

AGENDA
FLORIDA DEPARTMENT OF LAW ENFORCEMENT

February 13, 2007

ITEM 1. Respectfully submit the **Minutes of the October 3, 2006 Cabinet Meeting.**

(See Attachment 1)

RECOMMEND APPROVAL

ITEM 2. Respectfully submit the **Florida Department of Law Enforcement Quarterly Performance Report 1st Quarter FY 2006-07, with Contracts, Agreements and Purchases over \$100,000 for July 1 through September 30, 2006.**

(See Attachment 2)

RECOMMEND APPROVAL

ITEM 3. Respectfully submit the **Florida Department of Law Enforcement Quarterly Performance Report 2nd Quarter FY 2006-07, with Contracts, Agreements and Purchases over \$100,000 for October 1 through December 31, 2006.**

(See Attachment 3)

RECOMMEND APPROVAL

ITEM 4. Respectfully submit the **following rules for final adoption in Title 11 of the Florida Administrative Code. Upon approval by the Governor and Cabinet, the adopted rules will take effect on or after March 21, 2007.**

(See Attachment 4)

RECOMMEND APPROVAL

Rule 11B-14 Salary Incentive Program

This rule chapter clarifies the requirements for an officer to receive educational salary incentive payments and revises form CJSTC-63 due to statutory revisions.

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

This rule chapter updates Commission-approved training school names and agency names.

Rule 11B-20 Certification of Criminal Justice Training Instructors

This rule chapter renames instructor certification courses; updates the course names for completing the Traditional First Responder Instructor Certification and Curriculum Maintenance System (CMS) First Aid Instructor Certification, and revises the CMS First Aid Performance Evaluation form CJSTC-5 CMS accordingly; allows instructor applicants, who are professionals, to request CMS First Aid Instructor Certification without completing additional training; defines "Law Topics Instructor Certification" and allows a Law Topics Instructor to teach specific law topics provided the individual holds a Commission Law Topics Instructor Certification; lists the new radar courses required for certification to instruct laser and radar courses; retires the existing Radar and Laser courses and replaces with new courses; updates form CJSTC-71 due to statutory revisions; clarifies form CJSTC-68; removes duplicate language on form CJSTC-75; updates rule references on form CJSTC-84.

Rule 11B-21 Certification of Criminal Justice Training Schools

This rule chapter changes the training school recertification date from "January 1, 2006, then January 1, 2010" to July 1, 2006, then July 1, 2010, and every five years thereafter, and makes housekeeping revisions.

Rule 11B-27 Certification and Employment or Appointment

This rule chapter clarifies that proof of authenticity of a high school diploma shall be issued by an accrediting organization recognized by the U.S. Department of Education or the Council on Higher Education Accreditation; allows an applicant to submit verification of a high school diploma versus a standard high school diploma; requires transcript verification by an institution accredited by an accrediting body; adds rule references; revises form CJSTC-74 due to statutory revisions; updates form CJSTC-83; reformats form CJSTC-86A.

Rule 11B-30 State Officer Certification Examination

This rule chapter allows the State Officer Certification Exam fee to be paid with a debit card; clarifies that rescheduling the exam is not considered as a re-examination; removes rule language that allows the exam to be read aloud – these revised accommodations also apply to the Basic Abilities Test; notifies applicants of the procedures for rescheduling the exam when arriving late; and removes unnecessary rule language; removes the forty-five calendar day requirement for submitting a grade review request; establishes a list of dates on the website and on form CJSTC-510 for scheduling a grade review request; increases the number of days (from 40 to 120) from the date an applicant takes the exam to the date the exam grades are reviewed by the applicant; clarifies rule language for missed exam items and the corresponding grading key; adds additional conduct that would be an attempt to sabotage the exam test administration process; updates forms CJSTC-502, CJSTC-516, and CJSTC-511.

Rule Chapter 11B-35 Training Programs

This rule chapter requires the training schools to include the “time of the course(s)” when notifying Commission staff of a scheduled course; clarifies specific course instructor information to be maintained by the training school; requires form CJSTC-517 to be submitted at the State Officer Certification Exam site in addition to the certificate of completion from the training school; adds procedures for the applicant and entity for retaking the Basic Abilities Test and for producing proper identification prior to taking the Basic Abilities Test; clarifies conduct that subverts the Basic Abilities Test process and the specific penalties imposed; adds procedures for requesting accommodations pursuant to the Americans with Disabilities Act; adds 6 hours for dart-firing stun gun training and 4 hours for Human Trafficking to the Curriculum Maintenance System (CMS) Application-Based Law Enforcement Basic Recruit Training Program certain cross-over training programs, and the Law Enforcement Auxiliary Officer Basic Recruit Training Program; adds course numbers to existing programs; retires cross-over training programs; removes obsolete rule language; updates the minimum required hours for the Law Enforcement Auxiliary Officer Basic Recruit Training Program courses; updates course names required to possess and maintain a valid CPR Instructor Certification; requires instructor students to successfully demonstrate the cognitive knowledge and proficiency skills during the first attempt and allows an instructor student, who has failed a cognitive end-of-course examination or the high-liability proficiency skills during the first attempt, to be granted a re-examination by the training center director if certain conditions exist; updates advanced and specialized training program course names and removes obsolete courses; clarifies that if an exemption from basic recruit training is denied, an individual has the option to request a hearing, but the hearing is not automatically granted, pursuant to Section 120.57, F.S.; clarifies that an out-of-state, federal, or inactive Florida officer is required to demonstrate proficiency in the high-liability areas and pass the State Officer Certification Examination within one year after receiving an exemption from completing a Commission-approved Basic Recruit Training Program; clarifies that the Examination Admission Voucher form CJSTC-517 and CJSTC-76A shall be issued by the training school upon successfully demonstration of proficiency in the required high-liability basic recruit proficiency skills; updates form CJSTC-7 CMS; and repeals form CJSTC-11.

Rule Chapter 11C-4 Crime Information Bureau; Criminal History Records; Fingerprinting and Reports

This rule chapter provides for arrest fingerprint cards to be submitted in a digitized format and removes the reference to an obsolete manual.

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

This rule chapter adds statutorily mandated requirements for those requesting an administrative expunction of Florida criminal history records that are made contrary to law or by mistake.

Rule Chapter 11D-6 DNA Database Collection

This rule chapter updates statutory references pertaining to the definition of offender as it applies to the collection of specimens for the DNA database.

Rule Chapter 11G-2 Standard Investigation Procedures

This rule chapter revises the procedures regarding the identification of a deceased body, and the duties and standards of care for medical examiners.

Rule Chapter 11N-1 Violent Crime Investigative Emergency and Drug Control Implementation Account

This rule chapter updates program and contact information, creates and revises forms to capture budgetary information from agencies and provide documentation for audits, and expands funding request deadlines to provide more time to process requests.

**Cabinet Affairs Contact
Administrator Ron Draa
410-7001**

MINUTES
FLORIDA DEPARTMENT OF LAW ENFORCEMENT

October 3, 2006

The Florida Department of Law Enforcement met on this date in the Cabinet Meeting Room, LL-03, The Capitol, Tallahassee, Florida with the following Cabinet members present:

Honorable Jeb Bush, Governor
Honorable Charles H. Bronson, Commissioner of Agriculture
Honorable Charlie Crist, Attorney General
Honorable Tom Gallagher, Chief Financial Officer

ITEM 1. Respectfully submit the **Minutes of the August 15, 2006 Cabinet Meeting.**

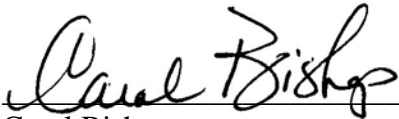
Motion to approve by Chief Financial Officer Gallagher. Seconded by General Crist. Minutes approved without objection.

ITEM 2. Respectfully submit the **Florida Department of Law Enforcement's Proposed Legislative Budget Request for Fiscal Year 2007-2008.**

Motion to approve request by Chief Financial Officer Gallagher. Seconded by General Crist. Request approved with Governor Bush abstaining.



Gerald M. Bailey
Commissioner



Carol Bishop
Secretary

Quarterly Performance

R E P O R T



Fiscal Year 2006-2007
First Quarter

Gerald M. Bailey, Commissioner

Executive Direction and Support Program

Executive Direction and Support Services

• Administrative support costs as a percent of total agency costs	4.1%	4%
• Number of grants disbursed	236	575
• Total number of agencies and jails accredited	162	156
• Number of cases awarded emergency violent crime funds	28	73

Investigations and Forensic Science Program

Crime Laboratory Services

• Number / percent of lab service requests completed	20,659 / 89%	78,000 / 95%
• Average number of days to complete lab service requests		
1. AFIS (Automated Fingerprint Identification System)	69 ¹	45
2. CER (Computer Evidence Recovery)	61	70
3. Chemistry	69 ¹	30
4. Crime Scene	21	30
5. Firearms	98 ¹	80
6. Latents	95 ¹	60
7. Microanalysis	165 ¹	115
8. Serology / DNA	230 ¹	111
9. Toxicology	40	40
• Number of DNA samples added to the DNA Database	15,669	36,000
• Number of crime scene service requests completed	137	600

Investigative Services

• Number of criminal investigations worked	1,971	2,500
• Number / percent of criminal investigations closed	237 / 12%	900 / 46%
• Number / percent of closed criminal investigations resolved	194 / 82%	702 / 78%
• Number / percent of criminal investigations closed resulting in arrest	133 / 56%	585 / 65%
• Number of short-term investigative assists worked	2,275	3,678
• Number of domestic security concerns reported and responded to by Regional Domestic Security Task Forces	243	1,000

Mutual Aid and Prevention Services

• Number of dignitaries provided with FDLE protective services	9	52
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Public Assistance Fraud Investigative Services

• Amount of fraudulent benefits withheld as a result of public assistance fraud investigations	\$3.7 M ²	\$20.1 M
• Number of public assistance fraud investigations conducted	637 ²	5,625

Florida Capitol Police Program

Capitol Police Services

• Number of criminal incidents per 1,000 employees	2.00	9.38
• Number of officer patrol hours	26,214	96,432
• Number of calls for service	1,560	8,000

	1 st Quarter Performance	Standard FY 06-07
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Information Program

Network Services

• Percentage of responses from FCIC hot files that contain substantive information within defined timeframes	99.95%	98%
• Percentage of time FCIC is running and accessible	99.99%	99.50%
• Percentage response to criminal history record check customers within defined timeframes	100%	94%
• Percentage of criminal arrest records received electronically (through AFIS) for entry into the criminal history system	92%	90%
• Number of certified operators	59,873	56,177

Prevention and Crime Information Services

• Percentage of criminal history information records compiled accurately	94%	93%
• Number of responses to requests for criminal history record checks	732,401	2,000,000
• Number of registered sexual predators / offenders identified	39,030	37,865
• Number of missing children cases worked through MCIC	2,491	4,000
• Number of arrest records created and maintained	18,083,093	17,686,354
• Number of disposition records added to the criminal history file	209,522	750,000

Professionalism Program

Law Enforcement Training and Certification Services

• Number / percent of individuals who pass the basic professional certification examination for law enforcement officers, correctional officers, and correctional probation officers	1,508 / 79%	6,400 / 80%
• Number of course curricula and examinations developed / revised	113	135
• Number of examinations administered	1,905	8,000
• Number of individuals trained by the FCJEI	297	840
• Number of law enforcement officers trained by D.A.R.E.	0 ³	160
• Number of professional enforcement certificates issued	5,292	25,000
• Number of domestic security training courses delivered	10 ⁴	120

Law Enforcement Standards Compliance Services

• Percentage of training schools in compliance with standards	98%	80%
• Number of breath-testing instruments inspected	88	491
• Number of discipline referrals processed for state and local LEOs, COs, and CPOs pursuant to Chapter 120, F.S.	362	1,500
• Number of criminal justice officer disciplinary actions	175	452
• Number of program and financial compliance audits performed	425	2,000
• Number of records audited to validate the accuracy and completeness of ATMS2 record information	2,926	8,000



SUSPECT #1



FDLE Helps Nab Band-Aid Bandit – In July 2006, members of the Band-Aid Bandit Task Force served two federal search warrants on residences located in Lake County and Polk County Florida resulting in the arrest of two suspects, one believed to be the Band-Aid Bandit. The Band-Aid Bandit is believed to have committed 39 robberies and 2 attempted robberies in 9 different counties between December 2000 and July 2006. Investigators estimate the total amount stolen at more than \$500,000. The two suspects face a possible 20-year maximum sentence of incarceration for bank robbery charges and an additional 57 years for firearms charges. The Band-Aid Bandit Task Force is the result of a partnership established in



May of 2003 between FDLE, the Federal Bureau of Investigations, United States Attorney's Office, Pasco-Pinellas State Attorney's Office, Department of Highway Safety Motor Vehicles, Florida Highway Patrol and numerous local law enforcement agencies.



Statewide Drug Sweep Nets 1,219 Arrests, Millions in Seizures – As part of a statewide enforcement effort, state and local law enforcement officials arrested 1,219 people, busted 14 methamphetamine labs, seized more than 100 kilos of cocaine, 1,000 pounds of marijuana, 180,000 Ecstasy pills, more than 3,000 doses of Hydrocodone and Oxycotone, and \$7.5 million in currency. The arrests and seizures came during a recent month long proactive, national sweep to fight drugs and drug-related crime.

FDLE coordinated the state's blitz through its seven Regional Operations Centers, partnering with the Florida Highway Patrol, the Department of Transportation's Office of Motor Carrier Compliance, the Department of Agriculture's Division of Law Enforcement and local law enforcement agencies across the state. Teams and task forces rounded up drug traffickers, conducted highway interdictions, executed search warrants and dismantled methamphetamine labs during the multi-faceted operation.

Twenty-six other states participated in the nationwide effort which was led by the National Alliance of State Drug Enforcement Agencies (NASDEA). FDLE Assistant Commissioner Ken Tucker serves as the NASDEA President.

New initiative launched to identify Florida's unidentified deceased persons -A joint initiative between FDLE's Missing Children Information Clearinghouse (MCIC) and the Medical Examiner's Commission (MEC) has been designed to identify Florida's unidentified deceased persons. The purpose for the initiative is to gather resources and methods to identify the unidentified deceased persons in Florida in an attempt to bring renewed attention to Florida's more than 500 unidentified deceased persons.



In July, this joint initiative was presented to law enforcement representatives to encourage local law enforcement to validate their unidentified person records, utilize new technological resources, and collaborate with Medical Examiner's Offices to enter all of their active unidentified deceased persons in NCIC.

The first identifications have already been made as a result of the new Unidentified Remains Project, including the successful identification of two men who had been unidentified since 2000 and 2001. Both of these men were pedestrians who were struck by a vehicle on different occasions. The identifications were made following submission of the fingerprints of the deceased to FDLE's Automated Fingerprint Identification System (AFIS).

¹ **Average number of days to complete lab service requests** – This measure calculates the average amount of time required to complete a service request once the crime laboratory receives it. Laboratory turnaround standards and productivity were significantly impacted by the increase in the number of service requests received and the number of members currently in trainee status. Additionally, the department has developed a 10-point plan to focus efforts on reducing the number of backlogged service requests by implementing a new case acceptance policy, outsourcing services and utilizing new technology and automation. The average number of days to complete incoming requests is expected to decrease after the 10 point plan is implemented and backlogged requests are reduced.

² **Public Assistance Fraud (PAF) Services** – The amount of fraudulent benefits withheld applies to the value of public assistance benefits that were not issued as a direct result of an assistance program disqualification. Assistance program disqualifications result from fraud investigations by PAF that have been successfully prosecuted or sustained at an administrative hearing, or in the case of the Cooperative Disability Investigations (CDI) Program, determined by the Social Security Administration (SSA).

The number of public assistance fraud investigations conducted represents all assistance program violations referred to various State Attorney Offices for prosecution or to the Department of Children and Families for an Administrative Disqualification Hearing. Also included are all program violations terminated after investigation and completed investigations in the CDI Program administered by the SSA.

Changes in federal food stamp program policies have resulted in a decrease of the number of administrative hearing referrals received. As a result, the PAF program is engaged in more complex criminal investigations which require more time and effort to investigate.

³ **Number of law enforcement officers trained by D.A.R.E.** – This measure represents a count of law enforcement officers trained by the FDLE D.A.R.E. Program in a two-week, 80-hour D.A.R.E. Officer Training Certification course. This course provides instruction on how to present a structured drug and violence prevention program to students and parents in schools throughout the state. D.A.R.E. training scheduled for August could not be completed due to Tropical Storm Ernesto. Additional training has been scheduled for the remainder of the year.

⁴ **Number of domestic security training courses delivered** – This measure represents a count of domestic security courses provided statewide, and delivered by the 41 Commission certified training schools. Between 2002 and 2004, great emphasis was placed on FDLE delivering domestic security training. As a result, most law enforcement personnel have received required training. Only new law enforcement officers and first responders now require training. Additionally, domestic security training courses are available online and at the local level. This resulted in a decrease in personnel receiving specified training through certified training schools.



CONTRACTS, AGREEMENTS AND PURCHASES
OVER \$100,000 FOR JULY 1ST THROUGH SEPTEMBER 30TH 2006

<u>P.O.#</u>	<u>VENDOR/SERVICE</u>	<u>AMOUNT</u>
DO294451	Infinity Software Development, Inc. 2,000 hours of information technology (IT) services, systems analysis and programming for the Automated Investigative Management System (AIMS) and Evidence Management System (EMS) for use in Investigations Term period: 7/1/06 thru 6/30/07	\$150,000
DO294452	Infinity Software Development, Inc. 2,000 hours of IT services, systems analysis and programming for the Career Offender System for Criminal Justice Information Program Term period: 7/1/06 thru 6/30/07	\$148,000
DO294458	Technisource, Inc. 2,000 hours of IT services for the Criminal Justice Professionalism Information Systems maintaining records on law enforcement certification, employment and disciplinary actions. Term period: 7/1/06 thru 6/30/07	\$150,000
DO294472	CIBER, Inc. 2,000 hours of IT services and contract manager the Integrated Criminal History System (ICHS) for Criminal Justice Information Program Term period: 7/1/06 thru 6/30/07	\$180,000
DO299857	Infinity Software Development, Inc. 4,000 hours of IT services, systems analysis and programming for the Sexual Offender/Predator Database system in Criminal Justice Information Program Term period: 7/1/06 thru 6/30/07	\$299,000
DO299858	Infinity Software Development, Inc. 2,000 hours of IT services, systems analysis and programming for the Sexual Offender/Predator Database system in Criminal Justice Information Program Term period: 7/1/06 thru 12/31/06	\$148,000

CONTRACTS, AGREEMENTS AND PURCHASES
OVER \$100,000 FOR JULY 1ST THROUGH SEPTEMBER 30TH 2006

DO299860	Paul Consulting, Inc. 1,000 hours of IT services and web designer and programmer for the Integrated Criminal History System (ICHS) for Criminal Justice Information Program Term period: 7/1/06 thru 6/30/07	\$120,000
DO303428	Tampa Electric Company 12 months of electricity services (estimated) for the Tampa Bay Regional Operations Center Term period: 7/1/06 thru 6/30/07	\$300,000
DO314696	Diverse Computing, Inc. 12 month on-site maintenance and technical support service for FCIC hot files/message switch systems enabling two information systems to engage. Purchased for use by Criminal Justice Information Program Term period: 7/1/06 thru 6/30/07	\$150,857
DO317621	Florida Counter-Drug Procurement Program Mobile ERT/Command Center for Investigations and Forensic Sciences Program. This surveillance van will be used by the Special Operations North Team in the Tallahassee Regional Operations Center No term	\$118,327
DO317624	Beckman Coulter, Inc. DNA automation workstations purchased to automate mechanics for laboratory at Pensacola Regional Operations Center No term	\$148,032
DO317655	Applied Biosystems, Inc. Robotic genetic equipment purchased to automate the analysis of DNA for Tallahassee Regional Operations Center No term	\$132,773

CONTRACTS, AGREEMENTS AND PURCHASES
OVER \$100,000 FOR JULY 1ST THROUGH SEPTEMBER 30TH 2006

DO323049	Applied Biosystems, Inc. Robotic genetic equipment purchased to automate the analysis of DNA for Pensacola Regional Operations Center No term	\$140,224
DO340302	Applied Biosystems, Inc. Robotic genetic equipment purchased to automate the analysis of DNA for Tampa Bay Regional Operations Center No term	\$175,224
DO331826	The Bode Technology Group Open direct order for forensic DNA backlog cases to be tested for the Tampa and Jacksonville Regional Crime Lab. Outsourced lab is accredited and will provide court testimony as part of the service. Term period: 9/1/06 thru 6/30/07	\$500,000
DO331827	ReliaGene Technologies, Inc. Open direct order for forensic DNA backlog cases to be tested for the Pensacola and Tallahassee Regional Crime Lab. Outsourced lab is accredited and will provide court testimony as part of the service. Term period: 9/1/06 thru 6/30/07	\$500,000
*DO333564	C&C Int'l & Dell Marketing LLP 260 each Dell Optiplex GX520 desktop pc for Jacksonville, Orlando, Pensacola, Tampa Bay, Fort Myers, Miami and Tallahassee Regional Operations Centers No term.	\$300,899
*DO337554	Advanced Systems Design, Inc. 1,680 hours of IT services, systems analysis and programming for the Automated Training Management System (ATMS) for Criminal Justice Information Program Term period: 9/5/06 thru 6/30/07	\$126,000

CONTRACTS, AGREEMENTS AND PURCHASES
OVER \$100,000 FOR JULY 1ST THROUGH SEPTEMBER 30TH 2006

DO337958	Technisource, Inc. 1,680 hours of IT services and system architect for the Integrated Criminal History System (ICHS) in Criminal Justice Information Program Term period: 9/11/06 thru 6/30/07	\$184,800
C95434	St. Petersburg College – National Terrorism Preparedness Institute (NTPI) National terrorism preparedness video to be used for training first responders Term period: 7/26/06 thru 9/30/06	\$199,000
C95472	Honeywell International, Inc. Security camera installation enhancement at the Capitol for Capitol Police Term period: 6/30/06 thru 8/31/06	\$289,728
C9801A	Applied Biosystems Purchase/discount agreement with Applied Biosystems for the bioreagents and related supplies to be utilized by laboratories for DNA analysis in Tallahassee, Tampa Bay, Jacksonville, Orlando and Pensacola Regional Operations Centers Term period: 7/1/06 thru 6/30/07	\$1,695,000
C9812A	Oracle Corp Annual licenses, maintenance, technical support and updates for Oracle software for Criminal Justice Information Program Term period: 7/1/06 thru 6/30/07	\$418,889
C9826A	STaCS DNA Maintenance, technical support and updates to the DNA database sample tracking and control system. Term period: 9/11/06 thru 9/10/11	\$375,000

