



**AGENDA**  
**FLORIDA DEPARTMENT OF LAW ENFORCEMENT**  
**May 23, 2023**

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

ITEM 1      Respectfully submit the **Minutes of the January 17, 2023 Cabinet Meeting.**

(See Attachment 1)

RECOMMEND APPROVAL

ITEM 2      Respectfully submit report on **Department's Contracts Agreements and Purchases over \$100,000 for FY 22-23 2<sup>nd</sup> Quarter (October 1 to December 31) and FY 22-23 3<sup>rd</sup> Quarter (January 1 to March 30)**

(See Attachment 2)

RECOMMEND ACCEPT REPORT

ITEM 3      Respectfully submit **Notice of Proposed Rules for the following: Rule Chapters 11B-18, 11B-20, 11B-21, 11B-27, 11B-35, 11C-6, 11C-7, 11C-8 and 11D-13 F.A.C.** The department also requests approval to file for final adoption if no substantive changes to the rules are required following publication of the notice of proposed rules.

(See Attachment 3)

RECOMMEND APPROVAL

In Re: Meetings of the Governor and Cabinet

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Transcript of Proceedings

January 17, 2023

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STATE OF FLORIDA

IN RE: MEETING OF THE GOVERNOR AND CABINET

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CABINET MEMBERS:

GOVERNOR RON DESANTIS  
ATTORNEY GENERAL ASHLEY MOODY  
CHIEF FINANCIAL OFFICER JIMMY PATRONIS  
COMMISSIONER OF AGRICULTURE WILTON SIMPSON

DATE: Tuesday, January 17, 2023  
TIME: 10:59 a.m. to 11:55 a.m.  
LOCATION: Florida State Capitol Building  
400 South Monroe Street  
Cabinet Meeting Room, Lower Level  
Tallahassee, Florida 32399

STENOGRAPHICALLY REPORTED BY:

JUDY LYNN MARTIN, STENOGRAPHER

Job No.: 285523

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1 Governmental Financing Commission.

2 Upon dissolution on April 5th, 2023, I move  
3 that the State Records Center be designated as the  
4 Custodian of Public Records for the Sunshine State  
5 Governmental Financing Commission.

6 Is there a second?

7 CFO PATRONIS: Second.

8 GOVERNOR DeSANTIS: Hearing no objection, the  
9 motion carries.

10 Okay. Next I'd like to welcome  
11 Commissioner Mark Glass to present the items for  
12 FDLE.

13 COMMISSIONER GLASS: Good morning,  
14 Governor DeSantis, CFO Patronis, General Moody, and  
15 Commissioner Simpson. Thank you for having us here  
16 today. First off just like three agenda items.

17 First is minutes for the August 23, 2022,  
18 Cabinet Meeting.

19 GOVERNOR DeSANTIS: Move to approve. Is there  
20 a second?

21 CFO PATRONIS: Second.

22 ATTORNEY GENERAL MOODY: Second.

23 GOVERNOR DeSANTIS: Hearing no objection, the  
24 motion carries.

25 COMMISSIONER GLASS: Next is contracts over a

1 hundred thousand dollars for first quarter,  
2 FY 22/23 for your approval.

3 GOVERNOR DeSANTIS: Okay. Move to approve.  
4 Is there a second?

5 CFO PATRONIS: Second.

6 GOVERNOR DeSANTIS: Hearing no objection, the  
7 motion carries.

8 COMMISSIONER GLASS: And the final item, sir,  
9 is 2023 Florida Law Enforcement Officers Hall of  
10 Fame Nominees. The Hall of Fame was created in  
11 2014 to recognize and honor Florida Law Enforcement  
12 Officers.

13 Nominations are accepted annually from the  
14 Fraternal Order of Police, Florida Sheriffs,  
15 Florida Police Chiefs, Police Benevolent, and State  
16 Law Enforcement Chief Association, and a  
17 representative from each group serves a selection  
18 -- serves on the Selection Committee.

19 This year the committee selected the following  
20 five nominees: Anthony Peterson, Dorene J. Thomas,  
21 Douglas Muldoon, Gary W. Hester, and John E.  
22 Brooks.

23 Submitting for your approval, sir.

24 GOVERNOR DeSANTIS: Okay. I move to approve.  
25 Is there a second?

1 CFO PATRONIS: Second.

2 GOVERNOR DeSANTIS: Okay. No -- no objection,  
3 the motion carries. Thank you.

4 COMMISSIONER GLASS: That concludes our  
5 agenda, sir.

6 GOVERNOR DeSANTIS: Okay. Highway Safety.

7 MALE SPEAKER: Good morning, Governor and  
8 Cabinet --

9 GOVERNOR DeSANTIS: Welcome.

10 MALE SPEAKER: Thank you, Governor.

11 For Agenda Item 1, I respectfully submit the  
12 minutes for the previous Cabinet meeting.

13 GOVERNOR DeSANTIS: Move to approve the item.  
14 Is there a second?

15 ATTORNEY GENERAL MOODY: Second.

16 CFO PATRONIS: Second.

17 GOVERNOR DeSANTIS: Okay. No objection, the  
18 motion carries.

19 MALE SPEAKER: Item 2 respectfully requests  
20 approval to publish a notice of proposed rule to  
21 repeal Rule 15B-13.001, Operation of Soundmaking  
22 Devices In Motor Vehicles as well as request to  
23 publish the notice of proposed rule to create Rule  
24 15B-13.002, Operation of Soundmaking Devices In  
25 Motor Vehicles.



# CONTRACTS, AGREEMENTS AND PURCHASES OVER \$100,000

Q2 - FY 2022-2023 (October 1 to December 31, 2022)

<u>P.O.#</u>	<u>VENDOR/SERVICE</u>	<u>AMOUNT</u>
<b>C0EB7E</b>	<b>BR Relocations Inc.</b> Pensacola Regional Operations Center (PROC) Office Relocation Services <ul style="list-style-type: none"><li>▪ Invitation to Bid (ITB)</li><li>▪ Term: One time purchase</li></ul>	<b>\$ 162,500</b>
<b>CAA-FDLE-02219110</b>	<b>Department of Management Services</b> Building HVAC Repairs <ul style="list-style-type: none"><li>▪ Exempt, Client Agency Agreement</li><li>▪ Term: 12/20/22-6/30/23</li></ul>	<b>\$ 370,468</b>
<b>C10151</b>	<b>GCOM Software LLC</b> Enhance Re-Arrest functionality in Computerized Criminal History System (CCH) - Redefining the term "re-arrest" and correct all areas within the CCH system where an arrest charge with a 5000 series AON code is established, maintained, and displayed. <ul style="list-style-type: none"><li>▪ State Term Contract</li><li>▪ Term: One time purchase</li></ul>	<b>\$ 530,880</b>
<b>C0CB47</b>	<b>Georgia-Florida Burglar Alarm Company</b> Confidential Security System for PROC <ul style="list-style-type: none"><li>▪ Single Source</li><li>▪ Term: One time purchase</li></ul>	<b>\$ 353,657.54</b>
<b>FDLE-002-23</b>	<b>Idemia Identity &amp; Security USA, LLC</b> Multi-BIS Modernization - Migration of the current on-premise system to an Azure Government hosted cloud solution. <ul style="list-style-type: none"><li>▪ Single Source</li><li>▪ Term: 10/28/2022-10/27/2032</li></ul>	<b>\$86,940,544.75</b>
<b>FDLE-008-23</b>	<b>Idemia Identity &amp; Security USA, LLC</b> BIS System Maintenance and Support - Continued maintenance service with IDEMIA for the current system. <ul style="list-style-type: none"><li>▪ Single Source</li><li>▪ Term: 12/1/22-12/31/24</li></ul>	<b>\$ 2,989,455.50</b>
<b>C0E779</b>	<b>ISF, Inc.</b> Records Management System Feasibility Study – ISF is to provide FDLE with a report that evaluates current business processes and identifies needs, budgetary impacts and other documentation needed for FDLE to complete a FY24-25 Schedule IV-B to procure a modernized records management system. <ul style="list-style-type: none"><li>▪ State Term Contract</li><li>▪ Term: 11/21/22-6/30/23</li></ul>	<b>\$ 496,000</b>
<b>C0D8C7</b> <b>C0DD1A</b>	<b>Life Technologies Corp.</b> Reagents for the Tampa Bay Regional DNA Laboratory and Tallahassee Regional DNA Laboratory <ul style="list-style-type: none"><li>▪ Single Source</li><li>▪ Term: One time purchase</li></ul>	<b>\$ 114,324.24</b> <b>\$ 381,538.51</b>

\*Minority Vendor





# CONTRACTS, AGREEMENTS AND PURCHASES OVER \$100,000

Q2 - FY 2022-2023 (October 1 to December 31, 2022)

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<b>FDLE-006-22</b>	<b>Peraton, Inc.*</b> Maintenance and technical support services for the Florida Regional Law Enforcement Information Exchange (LInX) System. Total contract increased to \$546,951. <ul style="list-style-type: none"><li>▪ Single Source</li><li>▪ Term: 10/1/21-3/31/2023</li></ul>	<b>\$ 182,317</b>
<b>C0E663</b>	<b>Presidio Networked Solutions, LLC</b> Eight (8) PowerEdge R750 Servers - Servers procured as part of the FY22-23 Data Center Hardware Refresh. These servers host the FDLE corporate and CJNet Virtual Servers <ul style="list-style-type: none"><li>▪ Alternate Contract</li><li>▪ Term: One time purchase</li></ul>	<b>\$ 216,666.32</b>
<b>FDLE-014-22</b>	<b>SmartCOP, Inc.</b> SmartCOP Records Management System Maintenance - addition of Jail Management System (JMS) Maintenance. Total contract increased to \$1,136,370.40. <ul style="list-style-type: none"><li>▪ Single Source</li><li>▪ Term: 1/1/2022-12/31/2026</li></ul>	<b>\$ 340,000.00</b>
<b>C0D48F</b>	<b>Strategic IT Alignment Group LLC</b> 1,340 hours of Information Technology (IT) staff augmentation - Business Analyst for Biometric Identification System (BIS) Project <ul style="list-style-type: none"><li>▪ State Term Contract</li><li>▪ Term: 11/14/22-6/30/23</li></ul>	<b>\$ 108,540</b>
<b>C0F819</b>	<b>Visionworx LLC</b> PROC Audio Visual and Sound Masking System <ul style="list-style-type: none"><li>▪ Alternate Contract</li><li>▪ Term: One time purchase</li></ul>	<b>\$ 373,166.56</b>



# CONTRACTS, AGREEMENTS AND PURCHASES OVER \$100,000

Q3 - FY 2022-2023 (January 1 to March 31, 2023)

