification in writing within 30 working days. Any appeal of denial of exemption is governed by Section 120.57, F.S.

(6) through (9) No change.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.131(2) FS. History—
New 1-2-97, Amended 7-7-99, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 5-21-12, 3-13-13,
5-29-14, 7-29-15, 9-4-16,_____.

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11C-6, FLORIDA ADMINISTRATIVE CODE

AMENDING RULE 11C-6.004 and 11C-6.009

SALE AND DELIVERY OF FIREARMS

SUMMARY OF THE RULE

11C-6 is amended to reflect the addition of an entity authorized to receive the reduced fee for state criminal history checks, to include the revised FDLE Firearm Purchase Program Non-Approval form and the ATF 4473 form, and to update the hyperlink.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11C-6.004: Adds an entity authorized to receive the reduced fee for state criminal history records checks to maintain consistency with the Florida Statutes.

11C-6.009: Incorporates revised forms ATF 4473 and the Firearms Purchase Program Non-Approval form, which now reflect the correct effective dates. Also updated the hyperlink to reflect the correct link at which the forms are available.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND

LEGISLATIVE RATIFICATION

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the

information expressly relied upon and described herein: The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

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

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Department of Law Enforcement

Division or Board: Division of Criminal Justice Information Systems

Rule Chapter: 11C-6; CRIMINAL HISTORY RECORDS DISSEMINATION POLICY

RULE NO.:	RULE TITLE:
11C-6.004	Procedures for Requesting Criminal History Records
11C-6.009	Sale and Delivery of Firearms

PURPOSE AND EFFECT:

Subsection 11C-6.004: Adds an entity authorized to receive the reduced fee for a state criminal history record check.

Subsection 11C-6.009: Revises the FDLE Firearm Purchase Non-Approval form and the ATF 4473 form. Also updates the hyperlink to reflect the correct link at which the forms are available.

SUMMARY:

The update reflects the addition of an entity authorized to receive the reduced fee for a state criminal history record check to comply with new statutory language, revises the FDLE Firearm Purchase Program Non-Approval form and the ATF 4473 form, and updates the hyperlink.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

OTHER RULES INCORPORATING THIS RULE: N/A. EFFECT ON THOSE OTHER RULES: N/A. The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

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

RULEMAKING AUTHORITY: 790.065, 943.03(4), 943.053(3), 943.0542, 943.056, F.S.

LAW IMPLEMENTED: 790.065, 943.053(3), 943.0542, 943.056, F.S.

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

DATE AND TIME: Wednesday, May 10, 2017 at 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

AMERICANS WITH DISABILITIES ACT: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting:

Robin Sparkman at 850-410-8105, or robinsparkman@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Robin Sparkman at 850-410-8105, or robinsparkman@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robin Sparkman

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 14, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2016

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-6.004 Procedures for Requesting Criminal History Records.

(1) through (2) No change.

(3) Fees.

(a) There shall be no charge for conducting record checks under paragraphs (2)(a) through (c).

(b) As provided in Section 943.053(3)(b), F.S., a processing fee of \$24 shall be charged for each subject inquired upon under paragraphs (2)(d) through (f), except that the fee for the guardian ad litem program, and vendors of the Department of Children and Families, the Department of Juvenile Justice, the Agency for Persons with Disabilities, and the Department of Elderly Affairs shall be \$8 for each name submitted; the fee for a state criminal history provided for application processing as required by law to be performed by the Department of Agriculture and Consumer Services shall be \$15 for each name submitted; and the fee for requests under Section 943.0542, F.S., which implements the National Child Protection Act of 1993, shall be \$18 for each volunteer name submitted. The state offices of the Public Defender shall not be assessed a fee for Florida criminal history information or wanted person information.

(c) The processing fee charged for each subject inquired upon via the internet shall be the fee authorized for inquiries from persons in the private sector in Section 943.053(3), F.S. This fee shall be assessed based on the inquiry regardless of whether the results show no criminal history record or some possible records. When an inquiry on one subject is made and more than one person is presented as possibly the same person, the customer will receive one criminal history record as a result of the prescribed payment. If the customer wants additional criminal history records from the list of persons presented for this same inquiry, a processing fee of \$24 shall be charged for each additional criminal record.

(d) Payment methods for criminal history record inquiries are as follows:

1. Criminal history record requests submitted in writing shall be payable by cash, check or money order.
2. Criminal history record requests submitted electronically shall be payable by debit or credit card.
3. Agencies or entities invoiced for criminal history record checks shall submit payment for invoices by check, money order or journal transfer.