CONTRACTS, AGREEMENTS AND PURCHASES
OVER \$100,000 FOR JULY 1ST THROUGH SEPTEMBER 30TH 2006

C9829A	LexisNexis Law enforcement investigative tool with the ability to compile public and private records to provide information and technology to support domestic security and other criminal investigations. Term period: 9/15/06 thru 9/14/11	\$4,709,675
7100208	St. Johns County Sheriff's Office Lease #710:0208 Office space for Northeast Florida Investigative Support Center Term period: 10/01/06 thru 9/30/07	\$109,607
7100226	Lee County Port Authority Lease #710:0226 Office space for Fort Myers Regional Operations Center Term period: 7/1/06 thru 10/31/13	\$742,370

Quarterly Performance

R E P O R T



Fiscal Year 2006-2007
Second Quarter

Gerald M. Bailey, Commissioner

Executive Direction and Support Program

Executive Direction and Support Services

• Administrative support costs as a percent of total agency costs	3.6%	4%
• Number of grants disbursed	356	575
• Total number of agencies and jails accredited	163	156
• Number of cases awarded emergency violent crime funds	43	73

Investigations and Forensic Science Program

Crime Laboratory Services

• Number / percent of lab service requests completed	44,300 / 95%	78,000 / 95%
• Average number of days to complete lab service requests		
1. AFIS (Automated Fingerprint Identification System)	67 ¹	45
2. CER (Computer Evidence Recovery)	68	70
3. Chemistry	67 ¹	30
4. Crime Scene	27	30
5. Firearms	102 ¹	80
6. Latents	92 ¹	60
7. Microanalysis	169 ¹	115
8. Serology / DNA	237 ¹	111
9. Toxicology	42 ¹	40
• Number of DNA samples added to the DNA Database	30,637	36,000
• Number of crime scene service requests completed	322	600

Investigative Services

• Number of criminal investigations worked	3,742	2,500
• Number / percent of criminal investigations closed	477 / 13%	900 / 46%
• Number / percent of closed criminal investigations resolved	400 / 84%	702 / 78%
• Number / percent of criminal investigations closed resulting in arrest	285 / 60%	585 / 65%
• Number of short-term investigative assists worked	4,441	3,678
• Number of domestic security concerns reported and responded to by Regional Domestic Security Task Forces	391	1,000

Mutual Aid and Prevention Services

• Number of dignitaries provided with FDLE protective services	52	52
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Public Assistance Fraud Investigative Services

• Amount of fraudulent benefits withheld as a result of public assistance fraud investigations	\$7.1 M ²	\$20.1 M
• Number of public assistance fraud investigations conducted	1,694 ²	5,625

Florida Capitol Police Program

Capitol Police Services

• Number of criminal incidents per 1,000 employees	3.57	9.38
• Number of officer patrol hours	55,736	96,432
• Number of calls for service	2,917	8,000

	2 nd Quarter Performance	Standard FY 06-07
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Information Program

Network Services

• Percentage of responses from FCIC hot files that contain substantive information within defined timeframes	99.95%	98%
• Percentage of time FCIC is running and accessible	99.99%	99.50%
• Percentage response to criminal history record check customers within defined timeframes	100%	94%
• Percentage of criminal arrest records received electronically (through AFIS) for entry into the criminal history system	95%	90%
• Number of certified operators	60,841	56,177

Prevention and Crime Information Services

• Percentage of criminal history information records compiled accurately	94%	93%
• Number of responses to requests for criminal history record checks	1,411,136	2,000,000
• Number of registered sexual predators / offenders identified	39,780	37,865
• Number of missing children cases worked through MCIC	3,646	4,000
• Number of arrest records created and maintained	18,338,760	17,686,354
• Number of disposition records added to the criminal history file	414,687	750,000

Professionalism Program

Law Enforcement Training and Certification Services

• Number / percent of individuals who pass the basic professional certification examination for law enforcement officers, correctional officers, and correctional probation officers	3,290 / 81%	6,400 / 80%
• Number of course curricula and examinations developed / revised	129	135
• Number of examinations administered	4,159	8,000
• Number of individuals trained by the FCJEI	871	840
• Number of law enforcement officers trained by D.A.R.E.	98	160
• Number of professional enforcement certificates issued	11,815	25,000
• Number of domestic security training courses delivered	38 ³	120

Law Enforcement Standards Compliance Services

• Percentage of training schools in compliance with standards	96%	80%
• Number of breath-testing instruments inspected	520	491
• Number of discipline referrals processed for state and local LEOs, COs, and CPOs pursuant to Chapter 120, F.S.	640	1,500
• Number of criminal justice officer disciplinary actions	304	452
• Number of program and financial compliance audits performed	994	2,000
• Number of records audited to validate the accuracy and completeness of ATMS2 record information	5,004	8,000



FDLE Earns Triple Crown of Accreditation – This year, FDLE has received accreditation through three accrediting bodies by demonstrating superior performance and compliance with state and national standards.

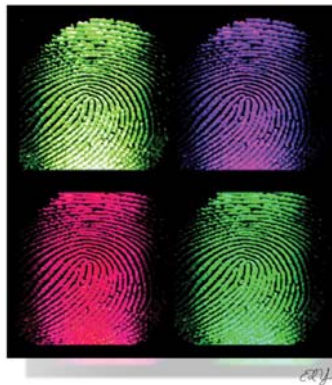
The Commission on Accreditation for Law Enforcement Agencies (CALEA) is a national accrediting body established in 1979 to improve the delivery of public safety services by maintaining a body of standards covering a wide range of up-to-date public safety initiatives, establishing and administering an accreditation process and recognizing professional excellence. Through compliance with 446 standards, FDLE

received its fifth consecutive CALEA accreditation, placing the agency in an elite category to receive Meritorious Recognition for sustaining accreditation for at least 15 consecutive years. Additionally, FDLE was recognized as a CALEA Flagship Agency for having at least three successful onsite assessments and receiving unconditional re-accreditation awards. CALEA also commended FDLE for its Child Abduction Response Teams.

The Commission for Florida Law Enforcement Accreditation (CFA) is a state accrediting body established in 1993 to create a voluntary law enforcement accreditation program to assess compliance with standards designed specifically for Florida law enforcement agencies. FDLE was awarded its fourth CFA accreditation by demonstrating compliance of more than 250 professional standards on the agency's policies, procedures, management operations and support services.



The American Society of Crime Lab Directors/Laboratory Accreditation Boards (ASCLD/LAB) is a national accrediting body created in 1974 to establish standards of operation for crime laboratories. FDLE received its fifth ASCLD/LAB accreditation by demonstrating that department management, personnel, operations and technical procedures, equipment and physical facilities meet standards established by ASCLD/LAB.



Florida Launches New Technology to Help Track Offenders, Earns Recognition –

In October 2006, FDLE partnered with the Department of Corrections to launch new technology in Florida sheriff's and probation offices. The "Rapid ID" system allows officers to utilize small fingerprint capture devices to validate a subject's identity using a fingerprint image from the subject and a Florida criminal history State Identification Number. Officers can also search for a subject's identity using two of the subject's fingerprint images and no other identifying information. The scanned prints are processed against FALCON, FDLE's Integrated Criminal History System, which rapidly returns identification confirmation and any warrants on file for the subject.

Rapid ID enables Florida to comply with the Jessica Lunsford Act requirement by providing biometric identification of supervised offenders who are required to check in with a probation officer and the creation and management of arrest notifications for supervised offenders. The system allows probation supervisors to enroll probationers on a "watch list" providing automatic notification in the event a probationer is subsequently arrested.

Florida is the first to take this technology statewide and utilize it in probation and sex offender populations. As a result, FDLE has been recognized for its efforts by two groups. IT Florida named FDLE *IT Leader of the Year*. This organization represents information technology businesses in the state. The International Association of Law Enforcement Planners awarded FDLE *Project of the Year*. This group consists of people working in the area of planning and research for criminal justice agencies worldwide. It serves as a forum to exchange ideas, programs, techniques, and policies about criminal justice issues.

¹ **Average number of days to complete lab service requests** – This measure calculates the average amount of time required to complete a service request once the crime laboratory receives it. Laboratory turnaround standards and productivity were significantly impacted by the increase in the number of service requests received and the number of members currently in trainee status. Additionally, the department has developed a 10-point plan to focus efforts on reducing the number of backlogged service requests by implementing a new case acceptance policy, outsourcing services and utilizing new technology and automation. The average number of days to complete incoming requests is expected to decrease after the 10 point plan is implemented and backlogged requests are reduced.

² **Public Assistance Fraud (PAF) Services** – The amount of fraudulent benefits withheld applies to the value of public assistance benefits that were not issued as a direct result of an assistance program disqualification. Assistance program disqualifications result from fraud investigations by PAF that have been successfully prosecuted or sustained at an administrative hearing, or in the case of the Cooperative Disability Investigations (CDI) Program, determined by the Social Security Administration (SSA).

The number of public assistance fraud investigations conducted represents all assistance program violations referred to various State Attorney Offices for prosecution or to the Department of Children and Families for an Administrative Disqualification Hearing. Also included are all program violations terminated after investigation and completed investigations in the CDI Program administered by the SSA.

Changes in federal food stamp program policies have resulted in a decrease of the number of administrative hearing referrals received. As a result, the PAF program is engaged in more complex criminal investigations which require more time and effort to investigate.

³ **Number of domestic security training courses delivered** – This measure represents a count of domestic security courses provided statewide, and delivered by the 41 Commission certified training schools. Between 2002 and 2004, great emphasis was placed on FDLE delivering domestic security training. As a result, most existing law enforcement personnel have received required training. Only new law enforcement officers and first responders now require training. Additionally, domestic security training courses are available online and at the local level. This resulted in a decrease in personnel receiving specified training through certified training schools.



CONTRACTS, AGREEMENTS AND PURCHASES
OVER \$100,000 FOR OCTOBER 1ST THROUGH DECEMBER 31ST 2006

<u>P.O.#</u>	<u>VENDOR/SERVICE</u>	<u>AMOUNT</u>
*DO294408	Advanced Systems Design, Inc. 840 hours of information technology (IT) services, systems analysis and programming for the Computerized Criminal History (CCH) system for Criminal Justice Information Program Term period: 7/1/06 thru 6/30/07	\$141,960
DO294475	CIBER, Inc. 2,000 hours of IT services and technical writer for the Integrated Criminal History System (ICHS) project for Criminal Justice Information Program Term period: 7/1/06 thru 10/29/06	\$153,012
DO299861	Technisource, Inc. 1,374 hours of IT services, systems analysis and programming for Sexual Offender/Predator Database system for Criminal Justice Information Program Term period: 7/1/06 thru 6/30/07	\$110,040
DO345626	Applied Biosystems Robotic genetic equipment purchased to automate the analysis of DNA for Investigations and Forensic Sciences No Term	\$215,969
DO349534	Technisource, Inc. 1,428 hours of IT services, systems analysis for Integrated Criminal History System Project for Criminal Justice Information Program Term period: 10/16/06 thru 6/30/07	\$114,240
DO351286	Micro Optics of Florida, Inc. Two comparison microscopes with fiber analysis capabilities for textile evidence comparison. For use by Investigations and Forensic Sciences No Term	\$109,345

*Minority Vendors

CONTRACTS, AGREEMENTS AND PURCHASES
OVER \$100,000 FOR OCTOBER 1ST THROUGH DECEMBER 31ST 2006

*DO353485	Advanced Systems Design, Inc. 1,428 hours of IT services and project manager for the Integrated Criminal History System for Criminal Justice Information Program Term period: 10/13/06 thru 6/30/07	\$145,656
DO350496	Harris Corporation Two surveillance systems used to enhance Domestic Security Investigations. This tracking equipment enables investigators to locate subjects with information from cell towers. Will be used by Tampa Bay Regional Operations Center. No Term	\$382,880
7100206	Lease #710:0206 Office space for Daytona Beach Field Office Term period: 12/1/06 thru 12/31/17	\$132,730



Florida Department of
Law Enforcement

Gerald M. Bailey
Commissioner

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

Charlie Crist, *Governor*
Bill McCollum, *Attorney General*
Alex Sink, *Chief Financial Officer*
Charles H. Bronson, *Commissioner of Agriculture*

February 2, 2007

Honorable Charlie Crist, Governor
Office of the Governor
PL 02 - The Capitol
Tallahassee, Florida 32399-0001

Attention: Cabinet Affairs Director Pat Gleason

Dear Governor Crist:

The enclosed rule adoption package is submitted to the Governor and Cabinet, as agency head, for formal approval on February 13, 2007, pursuant to s. 120.54(3)(a)1, F.S. The Florida Department of Law Enforcement (FDLE) received no objections to initiate rulemaking during the ten (10) day objection period that expired on November 22, 2006. The approval date was November 29, 2006. There have been no substantive changes to the rules since that time.

The Notices of Proposed Rulemaking were published in the Florida Administrative Weekly on December 15, 2006. An opportunity for public comment period and public hearing was provided. FDLE received no written requests for a public hearing. One written comment was submitted concerning Rule Chapters 11B-20 and 11B-35 and is summarized below:

The American Heart Association (AHA) requested FDLE insert the word "instructor" before each CPR instructor certification in Rules 11B-20.0014 and 11B-35.0021, F.A.C. The AHA's reason was because of specific naming conventions in relationship to AHA members performing certain types of training. The request was granted.

FDLE also furnished a copy of the proposed rule revisions to the Joint Administrative Procedures Committee (JAPC) for examination and comment. JAPC has filed no objection to date for the proposed rule amendments.

Rule Chapter 11C-6, Criminal History Records Dissemination Policy, was withdrawn due to a technical electronic filing error. The Notice of Withdrawal is published in the February 2, 2007 issue of the Florida Administratively Weekly.

FDLE requests approval for adoption of the submitted rules. Upon approval by the Governor and Cabinet, the adopted rules will take effect on or after March 21, 2007.

The rule package submitted to the Governor and Cabinet for review, in substantive part, pertains to the updating of rules based upon legislative changes, the clarification of procedures, and other housekeeping items. These include revisions to: the Criminal Justice Standards and Training curriculum; Criminal Justice Standards and Training Commission changes to the Officer Discipline Penalty Guidelines; fingerprint submission and retention, and the administrative expungement of criminal history records; legislative updates to the DNA database; the update of procedures relating to medical examiners; and the update of procedures and forms for violent crime investigative and drug control funding. The following rule chapters are amended:

Criminal Justice Standards and Training Commission (CJSTC)

Rule 11B-14 Salary Incentive Program

This rule chapter clarifies the requirements for an officer to receive educational salary incentive payments and revises form CJSTC-63 due to statutory revisions.

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

This rule chapter updates Commission-approved training school names and agency names.

Rule 11B-20 Certification of Criminal Justice Training Instructors

This rule chapter renames instructor certification courses; updates the course names for completing the Traditional First Responder Instructor Certification and Curriculum Maintenance System (CMS) First Aid Instructor Certification, and revises the CMS First Aid Performance Evaluation form CJSTC-5 CMS accordingly; allows instructor applicants, who are professionals, to request CMS First Aid Instructor Certification without completing additional training; defines "Law Topics Instructor Certification" and allows a Law Topics Instructor to teach specific law topics provided the individual holds a Commission Law Topics Instructor Certification; lists the new radar courses required for certification to instruct laser and radar courses; retires the existing Radar and Laser courses and replaces with new courses; updates form CJSTC-71 due to statutory revisions; clarifies form CJSTC-68; removes duplicate language on form CJSTC-75; updates rule references on form CJSTC-84.

Rule 11B-21 Certification of Criminal Justice Training Schools

This rule chapter changes the training school recertification date from "January 1, 2006, then January 1, 2010" to July 1, 2006, then July 1, 2010, and every five years thereafter, and makes housekeeping revisions.

Rule 11B-27 Certification and Employment or Appointment

This rule chapter clarifies that proof of authenticity of a high school diploma shall be issued by an accrediting organization recognized by the U.S. Department of Education or the Council on Higher Education Accreditation; allows an applicant to submit verification of a high school diploma versus a standard high school diploma; requires transcript verification by an institution accredited by an accrediting body; adds rule references; revises form CJSTC-74 due to statutory revisions; updates form CJSTC-83; reformats form CJSTC-86A.

Rule 11B-30 State Officer Certification Examination

This rule chapter allows the State Officer Certification Exam fee to be paid with a debit card; clarifies that rescheduling the exam is not considered as a re-examination; removes rule language that allows the exam to be read aloud – these revised accommodations also apply to the Basic Abilities Test; notifies applicants of the procedures for rescheduling the exam when arriving late; and removes unnecessary rule language; removes the forty-five calendar day requirement for submitting a grade review request; establishes a list of dates on the website and on form CJSTC-510 for scheduling a grade review request; increases the number of days (from 40 to 120) from the date an applicant takes the exam to the date the exam grades are reviewed by the applicant; clarifies rule language for missed exam items and the corresponding grading key; adds additional conduct that would be an attempt to sabotage the exam test administration process; updates forms CJSTC-502, CJSTC-516, and CJSTC-511.

Rule Chapter 11B-35 Training Programs

This rule chapter requires the training schools to include the “time of the course(s)” when notifying Commission staff of a scheduled course; clarifies specific course instructor information to be maintained by the training school; requires form CJSTC-517 to be submitted at the State Officer Certification Exam site in addition to the certificate of completion from the training school; adds procedures for the applicant and entity for retaking the Basic Abilities Test and for producing proper identification prior to taking the Basic Abilities Test; clarifies conduct that subverts the Basic Abilities Test process and the specific penalties imposed; adds procedures for requesting accommodations pursuant to the Americans with Disabilities Act; adds 6 hours for dart-firing stun gun training and 4 hours for Human Trafficking to the Curriculum Maintenance System (CMS) Application-Based Law Enforcement Basic Recruit Training Program certain cross-over training programs, and the Law Enforcement Auxiliary Officer Basic Recruit Training Program; adds course numbers to existing programs; retires cross-over training programs; removes obsolete rule language; updates the minimum required hours for the Law Enforcement Auxiliary Officer Basic Recruit Training Program courses; updates course names required to possess and maintain a valid CPR Instructor Certification; requires instructor students to successfully demonstrate the cognitive knowledge and proficiency skills during the first attempt and allows an instructor student, who has failed a cognitive end-of-course examination or the high-liability proficiency skills during the first attempt, to be granted a re-examination by the training center director if certain conditions exist; updates advanced and specialized training program course names and removes obsolete courses; clarifies that if an exemption from basic recruit training is denied, an individual has the option to request a hearing, but the hearing is not automatically granted, pursuant to Section 120.57, F.S.; clarifies that an out-of-state, federal, or inactive Florida officer is required to demonstrate proficiency in the high-liability areas and pass the State Officer Certification Examination within one year after receiving an exemption from completing a Commission-approved Basic Recruit Training Program; clarifies that the Examination Admission Voucher form CJSTC-517 and CJSTC-76A shall be issued by the training school upon successful demonstration of proficiency in the required high-liability basic recruit proficiency skills; updates form CJSTC-7 CMS; and repeals form CJSTC-11.

Division of Criminal Justice Information Systems

Rule Chapter 11C-4 Crime Information Bureau; Criminal History Records; Fingerprinting and Reports

This rule chapter provides for arrest fingerprint cards to be submitted in a digitized format and removes the reference to an obsolete manual.

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

This rule chapter adds statutorily mandated requirements for those requesting an administrative expunction of Florida criminal history records that are made contrary to law or by mistake.

Division of Local Law Enforcement Assistance

Rule Chapter 11D-6 DNA Database Collection

This rule chapter updates statutory references pertaining to the definition of offender as it applies to the collection of specimens for the DNA database.

Medical Examiners Commission

Rule Chapter 11G-2 Standard Investigation Procedures

This rule chapter revises the procedures regarding the identification of a deceased body, and the duties and standards of care for medical examiners.

Violent Crime and Drug Control Council

Rule Chapter 11N-1 Violent Crime Investigative Emergency and Drug Control Implementation Account

This rule chapter updates program and contact information, creates and revises forms to capture budgetary information from agencies and provide documentation for audits, and expands funding request deadlines to provide more time to process requests.

If you have any questions concerning this package, please contact Cabinet Affairs Administrator Ron Draa (850) 410-7001.

Sincerely,



Gerald M. Bailey
Commissioner

GMB/FR/fr

Enclosures

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

Chapter 11B-14, FLORIDA ADMINISTRATIVE CODE

AMENDING RULE 11B-14.002 and 11B-14.003, F.A.C.

SALARY INCENTIVE PROGRAM

SUMMARY OF PROPOSED RULE

11B-14.002: The Department's web address. Verification of agencies or associations through the U.S. Department of Education's database. 11B-14.003: Educational salary incentive monies.

JUSTIFICATION OF PROPOSED RULE

11B-14.002: To revise the Higher Education for Salary Incentive Report form CJSTC-63 to reflect statutory revisions in Section 943.22(1)(a), F.S., regarding accrediting agencies or associations recognized by the database created by the U.S. Department of Education. To update the Department's web address.

11B-14.003: Requirements for receiving educational salary incentive payments.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on December 15, 2006, for a hearing to be held on January 10, 2007, if requested.

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

6A-20.020 Seminole and Miccosukee Indian Scholarships.

Specific Authority 229.053(1), 240.413(1) FS. Law Implemented 240.404, 240.413 FS. History–New 10-15-80, Amended 3-23-83, Formerly 6A-7.292, Formerly 6A-7.0292, Amended 12-25-86, 12-18-90, 3-15-94, 10-15-02, Repealed.

6A-20.025 Grants for Teachers for Special Training in Exceptional Student Education.

Specific Authority 229.053(1), 240.405(4) F.S. Law Implemented 240.405 F.S. History–New 4-13-87, Amended 3-6-94, 10-15-02, Repealed.

6A-20.039 Florida Teacher Scholarship and Forgivable Loan Program.

Specific Authority 229.053(1), 240.4063(1), 240.465 FS. Law Implemented 231.62, 240.404, 240.4042, 240.4063, 240.465 FS. History–New 7-1-93, Amended 4-19-96, 10-15-02, Repealed.

6A-20.040 Occupational Therapist or Physical Therapist Tuition Reimbursement Program.

Specific Authority 240.6072(3) FS. Law Implemented 240.4042, 240.6071, 240.6072, 240.6075 FS. History–New 2-18-93, Amended 10-15-02, Repealed.

6A-20.041 Occupational Therapist or Physical Therapist Student Loan Forgiveness Program.

Specific Authority 240.6072(3) FS. Law Implemented 240.4042, 240.6071, 240.6072, 240.6073 FS. History–New 2-18-93, Amended 10-15-02, Repealed.

6A-20.042 Occupational Therapist or Physical Therapist Scholarship Loan Program.

Specific Authority 229.053(1), 240.6072(3), 240.6074(4)(b) FS. Law Implemented 240.404, 240.4042, 240.6071, 240.6072, 240.6074 FS. History–New 2-18-93, Amended 2-15-95, 4-19-96, 10-15-02, Repealed.

6A-20.044 Limited Access Competitive Grant.