<u>P.O.#</u>	<u>VENDOR/SERVICE</u>	<u>AMOUNT</u>
C15974	<b>ANSI National Accreditation Board LLC</b> On-site Accreditation Fee <ul style="list-style-type: none"><li>Single Source</li><li>Term: One time purchase</li></ul>	\$ 147,300
710:0278	<b>Brudnicki Family Limited Partnership</b> Facilities Lease - sixty (60) month lease for 3,000 square feet of office space located in Panama City, FL <ul style="list-style-type: none"><li>Informal Quotes</li><li>Term: 3/1/2023-2/29/2028</li></ul>	\$ 354,390
C1403C	<b>Carahsoft Technology Corp.</b> Mobile device decryption tool for laboratories statewide <ul style="list-style-type: none"><li>Alternate Contract</li><li>Term: One time purchase</li></ul>	\$ 597,940.11
C132B7	<b>Dell Marketing L.P.</b> 80 Laptops & 85 Desktops for agency-wide refresh <ul style="list-style-type: none"><li>Alternate Contract</li><li>Term: One time purchase</li></ul>	\$ 215,990.80
710:0261	<b>Flightline Group, Inc.</b> Facilities Lease - thirty-six (36) month renewal lease for 13,500 square feet of warehouse/hangar space located in Tallahassee, FL. Total contract increased to \$810,910. <ul style="list-style-type: none"><li>Invitation to Negotiate</li><li>Term: 7/1/2023-6/30/2026</li></ul>	\$ 262,035
C167ED	<b>Florida Sheriffs Association</b> Gas Chromatograph for the Pensacola Regional Operations Center (PROC) <ul style="list-style-type: none"><li>1122 Program</li><li>Term: One time purchase</li></ul>	\$ 100,025.42
FDLE-010-23	<b>Florida State University</b> Research projects for the Florida Statistical Analysis Center (FSAC) housed within the FDLE <ul style="list-style-type: none"><li>Exempt - Government</li><li>Term: 3/10/2023-9/30/2024</li></ul>	\$ 220,000
FDLE-012-23	<b>Harris IT Services Corp.</b> Maintenance and Technical Support of the Florida Regional Law Enforcement Information Exchange (LInX) System <ul style="list-style-type: none"><li>Single Source</li><li>Term: 4/1/2023-9/30/2024</li></ul>	\$ 499,066.08

\*Minority Vendor



# CONTRACTS, AGREEMENTS AND PURCHASES OVER \$100,000

Q3 - FY 2022-2023 (January 1 to March 31, 2023)

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<b>C1230D</b>	<b>Life Technologies Corp.</b>	<b>\$ 154,676.81</b>
<b>C13AB6</b>	Reagents for the Jacksonville Regional DNA Laboratory,	<b>\$ 531,859.98</b>
<b>C1736B</b>	Tallahassee Regional DNA Laboratory, and Orlando Regional DNA Laboratory	<b>\$ 249,146.05</b>
	<ul style="list-style-type: none"><li>▪ Single Source</li><li>▪ Term: One time purchase</li></ul>	
<b>710:0257</b>	<b>Norona Limited, LLC</b>	<b>\$ 715,771.98</b>
	Facilities Lease - sixty (60) month renewal lease for 4,257 square feet of office/lab space located in Sunrise, FL. Total contract increased to \$1,629,238.98.	
	<ul style="list-style-type: none"><li>▪ Competitive Quotes</li><li>▪ Term: 9/1/2023-8/31/2028</li></ul>	
<b>EP90841</b>	<b>Qiagen LLC</b>	<b>\$ 957,484.50</b>
	Equipment Maintenance for QIAgility Instruments located at the Jacksonville Regional Operations Center (JROC), Fort Myers Regional Operations Center (FMROC), Orlando Regional Operations Center (OROC), PROC, Tallahassee Regional Operations Center (TROC) & Tampa Bay Regional Operations Center (TBROC)	
	<ul style="list-style-type: none"><li>▪ Single Source</li><li>▪ Term: 2/1/2023-1/31/2026</li></ul>	
<b>C15D87</b>	<b>SHI International Corp.</b>	<b>\$ 144,533.52</b>
	1,340 hours of Information Technology (IT) staff augmentation - Business Analyst for Biometric Identification System (BIS) Project	
	<ul style="list-style-type: none"><li>▪ Alternate Contract</li><li>▪ Term: One time purchase</li></ul>	
<b>C13E3D</b>	<b>St. Louis Based World Wide Technology LLC</b>	<b>\$ 327,665.22</b>
	Network Switches & Support for Data Center	
	<ul style="list-style-type: none"><li>▪ Alternate Contract</li><li>▪ Term: One time purchase</li></ul>	
<b>EP113584</b>	<b>Strategic IT Alignment Group</b>	<b>\$ 190,380</b>
	2505 hours of staff augmentation for System Analyst in support of the Statewide Investigative Services Information System	
	<ul style="list-style-type: none"><li>▪ State Term Contract</li><li>▪ Term: 4/1/2023-6/30/2024</li></ul>	
<b>FDLE-009-23</b>	<b>Watch Systems, LLC</b>	<b>\$ 175,099.48</b>
	Support and maintenance for the Florida Offender Alert System (FOAS)	
	<ul style="list-style-type: none"><li>▪ Single Source</li><li>▪ Term: 1/9/2023-1/8/2026</li></ul>	

STATE OF FLORIDA  
DEPARTMENT OF LAW ENFORCEMENT  
CHAPTER 11B-18, FLORIDA ADMINISTRATIVE CODE  
AMENDING RULE 11B-18.0053

CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND

SUMMARY OF THE RULE

Updates the rule to reflect “Department of Financial Services, Division of Investigative and Forensic Services”.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-18.0053(3)(a)4.: Changes the “Department of Banking and Finance, Office of Financial Investigations” to reflect “Department of Financial Services, Division of Investigative and Forensic Services”.

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

No requests for a public hearing or written comments have been received.

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-18.0053                    Officer Training Monies Budget and Expenditure Categories

PURPOSE AND EFFECT:

Sub-paragraph 11B-18.0053(3)(a)4., F.A.C.: Changes the “Department of Banking and Finance, Office of Financial Investigations” to reflect “Department of Financial Services, Division of Investigative and Forensic Services”.

SUMMARY:

Changed the “Department of Banking and Finance, Office of Financial Investigations” to reflect “Department of Financial Services, Division of Investigative and Forensic Services”.

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(2), (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: TBD

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:** TBD

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR:** October 29, 2022

THE FULL TEXT OF THE PROPOSED RULE IS:

**11B-18.0053 Officer Training Monies Budget and Expenditure Categories.**

(1) through (2) No change.

(3) Category II, Training Expenses. Each region shall not budget less than 80% of the total regional allocation of Officer Training Monies for the purpose of delivering regional Commission-approved Advanced and Specialized Training Program Courses.

(a) Criminal justice officers and support personnel, pursuant to Section 943.10, F.S., are authorized to expend Officer Training Monies to attend Advanced and Specialized Training Program Courses delivered through a Commission-certified training school, provided the support personnel does not displace a certified officer. The Criminal Justice Standards and Training Commission has further authorized the following personnel to attend courses funded with Officer Training Monies:

1. through 3. No change.

4. Department of Financial Services, Division of Investigative and Forensic Services, Banking and Finance, Office of Financial Investigations, on a space available basis, provided a Florida officer is not displaced.

(b) through (e) No change.

(4) No change.

Rulemaking Authority 943.03(4), 943.12(1), (2), 943.25(2), (4), (5) FS. Law Implemented 943.25 FS. History-New 11-5-02. Amended 11-30-04, 6-3-10, 3-13-13, 9-4-16, 6-9-20,\_\_\_\_\_.





STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-20, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11B-20.001 and 11B-20.0014

CERTIFICATION OF CRIMINAL JUSTICE TRAINING INSTRUCTORS

SUMMARY OF THE RULE

Revises the Affidavit of Separation, form CJSTC-61; adds the requirements for completion of the instructor training course and instructor student internships; removes DT Instructor Course retirement date and adds instructor course information and instructor update course information.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-20.001(3)(a)5.a.: Incorporates the revised Affidavit of Separation, form CJSTC-61, to add “Line of Duty Death” as a separation reason to allow agencies to distinguish between an officer killed in the line of duty and an officer’s death due to non-duty related causes.

11B-20.0014(2)(a)3.: Adds the requirement that the instructor training course be completed prior to the instructor student completing an internship and clarifies the order in which the requirements must be completed.

11B-20.0014(2)(b)3.: Adds the requirement that the instructor training course be completed prior to the instructor student completing an internship and clarifies the order in which the requirements must be completed.

11B-20.0014(2)(c)2.: Removes DT Instructor Course retirement date and adds instructor course information and instructor update course information. The Commission mandated all certified DT instructors complete the DT Instructor Update course so that students who complete

the DT Instructor Course on or after October 31, 2019, will have completed the DT Instructor Update course as well.

11B-20.0014(2)(c)3.: Adds the requirement that the instructor training course be completed prior to the instructor student completing an internship and clarifies the order in which the requirements must be completed.

11B-20.0014(2)(d)4.: Adds the requirement that the instructor training course be completed prior to the instructor student completing an internship and clarifies the order in which the requirements must be completed.

11B-20.0014(3)(b)5.: Adds the requirement that the instructor training course be completed prior to the instructor student completing an internship and clarifies the order in which the requirements must be completed.

11B-20.0014(3)(c)6.: Adds the requirement that the instructor training course be completed prior to the instructor student completing an internship and clarifies the order in which the requirements must be completed.

11B-20.0014(3)(d)5.: Adds the requirement that the instructor training course be completed prior to the instructor student completing an internship and clarifies the order in which the requirements must be completed.

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

No requests for a public hearing or written comments have been received.

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

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 add “Line of Duty Death” as a separation reason to allow agencies to distinguish between an officer killed in the line of duty and an officer’s death due to non-duty related causes.

Sub-paragraph 11B-20.0014(2)(a)3., F.A.C.: Adds the requirement that the instructor training course be completed prior to the instructor student completing an internship and clarifies the order in which the requirements must be completed.

Sub-paragraph 11B-20.0014(2)(b)3., F.A.C.: Adds the requirement that the instructor training course be completed prior to the instructor student completing an internship and clarifies the order in which the requirements must be completed.

Sub-paragraph 11B-20.0014(2)(c)2., F.A.C.: Removes DT Instructor Course retirement date and adds instructor course information and instructor update course information. The Commission mandated all certified DT instructors complete the DT Instructor Update course so that students who complete the DT Instructor Course on or after October 31, 2019, will have completed the DT Instructor Update course as well.

Sub-paragraph 11B-20.0014(2)(c)3., F.A.C.: Adds the requirement that the instructor training course be completed prior to the instructor student completing an internship and clarifies the order in which the requirements must be completed.