(4) No change

Rulemaking Authority 943.03(4), 943.053(3), 943.0542, 943.056 FS. Law Implemented 943.053(3), 943.0542, 943.056 FS. History—New 12-30-76, Amended 11-7-83, Formerly 11C-6.04, Amended 9-1-88, 4-1-93, 7-7-99, 8-22-00, 7-29-01, 12-3-03, 6-9-08, 6-3-10, 5-21-12, 3-13-13, 5-29-14, 9-4-16,_____.

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-6.009 Sale and Delivery of Firearms.

(1) No change.

(2) Section A of the ATF F-4473 [5300.9] Part 1 (04/12) form must be completed by the potential buyer or transferee. The dealer must ensure that items ~~9-13~~ 1-17 are completed by the buyer prior to the dealer contacting the Florida Department of Law Enforcement (FDLE). In addition to the above requirements, the social security number of the potential buyer or transferee may be recorded in block number ~~7~~ 8 of ATF F-4473 [5300.9] Part 1 (04/12) form. The dealer is required to advise the potential buyer that the disclosure of his or her social security number is voluntary, of the authority for the disclosure, and of the use to be made of the number.

(3) through (6) No change.

(7) The dealer will record the decision and number provided by FDLE in box ~~19b~~ 21b and in the box in the top right corner labeled, Transferor's Transaction Serial Number of ATF form F-4473 (5300.9) Part 1 (04/12). When the transaction is approved, the dealer should complete Section B of the ATF form F-4473.

(8) To any potential buyer or transferee intending to formally appeal a non-approval decision, the dealer will provide a Firearm Purchase Program Non-Approval Appeal Form (form number FDLE 40-020, ~~January 2002~~ September 2016), incorporated herein by reference, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07401>,

http://www.fdle.state.fl.us/cms/FPP/Documents/2013_AppealFormHDworking.aspx, and on file with Secretary of State, that must be completed by the dealer and the potential buyer or transferee. The potential buyer or transferee must take the form to a law enforcement agency, be fingerprinted there, and return the Firearm Purchase Program Non-approval Appeal form and fingerprints to FDLE within 60 calendar days. Using the procedures as described in Chapter 11C-8, F.A.C., FDLE will process the formal appeal request. A supply of the appeal forms will be provided by FDLE to dealers upon request. Such requests should be directed to:

Florida Department of Law Enforcement

Firearm Purchase Program

Post Office Box 1489

Tallahassee, Florida 32302-1489

Telephone Number: (850)410-8139

As an alternative to this procedure, the potential buyer or transferee may at any time appeal his non-approval directly to the FBI, as authorized by Title 28, C.F.R., Section 25.10.

(9) through (20) No change.

Rulemaking Authority 790.065, 943.03(4) FS. Law Implemented 790.065 FS., Title 18, U.S.C., Chapter 44, and Title 27, C.F.R., Part 178. History-- New 6-2-91, Amended 7-7-99, 8-22-00, 12-18-00, 11-5-02, 7-29-15, 9-4-16, _____.

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11C-7, FLORIDA ADMINISTRATIVE CODE
AMENDING RULE 11C-7.009 AND CREATING NEW RULE
CRIMINAL HISTORY RECORDS; EXPUNCTION AND SEALING
AND PROCEDURES

SUMMARY OF THE RULE

11C-7 is amended to eliminate the deadline for submission of the application for early juvenile expunction and to create a new application that allows a juvenile to apply for an early expunction of a juvenile arrest.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11C-7.009: Eliminates the deadline for submission of an application for early juvenile expunction to reflect recent changes to s. 943.0582, F.S.

11C-7....: Creates a new application that allows a juvenile to apply for an early expunction of juvenile arrest events to meet the statutory requirements recently set forth in s. 943.0515, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND
LEGISLATIVE RATIFICATION

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

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

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Department of Law Enforcement

Division or Board: Division of Criminal Justice Information Systems

Rule Chapter: 11C-7; CRIMINAL HISTORY RECORDS; EXPUNCTION AND SEALING POLICY AND PROCEDURES

RULE NO.:	RULE TITLE:
11C-7.009	Procedures for Juvenile Diversion Expunction
11C-7....	(NEW RULE)

PURPOSE AND EFFECT:

Subsection 11C-7.009: Eliminates the deadline for submission of an application for early juvenile expunction to reflect recent changes to s. 943.0582, F.S.

Subsection 11C-7....: Creates a new application that allows a juvenile to apply for an early expunction of juvenile arrest events to meet the statutory requirements recently set forth in s. 943.0515, F.S.