Specific Authority 229.053(1), 240.4041, 240.6045(6) FS. Law Implemented 240.404, 240.4042, 240.6045 FS. History–New 3-20-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Theresa Antworth, Director, State Scholarship and Grant Programs, Department of Education, Office of Student Financial Assistance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda Champion, Deputy Commissioner of Finance and Operations, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 2006

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-14.002	General Program Provisions
11B-14.003	Authorized Salary Incentive Payments

PURPOSE AND EFFECT: Rule 11B-14.002, F.A.C.: To revise the Higher Education for Salary Incentive Report form CJSTC-63 to reflect statutory revisions in Section 943.22(1)(a), F.S., regarding accrediting agencies or associations recognized by the database created by the U.S. Department of Education. To update the Department’s web address. Rule 11B-14.003, F.A.C.: Requirements for receiving educational salary incentive payments.

SUMMARY: Rule 11B-14.002, F.A.C.: The Department’s web address. Verification of agencies or associations through the U.S. Department of Education’s database. Rule 11B-14.003, F.A.C.: Educational salary incentive monies.

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

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

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

LAW IMPLEMENTED: 943.22 FS.

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

DATE AND TIME: January 10, 2007, 10:00 a.m.

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-14.002 General Program Provisions.
(1) through (5) No change.

(6) Educational Salary Incentive Payments.

(a) No change.

(b) The employing agency is responsible for ensuring that the documents submitted for educational salary incentive payments are authentic and accurately reflect the credit given for academic courses successfully completed by the officer, and shall submit or electronically transmit to Commission staff through the Commission's ATMS a completed Higher Education for Salary Incentive Report, form CJSTC-63, revised August 3, 2006 ~~May 6, 2004~~, hereby incorporated by reference.

(c) through (d) No change.

(7) through (14) No change.

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

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

11B-14.003 Authorized Salary Incentive Payments.

Full-time law enforcement, correctional, and correctional probation officers satisfying the certification requirements of Section 943.13, F.S., who are not excluded from eligibility pursuant to Section 943.22(4), F.S., shall be eligible to participate in the Salary Incentive Program.

(1) through (3) No change.

(4) Pursuant to Section 943.22(2)(d), F.S., officers shall receive the sum of \$20 each month for each successfully completed 80-hour unit of Commission-approved Advanced or Career Development Training, which has been verified by the employing agency, defined in Section 943.10, F.S., through the Commission's ATMS. Commission staff shall recognize, only once, the successful completion of any specific training course for salary incentive payment. Officers who elect to use Commission-approved Advanced or Career Development Training Courses as credit toward a two or four year degree, for which the officer would receive educational salary incentive payment, shall not receive advanced or career development salary incentive payment for the same courses. Agencies shall review the educational transcripts submitted for educational salary incentive to ensure there is no duplication of payment.

(5) No change.

Specific Authority 943.03(4), 943.12(1), 943.22(2)(h) FS. Law Implemented 943.22 FS. History--New 9-11-79, Amended 1-13-81, 5-16-83, 9-1-83, 4-26-84, 1-7-85, Formerly 11B-14.03, Amended 7-13-87, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Donna Hunt at (850)410-8615

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-18.004	Regional Training Areas
11B-18.005	Establishment of Regional Training Councils
11B-18.0052	Development of Budgets

PURPOSE AND EFFECT: Rule 11B-18.005, F.A.C.: To update Commission-certified training school name(s). Rule 11B-18.0052, F.A.C.: To update state law enforcement agency name(s). To update the Department's web address. Rule 11B-18.0071, F.A.C.: To make housekeeping revisions.

SUMMARY: Commission-certified training school names, state law enforcement agency names, and the Department's web address.

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

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

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

LAW IMPLEMENTED: 943.25(5) FS.

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

DATE AND TIME: January 10, 2007, 10:00 a.m.

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308

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

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-18.004 Regional Training Areas.

For the purposes of Officer Training Monies activities, there are established the following sixteen regional training areas:

(1) Region I.

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

Chapter 11B-18, FLORIDA ADMINISTRATIVE CODE

AMENDING RULE 11B-18.004, 11B-18.005, and 11B-18.0052, F.A.C.

CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND

SUMMARY OF PROPOSED RULE

Commission-certified training school names, state law enforcement agency names, and the Department's web address.

JUSTIFICATION OF PROPOSED RULE

11B-18.004: To update Commission-certified training school name(s). 11B-18.005: To update state law enforcement agency name(s). 11B-18.0052: To update the Department's web address.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on December 15, 2006, for a hearing to be held on January 10, 2007, if requested.

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

(6) Educational Salary Incentive Payments.

(a) No change.

(b) The employing agency is responsible for ensuring that the documents submitted for educational salary incentive payments are authentic and accurately reflect the credit given for academic courses successfully completed by the officer, and shall submit or electronically transmit to Commission staff through the Commission's ATMS a completed Higher Education for Salary Incentive Report, form CJSTC-63, revised August 3, 2006 ~~May 6, 2004~~, hereby incorporated by reference.

(c) through (d) No change.

(7) through (14) No change.

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

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

11B-14.003 Authorized Salary Incentive Payments.

Full-time law enforcement, correctional, and correctional probation officers satisfying the certification requirements of Section 943.13, F.S., who are not excluded from eligibility pursuant to Section 943.22(4), F.S., shall be eligible to participate in the Salary Incentive Program.

(1) through (3) No change.

(4) Pursuant to Section 943.22(2)(d), F.S., officers shall receive the sum of \$20 each month for each successfully completed 80-hour unit of Commission-approved Advanced or Career Development Training, which has been verified by the employing agency, defined in Section 943.10, F.S., through the Commission's ATMS. Commission staff shall recognize, only once, the successful completion of any specific training course for salary incentive payment. Officers who elect to use Commission-approved Advanced or Career Development Training Courses as credit toward a two or four year degree, for which the officer would receive educational salary incentive payment, shall not receive advanced or career development salary incentive payment for the same courses. Agencies shall review the educational transcripts submitted for educational salary incentive to ensure there is no duplication of payment.

(5) No change.

Specific Authority 943.03(4), 943.12(1), 943.22(2)(h) FS. Law Implemented 943.22 FS. History--New 9-11-79, Amended 1-13-81, 5-16-83, 9-1-83, 4-26-84, 1-7-85, Formerly 11B-14.03, Amended 7-13-87, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Donna Hunt at (850)410-8615

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-18.004	Regional Training Areas
11B-18.005	Establishment of Regional Training Councils
11B-18.0052	Development of Budgets

PURPOSE AND EFFECT: Rule 11B-18.005, F.A.C.: To update Commission-certified training school name(s). Rule 11B-18.0052, F.A.C.: To update state law enforcement agency name(s). To update the Department's web address. Rule 11B-18.0071, F.A.C.: To make housekeeping revisions.

SUMMARY: Commission-certified training school names, state law enforcement agency names, and the Department's web address.

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

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

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

LAW IMPLEMENTED: 943.25(5) FS.

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

DATE AND TIME: January 10, 2007, 10:00 a.m.

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308

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

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-18.004 Regional Training Areas.

For the purposes of Officer Training Monies activities, there are established the following sixteen regional training areas:

(1) Region I.

- (a) No change.
- (b) Commission-certified training schools within Region I: George Stone ~~Area~~ Vo-Tech ~~Center~~, Criminal Justice Training Center, and Okaloosa-Walton ~~Community~~ College Criminal Justice Training Center.
- (2) Region II.
- (a) No change.
- (b) Commission-certified training schools within Region II: Chipola ~~Junior~~ College Criminal Justice Training Center, Gulf Coast Community College Criminal Justice Training Academy, and Washington-Holmes Technical Center Criminal Justice Program.
- (3) No change.
- (4) Region IV.
- (a) No change.
- (b) Commission-certified training schools within Region IV: Lake City Community College Criminal Justice ~~Center~~ ~~Division~~, North Florida Community College Criminal Justice Academy, and Santa Fe Community College Institute of Public Safety.
- (5) Region V.
- (a) No change.
- (b) Commission-certified training schools within Region V: Florida Community College Northeast Florida Criminal Justice Training and at Jacksonville/Northeast Florida Criminal Justice Training and Education Center, St. Johns River Community College/Criminal Justice Training Program.
- (6) Region VI.
- (a) No change.
- (b) Commission-certified training schools within Region VI: Central Florida Community College Criminal Justice Institute and Withlacoochee ~~Vocational~~ Technical Institute/Criminal Justice Training Academy.
- (7) Region VII.
- (a) No change.
- (b) Commission-certified training schools within Region VII: Brevard Community College Criminal Justice Division, Criminal Justice Institute at Valencia Community College, Daytona Beach Community College Emergency Services Institute ~~Criminal Justice Training Center~~, Criminal Justice Academy of Osceola, Lake Technical Center Institute of Public Safety, and Seminole Community College Criminal Justice Institute.
- (8) Region VIII.
- (a) No change.
- (b) Commission-certified training schools within Region VIII: Kenneth C. Thompson Institute of Public Safety at Polk Community College ~~Institute of Public Safety~~ and South Florida Community College Criminal Justice Academy.
- (9) Region IX.
- (a) No change.
- (b) Commission-certified training schools within Region IX: Hillsborough Community College Ybor City Campus Criminal Justice Institute, Manatee Technical Institute Criminal Justice Academy, Manatee Sheriff's Office Training Center, Pasco-Hernando Community College Public Service Technology Center/~~Pasco-Hernando Police Academy~~, and St. Petersburg ~~Junior~~ College Southeastern Public Safety Institute.
- (10) Region X.
- (a) No change.
- (b) Commission-certified training schools within Region X: Sarasota County Technical Institute/Sarasota Criminal Justice Academy, and Lee County Vo-Tech Center ~~Vocational High Technical Center~~ (Central)/Southwest Florida Criminal Justice Academy ~~Public Service Academy~~.
- (11) through (12) No change.
- (13) Region XIII.
- (a) No change.
- (b) Commission-certified training school within Region XIII: Broward Community College Criminal Justice Institute of Public Safety and Broward County Sheriff's Office Institute for Criminal Justice Studies.
- (14) Region XIV.
- (a) No change.
- (b) Commission-certified training schools within Region XIV: Florida Keys Community College Institute of Criminal Justice, ~~Miami Police Department~~/Miami Police Training Center, Miami-Dade Police Department/Metropolitan Police Institute, and Miami-Dade ~~Community~~ College School of Justice.
- (15) Region XV.
- (a) No change.
- (b) Commission-certified training schools within Region XV: Florida Department of Law Enforcement Bureau of Professional Development, ~~Florida Criminal Justice Executive Institute~~, ~~Florida Department of Highway Safety and Motor Vehicles~~/Florida Highway Patrol Training Academy, Florida Department of Environmental Protection Public Education and Training Center, and Florida Fish and Wildlife Conservation Commission/~~Florida State Wildlife Officer Training Academy~~.
- (16) No change.
- Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.25(5) FS. (Supp. 1998). History—New 1-13-81, Amended 7-28-82, 1-7-85, Formerly 11B-18.04, Amended 7-13-87, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04, 3-27-06,_____.
- 11B-18.005 Establishment of Regional Training Councils.
- (1) through (2) No change.
- (3) The State Regional Law Enforcement Officer Training Council XV shall be comprised of one representative from each of the following Florida state law enforcement agencies:
- (a) through (e) No change.
- (f) Department of Financial Services, Division of Insurance Fraud ~~Insurance~~.

- (g) through (l) No change.
- (4) through (7) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.25(5) FS. History—New 1-13-81, Amended 7-28-82, 1-7-85, (7), (8) Transferred to 11B-18.051, Formerly 11B-18.05, Amended 7-13-87, 5-23-88, 10-17-90, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04,_____.

- 11B-18.0052 Development of Budgets.
- (1) through (2) No change.

(3) All forms referenced in this rule may be obtained on the following web site: http://www.fdle.state.fl.us/ejst/rules_and_forms/index.html or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Bureau of Standards, Forms Liaison.

Specific Authority 943.03(4), 943.12(1), (2), 943.25(4), (5)(b) FS. Law Implemented 943.25 FS. History—New 1-13-81, Amended 7-28-82, 1-26-83, 1-7-85, Formerly 11B-18.052(2)(a), (b), Amended 1-28-86, 7-13-87, 10-17-90, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Donna Hunt at (850)410-8615
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Vickie Marsey at (850)410-8660
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF LAW ENFORCEMENT
Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-20.001	Definitions and Minimum Requirements for General Certification of Instructors
11B-20.0012	Denial and Revocation of Instructor Certification
11B-20.0013	Commission Instructor Certification Categories
11B-20.0014	Minimum Requirements for High-Liability and Specialized Topics Instructor Certification
11B-20.0017	Maintenance and Duration of Instructor Certifications

PURPOSE AND EFFECT: To remove human diversity training from the Instructor Certification Application form CJSTC-71 due to statutory revisions. Rule 11B-20.0012, F.A.C.: To make housekeeping revisions. Rule 11B-20.0013, F.A.C.: To add the Laser and Radar Instructor Certification category. Rule 11B-20.0014, F.A.C.: Renames the Laser Instructor Certification to Laser and Radar Instructor

Certification; revises the course names for the American Heart Association, American Red Cross, American Safety and Health Institute, and the National Safety Council, and revises the CMS First Aid Performance Evaluation form CJSTC-5 CMS accordingly; allows instructor applicants, who are professionals pursuant to subparagraph 11B-20.0014(g)1., F.A.C., to request CMS First Aid Instructor Certification without completing additional training; defines a Law Topics Instructor Certification and allows a Law Topics Instructor to teach specific law topics provided the individual holds a Commission Law Topics Instructor Certification; lists the new radar courses required for certification to instruct laser and radar courses; retires the Radar Speed Measurement Instructor Course for Law Enforcement Officers and the Laser Speed Measurement Device Instructor Transition Course for Radar Instructors effective 12/31/06. Rule 11B-20.0017, F.A.C.: To update rule references on the Instructor Compliance Application form CJSTC-84.

SUMMARY: Rule 11B-20.001, F.A.C.: Human diversity training. Rule 11B-20.0012, F.A.C.: Housekeeping revisions. Rule 11B-20.0013, F.A.C.: Laser and radar instructor certification. Rule 11B-20.0014, F.A.C.: CPR Instructor Certification, CMS First Aid Instructor Certification, Commission Law Topics Instructor Certification, Laser and Radar Instructor Certification, and laser and radar instructor courses and creation of related form. Rule 11B-20.0017, F.A.C.: Instructor Compliance Application form CJSTC-84. SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), 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: January 10, 2007, 10:00 a.m.
PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308

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

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-20, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11B-20.001, 11B-20.0012, 11B-20.0013, 11B-20.0014, and 11B-20.0017, F.A.C.

CERTIFICATION OF CRIMINAL JUSTICE TRAINING INSTRUCTORS

SUMMARY OF PROPOSED RULE

11B-20.001: Human diversity training.

11B-20.0012: Housekeeping revisions.

11B-20.0013: Laser and radar instructor certification.

11B-20.0014: CPR Instructor Certification, CMS First Aid Instructor Certification, Commission Law Topics Instructor Certification, Laser and Radar Instructor Certification, and laser and radar instructor courses and creation of related form.

11B-20.0017: Instructor Compliance Application form CJSTC-84.

JUSTIFICATION OF PROPOSED RULE

11B-20.001: To remove human diversity training from the Instructor Certification Application form CJSTC-71 due to statutory revisions.

11B-20.0012: To make housekeeping revisions.

11B-20.0013: To add the Laser and Radar Instructor Certification category.

11B-20.0014: To update the names of courses required to possess or maintain a valid CPR instructor certification and update the CMS First Aid Performance Evaluation form CJSTC-5 CMS accordingly. To allow Traditional First Responder instructors to request CMS First Aid Instructor Certification without completing additional training. To allow Commission Law Topics Instructors to instruct specific law topics in the CMS Curriculum. To list the laser and radar courses required for the new Laser and Radar Instructor Certification and create the Laser and Radar Operator Performance Report form CJSTC-11 to correspond with the new certification. To retire the current radar instructor course.

11B-20.0017: To update rule references on the Instructor Compliance Application form CJSTC-84.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on December 15, 2006, for a hearing to be held on January 10, 2007, if requested.

FDLE received one written request from Nikole Souder-Schale of the American Heart Association (AHA). The AHA requested that the Department of Law Enforcement insert the word “instructor” before each CPR instructor certification in Rule 11B-20.0014, F.A.C. The AHA’s reason was because it has specific naming conventions in relationship to AHA members performing certain types of training. Ms. Souder-Schale’s request was granted.

- (g) through (l) No change.
- (4) through (7) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.25(5) FS. History—New 1-13-81, Amended 7-28-82, 1-7-85, (7), (8) Transferred to 11B-18.051, Formerly 11B-18.05, Amended 7-13-87, 5-23-88, 10-17-90, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04,_____.

- 11B-18.0052 Development of Budgets.
- (1) through (2) No change.

(3) All forms referenced in this rule may be obtained on the following web site: http://www.fdle.state.fl.us/ejst/rules_and_forms/index.html or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Bureau of Standards, Forms Liaison.

Specific Authority 943.03(4), 943.12(1), (2), 943.25(4), (5)(b) FS. Law Implemented 943.25 FS. History—New 1-13-81, Amended 7-28-82, 1-26-83, 1-7-85, Formerly 11B-18.052(2)(a), (b), Amended 1-28-86, 7-13-87, 10-17-90, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Donna Hunt at (850)410-8615
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Vickie Marsey at (850)410-8660
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

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

RULE NOS.:	RULE TITLES:
11B-20.001	Definitions and Minimum Requirements for General Certification of Instructors
11B-20.0012	Denial and Revocation of Instructor Certification
11B-20.0013	Commission Instructor Certification Categories
11B-20.0014	Minimum Requirements for High-Liability and Specialized Topics Instructor Certification
11B-20.0017	Maintenance and Duration of Instructor Certifications

PURPOSE AND EFFECT: To remove human diversity training from the Instructor Certification Application form CJSTC-71 due to statutory revisions. Rule 11B-20.0012, F.A.C.: To make housekeeping revisions. Rule 11B-20.0013, F.A.C.: To add the Laser and Radar Instructor Certification category. Rule 11B-20.0014, F.A.C.: Renames the Laser Instructor Certification to Laser and Radar Instructor

Certification; revises the course names for the American Heart Association, American Red Cross, American Safety and Health Institute, and the National Safety Council, and revises the CMS First Aid Performance Evaluation form CJSTC-5 CMS accordingly; allows instructor applicants, who are professionals pursuant to subparagraph 11B-20.0014(g)1., F.A.C., to request CMS First Aid Instructor Certification without completing additional training; defines a Law Topics Instructor Certification and allows a Law Topics Instructor to teach specific law topics provided the individual holds a Commission Law Topics Instructor Certification; lists the new radar courses required for certification to instruct laser and radar courses; retires the Radar Speed Measurement Instructor Course for Law Enforcement Officers and the Laser Speed Measurement Device Instructor Transition Course for Radar Instructors effective 12/31/06. Rule 11B-20.0017, F.A.C.: To update rule references on the Instructor Compliance Application form CJSTC-84.

SUMMARY: Rule 11B-20.001, F.A.C.: Human diversity training. Rule 11B-20.0012, F.A.C.: Housekeeping revisions. Rule 11B-20.0013, F.A.C.: Laser and radar instructor certification. Rule 11B-20.0014, F.A.C.: CPR Instructor Certification, CMS First Aid Instructor Certification, Commission Law Topics Instructor Certification, Laser and Radar Instructor Certification, and laser and radar instructor courses and creation of related form. Rule 11B-20.0017, F.A.C.: Instructor Compliance Application form CJSTC-84. SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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SPECIFIC 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):

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

THE FULL TEXT OF THE PROPOSED RULES IS:

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

- (1) No change.
- (2) Instructor applicants applying for instructor certification shall:
 - (a) Complete the Instructor Certification Application, form CJSTC-71, revised ~~August 3, 2006~~ ~~May 5, 2005~~, hereby incorporated by reference;
 - (b) through (c) No change.
 - (3) through (4) No change.

Specific 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,_____.

11B-20.0012 Denial and Revocation of Instructor Certification.

- (1) No change.
- (2) The Criminal Justice Standards and Training Commission has the authority to revoke an instructor’s certification if:
 - (a) The instructor willfully compromises the security and confidentiality of examinations, grading keys, or ~~CMS~~ test specifications used in training courses, or engages in any other conduct that subverts or attempts to subvert the State Officer Certification Examination (SOCE) process; or
 - (b) through (f) No change.
 - (3) through (7) No change.

Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.14(3) FS. History—New 10-26-88, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04,_____.

11B-20.0013 Commission Instructor Certification Categories.

Except as otherwise provided in this rule section or by law, individuals who instruct training courses pursuant to Rule Chapter 11B-35, F.A.C., at or through a training school, shall be certified by the Criminal Justice Standards and Training Commission. Instructor applicants who request to be certified by the Commission may request certification in the following categories of certification:

- (1) through (3) No change.
- (4) Specialized Topics Instructor Certifications.
 - (a) No change.
 - (b) Speed Measurement Instructor Certifications.

- 1. Radar Instructor Certification.
- 2. ~~Laser and Radar Laser~~ Laser Instructor Certification.
- (c) through (d) No change.

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.14(3) FS. History—New 7-29-01, Amended 11-5-02, 11-30-04,_____.

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

- (1) No change.
- (2) High-Liability Instructor Certifications. Instructor applicants, who apply for a High-Liability Instructor Certification, shall have completed the applicable High-Liability Instructor Course within four years of the date the instructor applicant applies for certification. Instructor applicants, who apply for a High-Liability Instructor Certification more than four years from the date training was completed, shall complete an internship and demonstrate the proficiency skills applicable to the high-liability topic. Instructor applicants shall meet the following requirements for High-Liability Instructor Certification for each topic requested.

- (a) through (f) No change.
- (g) Traditional First Responder Instructor Certification. Instructor applicants who request to obtain certification to instruct in first responder topics shall comply with the requirements for Traditional General Instructor Certification pursuant to paragraph 11B-20.001(3)(a), F.A.C., or be exempt from Traditional General Instructor Certification pursuant to subsection 11B-20.001(4), F.A.C. Individuals who request to obtain certification as a Traditional First Responder Instructor shall comply with the requirements in subparagraph (g)1. or (g)2. of this rule section.

1. Individuals set forth in this rule section shall possess and maintain a valid CPR instructor certification, which is at minimum, at the “Basic Life Support (BLS) Instructor or “Heartsaver Instructor” level Healthcare Provider Level” with the American Heart Association, “CPR/AED for the Professional Rescuer Instructor” or “First Aid/CPR/AED Instructor” or “Emergency Response Instructor” or “Lifeguarding Instructor” level “CPR for the Professional Rescuer” with the American Red Cross, First Aid/CPR/AED Instructor” or “BLS Instructor” level with the ~~and~~ American Safety and Health Institute, or “BLS Instructor level”, ~~or~~ “Advanced First Aid and CPR” with the National Safety Council. The following individuals, based on their education and training experience in the United States or its territories, are eligible to request Traditional First Responder Instructor Certification without completing additional training:

- a. through d. No change.
- e. Registered nurses or licensed practical nurses, who are actively involved in emergency care and have three years experience in emergency medical care.
- f. No change.