Sub-paragraph 11B-20.0014(2)(d)4., F.A.C.: Adds the requirement that the instructor training course be completed prior to the instructor student completing an internship and clarifies the order in which the requirements must be completed.

Sub-paragraph 11B-20.0014(3)(b)5., F.A.C.: Adds the requirement that the instructor training course be completed prior to the instructor student completing an internship and clarifies the order in which the requirements must be completed.

Sub-paragraph 11B-20.0014(3)(c)6., F.A.C.: Adds the requirement that the instructor training course be completed prior to the instructor student completing an internship and clarifies the order in which the requirements must be completed.

Sub-paragraph 11B-20.0014(3)(d)5., F.A.C.: Adds the requirement that the instructor training course be completed prior to the instructor student completing an internship and clarifies the order in which the requirements must be completed.

SUMMARY:

Revised Affidavit of Separation, form CJSTC-61; requirements for completion of the instructor training course and instructor student internships; DT Instructor Course retirement date and adds instructor course information and instructor update course information.

**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:** TBD

**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:** TBD

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR:** October 29, 2022

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 \_\_\_\_\_ effective \_\_\_\_\_ August 12, 2021, effective 6/2022, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref-https://www.flrules.org/Gateway/reference.asp?No=Ref-14215>, 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/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615. A copy shall be maintained in the instructor's file.

b. through c. No change.

(b) through (c) No change.

(4) 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, 7-19-17, 8-15-18, 7-9-19, 5-20-21, 6-23-22, \_\_\_\_\_.

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

(1) No change.

(2) High-Liability Instructor Topics.

(a) Vehicle Operations Instructor Certification. Instructor applicants who request to obtain certification to instruct vehicle operations topics shall:

1. through 2. No change.

3. Following successful completion of the Vehicle Operations Instructor Course, h~~H~~ave successfully completed a high-liability internship documented on the Instructor Competency Checklist form CJSTC-81 that is supervised by a certified vehicle operations instructor.

(b) Firearms Instructor Certification. Instructor applicants who request to obtain certification to instruct firearms topics shall:

1. through 2. No change.

3. Following completion of the Firearms Instructor Course, h~~H~~ave successfully completed a high-liability internship documented on the Instructor Competency Checklist form CJSTC-81 that is supervised by a certified firearms instructor.

(c) Defensive Tactics Instructor Certification. Instructor applicants who request to obtain certification to instruct defensive tactics topics shall:

1. No change.

2. Have successfully completed through a training school the Defensive Tactics Instructor Course which began on or after October 31, 2019 or completed through a training school the Defensive Tactics Instructor Course which began prior to October 31, 2019 and the Defensive Tactics Instructor Update course (retired 6/30/04); and

3. Following successful completion of the Defensive Tactics Instructor Course, hHave successfully completed a high-liability internship documented on the Instructor Competency Checklist form CJSTC-81 that is supervised by a certified defensive tactics instructor.

(d) First Aid Instructor Certification. Instructor applicants who request to obtain certification to instruct in first aid shall:

1. through 3. No change.

4. Following successful completion of the First Aid Instructor Course, if required, hHave successfully completed a high-liability internship documented on the Instructor Competency Checklist form CJSTC-81 that is supervised by a certified first aid instructor; and

5. through 6. No change.

(3) Specialized Instructor Certifications. Instructor applicants who apply for a Specialized Instructor Certification shall have completed the applicable specialized instructor course within four years of the date the instructor applicant applies for certification. Instructor applicants who apply for a Specialized Instructor Certification more than four years from the date training was completed shall meet the requirements for completing an internship and demonstration of proficiency skills if applicable to the specialized topic. Instructor applicants shall meet the following requirements for each Specialized Instructor Certification requested:

(a) No change.

(b) Speed Measurement Instructor Certification. Instructor applicants who request certification to instruct speed measurement training courses shall:

1. through 4. No change.

5. Following successful completion of the Speed Measurement Instructor Course, sSuccessfully complete a speed measurement internship supervised by a certified Speed Measurement Instructor and document on the Instructor Competency Checklist form CJSTC-81.

6. No change.

(c) Canine Team Instructor Certification. Instructor applicants who request to obtain certification to instruct Commission-approved canine team training courses shall:

1. through 5. No change.

6. Following successful completion of the Canine Team Training Instructor Course, sSuccessfully complete a Canine Team internship supervised by a certified Canine Team Instructor and document on the Instructor Competency form CJSTC-81. An instructor applicant shall instruct any topic of the Canine Team Training or Canine Team Training Instructor Course.

7. through 8. No change.

(d) Breath Test Instructor Certification. Instructor applicants who request certification to instruct the Breath Test Operator Course, Breath Test Operator Renewal Course, Agency Inspector Course, and the Agency Inspector Renewal Course, pursuant to Rule 11B-35.007, F.A.C., shall:

1. through 4. No change.

5. Following successful completion of the Breath Test Instructor Course, sSuccessfully complete a Breath Test internship supervised by a certified Breath Test Instructor and document on the Instructor Competency Checklist form CJSTC-81. An instructor applicant shall instruct in one topic from any of the following courses: Breath Test Operator Course, Breath Test Operator Renewal Course, Agency Inspector Course, or Agency Inspector Renewal Course.

6. through 7. 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, 7-19-17, 7-9-19, 5-20-21, 6-23-22, \_\_\_\_\_.





STATE OF FLORIDA  
DEPARTMENT OF LAW ENFORCEMENT  
CHAPTER 11B-21, FLORIDA ADMINISTRATIVE CODE  
AMENDING RULE 11B-21.005  
CERTIFICATION OF CRIMINAL JUSTICE TRAINING SCHOOLS  
SUMMARY OF THE RULE

Revises the Driving Range Facility and Equipment Requirements, form CJSTC-202; Defensive Tactics Facility and Equipment Requirements, form CJSTC-203; Firing Range Facility and Equipment Requirements, form CJSTC-201; and First Aid Instructional Requirements, form CJSTC-208; and adds rule reference for BAT exemptions.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-21.005(4)(a): Incorporates the revised Driving Range Facility and Equipment Requirements, form CJSTC-202, to incorporate first aid kit requirements that remove blunt tipped scissors and add trauma sheers, flashlight, two pressure bandages/dressings, two chest seals, wound packing, rolled, or hemostatic gauze, and a writing instrument, effective 7/2023.

11B-21.005(5): Incorporates the revised Defensive Tactics Facility and Equipment Requirements, form CJSTC-203, to incorporate first aid kit requirements that remove blunt tipped scissors and add trauma sheers, flashlight, two pressure bandages/dressings, two chest seals, wound packing, rolled, or hemostatic gauze, and a writing instrument, effective 7/2023.

11B-21.005(6): Incorporates the revised Firing Range Facility and Equipment Requirements, form CJSTC-201, to incorporate first aid kit requirements that remove blunt tipped scissors and add trauma sheers, flashlight, two pressure bandages/dressings, two chest

seals, wound packing, rolled, or hemostatic gauze, and a writing instrument; and specifies the range shall provide adequate lighting out to 25 yards, effective 7/2023.

11B-21.005(7): Incorporates the revised First Aid Instructional Requirements, form CJSTC-208, to remove requirements for splinting equipment, occlusive dressing, and improvised tourniquet materials; to add requirements for improvised chest seal material (commercial chest seal preferred), wound packing, rolled, z-folded, or hemostatic gauze, pressure bandage/dressing, and writing instrument, such as a pen or marker; and to add optional requirements for a bullet-proof/tactical vest, vehicle, and commercial chest seal; incorporates first aid kit requirements that removes blunt tipped scissors and add trauma sheers, flashlight, two pressure bandages/dressings, two chest seals, wound packing, rolled, or hemostatic gauze, and a writing instrument, effective 7/2023.

11B-21.005(10)(a): Updates the rule language to include a BAT exemption in response to House Bill 3 for veterans, as defined in Section 1.01(14), F.S., or individuals who hold an associate degree or higher from an accredited college or university.

11B-21.005(10)(c): Adds rule reference to allow a BAT exemption for veterans and individuals who hold an associate degree or higher from an accredited college or university.

#### 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

No requests for a public hearing or written comments have been received.

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Department of Law Enforcement

Division or Board: Criminal Justice Standards and Training Commission

Rule Chapter: 11B-21; Certification of Criminal Justice Training Schools

RULE NO.:	RULE TITLE:
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11B-21.005	Criminal Justice Training School Requirements for Certification and Re-Certification
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PURPOSE AND EFFECT:

Paragraph 11B-21.005(4)(a), F.A.C.: Incorporates the revised Driving Range Facility and Equipment Requirements, form CJSTC-202, to incorporate first aid kit requirements that remove blunt tipped scissors and add trauma sheers, flashlight, two pressure bandages/dressings, two chest seals, wound packing, rolled, or hemostatic gauze, and a writing instrument, effective 7/2023.

Subsection 11B-21.005(5), F.A.C.: Incorporates the revised Defensive Tactics Facility and Equipment Requirements, form CJSTC-203, to incorporate first aid kit requirements that remove blunt tipped scissors and add trauma sheers, flashlight, two pressure bandages/dressings, two chest seals, wound packing, rolled, or hemostatic gauze, and a writing instrument, effective 7/2023.

Subsection 11B-21.005(6), F.A.C.: Incorporates the revised Firing Range Facility and Equipment Requirements, form CJSTC-201, to incorporate first aid kit requirements that remove blunt tipped scissors and add trauma sheers, flashlight, two pressure bandages/dressings, two chest seals, wound packing, rolled, or hemostatic gauze, and a writing instrument; and specifies the range shall provide adequate lighting out to 25 yards, effective 7/2023.

Subsection 11B-21.005(7), F.A.C.: Incorporates the revised First Aid Instructional Requirements, form CJSTC-208, to remove requirements for splinting equipment, occlusive dressing, and improvised tourniquet materials; to add requirements for improvised chest seal material (commercial chest seal preferred), wound packing, rolled, z-folded, or hemostatic gauze, pressure bandage/dressing, and writing instrument, such as a pen or marker; and to add optional requirements for a bullet-proof/tactical vest, vehicle, and commercial chest seal; incorporates first aid kit requirements that removes blunt tipped scissors and add trauma sheers, flashlight, two pressure bandages/dressings, two chest seals, wound packing, rolled, or hemostatic gauze, and a writing instrument, effective 7/2023.

Paragraph 11B-21.005(10)(a), F.A.C.: Updates the rule language to include a BAT exemption in response to House Bill 3 for veterans, as defined in Section 1.01(14), F.S., or individuals who hold an associate degree or higher from an accredited college or university.

Paragraph 11B-21.005(10)(c), F.A.C.: Adds rule reference to allow a BAT exemption for veterans and individuals who hold an associate degree or higher from an accredited college or university.