SUMMARY:

The update eliminates the deadline for submission of the application for early juvenile expunction and creates a new application that allows juveniles to apply for an early expunction of a juvenile arrest.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

OTHER RULES INCORPORATING THIS RULE: N/A. EFFECT ON THOSE OTHER RULES: N/A. The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

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

RULEMAKING AUTHORITY: 943.0582, 943.0515(1) FS

LAW IMPLEMENTED: 943.0582, 943.0515(1) FS.

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

DATE AND TIME: Wednesday, May 10, 2017 at 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

AMERICANS WITH DISABILITIES ACT: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting:

Timothy Giesecke at 850-410-7980, or timothygiesecke@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Timothy Giesecke at 850-410-7980, or timothygiesecke@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308.

NAME OF PERSON ORIGINATING PROPOSED RULE: Timothy Giesecke

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 14, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2016

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-7.009 Procedures on Juvenile Diversion Expunctions.

(1) A minor who has successfully completed a prearrest or postarrest diversion program as authorized by Section 985.3065, F.S., which program satisfies the requirements found at Section 943.0582, F.S., may apply directly to the Department for expunction of the minor's juvenile nonjudicial arrest record. The application for the Juvenile Diversion Expunction must include:

~~(a) A money order, cashier's check, or certified check for \$75.00 made payable to the Florida Department of Law Enforcement. This processing fee is non refundable, regardless of whether the application for expunction is granted. A fee waiver may be granted by the Executive Director of the Department, upon submission of a written request, and in determination that the waiver is in the best interests of criminal justice.~~

~~(b)~~ (a) A completed Application for Juvenile Diversion Expunction. The subject must complete section A of the application. The Application for Juvenile Diversion Expunction, form number FDLE 40-025 (rev. July 2013, effective 5/2014), hereby incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-03946>, [http://www.fdle.state.fl.us/cms/Seal-and-Expunge-Process/Documents/JuvenileDiversionExpunctionApplication\(Final2013\).aspx](http://www.fdle.state.fl.us/cms/Seal-and-Expunge-Process/Documents/JuvenileDiversionExpunctionApplication(Final2013).aspx), may be obtained from:

1. The Clerk of the Court, or
2. Florida Department of Law Enforcement

Expunge Section

Post Office Box 1489

Tallahassee, Florida 32302-1489

Telephone Number: (850)410-7870

Website: <http://www.fdle.state.fl.us/expunge>

~~(c)~~ (b) The state attorney should complete section B of the Application for Juvenile Diversion Expunction and have it certified.

~~(d)~~ (c) A legible set of fingerprints recorded on an FBI Applicant Fingerprint Card (FD-258) or ~~Fingerprint form 40-024~~. The fingerprinting must be done by a law enforcement agency. The law enforcement agency fingerprinting the subject should place the following statement in the "Reason Fingerprinted" section on the card or Fingerprint form: "Application For Juvenile Diversion Expunction." The subject must pay any fees required by the law enforcement agency for providing this service. If a copy of the Applicant Fingerprint Card is needed, it may be obtained from:

1. The Clerk of the Court, or
2. Florida Department of Law Enforcement

Expunge Section

Post Office Box 1489

Tallahassee, Florida 32302-1489

Telephone Number: (850)410-7870

Website: <http://www.fdle.state.fl.us/expunge>

(2) The complete application packet should be mailed or delivered, ~~within the time limits prescribed by Section 943.0582, F.S.~~, to Florida Department of Law Enforcement, ATTN: Expunge/Seal Section, Post Office Box 1489, Tallahassee, Florida 32302-1489.

(3) through (6) No change.

Rulemaking Authority 943.0582 FS. Law Implemented 943.0582 FS. History--New 11-5-02, Amended 6-9-08, 5-29-14, _____.

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-7.... Procedures on Section 943.0515(1)(b)2., F.S., Early Juvenile Expunctions.

(1) A person who has not been committed to a juvenile correctional facility or juvenile prison under chapter 985, may apply directly to the Department to have his or her juvenile criminal history record expunged, provided he or she is at least 18 years of age but less than 21 years of age. To be eligible for this form of expunction, the applicant must not have been charged by the state attorney with or found to have committed any criminal offense within the 5-year period before the application date. The application for the Early Juvenile Expunction must include:

(a) A money order, cashier's check, or certified check for \$75.00 made payable to the Florida Department of Law Enforcement. This processing fee is non-refundable, regardless of whether the application for expunction is granted. A fee waiver may be granted by the Executive Director of the Department, upon submission of a written request, and in his or her determination that the waiver is in the best interests of criminal justice.