2. Individuals set forth in this rule section shall possess and maintain a valid CPR instructor certification, which is at minimum at the BLS Instructor or "Heartsaver Instructor" level "Healthcare Provider Level" with the American Heart Association, "CPR/AED for the Professional Rescuer Instructor" or "First Aid/CPR/AED Instructor" or "Emergency Response Instructor" or "Lifeguarding Instructor" level "CPR for the Professional Rescuer" with the American Red Cross, "First Aid/CPR/AED Instructor" or "BLS Instructor" level with the American Safety and Health Institute, or "BLS Instructor" level, or "Advanced First Aid and CPR" with the National Safety Council, and are certified pursuant to Section 943.13, F.S. These individuals shall:

a. through b. No change.

c. Have successfully demonstrated 100% proficiency in first aid skills, with the results recorded on the CMS First Aid Performance Evaluation, form CJSTC-5 CMS, revised August 3, 2006 created May 6, 2004, hereby incorporated by reference; and

d. No change.

(h) CMS First Aid Instructor Certification. Individuals set forth in this rule section shall possess and maintain a valid CPR instructor certification, which is at a minimum at the "Basic Life Support (BLS) Instructor" or "Heartsaver Instructor" level with the American Heart Association, "CPR/AED for the Professional Rescuer Instructor" or "First Aid/CPR/AED Instructor" or "Emergency Response Instructor" or "Lifeguarding Instructor" level with the American Red Cross, "First Aid/CPR/AED Instructor" or "BLS Instructor" level with the American Safety and Health Institute, or "BLS Instructor" level with the National Safety Council. These individuals shall possess a valid CPR instructor certification, which is at minimum, at the BLS "Healthcare Provider Level" with the American Heart Association, "CPR for the Professional Rescuer" with the American Red Cross and American Safety and Health Institute, or "Advanced First Aid and CPR" with the National Safety Council. Instructor applicants who request to obtain certification to instruct the CMS First Aid for Criminal Justice Officers Course in Commission-approved Basic Recruit Training Programs, the CMS First Aid Instructor Course, and CMS First Aid Instructor Transition Course shall comply with the requirements for CMS General Instructor Certification pursuant to paragraph 11B-20.001(3)(b), F.A.C., and successfully complete the following training courses through a training school:

1. Instructor applicants who are professionals outlined in subparagraph (g)1. of this rule section are eligible to request CMS First Aid Instructor Certification without completing additional training, to include the CMS General Instructor Transition Course and the CMS First Aid Instructor Transition Course shall complete the CMS First Aid Instructor Transition Course.

2. through 3. No change.

(3) Specialized Topics Instructor Certifications. To obtain certification to instruct in specialized topics, the instructor applicant shall meet the following requirements for each specialized topic requested:

(a) Law Topics Instructor Certification. Individuals shall comply with the following requirements to obtain a Law Topics Instructor Certification: Posses six months of criminal justice experience, possess a minimum of fifteen semester hours of college credit law courses to include constitutional law and criminal law with a grade of "C" or above, or a juris doctorate.

~~1.(a) A Law Topics Instructor is required to instruct in the Law Topics Instructor Certification for Traditional Basic Recruit Training Programs. Instructor applicants who request to obtain certification to instruct Commission-approved law topics of Arrest Laws, Attempt, Conspiracy and Solicitation, Burden of Proof, Civil and Criminal Liability, Classification of Offenses, Constitutional Law, Constitutional Law Overview, Court Rules and Trial Procedures, Court Structure, Elements of a Crime, Evidence Concepts, Evidence Rules, Intent, Legal Defense, Legal Show-up, Legal Line-up, Parties to a Crime, Probable Cause, Search and Seizure Concepts, Stop and Frisk Laws, and Use of Force, in the following basic recruit training programs, shall possess substantial law training and experience of a minimum of fifteen semester hours or college credit law courses, to include constitutional law and criminal law with a grade of "C" or above, and possesses six months of criminal justice experience. The following Commission-approved Basic Recruit Training Programs require certified law topic instructors:~~

- ~~a.1. Traditional Correctional Basic Recruit Training Program.~~
- ~~b.2. Traditional Correctional Probation Basic Recruit Training Program.~~
- ~~c.3. CMS Traditional Law Enforcement to Correctional Basic Recruit Cross-Over Training Program.~~
- ~~d.4. CMS Traditional Law Enforcement to Correctional Probation Basic Recruit Cross-Over Training Program.~~
- ~~e.5. Traditional Correctional to Correction Probation Basic Recruit Cross-Over Training Program.~~
- ~~6. Traditional Correctional Probation to Law Enforcement Basic Recruit Cross-Over Training Program.~~
- ~~f.7. Traditional Correctional Probation to Correctional Basic Recruit Cross-Over Training Program.~~
- ~~g.8. Law Enforcement Auxiliary Officer Basic Recruit Training Program.~~
- ~~h.9. Correctional Auxiliary Officer Basic Recruit Training Program.~~
- ~~i.10. Correctional Probation Auxiliary Officer Basic Recruit Training Program.~~

2. Individuals who possess a Law Topics Instructor Certification are eligible to instruct in the law topics of Criminal Justice Systems of Florida, Constitutional Law, and Introduction of Florida Statutes in the following basic recruit training programs:

a. CMS Application-Based Law Enforcement Basic Recruit Training Program.

b. Traditional Correctional Probation to CMS Law Enforcement Basic Recruit Cross-Over Training Program.

c. Traditional Correctional to CMS Law Enforcement Basic Recruit Cross-Over Training Program.

(b) Speed Measurement Instructor Certifications. To be certified to instruct speed measurement training courses an instructor applicant is required to complete the following training:

1. No change.

2. Laser and Radar Instructor Certification. An instructor applicant shall successfully complete at a training school, the Laser and Radar Speed Measurement Instructor Course for Law Enforcement Officers, course 1159 or ~~and~~ the Radar Speed Measurement Instructor Course for Law Enforcement Officers, course 1108, retired December 31, 2006, and the Laser Speed Measurement Device (LSMD) Instructor Transition Course for Radar Instructors, course 1109, to be retired December 31, 2008, at a training school, with the results recorded on a Laser and Radar Speed Measurement Device Instructor Field Evaluation, form CJSTC-10.

(c) through (d) No change.

Specific 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,_____.

11B-20.0017 Maintenance and Duration of Instructor Certifications.

Documentation for instructors shall be maintained in the instructor's file at the respective training school or agency. Additionally, the training school or agency shall submit or transmit to Commission staff, through the Commission's ATMS, an Instructor Compliance Application, form CJSTC-84, revised August 3, 2006 ~~May 5, 2005~~, hereby incorporated by reference, to verify compliance with the mandatory retraining requirements. Instructors whose Traditional General Instructor Certification or CMS General Instructor Certification has lapsed shall complete the General Instructor Refresher Course. Instructors whose High-Liability Instructor Certification has lapsed shall demonstrate proficiency skills in the applicable high-liability topic. Instructors whose Specialized Topics Instructor Certification has lapsed shall complete an internship in the applicable high-liability topic.

(1) through (7) No change.

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.14(3) FS. History--New 7-29-01, Amended 11-5-02, 11-30-04, 3-27-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Donna Hunt, (850)410-8615

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-21.002	Criminal Justice Training Schools' Request for Certification, Expansion of Certification, and Re-certification
11B-21.005	Criminal Justice Training School Requirements for Certification and Re-certification

PURPOSE AND EFFECT: Rule 11B-21.002, F.A.C.: To correct a Scribner's error on training school recertification dates and to update the Department's web address. Rule 11B-21.005, F.A.C.: To change reference from "Basic Abilities Test vendor" to "Basic Abilities Test provider."

SUMMARY: Rule 11B-21.002, F.A.C.: Training school recertification dates and the Department's web address. Rule 11B-21.005, F.A.C.: Basic Abilities Test.

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

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), (2) FS.

LAW IMPLEMENTED: 943.12(3), (7), 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: January 10, 2007, 10:00 a.m.

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Donna Hunt at (850)410-8615 If you are hearing or

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-21, FLORIDA ADMINISTRATIVE CODE

AMENDING RULE 11B-21.001 and 11B-21.005, F.A.C.

CERTIFICATION OF CRIMINAL JUSTICE TRAINING SCHOOLS

SUMMARY OF PROPOSED RULE

11B-21.002: Training school recertification dates and the Department's web address.

11B-21.005: Basic Abilities Test.

JUSTIFICATION OF PROPOSED RULE

11B-21.002: To correct a Scribner's error on training school recertification dates and to update the Department's web address.

11B-21.005: To change reference from "Basic Abilities Test vendor" to "Basic Abilities Test provider."

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on December 15, 2006, for a hearing to be held on January 10, 2007, if requested.

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

2. Individuals who possess a Law Topics Instructor Certification are eligible to instruct in the law topics of Criminal Justice Systems of Florida, Constitutional Law, and Introduction of Florida Statutes in the following basic recruit training programs:

a. CMS Application-Based Law Enforcement Basic Recruit Training Program.

b. Traditional Correctional Probation to CMS Law Enforcement Basic Recruit Cross-Over Training Program.

c. Traditional Correctional to CMS Law Enforcement Basic Recruit Cross-Over Training Program.

(b) Speed Measurement Instructor Certifications. To be certified to instruct speed measurement training courses an instructor applicant is required to complete the following training:

1. No change.

2. Laser and Radar Instructor Certification. An instructor applicant shall successfully complete at a training school, the Laser and Radar Speed Measurement Instructor Course for Law Enforcement Officers, course 1159 or ~~and~~ the Radar Speed Measurement Instructor Course for Law Enforcement Officers, course 1108, retired December 31, 2006, and the Laser Speed Measurement Device (LSMD) Instructor Transition Course for Radar Instructors, course 1109, to be retired December 31, 2008, at a training school, with the results recorded on a Laser and Radar Speed Measurement Device Instructor Field Evaluation, form CJSTC-10.

(c) through (d) No change.

Specific 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,_____.

11B-20.0017 Maintenance and Duration of Instructor Certifications.

Documentation for instructors shall be maintained in the instructor's file at the respective training school or agency. Additionally, the training school or agency shall submit or transmit to Commission staff, through the Commission's ATMS, an Instructor Compliance Application, form CJSTC-84, revised August 3, 2006 ~~May 5, 2005~~, hereby incorporated by reference, to verify compliance with the mandatory retraining requirements. Instructors whose Traditional General Instructor Certification or CMS General Instructor Certification has lapsed shall complete the General Instructor Refresher Course. Instructors whose High-Liability Instructor Certification has lapsed shall demonstrate proficiency skills in the applicable high-liability topic. Instructors whose Specialized Topics Instructor Certification has lapsed shall complete an internship in the applicable high-liability topic.

(1) through (7) No change.

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.14(3) FS. History--New 7-29-01, Amended 11-5-02, 11-30-04, 3-27-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Donna Hunt, (850)410-8615

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-21.002	Criminal Justice Training Schools' Request for Certification, Expansion of Certification, and Re-certification
11B-21.005	Criminal Justice Training School Requirements for Certification and Re-certification

PURPOSE AND EFFECT: Rule 11B-21.002, F.A.C.: To correct a Scribner's error on training school recertification dates and to update the Department's web address. Rule 11B-21.005, F.A.C.: To change reference from "Basic Abilities Test vendor" to "Basic Abilities Test provider."

SUMMARY: Rule 11B-21.002, F.A.C.: Training school recertification dates and the Department's web address. Rule 11B-21.005, F.A.C.: Basic Abilities Test.

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

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), (2) FS.

LAW IMPLEMENTED: 943.12(3), (7), 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: January 10, 2007, 10:00 a.m.

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Donna Hunt at (850)410-8615 If you are hearing or

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-21.002 Criminal Justice Training Schools' Request for Certification, Expansion of Certification, and Re-certification.

(1) through (4) No change.

(5) Request for Commission Re-certification.

(a) A training school that requests continued certification by the Commission shall submit a completed Criminal Justice Training School Certification, Re-certification or Expansion of Certification Application form CJSTC-29, to Commission staff no later than January 1st of the year the certification expires. Recertification dates for training schools shall be July 1, 2006, then July 1, 2010 ~~January 1, 2006, then January 1, 2010~~, and every five years thereafter.

(b) through (d) No change.

(6) All form(s) referenced in this rule chapter may be obtained on the following web site: http://www.fdle.state.fl.us/cjst/rules_and_forms/index.html or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Bureau of Standards, Forms Liaison.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(3), (7), 943.14 FS. History—New 7-21-82, Amended 1-28-86, Formerly 11B-21.02, Amended 12-13-92, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04, _____.

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

(1) 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 Commission-approved Basic Recruit Training Program, and not enter into a contract with any testing provider ~~vendor~~ for a period longer than the Commission's testing cycle of three years.

(b) through (c) No change.

(11) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(3), (7), 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, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donna Hunt, (850)410-8615

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-27.0011	Moral Character
11B-27.002	Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers
11B-27.0021	High School Graduation or Equivalent
11B-27.00212	Maintenance of Officer Certification
11B-27.0022	Background Investigations
11B-27.005	Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: Rule 11B-27.0011, F.A.C.: To update the Department's web address. Rule 11B-27.002, F.A.C.: To make housekeeping revisions. To make housekeeping revisions to the Physician's Assessment form CJSTC-75 and Affidavit of Applicant form CJSTC-68. To clarify the conditions for obtaining employment or appointment when an officer has not completed training within the specified time frame. Rule 11B-27.0021, F.A.C.: To change requirement for a "standard high school diploma" to a "high school diploma." To clarify existing rule language regarding accrediting organizations and diplomas issued by private schools. To clarify that a transcript verification shall be verified by an institution accredited by an accrediting body. Rule 11B-27.00212, F.A.C.: To revise the Mandatory Retraining Report form CJSTC-74 by removing the hourly requirement for human diversity training. To remove Weapons of Mass Destruction training as part of an officer's mandatory retraining requirement. To substantially rewrite the Law Enforcement Officer Firearms Qualification Standard form CJSTC-86A. To make technical changes and rule reference updates to the Mandatory Firearms Training Report form CJSTC-86. Rule 11B-27.0022, F.A.C.: To revise the Authority for Release of Information form CJSTC-58 to reflect statutory

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-27, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES, 11B-27.0011, 11B-27.002, 11B-27.0021, 11B-27.00212, 11B-27.0022,
11B-27.005, and 11B-27.013, F.A.C.

CERTIFICATION AND EMPLOYMENT OR APPOINTMENT

SUMMARY OF PROPOSED RULE

11B-27.0011: The Department's web address. 11B-27.002: House-keeping revisions to rules and forms and compliance with Commission rules regarding employment as an officer within four years of completing the required training and tests. 11B-27.0021: Proof of compliance and authenticity of a high school diploma. Diplomas' issued by a private school. Transcript verification. The Department's web address. 11B-27.00212: Human diversity training, weapons of mass destruction training, and firearms qualification standards. 11B-27.0022: Authority for Release of Information for former "or current" employees. 11B-27.005: Conduct that subverts or attempts to subvert the State Officer Certification Examination process. 11B-27.013: Housekeeping revisions to the Patrol Duty Canine Team Proficiency Examination and Equivalency.

JUSTIFICATION OF PROPOSED RULE

11B-27.0011: To update the Department's web address. 11B-27.002: To make housekeeping revisions. To make housekeeping revisions to the Physician's Assessment form CJSTC-75 and Affidavit of Applicant form CJSTC-68. To clarify the conditions for obtaining employment or appointment when an officer has not completed training within the specified time frame. 11B-27.0021: To change requirement for a "standard high school diploma" to a "high school diploma." To clarify existing rule language regarding accrediting organizations and diplomas issued by private schools. To clarify that a transcript verification shall be verified by an institution accredited by an accrediting body. 11B-27.00212: To revise the Mandatory Retraining Report form CJSTC-74 by removing the hourly requirement for human diversity training. To remove Weapons of Mass Destruction training as part of an officer's mandatory retraining requirement. To substantially rewrite the Law Enforcement Officer Firearms Qualification Standard form CJSTC-86A. To make technical changes and rule reference updates to the Mandatory Firearms Training Report form CJSTC-86. 11B-27.0022: To revise the Authority for Release of Information form CJSTC-58 to reflect statutory changes. 11B-27.005: To clarify rule language concerning conduct

that subverts or attempts to subvert the State Officer Certification Examination process. 11B-27.013: To make housekeeping revisions to the Patrol Duty Canine Team Proficiency Examination and Equivalency form CJSTC-83.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on December 15, 2006, for a hearing to be held on January 10, 2007, if requested.

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

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 RULES IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8516

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-21.002 Criminal Justice Training Schools' Request for Certification, Expansion of Certification, and Re-certification.

(1) through (4) No change.

(5) Request for Commission Re-certification.

(a) A training school that requests continued certification by the Commission shall submit a completed Criminal Justice Training School Certification, Re-certification or Expansion of Certification Application form CJSTC-29, to Commission staff no later than January 1st of the year the certification expires. Recertification dates for training schools shall be July 1, 2006, then July 1, 2010 ~~January 1, 2006, then January 1, 2010~~, and every five years thereafter.

(b) through (d) No change.

(6) All form(s) referenced in this rule chapter may be obtained on the following web site: http://www.fdle.state.fl.us/cjst/rules_and_forms/index.html or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Bureau of Standards, Forms Liaison.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(3), (7), 943.14 FS. History—New 7-21-82, Amended 1-28-86, Formerly 11B-21.02, Amended 12-13-92, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04, _____.

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

(1) 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 Commission-approved Basic Recruit Training Program, and not enter into a contract with any testing provider ~~vendor~~ for a period longer than the Commission's testing cycle of three years.

(b) through (c) No change.

(11) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(3), (7), 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, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donna Hunt, (850)410-8615

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-27.0011	Moral Character
11B-27.002	Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers
11B-27.0021	High School Graduation or Equivalent
11B-27.00212	Maintenance of Officer Certification
11B-27.0022	Background Investigations
11B-27.005	Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: Rule 11B-27.0011, F.A.C.: To update the Department's web address. Rule 11B-27.002, F.A.C.: To make housekeeping revisions. To make housekeeping revisions to the Physician's Assessment form CJSTC-75 and Affidavit of Applicant form CJSTC-68. To clarify the conditions for obtaining employment or appointment when an officer has not completed training within the specified time frame. Rule 11B-27.0021, F.A.C.: To change requirement for a "standard high school diploma" to a "high school diploma." To clarify existing rule language regarding accrediting organizations and diplomas issued by private schools. To clarify that a transcript verification shall be verified by an institution accredited by an accrediting body. Rule 11B-27.00212, F.A.C.: To revise the Mandatory Retraining Report form CJSTC-74 by removing the hourly requirement for human diversity training. To remove Weapons of Mass Destruction training as part of an officer's mandatory retraining requirement. To substantially rewrite the Law Enforcement Officer Firearms Qualification Standard form CJSTC-86A. To make technical changes and rule reference updates to the Mandatory Firearms Training Report form CJSTC-86. Rule 11B-27.0022, F.A.C.: To revise the Authority for Release of Information form CJSTC-58 to reflect statutory

changes. Rule 11B-27.005, F.A.C.: To clarify rule language concerning conduct that subverts or attempts to subvert the State Officer Certification Examination process. Rule 11B-27.013: To make housekeeping revisions to the Patrol Duty Canine Team Proficiency Examination and Equivalency form CJSTC-83.

SUMMARY: Rule 11B-27.0011, F.A.C.: The Department's web address. Rule 11B-27.002, F.A.C.: Housekeeping revisions to rules and forms and compliance with Commission rules regarding employment as an officer within four years of completing the required training and tests. Rule 11B-27.0021, F.A.C.: Proof of compliance and authenticity of a high school diploma. Diplomas' issued by a private school. Transcript verification. The Department's web address. Rule 11B-27.00212, F.A.C.: Human diversity training, weapons of mass destruction training, and firearms qualification standards. Rule 11B-27.0022, F.A.C.: Authority for Release of Information for former "or current" employees. Rule 11B-27.005, F.A.C.: Conduct that subverts or attempts to subvert the State Officer Certification Examination process. Rule 11B-27.013, F.A.C.: Housekeeping revisions to the Patrol Duty Canine Team Proficiency Examination and Equivalency.

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

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), 943.133(3) FS.

LAW IMPLEMENTED: 943.12, 943.12(3), 943.12(17), 943.13, 943.13(3), 943.13(7), 943.13(11), 943.133, 943.135, 943.139, 943.1395, 943.1395(3), 943.1395(7), 943.1395(8), 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: January 10, 2007, 10:00 a.m.

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308

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

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-27.0011 Moral Character.

(1) through (7) No change.

(8) Forms referenced in this rule chapter may be obtained on the following web site: http://www.fdle.state.fl.us/ejst/rules_and_forms/index.html or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Bureau of Standards Forms Liaison.

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

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

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

(a) through (c) No change.

(d) A Physician's Assessment, form CJSTC-75, revised August 3, 2006 ~~May 6, 2004~~, hereby incorporated by reference, or an equivalent form signed by a physician, certified advanced registered nurse practitioner, or physician assistant licensed in the United States or its territories, verifying the applicant's fitness to perform the duties of an officer pursuant to Section 943.13(6), F.S. A copy of the officer's position description shall be reviewed by the physician to ensure that the applicant can meet the physical standards required of the position. A Patient Information, form CJSTC-75A, revised May 6, 2004, hereby incorporated by reference, may also be provided to the examining physician, certified advanced registered nurse practitioner, or physician assistant for reference. The completed and signed CJSTC-75 form or equivalent, shall be completed with each new employment or appointment of an officer, and shall not be completed more than one year prior to an officer's employment

or appointment. A CJSTC-75 form prepared for a specific employing agency shall not be used by any other employing agency.

(e) No change.

(f) An Affidavit of Applicant, form CJSTC-68, revised August 3, 2006 ~~May 6, 2004~~, hereby incorporated by reference, executed by the applicant attesting that the applicant complies with the employment or appointment qualifications pursuant to Sections 943.13(1)-(10), F.S.

(g) through (h) No change.

(2) The employing agency head is required, within 30 days of hire, to submit to Commission staff or electronically transmit through the Commission's Automated Training Management System (ATMS), and maintain in file a Registration of Employment Affidavit of Compliance, form CJSTC-60, revised February 7, 2002, hereby incorporated by reference, attesting to compliance by the employing agency with the following requirements:

(a) For law enforcement, correctional, and correctional probation officer applicants who have not been previously certified and who have complied with the certification requirements pursuant to Section 943.13(1)-(10), F.S., the employing agency shall certify to the Commission that the applicant is eligible for certification by submitting to Commission staff or electronically transmitting through the Commission's Automated Training Management System (ATMS), a completed Officer Certification Application, form CJSTC-59, revised February 7, 2002, hereby incorporated by reference, within 30 days of the applicant's compliance with the certification requirements. Upon receipt of an Officer Certification Application Deficiency Notification, form CJSTC-259, revised May 5, 2005, the employing agency shall maintain on file, a copy of form CJSTC-59 and any other employment documentation. The employing agency shall submit a copy of form CJSTC-259 and the missing or deficient documentation to Commission staff within 90 days of the date the form was signed and issued to the agency. Failure by the employing agency to submit missing or deficient documentation within the required 90 days may result in denial of an applicant's request for certification. An officer applicant shall not work as a sworn officer in a sworn capacity prior to meeting the requirements of Sections 943.13 and 943.131, F.S.