SUMMARY:

Revised Driving Range Facility and Equipment Requirements, form CJSTC-202; Defensive Tactics Facility and Equipment Requirements, form CJSTC-203; Firing Range Facility and Equipment Requirements, form CJSTC-201; and First Aid Instructional Requirements, form CJSTC-208; and BAT exemptions.

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) FS.

**LAW IMPLEMENTED:** 943.12(2), (3), (8), 943.14, 943.17(1)(g) 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:** TBD .

**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:** TBD

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR:** October 29, 2022

THE FULL TEXT OF THE PROPOSED RULE IS:

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

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

(1) through (3) No change.

(4) Driving Range Facility, Equipment, and Instructor to Student Ratio Requirements.

(a) When conducting Commission-approved vehicle operations training, comply with the driving range facility, equipment, and instructor to student ratio requirements set forth in subsection 11B-35.0021(8), F.A.C., and in the Driving Range Facility and Equipment Requirements, form CJSTC-202, revised \_\_\_\_\_, effective \_\_\_\_\_, ~~August 12, 2021, effective 6/2022,~~ hereby incorporated by reference ~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-https://www.flrules.org/Gateway/reference.asp?No=Ref-14225>~~. Form CJSTC-202 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(b) No change.

(5) Defensive Tactics Facility, Equipment, and Instructor to Student Ratio Requirements. When conducting Commission-approved defensive tactics training, comply with the defensive tactics equipment, facility, and instructor to student ratio requirements set forth in subsection 11B-35.0021(8), F.A.C., and in the Defensive Tactics Facility and Equipment Requirements, form CJSTC-203, revised \_\_\_\_\_, effective \_\_\_\_\_, ~~August 10, 2017, effective 8/2018,~~ hereby incorporated by reference ~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-https://www.flrules.org/Gateway/reference.asp?No=Ref-09684>~~. Form CJSTC-203 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(6) Firing Range Facility, Equipment, and Instructor to Student Ratio Requirements. When conducting Commission-approved firearms training, comply with the firing range equipment, facility, and instructor to student ratio requirements set forth in subsection 11B-35.0021(8), F.A.C., and in the Firing Range Facility and Equipment Requirements, form CJSTC-201, revised \_\_\_\_\_, effective \_\_\_\_\_, ~~August 10, 2017, effective 8/2018,~~ hereby incorporated by reference ~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-https://www.flrules.org/Gateway/reference.asp?No=Ref-09682>~~. Form CJSTC-201 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615. Firearms training shall be supervised directly by a Commission-certified firearms instructor and the instructor shall have access to at least one firearms range designed for criminal justice firearms instruction.

(7) First Aid Facility, Equipment, and Instructor to Student Ratio Requirements. When conducting Commission-approved first aid training, comply with the first aid equipment, facility, and instructor to student ratio requirements set forth in subsection 11B-35.0021(8), F.A.C., and in the First Aid Instructional Requirements, form CJSTC-208, revised \_\_\_\_\_, effective \_\_\_\_\_, ~~August 10, 2017, effective 8/2018,~~ hereby incorporated by reference ~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-https://www.flrules.org/Gateway/reference.asp?No=Ref-09685>~~. Form CJSTC-208 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(8) through (9) No change.

(10) Basic Abilities Testing Requirements pursuant to Rule 11B-35.0011, F.A.C., and Section 943.17(1)(g), F.S. Effective January 1, 2002, training schools certified by the Commission that provide Commission-approved Basic Recruit Training Programs shall:

(a) Adopt a Commission-approved basic abilities test as an entry requirement into a Law Enforcement or Correctional Basic Recruit Training Program. Correctional Probation Officers and individuals applying for a Law Enforcement Basic Recruit Training Program that are veterans as defined in Section 1.01(14), F.S., or hold an associate degree or higher from an accredited college or university are exempt from taking the basic abilities test.

(b) No change.

(c) Not exempt a student from taking a Commission-approved basic abilities test unless otherwise noted in subsection 11B-21.005(10)(a), F.A.C.

(11) through (12) No change.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(2), (3), (8), 943.14, 943.17(1)(g) FS. History—New 7-21-82, Formerly 11B-21.05, Amended 1-28-86, 8-30-89, 12-24-89, 6-3-91, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 5-21-12, 3-13-13, 5-29-14, 9-4-16, 8-15-18, 5-20-21, 6-23-22, \_\_\_\_\_.





STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-27, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11B-27.002, 11B-27.00212, and 11B-27.00213

CERTIFICATION AND EMPLOYMENT OR APPOINTMENT

SUMMARY OF THE RULE

Adds a training requirement in Officer Health and Wellness Principles for law enforcement officers; revises the Affidavit of Separation, form CJSTC-61; Mandatory Retraining Report, form CJSTC-74; and Firearms Performance Evaluation, form CJSTC-4, renaming it the Handgun Performance Evaluation form.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-27.002(3)(a)15.: Incorporates the revised Affidavit of Separation, form CJSTC-61, to add “Line of Duty Death” as a separation reason to allow agencies to distinguish between an officer killed in the line of duty and an officer’s death due to non-duty related causes.

11B-27.00212(4): Incorporates the revised Mandatory Retraining Report, form CJSTC-74, pursuant to the 2022 Florida Legislature which passed legislation to mandate retraining for law enforcement officers in health and wellness principles, effective July 1, 2023.

11B-27.00212(5)(f): Adds a training requirement in Officer Health and Wellness Principles for law enforcement officers, pursuant to the 2022 Legislature which passed legislation to add the training requirement to the 40-hour mandatory retraining requirement for law enforcement officers.

11B-27.00213(2)(b): Incorporates the revised Firearms Performance Evaluation, form CJSTC-4, to ensure more uniformity with the remaining high liability forms, renaming it the

Handgun Performance Evaluation, and reflect the requirement of passing handgun proficiency evaluations and the revised qualification course of fire, and completion of active threat/shooter drills; inclusion of EOT students; clarification that only basic recruit and cross-over students are required to pass an end-of-course examination; and allows the training school to record when an EOT student fails to demonstrate the proficiency skills; and removes the option to use a revolver for handgun qualification and the requirement to qualify with a long gun.

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

No requests for a public hearing or written comments have been received.

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-27.002	Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers
11B-27.00212	Maintenance of Officer Certification
11B-27.00213	Temporary Employment Authorization

PURPOSE AND EFFECT:

Sub-paragraph 11B-27.002(3)(a)15., F.A.C.: Incorporates the revised Affidavit of Separation, form CJSTC-61, to add "Line of Duty Death" as a separation reason to allow agencies to distinguish between an officer killed in the line of duty and an officer's death due to non-duty related causes.

Subsection 11B-27.00212(4), F.A.C.: Incorporates the revised Mandatory Retraining Report, form CJSTC-74, pursuant to the 2022 Florida Legislature which passed legislation to mandate retraining for law enforcement officers in health and wellness principles, effective July 1, 2023.

Paragraph 11B-27.00212(5)(f), F.A.C.: Adds a training requirement in Officer Health and Wellness Principles for law enforcement officers, pursuant to the 2022 Legislature which passed legislation to add the training requirement to the 40-hour mandatory retraining requirement for law enforcement officers.

Paragraph 11B-27.00213(2)(b), F.A.C.: Incorporates the revised Firearms Performance Evaluation, form CJSTC-4, to ensure more uniformity with the remaining high liability forms, renaming it the Handgun Performance Evaluation, and reflect the requirement of passing handgun proficiency evaluations and the revised qualification course of fire, and completion of active threat/shooter drills; inclusion of EOT students; clarification that only basic recruit and cross-over students are required to pass an end-of-course examination; and allows the training school to record when an EOT student fails to demonstrate the proficiency skills; and removes the option to use a revolver for handgun qualification and the requirement to qualify with a long gun.

SUMMARY:

Added training requirement in Officer Health and Wellness Principles for law enforcement officers; revised Affidavit of Separation, form CJSTC-61; Mandatory Retraining Report, form CJSTC-74; and Firearms Performance Evaluation, form CJSTC-4, renaming it the Handgun Performance Evaluation form.

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(11), 943.131, 943.133, 943.135, 943.139, 943.1395(3), 943.17(1)(a), 943.1701, 943.1715, 943.1716, 943.253 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:** TBD

**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:** TBD

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR:** October 29, 2022

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) through (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 August 12, 2021, effective 6/2022, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref-14226>. Form CJSTC-207 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

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

1. through 14. No change.

15. An Affidavit of Separation, form CJSTC-61, revised \_\_\_\_\_ effective \_\_\_\_\_ ~~August 12, 2021, effective 6/2022~~, hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref-14216>, if the officer has separated employment with the agency. Form CJSTC-61 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(b) No change.

(4) through (5) 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 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, 9-14-17, 8-15-18, 7-9-19, 5-5-20, 5-20-21, 6-26-22, \_\_\_\_\_.

**11B-27.00212 Maintenance of Officer Certification.**

(1) through (3) No change.

(4) Continuing education or training pursuant to Section 943.135, F.S. Upon an officer's completion of the required continuing education or training the employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, and maintain in file a completed Mandatory Retraining Report, form CJSTC-74, revised \_\_\_\_\_, effective \_\_\_\_\_ ~~August 12, 2021, effective 6/2022~~ hereby incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-14220>. Form CJSTC-74 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615. Criminal justice agencies shall not update an officer's mandatory training unless an officer is employed by the agency or has met the requirement for employment pursuant to subsection 11B-27.002(1), F.A.C.

(5) Statutory mandated continuing training. The following training shall be included as a part of the officer's continuing training:

(a) through (e) No change.

(f) Officer Health and Wellness Principles pursuant to Section 943.1745(2), F.S., for law enforcement officers whose mandatory retraining cycle ends after July 1, 2023. Certified law enforcement officers who elect to instruct Officer Health and Wellness Principles training may substitute instruction for completion of this training to satisfy the officer's continuing training requirement.

(6) through (18) No change.

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

07, 6-9-08, 4-16-09, 9-28-09, 6-3-10, 5-21-12, 3-13-13, 9-4-16, 8-15-18, 5-5-20, 5-20-21, 6-26-22,\_\_\_\_\_.  
Editorial Note: See 11B-27.0023, F.A.C.

**11B-27.00213 Temporary Employment Authorization.** A Certificate of Compliance shall not be issued to officers employed on a Temporary Employment Authorization (TEA) prior to meeting the requirements of Sections 943.13(1)-(10), F.S.

(1) No change.

(2) An officer employed on a TEA, shall be excused from the firearms training requirement upon placement of a statement in the officer's file at the employing agency. The statement shall be signed by the agency administrator confirming that the TEA-appointed officer shall not be permitted to carry a firearm until the following classroom training requirements have been fulfilled:

(a) No change.