(b) A completed Application for Early Juvenile Expunction. The subject must complete section A of the application. The Application for Early Juvenile Expunction, form number FDLE 40-028 , hereby incorporated by reference, may be obtained from:

1. The Clerk of the Court, or
2. Florida Department of Law Enforcement

Expunge Section

Post Office Box 1489

Tallahassee, Florida 32302-1489

Telephone Number: (850)410-7870

Website: <http://www.fdle.state.fl.us/cms/Seal-and-Expunge-Process/Seal-and-Expunge-Home>

(c) The state attorney for the circuit having jurisdiction over the arrest should complete section B of the Application for Early Juvenile Expunction and have it certified.

(d) A legible set of fingerprints recorded on an FBI Applicant Fingerprint Card (FD-258). The fingerprinting must be done by a law enforcement agency. The law enforcement agency fingerprinting the subject should place the following statement in the "Reason Fingerprinted" section on the card or Fingerprint form: "Application For Early Juvenile Expunction." The subject must pay any fees required by the law enforcement agency for providing this service. If a copy of the Applicant Fingerprint Card is needed, it may be obtained from:

1. The Clerk of the Court, or
2. Florida Department of Law Enforcement

Expunge Section

Post Office Box 1489

Tallahassee, Florida 32302-1489

Telephone Number: (850)410-7870

Website: <http://www.fdle.state.fl.us/cms/Seal-and-Expunge-Process/Seal-and-Expunge-Home>

(e) A sworn, written statement from the applicant that he or she is no longer under court supervision applicable to the disposition of the arrest or alleged criminal activity to which the application pertains, and that he or she has not been charged with or found to have committed a criminal offense, in any jurisdiction of the state or within the United States, within the 5-year period before the application date.

(2) The complete application packet should be mailed or delivered, within the time frame prescribed by Section 943.0515(1)(b)2., F.S., to Florida Department of Law Enforcement, ATTN: Expunge/Seal Section, Post Office Box 1489, Tallahassee, Florida 32302-1489.

(3) If the application packet is incomplete the Department will not process it. The incomplete packet, along with the processing fee, will be returned to the subject with an indication as to the reason for non-acceptance. It will be the subject's responsibility to obtain the missing information and return the complete packet to the Department.

(4) If the application packet is complete, the Department will review the submitted information and the subject's criminal history record to determine if the application and the specified record meet the requirements for Early Juvenile Expunction, which are listed in Section 943.0515(1)(b)2., F.S. Questions regarding the status of the review should be directed to the Expunge Section at (850)410-7870.

(5) The Department will expunge the subject's juvenile criminal history record if the application and the specified criminal history record meet the requirements for Early Juvenile Expunction, and will notify the subject or his or her parent or legal guardian. If the application and the specified criminal history record do not meet the requirements for Early Juvenile Expunction, the Department will send the subject a letter stating the reason for ineligibility with an explanation of appeal rights.

Rulemaking Authority 943.0515(1) FS. Law Implemented 943.0515(1)FS. History - New _____.

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11D-6, FLORIDA ADMINISTRATIVE CODE
AMENDING RULES 11D-6.003
DNA DATABASE COLLECTION
SUMMARY OF THE RULE

11D-6 is amended to update the revision date, reference of the Oral Swab Collection Kit form FDLE/FOR-005.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11D-6.003(1)(a): Revises the Oral Swab Collection Kit form (FDLE/FOR-005) and adds a new revision date.

11D-6.003(1)(a)1: Corrects a grammatical error.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND
LEGISLATIVE RATIFICATION

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

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

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Department of Law Enforcement
Division or Board: Division of Local Law Enforcement Assistance
Rule Chapter: 11D-6; DNA DATABASE COLLECTION

RULE NO.:	RULE TITLE:
11D-6.001	Definitions
11D-6.003	Procedures

PURPOSE AND EFFECT:

Sub-paragraph 11D-6.003(1)(a) , F.A.C.: Updates the revision date and reference of the Oral Swab Collection Kit form FDLE/FOR-005.
Sub-paragraph 11D-6.003(1)(a)1, F.A.C.: Corrects a grammatical error.

SUMMARY:

Updates the revision date and reference of the Oral Swab Collection Kit form FDLE/FOR-005 and corrects a grammatical error.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.
The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

OTHER RULES INCORPORATING THIS RULE: N/A. EFFECT ON THOSE OTHER RULES: N/A. The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

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

RULEMAKING AUTHORITY: 943.03(4), 943.325(4), (5), (17) FS.