(b) No change.

(3) No change.

(4) Within four years of the beginning date of a Commission-approved Basic Recruit Training Program, an individual shall successfully complete the program, achieve a passing score on the applicable State Officer Certification Examination, and gain employment as an officer. An individual who is not employed as an officer in the discipline for which training was completed, within four years of the date

of beginning such training, shall, as a condition for obtaining employment or appointment, comply with the following requirements:

(a) Successfully ~~As a condition of employment or appointment after July 1, 1993, successfully~~ complete a Commission-approved Basic Recruit Training Program pursuant to Rule 11B-35.002, F.A.C., or qualify for an exemption from a Commission-approved Basic Recruit Training Program, pursuant to Section 943.131(2), F.S., to include demonstration of proficiency in the High-Liability Basic Recruit Training Courses pursuant to Rule 11B-35.0024, F.A.C.; and

(b) No change.

(5) through (6) No change.

Specific 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,_____.

11B-27.0021 High School Graduation or Equivalent.

(1) No change.

(2) Compliance with this rule section shall be documented by the employing agency and made available to Commission staff for review. Proof of compliance and authenticity of the diploma may include:

(a) A ~~standard~~ high school diploma or high school equivalency diploma issued by a public school education program.

(b) A diploma issued by a private school that is accredited by an accrediting organization recognized by the U.S. Department of Education or the Council on Higher Education Accreditation.

(c) through (f) No change.

(3) In the absence of proof of successful high school graduation, the following shall be acceptable as meeting the minimum educational requirements:

(a) Transcript verification of successful completion of one of the following educational requirements from an institution accredited by an accrediting body ~~Institutional Accrediting Body~~ recognized by the United States Department of Education (~~<http://www.aju.edu/usdoe-accreditation.htm>~~) or licensed as a degree granting institution by the Commission for Independent Education, pursuant to Section 1005.02(7), F.S., (~~<http://www.fim.edu/doe/cie/institutions.htm>~~), shall be acceptable as meeting the educational requirements of this rule section:

(b) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.13(3) FS. History--New 10-6-82, Amended 1-7-85, Formerly 11B-27.021, Amended 7-7-99, 7-29-01, 11-5-02, 11-30-04,_____.

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, a completed Mandatory Retraining Report, form CJSTC-74, revised August 3, 2006 ~~May 5, 2005~~, hereby incorporated by reference.

(5) through (12) No change.

~~(13) Weapons of Mass Destruction (WMD) and Basic Incident Command System (ICS) continuing training. Certified law enforcement officers shall successfully complete WMD and Basic ICS training on or before June 30, 2008.~~

~~(a) Certified law enforcement officers who have completed WMD and Basic ICS training, prior to December 3, 2003, shall have satisfied the mandatory WMD and Basic ICS training requirements.~~

~~1. Certified law enforcement officers who have completed WMD training shall be required to complete only Basic ICS training on or before June 30, 2008.~~

~~2. Certified law enforcement officers who have completed Basic ICS training shall be required to complete only WMD training on or before June 30, 2008.~~

~~(b) Certified law enforcement officers who complete the Prepare Florida Basic WMD and Basic ICS Course shall have satisfied the mandatory training requirements. This course contains separate modules that can be used separately to satisfy WMD and Basic ICS training.~~

~~1. The following "learning competency requirements" satisfy Weapons of Mass Destruction training:~~

~~a. Understanding and recognizing terrorism.~~

~~b. Weapons of Mass Destruction and the methods of dissemination.~~

~~c. Incident scene security.~~

~~d. Self protection.~~

~~e. Personal protective equipment (PPE).~~

~~f. Decontamination.~~

~~2. The following "learning competency requirements" satisfy Basic ICS training:~~

~~a. Incident Command System and Unified Command training.~~

~~b. Field operations and tactical considerations.~~

~~(a) Courses that satisfy the "learning competency requirements" for Basic ICS training include:~~

~~1. Incident Command System course number IS-195~~

~~2. Federal Emergency Management Institute.~~

~~3. National Incident Management System Incident Command (NIMS).~~

~~4. Hospital Incident Command System (HICS).~~

~~(d) Emergency Response to Terrorism by the U.S. Department of Justice satisfies WMD training only.~~

~~(e) Law enforcement officers who have successfully completed a CMS Application Based Law Enforcement Basic Recruit Training Program have satisfied both WMD and Basic ICS training requirements.~~

~~(f) The CMS Application Based Law Enforcement Basic Recruit Training Program satisfies both WMD and Basic ICS training requirements.~~

~~(g) If an officer fails to meet the required WMD and Basic ICS training, his or her certification shall become inactive until such time the employing agency submits to Commission staff, through the Commission's ATMS, a completed Mandatory Retraining Report form CJSTC-74.~~

~~(13)(14) Use-of-Force training. An officer, whose mandatory retraining cycle begins on July 1, 2005 or thereafter, shall, as a part of the officer's 40-hour continuing education or training every four years, be required to complete the following Use-of-Force training.~~

~~(a) No change.~~

~~(b) A law enforcement and correctional officer shall complete, once every two years, Use-of-Force training pursuant to subparagraphs ~~(13)(14)(a)1.-5.~~, of this rule section.~~

~~(c) A correctional probation officer shall complete, once every two years, Use-of-Force training pursuant to subparagraphs ~~(13)(14)(a)2.-5.~~, of this rule section.~~

~~(d) through (f) No change.~~

~~(g) An officer, who fails to comply with the Use-of-Force training requirements, pursuant to paragraphs ~~(13)(14)(a)-(f)~~ of this rule section, shall become an inactive Florida officer. The officer's certification shall become reactivated when the officer's employing agency electronically transmits a completed form CJSTC-74, to Commission staff, verifying the officer has met the continuing education or training requirements for the officer's four-year mandatory retraining cycle.~~

~~(h) No change.~~

~~(14)(15) Law Enforcement Officer Firearms Qualification Standard. Beginning July 1, 2006, a law enforcement officer shall be required to qualify on the Commission's approved course of fire with the proficiency skills documented on the Law Enforcement Officer Firearms Qualification Standard form, CJSTC-86A, revised August 3, 2006 ~~created August 4, 2005~~, hereby incorporated by reference, and maintained in the officer's employment file.~~

~~(h) No change.~~

~~(14)(15) Law Enforcement Officer Firearms Qualification Standard. Beginning July 1, 2006, a law enforcement officer shall be required to qualify on the Commission's approved course of fire with the proficiency skills documented on the Law Enforcement Officer Firearms Qualification Standard form, CJSTC-86A, revised August 3, 2006 ~~created August 4, 2005~~, hereby incorporated by reference, and maintained in the officer's employment file.~~

~~(a) No change.~~

(b) Reporting of the compliance with this standard shall be June 30, 2008, and every two years thereafter. Documentation supporting the demonstration of proficiency skills shall be reported on the Mandatory Firearms Training Report, Form CJSTC-86, revised August 3, 2006 ~~created August 4, 2005~~, hereby incorporated by reference, and maintained in the officer's employment file. The employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, a completed form CJSTC-86.

(c) through (d) No change.

Specific 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,_____.

Editorial Note: See 11B-27.0023, F.A.C.

11B-27.0022 Background Investigations.

(1) No change.

(2) The employing agency shall, at a minimum, use the following background investigation procedures:

(a) No change.

(b) Obtain previous employment data from prior employers. Criminal justice agencies conducting background investigations have the option of using the Authority for Release of Information, form CJSTC-58, revised August 3, 2006 ~~May 5, 2005~~, pursuant to Sections 943.134(2) and (4), F.S., hereby incorporated by reference.

(c) through (e) No change.

(3) No change.

Specific Authority 943.03(4) 943.12(1), 943.133(3) FS. Law Implemented 943.133, 943.139 FS. History--New 10-6-82, Amended 1-7-85, Formerly 11B-27.022, Amended 7-13-87, 10-17-90, 5-13-92, 5-14-92, 12-13-92, 9-5-93, 8-7-94, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04, 3-27-06,_____.

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

(1) through (4) No change.

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

(a) through (b) No change.

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

1. through 7. No change.

8.	<u>Conduct that subverts or attempts to subvert the State Officer Certification Examination process pursuant to subsection 11B-30.009(1) F.A.C.,</u> Subverting the State Officer Certification Examination Process	Revocation
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9. through 12. No change.

(d) No change.

(6) through (10) No change.

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

11B-27.013 Canine Team Certification.

(1) through (2) No change.

(3) Required documentation for certification of a patrol canine team. Documentation of compliance for Commission certification of patrol canine teams shall include:

(a) through (b) No change.

(c) Documentation of successful completion of the Patrol Canine Team Proficiency Examination administered by two Commission-approved canine team evaluators, one of whom is not affiliated with the Commission-certified training school or the agency conducting the training, and one of whom is not affiliated with the agency employing the canine team. A Commission-approved canine team evaluator shall not administer a proficiency examination to a canine assigned to them as a work partner. The proficiency examination shall be documented on the Patrol Duty Canine Team Proficiency Examination and Equivalency, form CJSTC-83, revised August 3, 2006 ~~May 5, 2005~~, hereby incorporated by reference.

(4) through (8) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17) FS. History--New 3-29-89, Amended 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Donna Hunt, (850)410-8615

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-30, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11B-30.006, 11B-30.007, 11B-30.0071, 11B-30.008, 11B-30.009, 11B-30.011, and 11B-30.012, F.A.C.

STATE OFFICER CERTIFICATION EXAMINATION

SUMMARY OF PROPOSED RULE

11B-30.006: The Department's web address.

11B-30.007: SOCE web site, method of payment for taking the SOCE, and SOCE re-examination process.

11B-30.0071: Examination accommodations for applicants with disabilities.

11B-30.008: Test accommodations at the test site.

11B-30.009: Applicant conduct at the test site that is intended to subvert the SOCE and consequences thereof.

11B-30.011: SOCE overall test results form.

11B-30.012: Examination grade review process and related forms.

JUSTIFICATION OF PROPOSED RULE

11B-30.006: To update the Department's web address.

11B-30.007: To update the State Officer Certification Examination (SOCE) web site. To allow a debit card to be used to pay for the SOCE. To clarify that rescheduling of the SOCE does not constitute a re-examination.

11B-30.0071: To update the Application for Individuals Request Special Test Accommodations form CJSTC-502 to incorporate rule revisions. To make housekeeping revisions. To allow the test booklet to be produced in large print versus high quality regular print or read aloud. To disallow reading of the SOCE or the Basic Abilities Test. To revise the list of accommodations that are not permissible when taking the SOCE. To revise the definition/example of a person with physical disabilities.

11B-30.008: To remove unnecessary rule language. To add rule language regarding individuals who arrive late to take the SOCE and compliance with Rule 11B-30.007, F.A.C.

11B-30.009: To require violations to be documented in writing and submitted to the FDLE/CJPP program director. To require dismissal of an applicant from the SOCE test site for engaging in conduct intended to subvert

the SOCE process and to list the conduct that subverts the SOCE process. To list the sanctions the Commission shall impose for conduct intended to subvert the SOCE process. To list the conduct that violates the standards of the SOCE test administration. To list sanctions the Commission shall impose for acts that violate the SOCE test administration. To require that an applicant's existing certification shall be subject to disciplinary action upon violation of the SOCE Test Administration standards.

11B-30.011: To remove redundant language on the Applicant State Officer Certification Examination Overall Test Results form CJSTC-516.

11B-30.012: To clarify the "missed examination items review process" for individuals who have failed the SOCE. To increase the number of days from 45 to 120 for an individual to review their SOCE and to revise the State Officer Certification Examination Grade Review Request form CJSTC-510 accordingly. To allow participants in the examination review session to review the SOCE for each discipline one time. To revise the State Officer Certification Examination Review form CJSTC-511 to include additional document to the review packet contents list.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on December 15, 2006, for a hearing to be held on January 10, 2007, if requested.

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

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-30.006	State Officer Certification Examination General Eligibility Requirements
11B-30.007	Application for the State Officer Certification Examination and Notification Process
11B-30.0071	Examination Accommodations for Applicants with Disabilities
11B-30.008	State Officer Certification Examination Site Administration
11B-30.009	Applicant Conduct at Test Site and Notice of Protection of Program Privileges
11B-30.011	Examination Scoring and Grade Notification
11B-30.012	Post Review of Examination Questions, Answers, Papers, Grades, and Grading Key

PURPOSE AND EFFECT: Rule 11B-30.006, F.A.C.: To update the Department’s web address. Rule 11B-30.007, F.A.C.: To update the State Officer Certification Examination (SOCE) web site. To allow a debit card to be used to pay for the SOCE. To clarify that rescheduling of the SOCE does not constitute a re-examination. Rule 11B-30.0071, F.A.C.: To update the Application for Individuals Request Special Test Accommodations form CJSTC-502 to incorporate rule revisions. To make housekeeping revisions. To allow the test booklet to be produced in large print versus high quality regular print or read aloud. To disallow reading of the SOCE or the Basic Abilities Test. To revise the list of accommodations that are not permissible when taking the SOCE. To revise the definition/example of a person with physical disabilities. Rule 11B-30.008, F.A.C.: To remove unnecessary rule language. To add rule language regarding individuals who arrive late to take the SOCE and compliance with Rule 11B-30.007 and 11B-30.009, F.A.C.: To require violations to be documented in writing and submitted to the FDLE/CJPP program director. To require dismissal of an applicant from the SOCE test site for engaging in conduct intended to subvert the SOCE process and to list the conduct that subverts the SOCE process. To list the sanctions the Commission shall impose for conduct intended to subvert the SOCE process. To list the conduct that violates the standards of the SOCE test administration. To list sanctions the Commission shall impose for acts that violate the SOCE test administration. To require that an applicant’s existing certification shall be subject to disciplinary action upon violation of the SOCE Test Administration standards. Rule 11B-30.011, F.A.C.: To remove redundant language on the Applicant State Officer Certification Examination Overall Test Results form CJSTC-516. Rule 11B-30.012, F.A.C.: To clarify

the “missed examination items review process” for individuals who have failed the SOCE. To increase the number of days from 45 to 120 for an individual to review their SOCE and to revise the State Officer Certification Examination Grade Review Request form CJSTC-510 accordingly. To allow participants in the examination review session to review the SOCE for each discipline one time. To revise the State Officer Certification Examination Review form CJSTC-511 to include additional document to the review packet contents list.

SUMMARY: Rule 11B-30.006, F.A.C.: The Department’s web address. Rule 11B-30.007, F.A.C.: SOCE web site, method of payment for taking the SOCE, and SOCE re-examination process. Rule 11B-30.0071, F.A.C.: Examination accommodations for applicants with disabilities. Rule 11B-30.008, F.A.C.: Test accommodations at the test site. Rule 11B-30.009, F.A.C.: Applicant conduct at the test site that is intended to subvert the SOCE and consequences thereof. Rule 11B-30.011, F.A.C.: SOCE overall test results form. Rule 11B-30.012, F.A.C.: Examination grade review process and related forms.

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

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), (17), 943.1397, 943.173(3) FS.

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

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

DATE AND TIME: January 10, 2007, 10:00 a.m.

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

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

(1) through (3) No change.

(4) All forms referenced in this rule chapter may be obtained on the following web site: http://www.fdle.state.fl.us/cjst/rules_and_forms/index.html or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Bureau of Standards, Forms Liaison.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17), 943.131(2), 943.1397 FS. History—New 1-10-94, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06,_____.

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

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

(a) No change.

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

(2) through (5) No change.

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

(a) through (d) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17), 943.1397(3) FS. History—New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04,_____.

11B-30.0071 Examination Accommodations for Applicants with Disabilities.

(1) No change.

(2) An applicant requesting special accommodations shall submit an Application for Individuals Requesting Special Test Accommodations, form CJSTC-502, revised August 3, 2006 ~~May 6, 2004~~, hereby incorporated by reference, which shall be submitted forty-five days prior to the requested State Officer Certification Examination (SOCE) date. The Application for Officer Certification Examination form CJSTC-500 shall be submitted according to the established deadline date for the

requested SOCE. The individual shall provide documentation of the disability by an appropriate professional, pursuant to paragraph (6)(e) of this rule section, when the disability and the requested accommodations are not obvious. Forms CJSTC-500 and CJSTC-502 may be obtained by writing to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Certification Examination Section, Post Office Box 1489, Tallahassee, FL 32302-1489, Attention: ADA Coordinator, or by calling (Voice) (850)410-~~8602~~ 8600, (TDD): (850)656-9597.

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

(a) through (c) No change.

(d) Flexible Format. The test booklet may be produced in large print, ~~high quality regular print, or read aloud~~.

(e) No change.

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

(5) through (6) No change.

(7) Definition of Terms.

(a) through (b) No change.

(c) A person with a physical disability means any person who has a permanent or temporary physical or psychomotor disability. Examples, pursuant to this rule section, include ~~of such a disability under this section include those disabilities that require the use of a wheelchair, braces, or crutches. It also includes~~ individuals with a hearing or sight disability, or those who may need special accommodation to move about.

(d) through (e) No change.

Specific Authority 943.03(4), 943.12(1), 943.1397 FS. Law Implemented 943.12(17), 943.1397 FS. History—New 7-29-01, Amended 11-5-02, 11-30-04,_____.

11B-30.008 State Officer Certification Examination Site Administration.

(1) No change.

(2) An applicant who has been scheduled to take the SOCE shall arrive at the scheduled examination site on the designated date and time, and shall present the following documentation to the examination administrator:

(a) through (b) No change.

(c) SOCE requirements for out-of-state, military, or federal officers or inactive Florida officers. ~~Effective July 1, 2002, out-of-state, military, or federal officers or inactive~~

Florida officers are required, and have one year to demonstrate proficiency in the required High Liability Basic Recruit Training Courses and achieve a passing score on the applicable SOCE. The officer shall not be required to pass a comprehensive end-of-course examination in the High Liability Basic Recruit Training Courses. Such officers, pursuant to subsection 11B-35.009(6), F.A.C., who request to take the SOCE, shall submit to Commission staff, form CJSTC-517, as record of completed training and demonstration of proficiency in the required High-Liability Basic Recruit Training Courses. Documentation of completed training is permitted to be submitted prior to the SOCE date pursuant to Rule 11B-30.007, F.A.C., or presented to the examination administrator on the day of testing.

(3) An applicant shall not be admitted to the examination administration site after the door to the examination site is closed. Rescheduling ~~Re-scheduling~~ of the SOCE, pursuant to this rule section, does not constitute a re-examination, pursuant to Section 943.1397, F.S. Individuals arriving late shall comply with Rule 11B-30.007, F.A.C., when rescheduling the SOCE.

(4) No change.

Specific Authority 943.03(4), 943.12(1), (17) FS. Law Implemented 943.12(17), 943.131(2), FS. History—New 1-10-94, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04,_____.

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

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

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

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

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

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

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

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

~~(f)(a)~~ Communication with any other applicant during the administration of the SOCE.

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

~~(h)(e)~~ Having in one's possession during the administration of the SOCE, any books, notes, written, or printed materials or data of any kind.

~~(i)(d)~~ Failing to comply with the SOCE administrator's instructions with the intent to subvert the SOCE process.

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

~~(j)(a)~~ Falsifying or misrepresenting information required for admission to the SOCE.

~~(k)(b)~~ Impersonating an applicant.

~~(l)(e)~~ Having an impersonator take the SOCE on one's behalf.

~~(m)(d)~~ Disrupting the test administration.

~~(4) Any violation of the provisions of subsections 11B-30.009(1)-(3), F.A.C., shall be documented in writing to the Program Director of the Criminal Justice Professionalism Program.~~

(2) An applicant, who engages in conduct in subsection (1) of this rule section, shall be denied access to take the SOCE until the Commission's disciplinary process has been completed, pursuant to subsection (3) of this rule section.

~~(3)(5)~~ When the Commission finds that an applicant has committed an act that violates subsections (1)-(3) of this rule section, the Commission shall impose one or more of the following sanctions:

(a) Declare the applicant has failed the SOCE. Have their SOCE declared invalid;

(b) Require the applicant to forfeit the application fee. Forfeit the application fee;

(c) Declare the applicant Be ineligible to apply to take the SOCE in any discipline for a period of five years pursuant to Section 943.13(7), F.S., regarding good moral character for employment or appointment as an officer.

(d) Deny Be subject to denial of certification by the Commission as a law enforcement, correctional, or correctional probation officer, pursuant to Rule 11B-27.007, F.A.C.;

~~(e) Be subject to disciplinary action taken against any currently held Commission certification;~~

~~(f) Be subject to the imposition of other sanctions by the Commission, pursuant to Section 943.13(7), F.S., and Rule Chapter 11B-27, F.A.C.~~

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

(a) Failing to comply with the SOCE test administrator's instructions at the SOCE test site;

(b) Possession of anything other than the Commission-approved Examination Administration Voucher form CJSTC-517, personal identification, and pencils at the SOCE test area.

(5) When an applicant has committed an act that violates subsection (4) of this rule section, the applicant shall be subject to the following sanctions:

(a) Dismiss the applicant from the SOCE test administration; and

(b) Declare the applicant has failed the SOCE and is ineligible to participate in the review process outlined in Rule 11B-30.0012, F.A.C.; and

(c) Require the applicant to forfeit the application fee.

~~(6) When an applicant holds a Commission certification and has committed an act that violates subsection (1) of this rule section, the applicant's certification(s) shall be subject to disciplinary action pursuant to Rule 11B-27.0011 and subsection 11B-27.005(5), F.A.C. The Commission shall ensure the security of the test site for the SOCE by prohibiting applicants from signing in to the test area with anything other than the Commission approved Examination Admission Voucher CJSTC 517 an applicant identification, and pencils. An applicant who is found with items in their possession, other than described herein, shall be in violation of subsections (1) (3) of this rule section and shall be subject to discipline as described in subsection (5) of this rule section. Violation of this subsection shall be documented as provided in subsection (4) of this rule section.~~

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

11B-30.011 Examination Scoring and Grade Notification.

Individuals who graduate from a Commission-approved Basic Recruit Training Program shall be required to achieve a passing score on the State Officer Certification Examination (SOCE) with an overall scale score equal to or higher than the established cut-off score. Commission staff shall notify the applicant, within thirty days of the test date, on an Applicant State Officer Certification Examination Overall Test Results, form CJSTC-516, revised ~~August 3, 2006~~ ~~May 5, 2005~~, hereby incorporated by reference. The SOCE is an entry-level competency examination and therefore examination results are reported as “pass” or “fail” on form CJSTC-516. To protect each examinee's privacy, only individuals who have taken the SOCE are permitted to obtain their personal numerical score. This score will be available only at a regularly scheduled monthly Examination Review Session held pursuant to subsection 11B-30.012(2), F.A.C.