(b) Firearms Range Training. The trainee's proficiency demonstration shall be documented on a Handgun Firearms Performance Evaluation, form CJSTC-4, revised \_\_\_\_\_, effective August 12, 2021, ~~effective 6/2022~~, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref-https://www.flrules.org/Gateway/reference.asp?No=Ref-14210>, and maintained in the trainee's file at the employing agency. Form CJSTC-4 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The instructor shall qualify the trainee with a handgun (revolver or semi-automatic pistol) and long gun (shotgun or semiautomatic rifle/carbine) using the Commission's Basic Recruit Training Firearms Proficiency Skills Course of Fire, pursuant to form CJSTC-4, and the form shall be maintained in the trainee's file at the employing agency. ~~Trainees shall fire a long gun as prescribed in the Commission approved Basic Recruit Training Program.~~

(3) through (5) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.131, 943.133, 943.139, 943.1395, 943.17(1)(a) FS. History—New, 11-5-02. Amended 11-30-04, 3-27-06, 6-9-08, 9-28-09, 6-3-10, 5-21-12, 3-13-13, 9-4-16, 6-26-22,\_\_\_\_\_.

STATE OF FLORIDA  
DEPARTMENT OF LAW ENFORCEMENT  
CHAPTER 11B-35, FLORIDA ADMINISTRATIVE CODE  
AMENDING RULES 11B-35.001, 11B-35.0011, and 11B-35.0024  
TRAINING PROGRAMS  
SUMMARY OF THE RULE

Updates the handgun proficiency rule language for firearms instructor students; adds requirements regarding the Firearms Instructor Update Course and new Firearms Instructor Course; and the First Aid Update Course and new First Aid Instructor Course; adds rule language to allow BAT refunds and BAT exemptions for veterans or individuals who hold an associate degree or higher from an accredited college or university; revises the Firearms Performance Evaluation, form CJSTC-4, renaming it the Handgun Performance Evaluation form; incorporates the newly created Firearms Instructor Performance Evaluation, form CJSTC-4I; revises the First Aid Performance Evaluation, form CJSTC-5; Defensive Tactics Performance Evaluation, form CJSTC-6; and Vehicle Operations Performance Evaluation, form CJSTC-7.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-35.001(3)(c): Adds the requirement that Commission-certified firearms instructors who instruct Basic Recruit Firearms courses on or after July 1, 2023, must have completed the Firearms Instructor Update Course if previously certified or the Firearms Instructor Course effective July 1, 2023, and that all Commission-certified firearms instructors must complete the same before June 30, 2024, to prevent deactivation of their firearms instructor certificate.

11B-35.001(3)(d): Adds the requirement that Commission-certified first aid instructors who instruct Basic Recruit First Aid courses on or after July 1, 2023, must have completed the



First Aid Instructor Update Course if previously certified or the First Aid Instructor Course, effective February 16, 2023, and that all Commission certified first aid instructors must complete the same before June 30, 2024, to prevent deactivation of their first aid instructor certificate.

11B-35.0011(1): Adds rule language to include a BAT exemption in response to House Bill 3 for veterans, as defined in Section 1.01(14), F.S., or individuals who hold an associate degree or higher from an accredited college or university.

11B-35.0011(3): Adds a rule to clarify that a refund for the BAT will not be provided for individuals who took the BAT pursuant to Rule 11B-35.0011(1), F.A.C.

11B-35.0024(3)(a)2.: Incorporates the revised Defensive Tactics Performance Evaluation, form CJSTC-6, to ensure more uniformity with the remaining high liability forms.

11B-35.0024(3)(c)2.: Updates the rule language to include handgun proficiency use with a semi-automatic pistol for basic recruit students and incorporates the revised Firearms Performance Evaluation, form CJSTC-4, to ensure more uniformity with the remaining high liability forms, renaming it the Handgun Performance Evaluation form, and reflect the requirement of passing handgun proficiency evaluations and the revised qualification course of fire, and completion of active threat/shooter drills; inclusion of Equivalency of Training students; clarification that only basic recruit and cross-over students are required to pass an end-of-course examination; and allows the training school to record when an EOT student fails to demonstrate the proficiency skills.

11B-35.0024(3)(d)2.: Incorporates the newly created Firearms Instructor Performance Evaluation, form CJSTC-4I, to use in place of the CJSTC-4 for firearms instructor students; and updates the rule language to include handgun proficiency use with a semi-automatic pistol for firearms instructor students.

11B-35.0024(3)(f)2.: Incorporates the revised First Aid Performance Evaluation, form CJSTC-5, to ensure more uniformity with the remaining high liability forms to reflect the inclusion of EOT student proficiency in Cardiopulmonary Resuscitation; the additions of Massive hemorrhage, Respirations, circulation, Head injury/hypothermia, and recovery position and the removal of circulation rate, pulse rate, skin color and condition, physical assessment (DOTS/SAMPLE), and pupils in Patient Assessment section; the removal of the ABCs and addition of MARCH in Shock section; the addition of wound packing, tourniquet self-application, and chest seal to Bleeding section; the removal of Musculoskeletal and Soft Tissue Injuries section; the addition of arm or ankle drag, vehicle dump, and rear seat vehicle load and the removal of walking assist in Moving Patients section, effective 7/2023.

11B-35.0024(3)(h)2.: Incorporates the revised Vehicle Operations Performance Evaluation, form CJSTC-7, to ensure more uniformity with the remaining high liability forms; to clarify that instructor students are required to use lights and sirens when demonstrating proficiency on the nighttime exercises; and adds “lane change” to the required evaluation criteria on the Tactical Backing Exercise.

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

No requests for a public hearing or written comments have been received.

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-35.0011	Basic Abilities Test Requirements for Applicant Admission into a Law Enforcement and Correctional Basic Recruit Training Program
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

PURPOSE AND EFFECT:

Paragraph 11B-35.001(3)(c), F.A.C.: Adds the requirement that Commission-certified firearms instructors who instruct Basic Recruit Firearms courses on or after July 1, 2023, must have completed the Firearms Instructor Update Course if previously certified or the Firearms Instructor Course effective July 1, 2023, and that all Commission-certified firearms instructors must complete the same before June 30, 2024, to prevent deactivation of their firearms instructor certificate.

Paragraph 11B-35.001(3)(d), F.A.C.: Adds the requirement that Commission-certified first aid instructors who instruct Basic Recruit First Aid courses on or after July 1, 2023, must have completed the First Aid Instructor Update Course if previously certified or the First Aid Instructor Course, effective February 16, 2023, and that all Commission certified first aid instructors must complete the same before June 30, 2024, to prevent deactivation of their first aid instructor certificate.

Subsection 11B-35.0011(1), F.A.C.: Adds rule language to include a BAT exemption in response to House Bill 3 for veterans, as defined in Section 1.01(14), F.S., or individuals who hold an associate degree or higher from an accredited college or university.

Subsection 11B-35.0011(3), F.A.C.: Adds a rule to clarify that a refund for the BAT will not be provided for individuals who took the BAT pursuant to Rule 11B-35.0011(1), F.A.C.

Sub-paragraph 11B-35.0024(3)(a)2., F.A.C.: Incorporates the revised Defensive Tactics Performance Evaluation, form CJSTC-6, to ensure more uniformity with the remaining high liability forms.

Sub-paragraph 11B-35.0024(3)(c)2., F.A.C.: Updates the rule language to include handgun proficiency use with a semi-automatic pistol for basic recruit students and incorporates the revised Firearms Performance Evaluation, form CJSTC-4, to ensure more uniformity with the remaining high liability forms, renaming it the Handgun Performance Evaluation form, and reflect the requirement of passing handgun proficiency evaluations and the revised qualification course of fire, and completion of active threat/shooter drills; inclusion of Equivalency of Training students; clarification that only basic recruit and cross-over students are required to pass an end-of-course examination; and allows the training school to record when an EOT student fails to demonstrate the proficiency skills.

Sub-paragraph 11B-35.0024(3)(d)2., F.A.C.: Incorporates the newly created Firearms Instructor Performance Evaluation, form CJSTC-4I, to use in place of the CJSTC-4 for firearms instructor students; and updates the rule language to include handgun proficiency use with a semi-automatic pistol for firearms instructor students.

Sub-paragraph 11B-35.0024(3)(f)2., F.A.C.: Incorporates the revised First Aid Performance Evaluation, form CJSTC-5, to ensure more uniformity with the remaining high liability forms to reflect the inclusion of EOT student proficiency in Cardiopulmonary Resuscitation; the additions of Massive hemorrhage, Respirations, circulation, Head injury/hypothermia, and recovery position and the removal of circulation rate, pulse rate, skin color and condition, physical assessment (DOTS/SAMPLE), and pupils in Patient Assessment section; the removal of the ABCs and addition of MARCH in Shock section; the addition of wound packing, tourniquet self-application, and chest seal to

Bleeding section; the removal of Musculoskeletal and Soft Tissue Injuries section; the addition of arm or ankle drag, vehicle dump, and rear seat vehicle load and the removal of walking assist in Moving Patients section, effective 7/2023.

Sub-paragraph 11B-35.0024(3)(h)2., F.A.C.: Incorporates the revised Vehicle Operations Performance Evaluation, form CJSTC-7, to ensure more uniformity with the remaining high liability forms; to clarify that instructor students are required to use lights and sirens when demonstrating proficiency on the nighttime exercises; and adds “lane change” to the required evaluation criteria on the Tactical Backing Exercise.

**SUMMARY:**

Updated handgun proficiency rule language for firearms instructor students; Firearms Instructor Update Course and new Firearms Instructor Course; First Aid Update Course and new First Aid Instructor Course; BAT exemptions and refunds; revised Firearms Performance Evaluation, form CJSTC-4, renaming it the Handgun Performance Evaluation form; newly created Firearms Instructor Performance Evaluation, form CJSTC-4I; revised First Aid Performance Evaluation, form CJSTC-5; Defensive Tactics Performance Evaluation, form CJSTC-6; and Vehicle Operations Performance Evaluation, form CJSTC-7.

**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), 943.17 FS.

**LAW IMPLEMENTED:** 943.12, 943.17 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:** TBD

**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: TBD

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 29, 2022

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) through (2) No change.

(3) Instructors who teach Commission-approved Basic Recruit, Advanced, Specialized, and Special Operations Forces Training Program Courses at a training school shall:

(a) through (b) No change.

(c) Be required to hold additional certifications for specified areas of instruction in Commission-approved courses pursuant to Rule 11B-20.0014, F.A.C. Commission-certified firearms instructors who instruct Basic Recruit Firearms courses on or after July 1, 2023, must have completed the Firearms Instructor Course, effective July 1, 2023, as a part of their initial firearms instructor certification or have completed the Firearms Instructor Update Course, effective August 18, 2022. All Commission-certified firearms instructors must have completed the Firearms Instructor Course, effective July 1, 2023, as a part of their initial firearms instructor certification or have completed the Firearms Instructor Update Course, effective August 18, 2022, before June 30, 2024, or their firearms instructor certification will be deactivated.