LAW IMPLEMENTED: 943.325 FS.

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

DATE AND TIME: Wednesday, May 10, 2017 at 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

AMERICANS WITH DISABILITIES ACT: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting:

Christopher A. Carney at 850-617-1337, or chriscarney@fdle.state.fl.us, or write to Florida Department of Law Enforcement, DNA Investigative Support Database, 2331 Phillips Road, Tallahassee, Florida 32308.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Christopher A. Carney at 850-617-1337, or chriscarney@fdle.state.fl.us, or write to Florida Department of Law Enforcement, DNA Investigative Support Database, 2331 Phillips Road, Tallahassee, Florida 32308.

NAME OF PERSON ORIGINATING PROPOSED RULE: Christopher A. Carney

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 25, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2016

THE FULL TEXT OF THE PROPOSED RULE IS:

11D-6.003 Procedures.

(1) DNA Sample collection.

(a) A qualifying offender providing DNA samples must be identified in the manner specified by the Oral Swab Collection Kit Instructions and Form FDLE/FOR-005, revised September ~~2014~~ 2015, and incorporated by reference, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02350>, prior to taking the DNA samples from such offender. Form FDLE/FOR-005 and additional kits may be obtained from the Florida Department of Law Enforcement, DNA Database, Post Office Box 1489, Tallahassee, Florida 32302-1489. A qualifying offender may also be identified through use of the Falcon Rapid-ID Edge device.

1. DNA samples submitted from qualifying offenders without the use of the Falcon Rapid-ID Edge device must be accompanied by a completed Swab Collection Kit form FDLE/FOR-005. The imprinting of the offender's left and right thumbs, by means of an inked impression, in the spaces indicated on the form shall be completed as well. Inked fingerprint impressions must be legible for fingerprint classification and comparison purposes. DNA samples accompanied by one or more illegible inked fingerprint impressions will be unacceptable for entry into the DNA Database and will be rejected ~~requested~~ by FDLE. The collecting agency must then submit a new DNA sample and completed form.

2. DNA Samples submitted from qualifying offenders through use of the FALCON Rapid-ID Edge device must be accompanied by the printout and barcode generated by the application. Any required information not captured by the Falcon/Rapid-ID DNA Availability application shall be filled out on the Swab Collection Kit form FDLE/FOR-005.

(b) When identification of the qualifying offender is accomplished, DNA samples shall be taken from the qualifying offender in the manner described in Section 943.325(3), F.S.

(c) Such samples shall be taken using only the Oral Swab Collection Kit pursuant to paragraph (1)(a) of this rule section.

(d) Collection, labeling, storage, handling, and transmittal of DNA Samples shall be as prescribed in the printed instructions included with each oral swab sample collection kit. The collecting agency should forward DNA samples to the Department within 7 working days of collection.

(2) Removal of DNA Information from the DNA Database. Persons seeking removal of their DNA information from the DNA Investigative Support Database shall mail certified copies of the required documentation as described in Section 943.325(16), F.S., to the FDLE DNA Investigative Support Database, P. O. Box 1489, Tallahassee, Florida 32302-1489.

Rulemaking Authority 943.03(4), 943.325(4), (5), (17) FS. Law Implemented 943.325 FS. History—New 7-4-90, Amended 7-6-99, 8-22-00, 7-29-01, 11-5-02, 6-3-10, 3-13-13.

FDLE Performance Measures - 2nd Quarter FY 16-17

Number	Objective	Weight	Range	Result	Score	Weighted Score
1	Percentage of investigative resources dedicated to conducting major investigative activities	20%	5 = 70% or more 4 = 68-69% 3 = 66-67% 2 = 64-65% 1 = 63% and below	74.7%	5	
2	Percentage of service requests completed as function of staffing and optimal performance	15%	5 = 15% and above 4 = 6-14% 3 = 0-5% 2 = -5 to -1% 1 = -5% and below	30.5%	5	
3	Percentage of criminal history record checks responded to within the defined timeframe	10%	5 = 100% 4 = 98-99% 3 = 96-97% 2 = 94-95% 1 = 93% and below	97.8%	4	
4	Percentage of Biometric Identification System searches performed in 10 minutes or less	10%	5 = 100% 4 = 98-99% 3 = 96-97% 2 = 94-95% 1 = 93% and below	95.5%	3	
5	Percentage of time critical technology systems are online and accessible	10%	5 = 95-100% 4 = 90-94% 3 = 85-89% 2 = 80-84% 1 = 79% and below	99.9%	5	
6	Number of training hours delivered to local, state and federal agencies	5%	5 = 800 or more 4 = 750-799 hours 3 = 700-749 hours 2 = 650-699 hours 1 = less than 650 hours	N/A (407 hrs. through 2nd Q.)	N/A	
7	Percentage of officer certification applications processed within defined timeframe	5%	5 = 97-100% 4 = 94-96% 3 = 90-93% 2 = 89-86% 1 = 85% and below	97.1%	5	
8	Percentage of customers with positive service rating	5%	5 = 95-100% 4 = 90-94% 3 = 85-89% 2 = 80-84% 1 = 79% and below	N/A	N/A	
Total		80%				