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

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

(1) Individuals who have failed the State Officer Certification Examination (SOCE) shall have the right to review their missed examination items and corresponding grading key results by submitting a State Officer Certification Examination Grade Review Request, form CJSTC-510, revised ~~August 3, 2006~~ ~~May 5, 2005~~, hereby incorporated by reference, and shall be received by the Florida Department of Law Enforcement by the established deadline date for the Examination Review Session requested. ~~To be eligible to file form CJSTC 510, pursuant to Rule 11B 30.013, F.A.C., the form shall be submitted to Commission staff within forty five calendar days of the individual's SOCE date. Individuals who fail to meet the forty five day deadline shall not be allowed to file a challenge, but may review the SOCE results.~~

(2) The SOCE grade reviews shall be conducted in the presence of Commission staff at a regularly scheduled monthly Examination Review Session conducted at the Florida Department of Law Enforcement, Criminal Justice Professionalism Program. The SOCE grade review schedule is produced annually and is available at Commission-certified training schools, the Florida Department of Law Enforcement's (FDLE) website at <http://www.fdle.state.fl.us>, or from FDLE, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention SOCE Section. Individuals shall ~~be scheduled to~~ review their SOCE grades within 120 ~~forty~~ calendar days of the individual's SOCE date. ~~Commission staff's receipt of the completed form CJSTC 510. Individuals who fail to attend a grade review within 120 days of their SOCE shall not be allowed to file a challenge, but shall be allowed to review the SOCE results.~~ Participants in the Examination Review Session shall be permitted to review only one examination for each session and shall only review each examination once. Individuals shall not be permitted to review their SOCE after the expiration of their examination eligibility pursuant to Rule 11B-30.006, F.A.C.

(a) No change.

(b) Individuals requesting a grade review shall be provided with the SOCE test results and the State Officer Certification Examination Review, form CJSTC-511, revised ~~August 3, 2006~~ ~~May 5, 2005~~, hereby incorporated by reference. Form CJSTC-511 shall be signed by the individual requesting the review at the conclusion of an Examination Review Session. Only individuals scheduled for the Examination Review Session shall be present during an Examination Review Session.

(c) No change.

(3) No change.

(4) Individuals participating in an examination review session shall be notified in writing, within thirty working days of the examination review date, of the results of the

Commission’s evaluation of the individual’s concerns reported during the Examination Review Session on the State Officer Grade Review Request form CJSTC-510.

Specific Authority 943.03(4), 943.12(1), (17) FS. Law Implemented 943.12(17), 943.173 FS. History–New 1-10-94, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06,_____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-35.001	General Training Programs; Requirements and Specifications
11B-35.0011	Basic Abilities Requirements for Applicant Admission into a Law Enforcement, Correctional, and Correctional Probation Basic Recruit Training Program
11B-35.002	Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation
11B-35.0021	High-Liability Proficiency Courses for Basic Recruit Training and Instructor Training
11B-35.0024	Student Performance in Commission-approved High-Liability Basic Recruit Training Courses and High-Liability Instructor Training Courses
11B-35.003	Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation Auxiliary Training
11B-35.006	Advanced Training Program
11B-35.007	Specialized Training Program
11B-35.009	Exemption from Basic Recruit Training

PURPOSE AND EFFECT: Rule 11B-35.001, F.A.C.: To add the “time of the course” to the list of requirements for notifying Commission staff of a scheduled course when cancellation of that course is under 30 days. To exempt instructors from the CMS or Traditional General Instructor Certification who teach the dart-firing stun gun component of the Law Enforcement Basic Recruit Training Program and reincorporate form

CJSTC-82 into Rule 11B-35.001(3)(c), F.A.C. To require that training records maintained at a training school include a list of course instructors with their full name and the expiration of their certificate. To require that, in order for a student to pass the SOCE, the training center director shall issue to a student an Examination Admission Voucher form CJSTC-517, in addition to the student’s certificate of completion. To incorporate into Rule 11B-35.001, F.A.C., form CJSTC-517. To update the Department’s web address. Rule 11B-35.0011, F.A.C.: To require that the Basic Abilities Test (BAT) can only be taken three times within a 12-month period. To require that an entity verify each applicant’s eligibility prior to the applicant taking the BAT. To deny the applicant access to the BAT if the entity discovers the applicant has taken the BAT more than three times. To require that the vendor providers only allow access to the BAT for student’s who have produced a valid photo identification. To require the vendor provider to validate the students name, date of birth, etc., and other personal identification information as proposed in rule. To reword rule language concerning applicants who violate the Commission’s rules and to list the sanctions that will be imposed for such violations. To require that accommodations, pursuant to the American with Disabilities Act, are governed by subsection 11B-30.0071(4), F.A.C. To require that BAT vendors shall determine eligibility accommodations on a case-by-case basis. Rule 11B-35.002, F.A.C.: To update the course names and numbers for the Commission’s criminal justice training programs. To remove course information, course names and course numbers for retired basic recruit and basic recruit cross-over training programs. To add program numbers to the Commission’s basic recruit training programs. To add new programs to the CMS Law Enforcement Basic Recruit Cross-Over Training Programs. To add the 6-hour Dart-Firing Stun Gun training and 4-hour Human Trafficking Course to CMS, Traditional, Cross-Over and Auxiliary Basic Recruit Training Programs. Rule 11B-35.0021, F.A.C.: To update the course names required to possess and maintain a valid CPR Instructor Certification in order for an instructor to teach the CMS First Aid for Criminal Justice Officers Course, CMS First Aid Instructor Course, or CMS First Aid Instructor Transition Course. Rule 11B-35.0024, F.A.C.: To add rule language that requires an instructor student to successfully demonstrate cognitive knowledge and proficiency skills during the initial qualification, unless the instructor student qualifies for one of the three exceptions. To update the CMS First Aid Performance Evaluation form CJSTC-5 CMS including addition of association affiliation check-off boxes. To make housekeeping revisions to the CMS Vehicle Operations Performance Evaluation form CJSTC-7 CMS. Rule 11B-35.003, F.A.C.: To add the 6-hour dart-firing stun gun training to the Law Enforcement Auxiliary Officer Basic Recruit Training Program and update the minimum hours for certain topic areas. 11B-35.006, F.A.C.: To add new Advance Training Program Courses and revise existing course names.

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-35, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11B-35.001, 11B-35.0011, 11B-35.002, 11B-35.0021, 11B-35.0024, 11B-35.003,
11B-35.006, 11B-35.007, and 11B-35.009, F.A.C.

TRAINING PROGRAMS

SUMMARY OF PROPOSED RULE

11B-35.001: Requirements and specifications for general training programs.

11B-35.0011: BAT requirements for applicant admission into Commission-approved criminal justice training programs.

11B-35.002: Addition, deletion, and update of basic recruit training programs for law enforcement, correctional, and correctional probation.

11B-35.0021: Instruction of CMS First Aid for Criminal Justice Officers Course, CMS First Aid Instructor Course, or CMS First Aid Instructor Transition Course.

11B-35.0024: Requirements for demonstration of cognitive knowledge and proficiency skills for instructor students.

11B-35.003: Dart-firing stun gun training and course updates for Law Enforcement Auxiliary Officer Basic Recruit Training Program.

11B-35.006: Advanced Training Program Courses, specifically the Dart-Firing Stun Gun course.

11B-35.007: Specialized Training Program Courses, specifically the Laser and Radar Speed Measurement Instructor Course for Law Enforcement Officers and Dart-Firing Stun Gun training course.

11B-35.009: Exemption from basic recruit training regarding demonstration of proficiency requirements and the required forms.

JUSTIFICATION OF PROPOSED RULE

11B-35.001: To add the “time of the course” to the list of requirements for notifying Commission staff of a scheduled course when cancellation of that course is under 30 days. To exempt instructors from the CMS or Traditional General Instructor Certification who teach the dart-firing stun gun component of the Law Enforcement Basic Recruit Training Program and reincorporate form CJSTC-82 into 11B-35.001(3)(c), F.A.C. To require that

training records maintained at a training school include a list of course instructors with their full name and the expiration of their certificate. To require that, in order for a student to pass the SOCE, the training center director shall issue to a student an Examination Admission Voucher form CJSTC-517, in addition to the student's certificate of completion. To incorporate into 11B-35.001, F.A.C, form CJSTC-517. To update the Department's web address.

11B-35.0011: To require that the Basic Abilities Test (BAT) can only be taken three times within a 12-month period. To require that an entity verify each applicant's eligibility prior to the applicant taking the BAT. To deny the applicant access to the BAT if the entity discovers the applicant has taken the BAT more than three times. To require that the vendor providers only allow access to the BAT for student's who have produced a valid photo identification. To require the vendor provider to validate the students name, date of birth, etc., and other personal identification information as proposed in rule. To reword rule language concerning applicants who violate the Commission's rules and to list the sanctions that will be imposed for such violations. To require that accommodations, pursuant to the American with Disabilities Act, are governed by 11B-30.0071(4), F.A.C. To require that BAT vendors shall determine eligibility accommodations on a case-by-case basis.

11B-35.002: To update the course names and numbers for the Commission's criminal justice training programs. To remove course information, course names and course numbers for retired basic recruit and basic recruit cross-over training programs. To add program numbers to the Commission's basic recruit training programs. To add new programs to the CMS Law Enforcement Basic Recruit Cross-Over Training Programs. To add the 6-hour Dart-Firing Stun Gun training to CMS, Traditional, Cross-Over and Auxiliary Basic Recruit Training Programs.

11B-35.0021: To update the course names required to possess and maintain a valid CPR Instructor Certification in order for an instructor to teach the CMS First Aid for Criminal Justice Officers Course, CMS First Aid Instructor Course, or CMS First Aid Instructor Transition Course.

11B-35.0024: To add rule language that requires an instructor student to successfully demonstrate cognitive knowledge and proficiency skills during the initial qualification, unless the instructor student qualifies for one of the three exceptions. To update the CMS First Aid Performance Evaluation form CJSTC-5 CMS including addition of association affiliation check-off boxes. To make housekeeping revisions to the CMS Vehicle Operations Performance Evaluation form CJSTC-7 CMS.

11B-35.003: To add the 6-hour dart-firing stun gun training to the Law Enforcement Auxiliary Officer Basic Recruit Training Program and update the minimum hours for certain topic areas.

11B-35.006: To add new Advance Training Program Courses and revise existing course names. To create the Laser and Radar Operator Performance Report form CJSTC-11 to be completed for the Laser Speed Measurement Operator's Course for Law Enforcement. To repeal the Laser Operator Performance Report form CJSTC-9.

11B-35.007: To add the Laser and Radar Speed Measurement Instructor Course for Law Enforcement Officers, and the Dart-Firing Stun Gun training course, and revise existing specialized training program course names.

11B-35.009: To clarify that any appeal for denial of exemption from basic recruit training shall be governed by Section 120.57, F.S. To clarify that demonstration of proficiency in the high-liability areas and passing the State Officer Certification Examination shall be completed within one year after receiving an exemption. To clarify that a training school shall provide to the officer a completed form CJSTC-76A and form CJSTC-517, upon the officer's demonstration of proficiency.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on December 15, 2006, for a hearing to be held on January 10, 2007, if requested.

FDLE received one written request from Nikole Souder-Schale of the American Heart Association (AHA). The AHA requested that the Department of Law Enforcement insert the word "instructor" before each CPR instructor certification in Rule 11B-35.0021, F.A.C. The AHA's reason was because it has specific naming conventions in relationship to AHA members performing certain types of training. Ms. Souder-Schale's request was granted.

Commission’s evaluation of the individual’s concerns reported during the Examination Review Session on the State Officer Grade Review Request form CJSTC-510.

Specific Authority 943.03(4), 943.12(1), (17) FS. Law Implemented 943.12(17), 943.173 FS. History–New 1-10-94, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06,_____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

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CJSTC-82 into Rule 11B-35.001(3)(c), F.A.C. To require that training records maintained at a training school include a list of course instructors with their full name and the expiration of their certificate. To require that, in order for a student to pass the SOCE, the training center director shall issue to a student an Examination Admission Voucher form CJSTC-517, in addition to the student’s certificate of completion. To incorporate into Rule 11B-35.001, F.A.C., form CJSTC-517. To update the Department’s web address. Rule 11B-35.0011, F.A.C.: To require that the Basic Abilities Test (BAT) can only be taken three times within a 12-month period. To require that an entity verify each applicant’s eligibility prior to the applicant taking the BAT. To deny the applicant access to the BAT if the entity discovers the applicant has taken the BAT more than three times. To require that the vendor providers only allow access to the BAT for student’s who have produced a valid photo identification. To require the vendor provider to validate the students name, date of birth, etc., and other personal identification information as proposed in rule. To reword rule language concerning applicants who violate the Commission’s rules and to list the sanctions that will be imposed for such violations. To require that accommodations, pursuant to the American with Disabilities Act, are governed by subsection 11B-30.0071(4), F.A.C. To require that BAT vendors shall determine eligibility accommodations on a case-by-case basis. Rule 11B-35.002, F.A.C.: To update the course names and numbers for the Commission’s criminal justice training programs. To remove course information, course names and course numbers for retired basic recruit and basic recruit cross-over training programs. To add program numbers to the Commission’s basic recruit training programs. To add new programs to the CMS Law Enforcement Basic Recruit Cross-Over Training Programs. To add the 6-hour Dart-Firing Stun Gun training and 4-hour Human Trafficking Course to CMS, Traditional, Cross-Over and Auxiliary Basic Recruit Training Programs. Rule 11B-35.0021, F.A.C.: To update the course names required to possess and maintain a valid CPR Instructor Certification in order for an instructor to teach the CMS First Aid for Criminal Justice Officers Course, CMS First Aid Instructor Course, or CMS First Aid Instructor Transition Course. Rule 11B-35.0024, F.A.C.: To add rule language that requires an instructor student to successfully demonstrate cognitive knowledge and proficiency skills during the initial qualification, unless the instructor student qualifies for one of the three exceptions. To update the CMS First Aid Performance Evaluation form CJSTC-5 CMS including addition of association affiliation check-off boxes. To make housekeeping revisions to the CMS Vehicle Operations Performance Evaluation form CJSTC-7 CMS. Rule 11B-35.003, F.A.C.: To add the 6-hour dart-firing stun gun training to the Law Enforcement Auxiliary Officer Basic Recruit Training Program and update the minimum hours for certain topic areas. 11B-35.006, F.A.C.: To add new Advance Training Program Courses and revise existing course names.

To create the Laser and Radar Operator Performance Report form CJSTC-11 to be completed for the Laser Speed Measurement Operator's Course for Law Enforcement. To repeal the Laser Operator Performance Report form CJSTC-9. Rule 11B-35.007, F.A.C.: To add the Laser and Radar Speed Measurement Instructor Course for Law Enforcement Officers, and the Dart-Firing Stun Gun training course, and revise existing specialized training program course names. Rule 11B-35.009, F.A.C.: To clarify that any appeal for denial of exemption from basic recruit training shall be governed by Section 120.57, F.S. To clarify that demonstration of proficiency in the high-liability areas and passing the State Officer Certification Examination shall be completed within one year after receiving an exemption. To clarify that a training school shall provide to the officer a completed form CJSTC-76A and form CJSTC-517, upon the officer's demonstration of proficiency.

SUMMARY: Rule 11B-35.001, F.A.C.: Requirements and specifications for general training programs. Rule 11B-35.0011, F.A.C.: Basic Abilities Training requirements for applicant admission into Commission-approved criminal justice training programs. Rule 11B-35.002, F.A.C.: Addition, deletion, and update of basic recruit training programs for law enforcement, correctional, and correctional probation. Rule 11B-35.0021, F.A.C.: Instruction of CMS First Aid for Criminal Justice Officers Course, CMS First Aid Instructor Course, or CMS First Aid Instructor Transition Course. Rule 11B-35.0024, F.A.C.: Requirements for demonstration of cognitive knowledge and proficiency skills for instructor students. Rule 11B-35.003, F.A.C.: Dart-firing stun gun training and course updates for Law Enforcement Auxiliary Officer Basic Recruit Training Program. Rule 11B-35.006, F.A.C.: Advanced Training Program Courses, specifically the Dart-Firing Stun Gun course. Rule 11B-35.007, F.A.C.: Specialized Training Program Courses, specifically the Laser and Radar Speed Measurement Instructor Course for Law Enforcement Officers and Dart-Firing Stun Gun training course. Rule 11B-35.009, F.A.C.: Exemption from basic recruit training regarding demonstration of proficiency requirements and the required forms.

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

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), (2), 943.17 FS.

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

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

DATE AND TIME: January 10, 2007, 10:00 a.m.

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

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

(1) No change.

(2) Notification of scheduled courses. The training center director or designee shall notify the assigned local Commission field specialist of scheduled, rescheduled, or cancelled Commission-related training courses. This notification shall be at least 30 days in advance, or immediately upon scheduling, rescheduling, or cancellation of the course when under 30 days. Notification shall include at a minimum:

(a) Date(s) of course(s).

(b) Location of course(s).

(c) Title of course(s).

(d) Time of course(s)

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

(a) through (b) No change.

(c) Hold a CMS designated certification to teach CMS Application-Based Law Enforcement Basic Recruit Training Program Courses, CMS Instructor Courses, and CMS Instructor Transition Courses. Instructors, who teach the dart-firing stun gun component of a Law Enforcement Basic Recruit Training Program, are exempt from the CMS General Instructor Certification or the Traditional General Instructor Certification, and shall have their qualifications documented on the Instructor Exemption form CJSTC-82, revised August 3, 2006, hereby incorporated by reference, and maintained in the class file.

(4) through (9) No change.

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

(a) through (b) No change.

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

1. through 7. No change.

8. List of course instructor(s) to include full name and Commission instructor certification expiration date, or completion of Instructor Exemption form CJSTC-82, if applicable. Course instructors.

9. through 13. No change.

(11) Student attendance requirements for Commission-approved Basic Recruit Training Programs outlined in paragraphs 11B-35.002(1)(a) through ~~(p)(m)~~, F.A.C., Specialized Training Programs outlined in subsection 11B-35.007(1), F.A.C., and Advanced Training Program Courses outlined in subsection 11B-35.006(2), F.A.C.

(12) through (13) No change.

(14) Proof of course completion. The training center director shall, within thirty days following the completion of a Commission-approved Basic Recruit, Advanced, or Specialized Training Program Course, provide to a student who has successfully completed the program, a certificate, which shall contain at a minimum, the name of the training school, the student's name, the dates of the program or course, the number of program or course contact hours, the title of the Basic Recruit, Advanced, or Specialized Training Program Course, and the current training center director's signature. Basic Recruit Training Completion Certificates shall contain the Curriculum Version Number for the course taught. In addition to a certificate, the training school shall provide to a student, who has successfully completed a Commission-approved Basic Recruit Training Program and will be required to pass the State Officer Certification Examination, an Examination Admission Voucher form CJSTC-517, revised August 3, 2006, hereby incorporated by reference.

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

Specific 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, _____.

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

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

(1) The applicant shall not take the Basic Abilities Test (BAT) more than three total times in each discipline during any twelve-month period; any subsequent results in each discipline within the twelve-month period will be invalid.

(a) Any entity at which an applicant may take a BAT shall verify each applicant's eligibility to ensure that the applicant has not taken the BAT in the same discipline more than two times within the past twelve months.

(b) Entities that discover that an applicant has already taken the BAT three times in one discipline within the preceding twelve months shall deny the applicant access to the BAT for that discipline until the applicant is again eligible.

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

~~(3)(1)~~ The applicant shall not engage in conduct that subverts or attempts to subvert the BAT process. Conduct that subverts or attempts to subvert the BAT process includes:

(a) through (f) No change.

~~(4)(2)~~ The applicant shall not violate the standards of the BAT test administration. Violations of test administration include:

(a) through (d) No change.

~~(5)(3)~~ The applicant shall not violate the applicant identification process. Conduct that violates the applicant identification process is as follows:

(a) through (d) No change.

~~(6)(4)~~ Any violation of the provisions of this rule section shall be documented in writing and submitted to Commission staff within seven days to the address set forth in subsection 11B-35.001(15), F.A.C.

~~(7)(5)~~ When the Commission finds that an applicant has committed an act that violates subsections ~~(2)-(5)(1)-(3)~~ of this rule section, the Commission applicant shall impose one or more of the following sanctions:

(a) Declare the applicant has failed the BAT. ~~Have their BAT declared invalid;~~

(b) Require the applicant to forfeit the application fee
~~Forfeit the application fee;~~

(c) Declare the applicant ~~Be~~ ineligible to apply to take the BAT in any discipline for a period of five years;

(d) Deny ~~Be subject to denial~~ of certification by the Commission pursuant to Rule 11B-27.007, F.A.C.;

(e) Take action ~~Be subject to disciplinary action taken~~ against any currently held Commission certification pursuant to Rule 11B-27.0011 and subsection 11B-27.005(5), F.A.C.;

~~(f) Be subject to the imposition of other sanctions by the Commission, pursuant to Section 943.13(7), F.S., and Rule Chapter 11B-27, F.A.C.~~

~~(8)(6)~~ A passing score on a Commission-approved Basic Abilities Test is valid two years from the date of the test.

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

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

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

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

	Course Number	Course Name	Course Hours
(a)	NA	Traditional Law Enforcement Basic Recruit Training Program (Retired June 30, 2004)	672.0 hours
(b)	502	Traditional Correctional Basic Recruit Training Program	532.0 hours
(c)	602	Traditional Correctional Probation Basic Recruit Training Program	412.0 hours
(d)	224	CMS Application-Based Law Enforcement Basic Recruit Training Program	770.0 760.0 hours
(e)	1155	<u>CMS Law Enforcement to Traditional Correctional Basic Recruit Cross-Over Training Program</u>	199.0
(f)	1156	<u>CMS Law Enforcement to Traditional Correctional Probation Basic Recruit Cross-Over Training Program</u>	112.0
(g) (e)	555	Traditional Law Enforcement to <u>Traditional</u> Correctional Basic Recruit Cross-Over Training Program (Retired March 31, 2006)	156.0 hours
(h) (f)	660	Traditional Law Enforcement to <u>Traditional</u> CMS Correctional Probation Basic Recruit Cross-Over Training Program (Retired March 31, 2006)	134.0 hours
(i) (g)	222	Traditional Correctional to <u>Traditional</u> Law Enforcement Basic Recruit Cross-Over Training Program (Retired March 31, 2005) (Retired March 30, 2005)	172.0
(j) (h)	1143	Traditional Correctional to CMS Law Enforcement Basic Recruit Cross-Over Training Program	444.0 434.0 hours
(k) (i)	667	Traditional Correctional to <u>Traditional</u> Correctional Probation Basic Recruit Cross-Over Training Program	172.0 hours
(l) (j)	223	Traditional Correctional Probation to <u>Traditional</u> Law Enforcement Basic Recruit Cross-Over Training Program (Retired March 31, 2006)	412.0 hours
(m)	1157	<u>Traditional Correctional Probation to CMS Law Enforcement Basic Recruit Cross-Over Training Program</u>	554.0
(n) (k)	556	Traditional Correctional Probation to <u>Traditional</u> Correctional Basic Recruit Cross-Over Training Program	256.0 hours
(o) (l)	211	Law Enforcement Auxiliary Officer Basic Recruit Training Program	317.0 302.0 hours
(p) (m)	501	Correctional Auxiliary Officer Basic Recruit Training Program	254.0 hours
(q) (n)	NA	Correctional Probation Auxiliary Officer Basic Recruit Training Program; <u>there is no course.</u> To become certified as a Correctional Probation Auxiliary Officer, pursuant to subsection 11B-35.003(7), F.A.C., a basic recruit student shall complete the Correctional Probation Basic Recruit Training Program, pursuant to paragraph (8)(c) of this rule section.	