(d) Be required to hold additional certifications for specified areas of instruction in Commission-approved courses pursuant to Rule 11B-20.0014, F.A.C. Commission-certified first aid instructors who instruct Basic Recruit First Aid courses on or after July 1, 2023, must have completed the First Aid Instructor Course, effective February 16, 2023, as a part of their initial first aid instructor certification or have completed the First Aid Instructor Update Course, effective August 18, 2022. All Commission-certified first aid instructors must have completed the First Aid Instructor Course, effective February 16, 2023, as a part of their initial first aid instructor certification or have completed the First Aid Instructor Update Course, effective August 18, 2022, before June 30, 2024, or their first aid instructor certification will be deactivated.

(4) through (16) No change.

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, 7-19-17, 8-15-18, 7-9-19, 5-5-20, 5-20-21, 6-23-22, \_\_\_\_\_.

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

(1) Basic Abilities Test. To comply with Section 943.17(1)(g), F.S., applicants who apply for entry into a Commission-approved Basic Recruit Training Program after January 1, 2002, shall obtain a passing score on a Commission-approved Basic Abilities Test (BAT) for the law enforcement or correctional disciplines, prior to entering a program. However, a person is not required to take the BAT before entering a law enforcement officer Basic Recruit Training Program if he or she is a veteran as defined in Section 1.01 (14), F.S., or holds an associate degree or higher from an accredited college or university if applying on or after July 1, 2022. The BAT shall be administered in the State of Florida.

(a) through (h) No change.

(2) No change.

(3) Refunds for the BAT shall not be provided should an individual take the BAT that was exempt pursuant to Rule 11B-35.0011(1), F.A.C.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.17 FS. History—New 7-29-01. Amended 11-5-02, 11-30-04, 3-21-07, 6-9-08, 5-21-12, 3-13-13, 5-29-14, 9-4-16, 8-15-18, 5-5-20, \_\_\_\_\_.

**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: Criminal Justice Defensive Tactics Course, Defensive Tactics Instructor Course, Criminal Justice Firearms Course, Firearms Instructor Course, Safe Handling of Firearms course, Law Enforcement Vehicle Operations Course, Vehicle Operations Instructor Course, First Aid for Criminal Justice Officers Course, and First Aid Instructor Course.

(a) Criminal Justice Defensive Tactics Course.

1. No change.

2. A basic recruit student shall achieve a score of no less than 80% on the required written end-of-course examination and demonstrate at 100% proficiency, defensive tactics skills taught by a training school, with the results recorded on the required Defensive Tactics Performance Evaluation, form CJSTC-6, revised \_\_\_\_\_, effective \_\_\_\_\_, ~~August 12, 2021, effective 6/2022~~, hereby incorporated by reference ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-\_\_\_\_\_~~ ~~https://www.flrules.org/Gateway/reference.asp?No=Ref-14213~~. Form CJSTC-6 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615. Form CJSTC-6 shall be maintained in the student or course file.

3. No change.

(b) No change.

(c) Criminal Justice Firearms Course.

1. No change.

2. A basic recruit student shall achieve a score of 80% on the required written end-of-course examination and demonstrate the required ~~Handgun Firearms High Liability~~ Proficiency Skills ~~with a semi-automatic pistol~~, using a commercially produced B-21E ~~or equivalent target, or equivalent Pride Enterprises (P.R.I.D.E.) target, at 80% or higher using a handgun (revolver or semi automatic pistol for both daylight and night) and a long gun (shotgun or semi automatic rifle/carbine).~~ The results shall be recorded on the required ~~Handgun Firearms~~ Performance Evaluation form CJSTC-4, revised \_\_\_\_\_, effective \_\_\_\_\_, ~~August 12, 2021, effective 6/2022~~, hereby incorporated by reference ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-\_\_\_\_\_~~ ~~https://www.flrules.org/Gateway/reference.asp?No=Ref-14211~~. Form CJSTC-4 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615. Form CJSTC-4 shall be maintained in the student or course file.

(d) Firearms Instructor Course.

1. No change.

2. A firearms instructor student shall achieve a score of no less than 85% on the required written end-of-course examination and demonstrate the required ~~Handgun Firearms High Liability~~ Proficiency Skills ~~with a semi-automatic pistol~~, using a commercially produced B-21E ~~or equivalent target, or equivalent Pride Enterprises (P.R.I.D.E.) target, at 85% or higher using a handgun (revolver or semi automatic pistol for both daylight and night) and a long gun (shotgun or semi automatic rifle/carbine) for all proficiency skills, with T~~the results ~~shall be recorded on the required Firearms Instructor Performance Evaluation form CJSTC-4I, created \_\_\_\_\_, effective \_\_\_\_\_, hereby incorporated by reference~~ [http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____). Form CJSTC-4I can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615. ~~CJSTC 4 form. A copy of the completed form CJSTC-4I CJSTC 4 shall be provided to the student and the original form CJSTC-4I CJSTC 4 shall be maintained in the student or course file.~~

(e) No change.

(f) First Aid for Criminal Justice Officers Course.

1. No change.

2. A basic recruit student shall achieve a score of no less than 80% on the required written end-of-course examination and demonstrate the required First Aid High-Liability Proficiency Skills at 100%, with the results recorded on the required First Aid Performance Evaluation, form CJSTC-5, revised \_\_\_\_\_, effective \_\_\_\_\_, ~~August 12, 2021, effective 6/2022~~, hereby incorporated by reference ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-\_\_\_\_\_~~ ~~https://www.flrules.org/Gateway/reference.asp?No=Ref-14212~~. Form CJSTC-5 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615. Form CJSTC-5 shall be maintained in the student or course file.

(g) No change.

(h) Law Enforcement Vehicle Operations Course.

1. No change.



2. A basic recruit student shall achieve a score of no less than 80% on the required written end-of-course examination and demonstrate the required Vehicle Operations High-Liability Proficiency Skills, with four out of five runs (80%) for each exercise, with the results recorded on the required Vehicle Operations Performance Evaluation, form CJSTC-7, revised \_\_\_\_\_, effective ~~August 12, 2021~~, effective ~~6/2022~~, hereby incorporated by reference ~~[http://www.flrules.org/Gateway/reference.asp?No=Ref-  
https://www.flrules.org/Gateway/reference.asp?No=Ref-14214](http://www.flrules.org/Gateway/reference.asp?No=Ref-https://www.flrules.org/Gateway/reference.asp?No=Ref-14214)~~. Form CJSTC-7 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615. Form CJSTC-7 shall be maintained in the student or course file.

(i) No change.

(4) No change.

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, 7-19-17, 5-5-20, 5-20-21, 6-23-22, \_\_\_\_\_.

STATE OF FLORIDA  
DEPARTMENT OF LAW ENFORCEMENT  
CHAPTER 11C-6, FLORIDA ADMINISTRATIVE CODE  
AMENDING RULES 11C-6.004 AND 11C-6.009  
PROCEDURES FOR REQUESTING CRIMINAL HISTORY  
RECORDS AND SALE AND DELIVERY OF FIREARMS

SUMMARY OF THE RULE

Amending rule to reflect acceptable payment methods for criminal history record check requests, updating forms referenced in rule, and to be in compliance with the Federal Bureau of Investigation policy.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

The rule change is requested to update acceptable payment methods for criminal history record check requests, to reflect changes to existing forms, and to be in compliance with the Federal Bureau of Investigation policy..

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 Services  
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:

11C-6.004: The amendments to the rule reflect the acceptable payment methods for criminal history record checks, updates to a form referenced in rule, and to be in compliance with the Federal Bureau of Investigation policy.  
11C-6.009: The amendments to the rule reflect revision date to form referenced in rule.

SUMMARY:

The rule change is requested to reflect changes in acceptable payment methods for criminal history record checks, updates to existing forms, and to be in compliance with the Federal Bureau of Investigation policy.

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), 943.053(3), 943.0542, 943.056 FS.

LAW IMPLEMENTED: 943.053(3), 943.0542, 943.056 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: TBD

PLACE: Florida Department of Law Enforcement, Criminal Justice Information Services, 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:

Rachel Truxell at 850-410-7100, or racheltruxell@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:**

Rachel Truxell at 850-410-7100, or racheltruxell@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:** Director Lucy Saunders

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

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** TBD

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR:** October 29, 2022

THE TEXT OF THE PROPOSED RULE IS:

**11C-6.004 Procedures for Requesting Criminal History Records.**

(1) – (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)(e), 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 Elder 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) Entities applying to the Florida Department of Law Enforcement to be qualified to receive criminal history records under the National Child Protection Act of 1993, as amended, must first complete and submit the following documents to the Florida Department of Law Enforcement, in accordance with the instructions provided: VECHS Qualified Entity Application – Volunteer & Employee Criminal History System (NCPA 1; Rev. October 2022 ~~December 2021~~). Entities that are qualified through the Florida Department of Law Enforcement to receive criminal history records under the National Child Protection Act must have their employees, volunteers, contractors, and vendors submit fingerprints electronically for each person to the Florida Department of Law Enforcement for each request for a criminal history record check. An employee means any person who receives remuneration from an employer for the performance of any work or service while engaged in any employment under any appointment or contract for hire or apprenticeship, express or implied, oral or written, this includes, persons who are being paid by the qualified entity as a contractor, a subcontractor, or a business or individual providing services as a vendor, shall qualify as an employee for this purpose. A volunteer shall be defined as any person who, of his or her own free will, provides goods or services, to any qualified entity, with no monetary or material compensation. Qualified entities that release to another qualified entity any criminal history record information received pursuant to the National Child Protection Act must complete and maintain the following document, in accordance with the instructions provided: VECHS Dissemination Log – Volunteer & Employee Criminal History System (NCPA 4, Rev. December 2021, <http://www.flrules.org/Gateway/reference.asp?No=Ref-14422>). These forms are incorporated by reference.

*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, 7-19-17, 8-15-18, 7-6-22, \_\_\_\_\_.*

**11C-6.009 Sale and Delivery of Firearms.**

(1) For a federally licensed firearm dealer (including licensed firearm importers, licensed firearm manufacturers and licensed firearm dealers pursuant to Title 27, C.F.R., Part 178) to complete a firearm transaction to another person, other than a licensed

importer, licensed manufacturer, licensed dealer or licensed collector, a United States Treasury Department, Bureau of Alcohol, Tobacco and Firearms (ATF) form ATF F-4473 [5300.9] ~~Part 1 (May 2020 10/16)~~ (Firearms Transaction Record) incorporated here by reference, <http://www.flrules.org/Gateway/reference.asp?No=Ref-09688>, must be completed. These forms are available from the ATF Distribution Center, 7943 Angus Court, Springfield, Virginia 22153. The completion of the ATF F-4473 [5300.9] ~~Part 1 (May 2020 10/16)~~ form must comply with Title 27, C.F.R. Part 178, Section 178.124, and with section 790.065, F.S.