CONTRACTS, AGREEMENTS AND PURCHASES OVER \$100,000

Q2 - FY 2016-17 (Oct. 1 – Dec. 31, 2016)

<u>P.O.#</u>	<u>VENDOR/SERVICE</u>	<u>AMOUNT</u>
710:0264	Anders Asset Management Trust Five year lease for Live Oak Field Office. <ul style="list-style-type: none">▪ Informal Quote▪ Term: 2/1/17-1/31/22	\$300,000
FDLE-007-17	Arrowhead Scientific, Inc. Oral swab collection kits for Tallahassee Regional Crime Laboratory. <ul style="list-style-type: none">▪ Invitation to Bid▪ Term: 10/19/16-10/18/19	\$450,000
AF7BE8	Bode Cellmark Forensics, Inc. Sexual assault kit (SAK) testing fees. <ul style="list-style-type: none">▪ Invitation to Bid▪ Term: 9/1/16-12/31/16	\$ 1,052,624
AFF568	Brandt Information Services, Inc. IT staff augmentation – Computerized Criminal History (CCH) Libra 460 Mainframe System. <ul style="list-style-type: none">▪ State Term Contract▪ Term: 10/24/16-6/30/17	\$ 114,000
B030D0	Carahsoft Technology Corp. Alfresco Enterprise Content Management Software for CCH. <ul style="list-style-type: none">▪ State Term Contract▪ Term: 7/1/16-6/30/17	\$ 113,375
B04B70	DNA Labs International, Inc. SAK testing fees. <ul style="list-style-type: none">▪ Alternate Contract Source▪ Term: 1/1/17-3/31/17	\$ 176,200
FDLE-008-17	Ephesoft, Inc. Ephesoft Document Management/SmartCapture license, maintenance and support. <ul style="list-style-type: none">▪ Single Source▪ Term: 1/1/17-12/31/19	\$240,270
B03B02	Florida Counter Drug Procurement Program/Florida Sheriffs Association Five DNA sequencing instruments to streamline SAK processing for Tallahassee, Pensacola, Jacksonville, Orlando and Ft. Myers Regional Crime Laboratories. <ul style="list-style-type: none">▪ Federal 1122 Program▪ One Time Purchase	\$288,529

B01B1B	Life Technologies Corporation	\$141,637
B0420B	Reagents and supplies for offender DNA (Biology) casework Tampa Bay and Tallahassee Regional Crime Laboratories. <ul style="list-style-type: none"> ▪ Single Source ▪ One Time Purchase 	\$158,275
B014D8	MorphoTrak, Inc. Maintenance and technical support services for Biometric Identification System (BIS). <ul style="list-style-type: none"> ▪ Single Source ▪ Term: 11/15/16-1/31/17 	\$294,058
FDLE-004-17	MorphoTrak, Inc. Maintenance and technical support for Rapid ID System (fingerprint technology). <ul style="list-style-type: none"> ▪ Single Source ▪ Term: 12/1/16-8/31/20 	\$739,890
FDLE-010-17	MorphoTrak, Inc. BIS maintenance and technical support services. <ul style="list-style-type: none"> ▪ Single Source ▪ Term: 12/1/16-11/30/19 	\$3,923,038
AFE00C*	Rolland, DelValle & Bradley, Inc. Architect-engineer services for the new Pensacola Regional Operations Center. <ul style="list-style-type: none"> ▪ Architectural Services ▪ Term: 9/28/16-6/30/18 	\$163,920
710:0260	Sebring Professional Plaza, LLC Five year lease for Sebring Field Office. <ul style="list-style-type: none"> ▪ Informal Quote ▪ Term: 5/1/17-4/30/22 	\$432,672
PO1243638	Unisys Corporation Libra 460 software lease, hardware and software support/maintenance for implementation of CCH. <ul style="list-style-type: none"> ▪ State Term Contract ▪ Term: 11/1/16-10/31/18 	\$1,708,410