(2) through (7) No change.

(8) Commission-approved Basic Recruit Training Programs. Pursuant to Section 943.12, F.S., Commission-approved Basic Recruit Training Programs

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

(a) Traditional Law Enforcement Basic Recruit Training Program (Retired June 30, 2004); ~~All law enforcement basic recruit training programs that begin on July 1, 2004, or~~

~~thereafter, shall deliver the CMS Application-Based Law Enforcement Basic Recruit Training Program pursuant to paragraph (8)(d) of this rule section. Training schools are authorized to continue to deliver the Traditional courses in subparagraphs (8)(a)1-12 of this rule section for Traditional Law Enforcement Basic Recruit Training Programs that begin prior to July 1, 2004. Training schools are authorized to deliver Traditional Law Enforcement Basic Recruit Training Program courses to students who qualify, pursuant to subsection 11B-35.002(2), F.A.C., and who have entered into but failed to graduate from a Traditional Law Enforcement Basic Recruit Training Program.~~

	Course Name	Course Number	Course Hours
1.	Criminal Justice Legal 1	CJD_760	46.0
2.	Criminal Justice Legal 2	CJD_761	48.0
3.	Criminal Justice Communications	CJD_762	56.0
4.	Interpersonal Skills I	CJD_763	66.0
5.	Criminal Justice Defensive Tactics that includes the 38-hour Preparation for Defensive Tactics Course, effective 7/1/98, or CMS Criminal Justice Defensive Tactics	CJD_704 CJK_0050 or CJB_1050	106.0
6.	Criminal Justice Weapons, or CMS Criminal Justice Firearms	CJD_705 CJK_0040 or CJB_1040	64.0
7.	Medical First Responder (Options: CJT_362 or EMS_1059), or CMS First Responder to Medical Emergencies Unit	CJD_254 CJK_0030 or CJB_1030	48.0
8.	Law Enforcement Legal 3	CJD_730	32.0
9.	Law Enforcement Patrol	CJD_731	64.0
10.	Law Enforcement Traffic	CJD_732	46.0
11.	Law Enforcement Vehicle Operations, or CMS Law Enforcement Vehicle Operations	CJD_723 CJK_0020 or CJB_1020	32.0
12.	Law Enforcement Investigations	CJD_734	64.0
		TOTAL	672.0

(b) Traditional Correctional Basic Recruit Training Program course number 502:

1. through 11. No change.

(c) Traditional Correctional Probation Basic Recruit Training Program course number 602:

1. through 8. No change.

(d) CMS Application-Based Law Enforcement Basic Recruit Training Program course number 224:

	Course Name	Course Number	Course Hours
1.	Introduction and Law	CJK_0006	67.0
2.	Human Issues	CJK_0010	50.0
3.	Communications	CJK_0015	77.0
4.	CMS Law Enforcement Vehicle Operations	CJK_0020	48.0
5.	CMS First Aid for Criminal Justice Officers	CJK_0031	40.0
6.	CMS Criminal Justice Firearms	CJK_0040	80.0
7.	CMS Criminal Justice Defensive Tactics	CJK_0050	80.0
8.	Dart-Firing Stun Gun	CJK_0421	6.0
9,8.	Patrol	CJK_0060	57.0
10,9.	Investigations	CJK_0070	57.0 53.0
11,10.	Investigating Offenses	CJK_0075	40.0
12,11.	Traffic Stops	CJK_0080	62.0
13,12.	Traffic Crash Investigations	CJK_0085	32.0
14,13.	Tactical Applications	CJK_0090	54.0
15,14.	Criminal Justice Special Topics	CJK_0095	20.0
		Total	770.0 760.0

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

(a) through (c) No change.

	Course Name	Course Number	Course Hours
1.	Cross-Over Law Enforcement to Correctional	CJD_780	16.0
2.	Interpersonal Skills 2	CJD_750	50.0
3.	Emergency Preparedness	CJD_741	26.0
4.	Correctional Operations	CJD_752	64.0
	Total		156.0

(e) Traditional Law Enforcement to Traditional Correctional Probation Basic Recruit Cross-Over Training Program course number 660 (Retired March 31, 2006). A law

(d) Traditional Law Enforcement to Traditional Correctional Basic Recruit Cross-Over Training Program course number 555 (Retired March 31, 2006). A law enforcement officer shall complete the following courses to cross-over from the “Law Enforcement Discipline” to the “Correctional Officer Discipline”:

enforcement officer shall complete the following courses to cross-over from the “Law Enforcement Discipline” to the “Correctional Probation Officer Discipline”:

	Course Name	Course Number	Course Hours
1.	Cross-Over Law Enforcement to Correctional Probation 1	CJD_735	66.5
2.	Cross-Over Law Enforcement to Correctional Probation 2	CJD_736	67.5
	Total		134.0

(f) Traditional Correctional to Traditional Law Enforcement Basic Recruit Cross-Over Training Program (Retired March 31, 2005). A correctional officer shall complete the following courses to cross-over from the “Correctional Discipline” to the “Law Enforcement Discipline”:

(g) Traditional Correctional to CMS Law Enforcement Basic Recruit Cross-Over Training Program course number 1143. A correctional officer shall complete the following courses to cross-over from the “Correctional Discipline” to the “Law Enforcement Discipline”:

	Course Name	Course Number	Course Hours
1.	Cross-Over Correctional to CMS Law Enforcement Introduction	CJK_0211	94.0
2.	Cross-Over Correctional to Law Enforcement CMS High-Liability (End-of-course examination is not required for CJK_0212)	CJK_0212	8.0
3.	Dart-Firing Stun Gun (End-of-course examination is only required for Dart-Firing Stun Gun)	CJK_0421	6.0
4.	Cross-Over Correctional to Law Enforcement Tactical Applications	CJK_0213	40.0
5.	CMS Law Enforcement Vehicle Operations	CJK_0020	48.0
6.	Patrol	CJK_0060	57.0
7.	Investigations	CJK_0070	57.0
8.	Investigating Offenses	CJK_0075	40.0
9.	Traffic Stops	CJK_0080	62.0
10.	Traffic Crash Investigations	CJK_0085	32.0
	Total		444.0

(h) Traditional Correctional to Traditional Correctional Probation Basic Recruit Cross-Over Training Program course number 667. A correctional officer shall complete the following courses to cross-over from the “Correctional Discipline” to the “Correctional Probation Discipline”:

1. through 4. No change.

(i) Traditional Correctional Probation to Traditional Law Enforcement Basic Recruit Cross-Over Training Program course number 223 (Retired March 31, 2006). A correctional probation officer shall complete the following courses to cross-over from the “Correctional Probation Discipline” to the “Law Enforcement Discipline”:

	Course Name	Course Number	Course Hours
1.	Cross-Over Correctional Probation Legal to Law Enforcement	CJD_796	46.0
2.	Cross-Over Correctional Probation to Law Enforcement	CJD_797	64.0
3.	Law Enforcement Patrol	CJD_731	64.0
4.	Law Enforcement Traffic	CJD_732	46.0
5.	CMS Law Enforcement Vehicle Operations	CJK_0020	48.0
6.	Law Enforcement Investigations	CJD_734	64.0
7.	CMS Criminal Justice Firearms	CJK_0040	80.0
	Total		412.0

(j) Traditional Correctional Probation to Traditional Correctional Basic Recruit Cross-Over Training Program course number 556. A correctional probation officer shall

complete the following courses to cross-over from the "Correctional Probation Discipline" to the "Correctional Discipline":

	Course Name	Course Number	Course Hours
1.	Cross-Over Correctional Probation to Correctional 1	CJD_798	50.0
2.	Cross-Over Correctional Probation to Correctional 2	CJD_799	36.0
3.	Emergency Preparedness	CJD_741	26.0
4.	Correctional Operations	CJD_752	64.0
5.	CMS Criminal Justice Firearms	CJK_0040	80.0
	Total		256.0

(k) CMS Law Enforcement to Traditional Correctional Basic Recruit Cross-Over Training Program course number 1155. A correctional officer shall complete the following courses to cross-over from the "CMS Law Enforcement Discipline" to the "Correctional Discipline":

	Course Name	Course Number	Course Hours
1.	Cross-Over CMS Law Enforcement to Traditional Correctional Introduction	CJK_202	29.0
2.	CMS Law Enforcement to Traditional Correctional Interpersonal Skills	CJK_203	30.0
3.	Emergency Preparedness	CJD_741	26.0
4.	Interpersonal Skills 2	CJD_750	50.0
5.	Correctional Operations	CJD_752	64.0
	Total		199.0

(l) CMS Law Enforcement to Traditional Correctional Probation Basic Recruit Cross-Over Training Program course Number 1156. A correctional probation officer shall complete the following courses to cross-over from the "CMS Law Enforcement Discipline" to the "Correctional Probation Discipline":

	Course Name	Course Number	Course Hours
1.	Cross-Over CMS Law Enforcement to Traditional Correctional Probation Introduction	CJK_253	61.0
2.	Cross-Over CMS Law Enforcement to Traditional Correctional Probation Supervision	CJK_254	51.0
	Total		112.0

(m) Traditional Correctional Probation to CMS Law Enforcement Basic Recruit Cross-Over Training Program Course Number 1157. A correctional probation officer shall

complete the following courses to cross-over from the "Correctional Probation Discipline" to the "CMS Law Enforcement Discipline":

	<u>Course Name</u>	<u>Course Number</u>	<u>Course Hours</u>
1.	<u>Cross-Over Traditional Correctional Probation to CMS Law Enforcement Introduction to Law</u>	<u>CJK 215</u>	<u>43.0*</u>
2.	<u>Cross-Over Traditional Correctional Probation to CMS Law Enforcement Human Issues</u>	<u>CJK 216</u>	<u>36.0*</u>
3.	<u>Cross-Over Traditional Correctional Probation to CMS Law Enforcement Communications</u>	<u>CJK 217</u>	<u>49.0*</u>
4.	<u>CMS Law Enforcement Vehicle Operations</u>	<u>CJK 0020</u>	<u>48.0</u>
5.	<u>CMS Criminal Justice Firearms</u>	<u>CJK 0040</u>	<u>80.0</u>
6.	<u>Dart-Firing Stun Gun</u>	<u>CJK 0421</u>	<u>6.0</u>
7.	<u>Patrol</u>	<u>CJK 0060</u>	<u>57.0</u>
8.	<u>Investigations</u>	<u>CJK 0070</u>	<u>57.0</u>
9.	<u>Investigating Offenses</u>	<u>CJK 0075</u>	<u>40.0</u>
10.	<u>Traffic Stops</u>	<u>CJK 0080</u>	<u>62.0</u>
11.	<u>Traffic Crash Investigations</u>	<u>CJK 0085</u>	<u>32.0</u>
12.	<u>Tactical Applications</u>	<u>CJK 0090</u>	<u>44.0*</u>
	<u>*Instructors are authorized to facilitate instruction in a review format and place emphasis as needed.</u>	<u>Total</u>	<u>554.0</u>

Specific Authority 943.03(4), 943.12(1), (2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History--New 12-13-92, Amended 1-10-94, 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06,_____.

11B-35.0021 High-Liability Proficiency Courses for Basic Recruit Training and Instructor Training.

(1) through (3) No change.

(4) Instructor to student ratios for instruction of proficiency skills in High-Liability Basic Recruit Training Courses and instructor courses.

(a) through (d) No change.

(e) For instruction of the CMS First Aid for Criminal Justice Officers Course, CMS First Aid Instructor Course, or CMS First Aid Instructor Transition Course, at least one Commission-certified CMS First Aid Instructor shall be required for every ten students actively engaged in the practical and performance areas of the training. Actively engaged is defined as "a student involved in the practical performance of any first aid skills training." CPR Instructors, who possess a valid CPR Instructor Certification, which is at minimum at the "Basic Life Support (BLS) Instructor" or Heartsaver Instructor" level with the American Heart Association, "CPR/AED for the Professional Rescuer Instructor" or "First Aid/CPR/AED Instructor" or "Emergency Response Instructor" or "Lifeguarding Instructor" level with the American Red Cross, "First Aid/CPR/AED Instructor" or "BLS Instructor" level with the American Safety and Health Institute, or "BLS Instructor" level with the National Safety Council, the "Basic Life Support (BLS) Healthcare Provider Level" with the American Heart Association, "CPR for the

~~Professional Rescuer" with the American Red Cross and American Safety and Health Institute, or "Advanced First Aid and CPR" with the National Safety Council, are permitted to instruct CPR in the CMS First Aid for Criminal Justice Officers Course, the CMS First Aid Instructor Transition Course, or the CMS First Aid Instructor Course, or be used to meet the required instructor to student ratio for demonstration of proficiency in these courses. The instructor to student ratio shall match the prerequisites set forth in the approved CPR course certification requirements. A copy of the Instructor Exemption Application, form CJSTC-82, revised May 6, 2004, hereby incorporated by reference, and a copy of the instructor's valid CPR Instructor Certification shall be maintained in the instructor's file.~~

Specific Authority 943.03(4), 943.12(1), (2), 943.14(3), 943.17 FS. Law Implemented 943.12(5), 943.17 FS. History--New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04,_____.

11B-35.0024 Student Performance in Commission-approved High-Liability Basic Recruit Training Courses and High-Liability Instructor Training Courses.

(1) No change.

(2)(a) A basic recruit student shall be given the opportunity for one additional attempt at the required demonstration of high-liability proficiency skills, or one re-examination of required cognitive knowledge in each of the four high-liability topics of firearms, vehicle operations, defensive tactics, and first aid. A basic recruit student, who has failed to successfully demonstrate the cognitive knowledge or

the required demonstration of the high-liability proficiency skills after a second attempt, shall be deemed to have failed the High-Liability Training Course.

(b) An instructor student shall successfully demonstrate cognitive knowledge and proficiency skills during the initial qualification. An instructor student, who has failed to successfully demonstrate the cognitive knowledge or the high-liability proficiency skills during the first attempt, shall be deemed to have failed the High-Liability Instructor Training Course. An instructor student who has failed a cognitive end-of-course examination of the high-liability proficiency skills during the first attempt, shall be granted a re-examination by the training center director if:

1. There is technical difficulty in the administration of the test, such as a power failure or evacuation of the building.

2. A condition of the student adversely impacts the student's ability to achieve a passing score on an end-of-course examination. A condition of the student that adversely impacts the student's ability could include illness or death of a family member.

3. The end-of-course testing instrument is determined to be invalid by the training school.

(3) Completion of a high-liability course and demonstration of proficiency in the high-liability topics is required for each of the following courses: CMS Criminal Justice Defensive Tactics Course, CMS Defensive Tactics Instructor Courses, CMS Criminal Justice Firearms Course, CMS Firearms Instructor Courses, CMS Law Enforcement Vehicle Operations Course, CMS Vehicle Operations Instructor Courses, CMS First Aid for Criminal Justice Officers Course, and CMS First Aid Instructor Courses.

(a) through (d) No change.

	Topic Areas	Course Number	Minimum Hours
1.	Administration		1
2.	Community Interaction		6
3.	Introduction to Basic Law		24
4.	Post Crime Considerations		6
5.	Introduction to Traffic		5
6.	Field Activities		21 12
7.	CMS First Aid for Criminal Justice Officers	CJK_0031	40
8.	<u>Dart-Firing Stun Gun</u>	<u>CJK_0421</u>	<u>6.0</u>
	Total Law Enforcement Auxiliary Officer Prerequisite Course Hours		109 94
(b)	CMS Criminal Justice Firearms	CJK_0040	80
(c)	CMS Criminal Justice Defensive Tactics	CJK_0050	80
(d)	CMS Law Enforcement Vehicle Operations (Optional: Based on employing agency requirements)	CJK_0020	48
	Total Law Enforcement Auxiliary Officer Program Hours		317 302

(6) Correctional Auxiliary Officer Basic Recruit Training Program requirements.

(e) CMS First Aid for Criminal Justice Officers Course.

1. No change.

2. A basic recruit student shall demonstrate the required First Aid High-Liability Proficiency Skills at 100% with the results recorded on the required CMS First Aid Performance Evaluation, form CJSTC-5 CMS, revised August 3, 2006 ~~created May 6, 2004~~, hereby incorporated by reference.

(f) No change.

(g) CMS Law Enforcement Vehicle Operations Course.

1. No change.

2. A basic recruit student shall demonstrate the required Vehicle Operations Proficiency Skills with four out of five runs (80%) for each exercise, with the results recorded on the required CMS Vehicle Operations Performance Evaluation, form CJSTC-7 CMS, revised August 3, 2006 ~~May 5, 2005~~, hereby incorporated by reference.

(h) No change.

Specific 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, _____.

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

(1) through (4) No change.

(5) Law Enforcement Auxiliary Officer Basic Recruit Training Program requirements.

(a) Law Enforcement Auxiliary Officer Prerequisite Course topics effective January 1, 1997, Course Number 211:

(a) Correctional Auxiliary Officer Prerequisite Course topics effective January 1, 1997, (Course Number 501):

(b) through (c) No change.

(7) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(5), 943.17(1)(a) FS. History–New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06,_____.

11B-35.006 Advanced Training Program.

(1) No change.

(2) The following is a complete list of Advanced Training Program Courses:

Course Number	Course Name	Course Hours
016	Narcotics and Dangerous Drugs Investigations Identification and Investigation	40 hours
050	Stress Awareness and Management Techniques	40 hours
055	Sex Crimes Investigation (Retired 12/31/06)	40 hours
058	Supervision of the Youthful Offender Program	40 hours
072	Firefighting Fire Fighting for Correctional Officers	40 hours
073	Community and Human and Community Relations	40 hours
074	Substance Abuse and Drug Abuse Awareness and Education	40 hours
080	Computers and Technology Applications in Criminal Justice	40 hours
095	Laser Speed Measurement Operators Course for Law Enforcement Officers (Retired 12/31/06)	40 hours
100	Crimes Against the Elderly and Disabled	40 hours
1153	Computer Crimes Investigations	40 hours
1154	Financial Fraud Investigations	40 hours
1158	Laser and Radar Speed Measurement Course (Effective 1/1/07)	40 hours
1161	Managing and Communicating with Inmates and Offenders (Effective 11/16/06)	40 hours
1164	Inmate Manipulation (Effective 11/16/06)	40 hours

(3) through (4) No change.

(5) To successfully complete an Advanced Training Program Course, a student shall comply with student attendance, performance, and course documentation requirements pursuant to Rule 11B-35.001, F.A.C.

(a) No change.

(b) A Laser and Radar Operator Performance Report form CJSTC-11, created August 3, 2006, hereby incorporated by reference Laser Operator Performance Report, form CJSTC-9, revised May 5, 2005, hereby incorporated by reference, shall be completed for the Laser Speed Measurement Operators Course for Law Enforcement Officers.

(6) No change.

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

11B-35.007 Specialized Training Program.

(1) through (2) No change.

(3) Specialized Instructor Training Courses. Courses developed and approved by the Commission for instructor training shall be delivered in their entirety by a training school for an individual to qualify to apply as a Commission-certified instructor. Commission-approved Specialized Instructor Training Courses are:

(a) through (q) No change.

	Course Number	Course Names	Course Hours
(r)	1108	Radar Speed Measurement Instructor Course for Law Enforcement Officers (Retired 12/31/06)	40
(s)	1109	Laser Speed Measurement Device (LSMD) Instructor Transition Course for Radar Instructors (To be retired 12/31/08)	24
(t) through (u) No change.			
(v)	1159	Laser and Radar Speed Measurement Instructor Course for Law Enforcement Officers (Effective 1/1/07)	40

(4) Commission-approved Specialized Training Program Courses developed and approved by the Commission that have

not been designated as Commission-approved Advanced Training Program Courses:

(a) through (i) No change.

	Course Number	Course Names	Course Hours
(j)	1113	Laser Speed Measurement Device (LSMD) Transition Operators Course for Radar Operators <u>(To be retired 12/31/08)</u>	12

(k) through (ee) No change.

(ff)	1160	Dart-Firing Stun Gun	6.0
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(5) through (7) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.175, 943.25 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,_____.

11B-35.009 Exemption from Basic Recruit Training.

(1) through (4) No change.

(5) Documentation requirements for out-of-state, federal, and inactive Florida Officers. Upon verification of an individual’s request for exemption of training, pursuant to this rule section, an employing agency or Criminal Justice Selection Center shall submit to Commission staff a completed Equivalency-of-Training, form CJSTC-76, revised May 6, 2004, hereby incorporated by reference, for out-of-state, federal, and inactive Florida Officers. Supporting documentation verifying the individual’s compliance with comparable basic recruit training and sworn criminal justice experience pursuant to this rule section shall be maintained on file by the employing agency or Criminal Justice Selection Center and submitted to Commission staff for review. The agency shall be notified of the approval or denial of the requested exemption of certification in writing within 30 working days. Any appeal of denial of exemption is governed by If the exemption is denied, the individual shall be granted a hearing pursuant to Section 120.57, F.S.

(6) High-Liability Basic Recruit Training proficiency skills requirements for out-of-state, federal, or inactive Florida officers. Prior to applying for certification, an out-of-state or federal officer, or inactive Florida officer, who is exempt from completing a Commission-approved Basic Recruit Training Program, pursuant to Section 943.131(2), F.S., shall demonstrate proficiency in the required High-Liability Basic Recruit Training Proficiency Skills of vehicle operations, firearms, defensive tactics, and first aid, pursuant to Rule 11B-35.0024, F.A.C., for the discipline for which certification is sought. Such officers shall achieve a passing score on the State Officer Certification Examination, pursuant to paragraph 11B-30.008(2)(c), F.A.C. Demonstration of proficiency in the required High-Liability Basic Recruit Training Proficiency Skills and passing the State Officer Certification Examination shall be completed within one year after receiving exemption. Upon demonstration of proficiency in the required High-Liability Basic Recruit Training Proficiency Skills, the training school shall complete an Equivalency-of-Training

Proficiency Demonstration, form CJSTC-76A, revised May 5, 2005, hereby incorporated by reference, and provide a copy to the officer of both form CJSTC-76A and the Commission-approved Examination Admission Voucher, form CJSTC-517 ~~of the form to the officer.~~ The training center director or designee shall, within thirty days of course completion, electronically transmit a completed Training Report form CJSTC-67 through the Commission’s ATMS, or submit an updated form CJSTC-67.