(2) ~~Section B Part 1~~ of the ATF F-4473 [5300.9] ~~Part 1 (May 2020 10/16)~~ form must be completed by the potential buyer or transferee. The dealer must ensure that Section ~~B A~~ is 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 the Social Security Number block of ATF F-4473 [5300.9] ~~Section B Part 1 (May 2020 10/16)~~ 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) - (4) No change.

(5) Using the provided toll-free telephone number or by other electronic means in addition to the telephone, the dealer must contact FDLE immediately prior to each transaction involving the transfer of one or more firearms to obtain an approval number to complete the firearm transaction. The dealer will provide the dealer's identification number and all identification data of the potential buyer/transferee as contained on ATF form F-4473 [5300.9] ~~Section B Part 1 (May 2020 10/16)~~ to FDLE.

(6) No change.

(7) The dealer will record the decision and number provided by FDLE in the NICS or State transaction number block and in the box in the top right corner labeled, Transferor's Transaction Serial Number of ATF form F-4473 (5300.9) ~~Section C Part 1 (May 2020 10/16)~~. When the transaction is approved, the dealer should complete Section ~~C B~~ of the ATF form F-4473.

(8) – (12) No change.

(13) All records where the transfer was approved must be maintained by dealers for 20 years as required by Title 27, C.F.R., Part 178. All records where the transfer was non-approved must be kept by dealers in a secure area and kept confidential for five (5) years. This would include the dealers's copy of the ATF Form F-4473 [5300.9] ~~Part 1 (May 2020 10/16)~~ where the transfer of a firearm was non-approved. Records must be made available to federal, state, county and municipal law enforcement agencies in connection with their official duties upon request during business hours or other reasonable times if the dealer has no regular business hours.

(14)- (20) No change.

*Rulemaking Authority 790.065, 943.03(4) FS. Law Implemented 790.065, 790.0655 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, 7-19-17, 8-15-18, 7-9-19, 5-5-20,\_\_\_\_\_.*

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11C-7, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11C-7.006, 11C-7.007, 11C-7.009, 11C-7.010, AND 11C-7.012

PROCEDURES ON COURT-ORDERED EXPUNCTIONS,

PROCEDURES ON COURT-ORDERED SEALINGS,

PROCEDURES FOR JUVENILE DIVERSION EXPUNCTIONS,

PROCEDURES ON EARLY JUVENILE EXPUNCTION, AND

PROCEDURES ON LAWFUL SELF-DEFENSE EXPUNCTIONS

SUMMARY OF THE RULE

Amending rules to clarify fingerprint submission requirements and update the form referenced in Rule 11C-7.009.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11C-7.006: The rule change is requested to clarify fingerprint submission requirements.

11C-7.007: The rule change is requested to clarify fingerprint submission requirements.

11C-7.009: The rule change is requested to clarify fingerprint submission requirements and update the form referenced in rule due to statutory changes.

11C-7.010: The rule change is requested to clarify fingerprint submission requirements.

11C-7.012: The rule change is requested to clarify fingerprint submission requirements.

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 Services

Rule Chapter: 11C-7; Criminal History Records; Expunction and Sealing Policy and Procedures

RULE NO.:	RULE TITLE:
11C-7.006	Procedures on Court-Ordered Expunctions
11C-7.007	Procedures on Court-Ordered Sealings
11C-7.009	Procedures on Juvenile Diversion Expunctions
11C-7.010	Procedures on Early Juvenile Expunction
11C-7.012	Procedures for Lawful Self-Defense Expunctions

PURPOSE AND EFFECT:

11C-7.006: The rule change is requested to clarify fingerprint submission requirements  
 11C-7.007: The rule change is requested to clarify fingerprint submission requirements  
 11C-7.009: The rule change is requested to reflect changes to existing forms and update form referenced in rule due to statutory changes  
 11C-7.010: The rule change is requested to clarify fingerprint submission requirements  
 11C-7.012: The rule change is requested to clarify fingerprint submission requirements

SUMMARY:

Amending rules to clarify fingerprint submission requirements and update the form referenced in Rule 11C-7.009.

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: 11C-7.006: 943.03(4), 943.058(2), FS  
 11C-7.007: 943.03(4), 943.059(2), FS  
 11C-7.009: 943.0582, FS  
 11C-7.010: 943.0515(1), FS  
 11C-7.012: 943.03(4), 943.0578 FS

LAW IMPLEMENTED: 11C-7.006: 943.0585, FS  
 11C-7.007: 943.059, FS  
 11C-7.009: 943.0582, FS

11C-7.010: 943.0515(1), FS  
11C-7.012: 943.0578 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:** TBD .

**PLACE:** Florida Department of Law Enforcement, Criminal Justice Information Services, 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:

Rachel Truxell at 850-410-7100, or racheltruxell@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:**

Rachel Truxell at 850-410-7100, or racheltruxell@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:** Director Lucy Saunders

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

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** TBD

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR:** October 29, 2022

THE TEXT OF THE PROPOSED RULE IS:

**11C-7.006 Procedures on Court-Ordered Expunctions.**

(1) Prior to petitioning the court to expunge a criminal history record, the subject must apply to the Department for a certificate of eligibility for expunction. The application packet for the certificate of eligibility must include:

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

(b) A completed Application for Certification of Eligibility. The subject must complete section A of the application. The Application for Certification of Eligibility (form number FDLE 40-021, rev. June 2021), which is hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref-14423>, may be obtained from:

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

Seal and Expunge Section

Post Office Box 1489

Tallahassee, Florida 32302-1489

Email: SEINFO@fdle.state.fl.us

Telephone Number: (850)410-7870

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

(c) The appropriate state attorney or statewide prosecutor may provide the required written certified statement by completing section B of the Application for Certification of Eligibility.

(d) A legible set of fingerprints recorded on an FBI Applicant Fingerprint Card (FD-258, rev. 03/10) or FDLE fingerprint sheet. Fingerprints may not be submitted to FDLE by electronic means. The fingerprinting must be taken by a law enforcement agency or by a vendor engaged in the business of providing electronic fingerprint submissions which has an agreement in place with FDLE pursuant to Section 943.053(13), F.S. The subject must pay any fees required by the law enforcement agency or vendor for providing this service. The fingerprint card must contain all required identifying data. If a copy of the Applicant Fingerprint Card or FDLE fingerprint sheet is needed, it may be obtained from:

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

Seal and Expunge Section

Post Office Box 1489

Tallahassee, Florida 32302-1489

Email: SEINFO@fdle.state.fl.us

Telephone Number: (850)410-7870

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

(e) A certified copy of the disposition of the charge(s) to which the Application for Certificate of Eligibility to expunge pertains. The subject should obtain this document from the Clerk of the Court in the appropriate jurisdiction. The subject must pay any fees required by the Clerk of the Court for providing this service.

(2) – (6) No change.

*Rulemaking Authority 943.03(4), 943.0585(2) FS. Law Implemented 943.0585 FS. History—New 8-5-92, Amended 7-7-99, 8-22-00, 6-9-08, 6-3-10, 7-29-15, 7-9-19, 5-5-20, 5-20-21, 7-6-22, \_\_\_\_\_.*

**11C-7.007 Procedures on Court-Ordered Sealings.**

(1) Prior to petitioning the court to seal a criminal history record, the subject must apply to the Department for a certificate of eligibility for sealing. The application packet for the certificate of eligibility must include:

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

(b) A completed Application for Certification of Eligibility. The subject must complete section A of the application. The Application for Certification of Eligibility (form number FDLE 40-021, rev. June 2021 and incorporated by reference) <https://www.flrules.org/Gateway/reference.asp?No=Ref-14424>, may be obtained from:

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

Seal and Expunge Section

Post Office Box 1489

Tallahassee, Florida 32302-1489

Email: SEINFO@fdle.state.fl.us

Telephone Number: (850)410-7870

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

(c) A legible set of fingerprints recorded on an FBI Applicant Fingerprint Card (FD-258, rev. 03/10) or FDLE fingerprint sheet. Fingerprints may not be submitted to FDLE by electronic means. The fingerprinting must be taken by a law enforcement agency or by a vendor engaged in the business of providing electronic fingerprint submissions which has an agreement in place with FDLE pursuant to Section 943.053(13), F.S. The subject must pay any fees required by the law enforcement agency or vendor for providing this service. The fingerprint card must contain all required identifying data. If a copy of the Applicant Fingerprint Card or FDLE fingerprint sheet is needed, it may be obtained from:

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

Seal and Expunge Section

Post Office Box 1489

Tallahassee, Florida 32302-1489

Email: SEINFO@fdle.state.fl.us

Telephone Number: (850)410-7870

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

(d) A certified copy of the disposition of the charge or charges to which the Application for Certificate of Eligibility to seal pertains. The subject should obtain this document from the Clerk of the Court in the appropriate jurisdiction. The subject must pay any fees required by the Clerk of the Court for providing this service.

- (2) – (6) No change.

*Rulemaking Authority 943.03(4), 943.059(2) FS. Law Implemented 943.059 FS. History—New 8-5-92, Amended 7-7-99, 8-22-00, 6-9-08, 6-3-10, 7-9-19, 5-5-20, 5-20-21, 7-6-22, \_\_\_\_\_.*

### **11C-7.009 Procedures on Juvenile Diversion Expunctions.**

(1) A minor who has successfully completed a diversion program as authorized by Section 985.125, 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 packet for the Juvenile Diversion Expunction must include:

(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 2022 ~~June 2024~~), hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref-14425>, may be obtained from:

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

Seal and Expunge Section

Post Office Box 1489

Tallahassee, Florida 32302-1489

Email: SEINFO@fdle.state.fl.us

Telephone Number: (850)410-7870

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

(b) The state attorney must provide the required written certification statement by completing section B of the Application for Juvenile Diversion Expunction.

(c) A legible set of fingerprints recorded on an FBI Applicant Fingerprint Card (FD-258) (rev. 03/10) or FDLE fingerprint sheet. Fingerprints may not be submitted to FDLE by electronic means. The fingerprinting must be taken by a law enforcement agency or by a vendor engaged in the business of providing electronic fingerprint submissions which has an agreement in place with FDLE pursuant to Section 943.053(13), F.S. The subject must pay any fees required by the law enforcement agency or vendor for providing this service. The fingerprint card must contain all required identifying data. If a copy of the Applicant Fingerprint Card or the FDLE fingerprint sheet is needed, it may be obtained from:

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

Seal and Expunge Section

Post Office Box 1489

Tallahassee, Florida 32302-1489

Email: SEINFO@fdle.state.fl.us

Telephone Number: (850)410-7870

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

(2) - (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, 7-20-17, 7-9-19, 5-5-20, 5-20-21, 7-6-22, \_\_\_\_\_.*

### **11C-7.010 Procedures on Early Juvenile Expunction.**

(1) A person who has not been committed to a juvenile correctional facility or juvenile prison under Chapter 985, F.S., 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, certified check, personal check, or business 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, rev. June 2021), hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref-14426>, may be obtained from:

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

Seal and Expunge Section

Post Office Box 1489

Tallahassee, Florida 32302-1489

Email: SEINFO@fdle.state.fl.us

Telephone Number: (850)410-7870

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

(c) The state attorney for the circuit having jurisdiction over the arrest may provide the required written certified statement by completing section B of the Application for Early Juvenile Expunction.