*Minority Vendor



Florida Department of
Law Enforcement

Richard L. Swearingen
Commissioner

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

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

AMENDED REQUEST FOR FISCAL YEAR 2017-18

February 24, 2017

Cynthia Kelly, Director
Office of Policy and Budget
Executive Office of the Governor
1701 Capitol
Tallahassee, Florida 32399-0001

Mike Hansen, Staff Director
Senate Committee on Appropriations
201 The Capitol
Tallahassee, Florida 32399-1100

JoAnne Leznoff, Staff Director
House Appropriations Committee
221 The Capitol
Tallahassee, Florida 32399-1300

Directors:

Pursuant to Chapter 216, Florida Statutes, enclosed is the Amended Request Number 1 for the 2017-18 Fiscal Year of the Florida Department of Law Enforcement. The information contained herein is a true and accurate presentation of our amended legislative budget request for budget period 2017-18.

Sincerely,

Richard L. Swearingen
Commissioner

RLS/db



Enhance Counterterrorism Resources

Issue Code 6600510

\$329,968 Operating Trust Fund

Issue. Overtime is an unavoidable component of public safety work. Much of the work is unpredictable and time-sensitive, where the ability to immediately pursue a lead is critical to the successful outcome of the investigation. Delayed response could result in lost suspects or witnesses; diminished recall or altered accounts of the crime. Additionally, external circumstances and events – for example, natural disasters or criminal emergencies such as the Pulse Nightclub or Ft. Lauderdale Airport shootings - always impact sworn personnel and the need for overtime. Personnel limitations, case integrity and continuity are additional factors that impact the ability of managers to flex work schedules, distribute work assignments, or employ other tools managers typically use to control overtime.

Based on 2016 overtime usage by sworn members, the estimated overtime need for each of the eight Domestic Security squads is \$41,246. The agency is amending its original FY 17-18 request to include overtime for the Domestic Security Squads, an increase of \$329,968 in Operating Trust Fund authority.

Resources. The department is requesting \$329,968 in recurring overtime appropriation authority in the Operating Trust Fund.

This issue is consistent with the Florida Strategic Plan for Economic Development to create and sustain vibrant, safe, and healthy communities that attract workers, residents, businesses and visitors.



Transfer Funding Source for CJSTTF for GR to OTF

Issue Code 340210 / 3400220

No Fiscal Impact

Issue. In FY 15-16, the legislature authorized a recurring \$4,800,000 transfer of cash from General Revenue into the Criminal Justice Standards and Training Trust Fund to maintain the solvency of the trust fund. This transfer also allows the agency to continue to distribute funds to the state's 40 criminal justice training centers to support advanced and specialized training of Florida's 75,000 certified law enforcement, corrections, and correctional probation officers.

Resources. FDLE is requesting to shift the source of the \$4,800,000 transfer from General Revenue to the agency's Operating Trust Fund.

This issue is consistent with the Florida Strategic Plan for Economic Development to ensure state, regional, and local agencies provide collaborative, seamless, consistent, and timely customer service to businesses and workers and improve the efficiency and effectiveness of government agencies at all levels.



Increase Funding for Law Enforcement Officer Training

Issue Code 4100210

\$998,748 Criminal Justice Standards & Training Trust Fund

Issue. The Criminal Justice Standards and Training Trust Fund (CJSTTF) was established to educate and train Florida's criminal justice community. Funding is distributed to the state's 40 criminal justice training centers to support advanced and specialized training of Florida's 75,000 certified law enforcement, corrections, and correctional probation officers. It also supports FDLE's Professionalism operations, Alcohol Testing Program, Florida Criminal Justice Executive Institute, Drug Abuse Resistance Education (D.A.R.E), Medical Examiners Commission, and Criminal Justice Standards and Training Commission.

Steadily declining revenues over the last six fiscal years and legislative redistributions have resulted in dramatic reductions to the training dollars distributed statewide to the training centers. This funding is critical to ensuring Florida's officers are properly trained to protect Florida's citizens and visitors. Prior to FY 07-08, the seven-year average distribution was \$102 per officer. Over the last seven fiscal years, the distribution declined to an average of \$64 per officer, with FY 13-14 marking the lowest amount in the history of the fund at \$40 per officer. In FY 16-17, the distribution will be \$67 per officer.

Resources. FDLE is requesting the appropriation necessary to increase the per officer distribution amount from \$67 to \$80 beginning in FY 17-18. This includes \$998,748 in distribution authority in the CJSTTF and an additional \$1,200,000 cash transfer from Operating Trust Fund to the CJSTTF to support the trust fund.