(d) A legible set of fingerprints recorded on an FBI Applicant Fingerprint Card (FD-258, rev. 03/10) or FDLE fingerprint sheet. Fingerprints may not be submitted to FDLE by electronic means. The fingerprinting must be taken by a law enforcement agency or by a vendor engaged in the business of providing electronic fingerprint submissions which has an agreement in place with FDLE pursuant to Section 943.053(13), F.S. The subject must pay any fees required by the law enforcement agency or vendor for providing this service. The fingerprint card must contain all required identifying data. If a copy of the Applicant Fingerprint Card or FDLE fingerprint sheet is needed, it may be obtained from:

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

Seal and Expunge Section

Post Office Box 1489

Tallahassee, Florida 32302-1489

Email: SEINFO@fdle.state.fl.us

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.

(f) A certified copy of the disposition of the charge or charges to which the Application for Early Juvenile Expunction pertains. The subject should obtain this document from the Clerk of the Court in the appropriate jurisdiction. The subject must pay any fees required by the Clerk of the Court for providing this service.

(2) - (5) No change.

*Rulemaking Authority 943.0515(1) FS. Law Implemented 943.0515(1) FS. History—New 7-20-17, Amended 7-9-19, 5-5-20, 5-20-21, 7-6-22,*

### **11C-7.012 Procedures on Lawful Self-Defense Expunctions.**

(1) Prior to petitioning the court for an expunction of a criminal history record, the subject must apply to the Department for a certificate of eligibility for expunction. The application for the certificate of eligibility must include:

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

(b) A completed Application for a Certification of Eligibility for Lawful Self-Defense Expunction. The subject must complete section A of the application. The Application for Certification of Eligibility for Lawful Self-Defense Expunction under Section 943.0578 F.S. (form number FDLE 40-026, rev. June 2021), are hereby incorporated by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref-14427>, may be obtained from:

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

Seal and Expunge Section

Post Office Box 1489

Tallahassee, Florida 32302-1489

Email: SEINFO@fdle.state.fl.us

Telephone Number: (850)410-7870

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

(c) The appropriate state attorney or statewide prosecutor must provide the required written certified statement by completing section B of the Application for Certification of Eligibility.

(d) A legible set of fingerprints recorded on an FBI Applicant Fingerprint Card (FD-258, rev. 03/10) or FDLE fingerprint sheet. Fingerprints may not be submitted to FDLE by electronic means. The fingerprinting must be taken by a law enforcement agency or by a vendor engaged in the business of providing electronic fingerprint submissions which has an agreement in place with FDLE pursuant to Section 943.053(13), F.S. The subject must pay any fees required by the law enforcement agency or vendor for providing this service. The fingerprint card must contain all required identifying data. If a copy of the Applicant Fingerprint Card or FDLE fingerprint sheet is needed, it may be obtained from:

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

Seal and Expunge Section

Post Office Box 1489

Tallahassee, Florida 32302-1489

Email: SEINFO@fdle.state.fl.us

Telephone Number: (850)410-7870

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

(e) A certified copy of the disposition of the charge or charges to which the application to expunge pertains. The subject should obtain this document from the Clerk of the Court in the appropriate jurisdiction. The subject must pay any fees required by the Clerk of the Court for providing this service.

(2) – (6) No change.

*Rulemaking Authority 943.03(4), 943.0578(5) FS. Law Implemented 943.0578 FS. History—New 5-5-20, Amended 5-20-21, 7-6-22, \_\_\_\_\_.*





STATE OF FLORIDA  
DEPARTMENT OF LAW ENFORCEMENT  
CHAPTER 11C-8, FLORIDA ADMINISTRATIVE CODE  
AMENDING RULE 11C-8-001 REVIEW PROCEDURES

SUMMARY OF THE RULE

Amending rules to clarify fingerprint submission requirements.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

The rule change is requested to clarify fingerprint submission requirements.

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 Services

Rule Chapter: 11C-8; Criminal History Records; Review and Correction

RULE NO.: RULE TITLE:

11C-8.001 Review Procedures

PURPOSE AND EFFECT:

The amendment to the rule clarifies fingerprint submission requirements

SUMMARY:

The rule change is requested to clarify fingerprint submission requirements

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), 943.05(2)(d), 943.056, FS.

LAW IMPLEMENTED: 943.056 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: TBD

PLACE: Florida Department of Law Enforcement, Criminal Justice Information Services, 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:

Rachel Truxell at 850-410-7100, or racheltruxell@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:**

Rachel Truxell at 850-410-7100, or racheltruxell@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:** Director Lucy Saunders

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

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** TBD

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR:** October 29, 2022

THE TEXT OF THE PROPOSED RULE IS:

**11C-8.001 Review Procedures.**

(1) No change.

(2) The individual must submit a legible set of fingerprints recorded on an FBI Applicant Fingerprint Card (FD-258, rev. 03/10) or FDLE fingerprint sheet. Fingerprints may not be submitted to FDLE by electronic means. The fingerprinting must be taken by a law enforcement agency. The subject must pay any fees required by the law enforcement agency for providing this service. ~~then be fingerprinted by a local law enforcement agency or by FDLE for identification purposes.~~ The fingerprint card must contain all required identifying data, ~~and a conspicuous notation that the card is submitted in order to provide positive identification for a personal record review~~

(3) The request and completed fingerprint card should be mailed by the local law enforcement agency or the individual to FDLE. FDLE shall not require payment of any fees, except those provided for by federal regulations, for processing the fingerprint card or providing the resulting record.

(4) - (9) No change.

*Rulemaking Authority 943.03(4), 943.05(2)(d), 943.056 FS. Law Implemented 943.056 FS. History—New 6-24-76, Amended 11-12-81, Formerly 11C-8.01, Amended 7-7-99, 6-9-08, \_\_\_\_\_.*



STATE OF FLORIDA  
DEPARTMENT OF LAW ENFORCEMENT  
CHAPTER 11D-13, FLORIDA ADMINISTRATIVE CODE  
CREATING RULE 11D-13.001, and .002.  
CARE FOR RETIRED POLICE DOGS PROGRAM

SUMMARY OF THE RULE

Newly created rule to implement Florida Statute 943.69. This new rule is for the purpose of implementation of the legislatively created program within FDLE to provide a stable funding source for the veterinary care for retired police dogs.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Section 943.69(7), F.S. requires administrative rulemaking by FDLE to implement the legislative mandate.

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

No requests for a public hearing or written comments have been received.

NOTICE OF PROPOSED RULE

NAME OF AGENCY: Department of Law Enforcement  
Division or Board: Division of Local Law Enforcement Assistance  
Rule Chapter: 11D-13; Care for Retired Police Dogs Program

RULE NO.:	RULE TITLE:
11D-13.001	Definitions
11D-13.002	Procedures

PURPOSE AND EFFECT:

Implementation of Florida Statute 943.69

SUMMARY:

Implementation of Florida Statute 943.69; creation of Care for Retired Police Dogs Program.

**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), 943.69(7), F.S.

**LAW IMPLEMENTED:** 943.69, 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:** TBD

**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:

Chris Bufano at 850-410-7676, or christopherbufano@fdle.state.fl.us, or write to Florida Department of Law Enforcement, 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:**

Chris Bufano at 850-410-7676, or christopherbufano@fdle.state.fl.us, or write to Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Deputy General Counsel Chris Bufano

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

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** TBD

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR:** October 29, 2022

**CHAPTER 11D-13**  
**CARE FOR RETIRED POLICE DOGS PROGRAM**

11D-13.001	Definitions
11D-13.002	Procedures

**11D-13.001 Definitions.**

- (1) “Department” means the Florida Department of Law Enforcement.
- (2) “Program” means the Care For Retired Police Dogs Program.
- (3) “Retired Police Dog” means a dog that was previously in the service of or employed by a law enforcement agency or a correctional agency in Florida for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders that received certification in obedience and apprehension work from a certifying organization, such as the National Police Canine Association.
- (4) “Correctional Agency” means a lawfully established state or local public agency having primary responsibility for the supervision, protection, care, custody, control, or investigation of inmates at a correctional institution.
- (5) “Law Enforcement Agency” means a lawfully established state or local public agency having primary responsibility for the prevention and detection of crime or the enforcement of penal, traffic, highway, regulatory, game, immigration, postal, customs, or controlled substance laws.
- (6) “Veterinary Care” means the practice, by a veterinarian, of veterinary medicine as defined in Section 474.202, Florida Statutes. The term includes annual wellness examinations, vaccinations, internal and external parasite prevention treatments, testing and treatments of illnesses and diseases, medications, emergency care and surgeries, veterinary oncology or other specialty care, euthanasia, and cremation.
- (7) “Veterinarian” means a health care practitioner who is licensed to engage in the practice of veterinary medicine in Florida under Chapter 474, Florida Statutes.

*Rulemaking Authority 943.03(4), 943.69(7) FS. Law Implemented 943.69 FS. History—New \_\_\_\_\_.*

**11D-13.002 Procedures.**

- (1) The Department receives recurring annual funds to contract with a qualifying non-profit entity to administer the program.
- (2) The program shall provide a stable funding source for the veterinary care for retired police dogs by utilizing a qualifying non-profit entity to screen and verify the eligibility of handlers and adopters of eligible retired law enforcement or correctional canines and distribute funds to pay for veterinary care expenses.
- (3) The following criteria must be met to be considered as a qualifying non-profit entity for administration of the program:
  - (a) Be dedicated to the protection or care of retired police dogs;
  - (b) Possess current 501(c)(3) status;
  - (c) Maintained 501(c)(3) for five or more years;
  - (d) Agree to be subject to review and audit for accountability of state funds;
  - (e) Possess ability to effectively disseminate information; and
  - (f) Possess ability to assist handlers/adopters of retired police dogs.
- (4) The entity selected by the Department pursuant to the criteria set forth in paragraph three (3) of this section shall be the disbursing authority for funds appropriated to the Department from the legislature for implementation of the program.
- (5) Fund disbursement pursuant to the program shall comply with Section 943.69(5), F.S.

*Rulemaking Authority 943.03(4), 943.69(7) FS. Law Implemented 943.69 FS. History—New \_\_\_\_\_.*