This issue is consistent with the Florida Strategic Plan for Economic Development to ensure state, regional, and local agencies provide collaborative, seamless, consistent, and timely customer service to businesses and workers and improve the efficiency and effectiveness of government agencies at all levels.



Transfer Information Delivery Team Resources within the FDLE

Issue Code 18000270 / 1800280

No Fiscal Impact

Issue. The Information Delivery Team (IDT) within the Field Services Unit is the primary Criminal Justice Information Services (CJIS) point of contact for state and local criminal justice agencies. In addition to training criminal justice users on the proper use of the Florida Crime Information Center (FCIC) and National Crime Information Center (NCIC) to achieve CJIS Certification and Recertification required by the Federal Bureau of Investigation (FBI), they are also responsible for training on the FBI CJIS Security Policy, the new Computerized Criminal History System; national uniform crime reporting (UCR) to include hate crimes, law enforcement officers killed in the line of duty, use of force and other specified crime categories; implementation of criminal watchlist and rapid identification; proper techniques for capturing fingerprints, palm prints and mugshots during arrest/booking events. IDT also provides assistance to agencies connected to the Florida Criminal Justice Network (CJNet). The team answers policy and procedure related questions, develops curricula, prepares and distributes informational newsletters and CJIS memoranda, and facilitates training sessions at the CJIS Annual Training Symposium. Team members also promote criminal justice use of new technologies through awareness and training efforts for both criminal and non-criminal justice agencies.

Currently, IDT positions located in the regional offices report to the regional Special Agent in Charge (SAC) and are part of the Investigations and Forensic Sciences Program. With CJIS coordinating the duties and assignments of the IDT while the positions reside in the Investigative Services command structure, communication issues and conflicting priorities can have a detrimental effect on the efficiency and effectiveness of the team. This transfer will resolve these issues by moving IDT positions under the direct control of CJIS managers.

Resources. The department is requesting the transfer of budget, positions and salary rate from the Investigative Services budget entity to the Criminal Justice Information Services budget entity. The net effect of this issue is \$0.

Results. Moving the resources from the Investigations and Forensic Sciences Program to the Criminal Justice Information Program will provide more consistent delivery of CJIS training statewide and more concentrated support for local agencies related to CJIS projects and applications.

This issue is consistent with the Florida Strategic Plan for Economic Development to ensure state, regional, and local agencies provide collaborative, seamless, consistent, and timely customer service to businesses and workers and improve the efficiency and effectiveness of government agencies at all levels.



Transfer Salary Rate between Budget Entities

Issue Code 160F330 / 160F340

No Fiscal Impact

Issue. The Florida Department of Law Enforcement is requesting a realignment of salary rate between budget entities within the department. The transfer was approved in Fiscal Year 2016-17 on EOG# P0032. The net effect of this issue and Issue 160F330 is 0.

The Florida Department of Law Enforcement is requesting a realignment of salary rate between budget entities within the department. The transfer was approved in Fiscal Year 2016-17 on EOG# P0032. The net effect of this issue and Issue 160F340 is 0.

This issue is consistent with the Florida Strategic Plan for Economic Development to ensure state, regional, and local agencies provide collaborative, seamless, consistent, and timely customer service to businesses and workers and improve the efficiency and effectiveness of government agencies at all levels.



FDLE Regional Facility – North West Florida

Issue Code 990S000

\$8,200,000 General Revenue

Issue. The Department of Management Services (DMS), Division of Real Estate Development and Management submitted a request of \$16,100,000 (990F000) in nonrecurring general revenue for the construction of a 64,000 square foot Regional Operations Center for the Florida Department of Law Enforcement (FDLE) located in Pensacola, FL.

Using funds appropriated by the 2016 Legislature, FDLE and DMS contracted with an architectural firm to conduct an updated needs assessment study and to provide conceptual plans for the new facility. The current architectural designs revealed the departments' original estimate and request did not account for cost associated with circulation space (7,500 Sq.Ft), warehouse (5,000 Sq.Ft), needed site improvements, inflation in construction costs and anticipated growth for biology and domestic security functions within FDLE. The additional requirements equate to a 75,000 square foot building and an increase in estimated construction costs from \$16,100,000 to \$24,300,000.

Resources. The department is requesting an additional \$8,200,000 in general revenue to accommodate the revised cost estimate associated with the Regional Operations Center.

This issue is consistent with the Florida Strategic Plan for Economic Development to ensure state, regional, and local agencies provide collaborative, seamless, consistent, and timely customer service to businesses and workers and improve the efficiency and effectiveness of government agencies at all levels.