(7) through (8) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.131(2) FS. History–New 1-2-97, Amended 7-7-99, 11-5-02, 11-30-04, 3-27-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Donna Hunt, (850)410-8516
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Vickie Marsey, (850)410-8660
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE CHAPTER NO.: 11C-4
RULE CHAPTER TITLE: Crime Information Bureau; Criminal History Records; Fingerprinting and Reports
RULE NOS.: 11C-4.003, 11C-4.004
RULE TITLES: Arrest Fingerprint Card Submission, Criminal Justice Information Services Procedural Manual

PURPOSE AND EFFECT: Proposed revisions to Chapter 11C-4, F.A.C., are necessary to update procedures and technology for submission of arrest fingerprint cards.

SUMMARY: The proposed rule provides for arrest fingerprint cards to be submitted in a digitized format and removes the reference to an obsolete manual.

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

STATE OF FLORIDA
FLORIDA DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11C-4 FLORIDA ADMINISTRATIVE CODE
AMENDING SECTION 11C-4.003 and 11C-4.004, F.A.C.
CRIME INFORMATION BUREAU; CRIMINAL HISTORY
RECORDS; FINGERPRINTING AND REPORTS

SUMMARY OF PROPOSED RULE

The proposed rule provides for arrest fingerprint cards to be submitted in a digitized format and removes the reference to an obsolete manual.

JUSTIFICATION OF PROPOSED RULE

Proposed revisions to Chapter 11C-4, F.A.C., are necessary to update procedures and technology for submission of arrest fingerprint cards.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on December 15, 2006, for a hearing to be held on January 10, 2007, if requested.

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

(a) through (i) No change.

	Course Number	Course Names	Course Hours
(j)	1113	Laser Speed Measurement Device (LSMD) Transition Operators Course for Radar Operators <u>(To be retired 12/31/08)</u>	12

(k) through (ee) No change.

(ff)	1160	Dart-Firing Stun Gun	6.0
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(5) through (7) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.175, 943.25 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,_____.

11B-35.009 Exemption from Basic Recruit Training.

(1) through (4) No change.

(5) Documentation requirements for out-of-state, federal, and inactive Florida Officers. Upon verification of an individual’s request for exemption of training, pursuant to this rule section, an employing agency or Criminal Justice Selection Center shall submit to Commission staff a completed Equivalency-of-Training, form CJSTC-76, revised May 6, 2004, hereby incorporated by reference, for out-of-state, federal, and inactive Florida Officers. Supporting documentation verifying the individual’s compliance with comparable basic recruit training and sworn criminal justice experience pursuant to this rule section shall be maintained on file by the employing agency or Criminal Justice Selection Center and submitted to Commission staff for review. The agency shall be notified of the approval or denial of the requested exemption of certification in writing within 30 working days. Any appeal of denial of exemption is governed by If the exemption is denied, the individual shall be granted a hearing pursuant to Section 120.57, F.S.

(6) High-Liability Basic Recruit Training proficiency skills requirements for out-of-state, federal, or inactive Florida officers. Prior to applying for certification, an out-of-state or federal officer, or inactive Florida officer, who is exempt from completing a Commission-approved Basic Recruit Training Program, pursuant to Section 943.131(2), F.S., shall demonstrate proficiency in the required High-Liability Basic Recruit Training Proficiency Skills of vehicle operations, firearms, defensive tactics, and first aid, pursuant to Rule 11B-35.0024, F.A.C., for the discipline for which certification is sought. Such officers shall achieve a passing score on the State Officer Certification Examination, pursuant to paragraph 11B-30.008(2)(c), F.A.C. Demonstration of proficiency in the required High-Liability Basic Recruit Training Proficiency Skills and passing the State Officer Certification Examination shall be completed within one year after receiving exemption. Upon demonstration of proficiency in the required High-Liability Basic Recruit Training Proficiency Skills, the training school shall complete an Equivalency-of-Training

Proficiency Demonstration, form CJSTC-76A, revised May 5, 2005, hereby incorporated by reference, and provide a copy to the officer of both form CJSTC-76A and the Commission-approved Examination Admission Voucher, form CJSTC-517 of the form to the officer. The training center director or designee shall, within thirty days of course completion, electronically transmit a completed Training Report form CJSTC-67 through the Commission’s ATMS, or submit an updated form CJSTC-67.

(7) through (8) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.131(2) FS. History–New 1-2-97, Amended 7-7-99, 11-5-02, 11-30-04, 3-27-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Donna Hunt, (850)410-8516
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Vickie Marsey, (850)410-8660
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE CHAPTER NO.: 11C-4
RULE CHAPTER TITLE: Crime Information Bureau; Criminal History Records; Fingerprinting and Reports
RULE NOS.: 11C-4.003, 11C-4.004
RULE TITLES: Arrest Fingerprint Card Submission, Criminal Justice Information Services Procedural Manual

PURPOSE AND EFFECT: Proposed revisions to Chapter 11C-4, F.A.C., are necessary to update procedures and technology for submission of arrest fingerprint cards.

SUMMARY: The proposed rule provides for arrest fingerprint cards to be submitted in a digitized format and removes the reference to an obsolete manual.

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

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

SPECIFIC AUTHORITY: 943.03(4), 943.05(2)(d), 943.051(2) FS.

LAW IMPLEMENTED: 943.05, 943.051 FS.

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

DATE AND TIME: January 10, 2007, 10:00 a.m.

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

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: Jean Itzin at (850)410-7890. 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: Jean Itzin, Florida Department of Law Enforcement, Criminal Justice Information Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7890

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-4.003 Arrest Fingerprint Card Submission.

All law enforcement agencies of the State shall take the following action on all felony, misdemeanor, or comparable ordinance arrests of adults and on all felony and statutorily specified misdemeanor arrests of juveniles:

(1) Complete at the time of arrest, ~~as outlined in the Department's Criminal Justice Information Services Procedural Manual,~~ an electronic submission of criminal arrest and fingerprint information containing legible quality fingerprint impressions, or a hard fingerprint card ~~an electronic equivalent~~. The state identification number (FDLE NO.) should be recorded on each arrest fingerprint card when the arrestee has a prior arrest record.

(2) A minor transferred for prosecution as an adult shall be fingerprinted and the notation, "Treat as an adult," shall be recorded on the criminal arrest fingerprint card by the arresting agency or clerk of certifying court.

(3) Submit on a daily basis all completed fingerprint cards to: Florida Department of Law Enforcement, Attention: ~~Florida~~ Crime Information Center Bureau, Post Office Box 1489, Tallahassee, Florida 32302-1489.

Specific Authority 943.03(4), 943.05(2)(d), 943.051(2) FS. Law Implemented 943.05, 943.051 FS. History--New 6-24-76, Amended 6-27-78, Formerly 11C-4.03, Amended 7-7-99, _____.

11C-4.004 Criminal Justice Information Services Procedural Manual.

Specific Authority 943.03(4), 943.05(2)(d), 943.051 FS. Law Implemented 220.187(6), 943.05, 943.051, 943.053(11), 943.13(5), 985.407(4), 1002.421(3), 1012.32(3), 1012.465(2), 1012.56(9) FS. History--New 6-24-76, Amended 6-27-78, 3-18-85, Formerly 11C-4.04, Amended 7-7-99, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jean Itzin, Bureau Chief, Criminal Justice Information Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7890

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Donna Uzzell, Director, Criminal Justice Information Services, Florida Department Of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

**DEPARTMENT OF LAW ENFORCEMENT
Division of Criminal Justice Information Systems**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

11C-6 Criminal History Records
Dissemination Policy

RULE NO.: RULE TITLE:
11C-6.010 Retention of Applicant Fingerprints

PURPOSE AND EFFECT: Proposed revisions to Chapter 11C-6, F.A.C., are necessary to update procedures for fingerprint retention.

SUMMARY: Requires that applicant fingerprints be submitted in a digital format, revises the procedures for submission of information and payment of fees for the Applicant Fingerprint Retention and Notification Program (AFRNP).

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

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

SPECIFIC AUTHORITY: 987.407(4), 1012.32(3), 1012.465, 1012.56 FS.

LAW IMPLEMENTED: 220.187(6), 744.3135(3), 943.053(11), 943.13(5), 987.407(4), 1002.421(3), 1012.32(3), 1012.465(2), 1012.56(9) FS.

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

DATE AND TIME: January 10, 2007, 10:00 a.m.

STATE OF FLORIDA

FLORIDA DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11C-7 FLORIDA ADMINISTRATIVE CODE

AMENDING SECTION 11C-7.008, F.A.C.

CRIMINAL HISTORY RECORDS; EXPUNCTION AND SEALING

POLICY AND PROCEDURES

SUMMARY OF PROPOSED RULE

The proposed rule adds statutorily mandated requirements for those requesting an administrative expunction of Florida criminal history records that are made contrary to law or by mistake.

JUSTIFICATION OF PROPOSED RULE

Proposed revisions to Chapter 11C-7, F.A.C., are necessary to conform to the 2006 statutory amendments pertaining to administrative expunction.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on December 15, 2006, for a hearing to be held on January 10, 2007, if requested.

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

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Martha Wright, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7000

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-6.010 Retention of Applicant Fingerprints.

(1) The Florida Department of Law Enforcement shall enter and retain in the Automated Fingerprint Identification System (AFIS) the applicant fingerprints submitted for state and national criminal history checks by agencies having statutory authorization, as indicated in the Law Implemented section below, to participate in the Applicant Fingerprint Retention and Notification Program (AFRNP) for current and prospective employees, contractors, volunteers, and persons seeking to be licensed or certified.

(2) Such applicant fingerprints shall be submitted ~~on a paper~~ in a digitized format for entry into AFIS, and shall be retained in the AFRNP database, in such a manner as to be distinct from the criminal history record database.

(3) through (6) No change.

(7) Governmental agencies will be charged this fee annually, in advance, on the anniversary of the individual applicant's initial entry into the program. ~~in one of two ways according to the agency's preference:~~

~~(a) Annually in advance on October 1; or~~

~~(b) Annually in advance on the anniversary of the individual applicant's initial entry into the program.~~

(8) As a condition of participation in the AFRNP, the agency must inform the Department in writing and receive written confirmation from the Department of all persons with retained fingerprints who are no longer employed, licensed, certified, or otherwise associated with the agency in order that such persons may be removed from the AFRNP database. With respect to any person previously entered in the database for whom the Department does not receive notification of removal by 30 days prior to the anniversary date, September 29 in the case of the first billing option above at subsection (7), or by two days prior to the anniversary date in the case of the second billing option, the annual fee must be paid.

Specific Authority 987.407(4), 1012.32(3), 1012.465, 1012.56 FS. Law Implemented 220.187(6), 744.3135(3), 943.053(11), 943.13(5), 987.407(4), 1002.421(3), 1012.32(3), 1012.465(2), 1012.56(9) FS. History--New 11-30-04, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha Wright, Bureau Chief, Criminal Justice User Services
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Donna Uzzell, Director, Criminal Justice Informations Services, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE NO.: 11C-7.008
 RULE TITLE: Administrative Expunction Procedures

PURPOSE AND EFFECT: Implements new requirements for the administrative expunction of Florida criminal history arrest records that are made contrary to law or by mistake.

SUMMARY: The proposed rule adds statutorily mandated requirements for those requesting an administrative expunction of Florida criminal history records that are made contrary to law or by mistake.

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

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

SPECIFIC AUTHORITY: 943.051 FS.

LAW IMPLEMENTED: 943.051 FS.

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

DATE AND TIME: January 10, 2007, 10:00 a.m.

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

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 hours before the workshop/meeting by contacting: Jean Itzin at (850)410-7890. 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: Jean Itzin, Florida Department of Law Enforcement, Criminal Justice Information Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7890

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-7.008 Administrative Expunction Procedures.

(1) Non-judicial records of arrest made contrary to law or by mistake will be administratively expunged by the Department, upon application by the arresting law enforcement agency, or by the person arrested or, in the case of a minor child, the parent or legal guardian of the minor person arrested. An application submitted by the person arrested, or the parent or legal guardian of the minor person arrested, shall be supported by the endorsement of the head of the arresting agency or of the state attorney of the judicial circuit in which the arrest occurred.

~~(2) Application for administrative expunction requires either that the arresting law enforcement agency has determined that the arrest was made contrary to law or by mistake; or that a court of competent jurisdiction has entered a final order finding that the arrest was made contrary to law or by mistake. Arrest records which are mistakenly or improperly forwarded to the Department for processing and retention as eriminal history records will be administratively expunged by the Department.~~

~~(3) An application for administrative expunction must be in writing. If submitted by the arresting law enforcement agency, the application shall be on agency letterhead, and signed by the head of the arresting agency, chief law enforcement officer or his or her authorized designee. An application submitted by the person arrested or the parent or legal guardian of the minor person arrested, must be in writing and must identify the relationship of the person signing the application to the person arrested. If the chief law enforcement officer of the arresting agency in Florida requests an administrative expunction as to particular record of an arrest made by the agency, the Department shall comply provided that the request is in writing, on agency letterhead, and signed by the chief law enforcement officer or his authorized designee.~~

~~(4) A supporting endorsement of an application submitted by the person arrested or the parent or legal guardian of the minor person arrested, must be in writing, on agency letterhead, and signed by the head of the arresting agency or his or her authorized designee or by the state attorney of the judicial circuit in which the arrest occurred or his or her authorized designee. Written documents related to administrative expunctions shall make specific reference to identifying information, including:~~

- ~~(a) Name;~~
- ~~(b) Alias/Maiden Name(s);~~
- ~~(c) Sex;~~
- ~~(d) Race;~~
- ~~(e) Date of Birth;~~
- ~~(f) Social Security Number (If Available);~~
- ~~(g) Date of Arrest;~~
- ~~(h) Arrest Number and Original Charges;~~

~~(i) FDLE Number and FBI Number (If Applicable and Known);~~

~~(j) Reason For Administrative Expunction.~~

~~(5) An application for administrative expunction submitted by the arresting law enforcement agency, or the supporting endorsement in the case of an application submitted by the person arrested, or the parent or legal guardian of the minor person arrested, shall identify the arrest to be expunged by providing the following information. Written documents related to administrative expunctions shall make specific reference to identifying information, including:~~

- ~~(a) Name;~~
- ~~(b) Alias/Maiden Name(s);~~
- ~~(c) Sex;~~
- ~~(d) Race;~~
- ~~(e) Date of Birth;~~
- ~~(f) Social Security Number (Not required);~~
- ~~(g) Date of Arrest;~~
- ~~(h) Arrest Number and Original Charges;~~
- ~~(i) FDLE Number and FBI Number (If Applicable and Known);~~

~~(j) Reason For Administrative Expunction.~~

~~An individual may request that the chief law enforcement officer of the arresting agency request an administrative expunction pursuant to this section. The procedures by which an individual may secure an administrative correction of the eriminal history record pertaining to the individual are set out in Chapter 11C 8, F.A.C.~~

~~(6) Any application for administrative expunction, whether submitted by the arresting law enforcement agency or by the person arrested or the parent or legal guardian of the minor person arrested, must be supported by an affidavit executed by the chief of the arresting law enforcement agency, sheriff, or department head of the arresting state law enforcement agency in which the affiant verifies that he or she has reviewed the record of the arrest and that the arrest was contrary to law or was a mistake. The affidavit shall include the date and time of the arrest, the name of the arresting officer, the name of the person arrested, and the crime or crimes charged and shall be submitted directly to the Department by the arresting law enforcement agency. An application which does not include this affidavit, in the form prescribed, will be rejected by the Department and a written explanation of the reason for rejection will be provided to the applicant by the Department. A copy of the rejection notice and explanation will also be provided to the arresting agency if that agency has made a submission in support of the application.~~

~~(7) No application, endorsement, or affidavit made under this section shall be admissible as evidence in any judicial or administrative proceeding or otherwise be construed in any way as an admission of liability in connection with an arrest.~~

(8) The procedures by which an individual may secure an administrative correction of the criminal history record pertaining to the individual are set out in Chapter 11C-8, F.A.C. Non-criminal arrest records which are mistakenly or improperly forwarded to the Department for processing and retention as criminal history records will be removed as an administrative correction expunge by the Department.

Specific Authority 943.03, 943.0581 FS. Law Implemented 943.0581 FS. History—New 8-5-92, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jean Itzin, Bureau Chief, Criminal Justice Information Program

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Donna Uzzell, Director, Criminal Justice Informations Services, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF LAW ENFORCEMENT

Division of Local Law Enforcement Assistance

RULE CHAPTER NO.: RULE CHAPTER TITLE:

11D-6 DNA Database Collection

RULE NO.: RULE TITLE:

11D-6.001 Definitions

PURPOSE AND EFFECT: To update the statute references in subsection 11D-6.001(3), F.A.C.

SUMMARY: The proposed rule updates statutory references pertaining to the definition of offender as it applies to the collection of specimens for the DNA database.

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

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

SPECIFIC AUTHORITY: 943.03(4), 943.325(9)(d) FS.

LAW IMPLEMENTED: 943.325 FS.

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

DATE AND TIME: January 10, 2007, 10:00 a.m.

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

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: Lisa Bohl at (850)410-7000.

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: Lisa Bohl at (850)410-7000

THE FULL TEXT OF THE PROPOSED RULE IS:

11D-6.001 Definitions.

As used in Rule 11D-6.003, F.A.C., the following definitions apply:

(1) “Blood sample” shall mean a specimen of whole blood, at least 7 cc in volume.

(2) “Other approved biological specimen” shall mean epithelial cells collected from the cheek in the oral cavity utilizing an FDLE-approved swab collection kit.

(3) “Offender” shall mean a person meeting any of the criteria specified in Sections 943.325(1), 943.325(10)(c), 943.325(11), 947.1405(7)(a)9., 948.03(1)(n), 947.1405(7); 948.03(5)(a)8. or 948.30(1)(i) 948.03(10), F.S.

Specific Authority 943.03(4), 943.325(9)(d) FS. Law Implemented 943.325 FS. History—New 7-4-90, Amended 7-6-99, 8-22-00, 11-5-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lisa Bohl, Florida Department of Law Enforcement, DNA Database Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7000

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David Coffman, Chief Of Forensic Services, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiners Commission

RULE CHAPTER NO.: RULE CHAPTER TITLE:

11G-2 Standard Investigation Procedures

RULE NOS.: RULE TITLES:

11G-2.002 Identification

11G-2.006 Practice Guidelines

PURPOSE AND EFFECT: To update procedures followed by the medical examiners in the process of identifying deceased bodies and to recognize the use of new tools for identification.

STATE OF FLORIDA
FLORIDA DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11D-6 FLORIDA ADMINISTRATIVE CODE
AMENDING SECTION 11D-6.001, F.A.C.
DNA DATABASE COLLECTION
SUMMARY OF PROPOSED RULE

The proposed rule updates statutory references pertaining to the definition of offender as it applies to the collection of specimens for the DNA database.

JUSTIFICATION OF PROPOSED RULE

Proposed revisions to Chapter 11D-6, F.A.C., are necessary to update statutory references.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on December 15, 2006, for a hearing to be held on January 10, 2007, if requested.

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

(8) The procedures by which an individual may secure an administrative correction of the criminal history record pertaining to the individual are set out in Chapter 11C-8, F.A.C. Non-criminal arrest records which are mistakenly or improperly forwarded to the Department for processing and retention as criminal history records will be removed as an administrative correction expunge by the Department.

Specific Authority 943.03, 943.0581 FS. Law Implemented 943.0581 FS. History—New 8-5-92, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jean Itzin, Bureau Chief, Criminal Justice Information Program

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Donna Uzzell, Director, Criminal Justice Informations Services, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF LAW ENFORCEMENT

Division of Local Law Enforcement Assistance

RULE CHAPTER NO.: RULE CHAPTER TITLE:

11D-6 DNA Database Collection

RULE NO.: RULE TITLE:

11D-6.001 Definitions

PURPOSE AND EFFECT: To update the statute references in subsection 11D-6.001(3), F.A.C.

SUMMARY: The proposed rule updates statutory references pertaining to the definition of offender as it applies to the collection of specimens for the DNA database.

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

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

SPECIFIC AUTHORITY: 943.03(4), 943.325(9)(d) FS.

LAW IMPLEMENTED: 943.325 FS.

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

DATE AND TIME: January 10, 2007, 10:00 a.m.

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

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: Lisa Bohl at (850)410-7000.

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: Lisa Bohl at (850)410-7000

THE FULL TEXT OF THE PROPOSED RULE IS:

11D-6.001 Definitions.

As used in Rule 11D-6.003, F.A.C., the following definitions apply:

(1) “Blood sample” shall mean a specimen of whole blood, at least 7 cc in volume.

(2) “Other approved biological specimen” shall mean epithelial cells collected from the cheek in the oral cavity utilizing an FDLE-approved swab collection kit.

(3) “Offender” shall mean a person meeting any of the criteria specified in Sections 943.325(1), 943.325(10)(c), 943.325(11), 947.1405(7)(a)9., 948.03(1)(n), 947.1405(7); 948.03(5)(a)8. or 948.30(1)(i) 948.03(10), F.S.

Specific Authority 943.03(4), 943.325(9)(d) FS. Law Implemented 943.325 FS. History—New 7-4-90, Amended 7-6-99, 8-22-00, 11-5-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lisa Bohl, Florida Department of Law Enforcement, DNA Database Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7000

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David Coffman, Chief Of Forensic Services, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiners Commission

RULE CHAPTER NO.: RULE CHAPTER TITLE:

11G-2 Standard Investigation Procedures

RULE NOS.: RULE TITLES:

11G-2.002 Identification

11G-2.006 Practice Guidelines

PURPOSE AND EFFECT: To update procedures followed by the medical examiners in the process of identifying deceased bodies and to recognize the use of new tools for identification.

STATE OF FLORIDA

FLORIDA DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11G-2 FLORIDA ADMINISTRATIVE CODE

AMENDING SECTIONS 11G-2.001 and 11G-2.006, F.A.C.

STANDARD INVESTIGATION PROCEDURES

SUMMARY OF PROPOSED RULE

11G-2.002: Revises procedures regarding the identification of a deceased body. 11G-2.006: Revises the duties and standards of care for Medical Examiners.

JUSTIFICATION OF PROPOSED RULE

Proposed revisions to Chapter 11G-2, F.A.C., are necessary to update procedures followed by the medical examiners in the process of identifying deceased bodies and to recognize the development of new tools for identification. Practice Guidelines are revised to assure uniformity in the services rendered statewide by Medical Examiners in performance of their statutory duties.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on December 15, 2006, for a hearing to be held on January 10, 2007, if requested.

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

(8) The procedures by which an individual may secure an administrative correction of the criminal history record pertaining to the individual are set out in Chapter 11C-8, F.A.C. Non-criminal arrest records which are mistakenly or improperly forwarded to the Department for processing and retention as criminal history records will be removed as an administrative correction expunge by the Department.

Specific Authority 943.03, 943.0581 FS. Law Implemented 943.0581 FS. History—New 8-5-92, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jean Itzin, Bureau Chief, Criminal Justice Information Program

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Donna Uzzell, Director, Criminal Justice Informations Services, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF LAW ENFORCEMENT

Division of Local Law Enforcement Assistance

RULE CHAPTER NO.: RULE CHAPTER TITLE:

11D-6 DNA Database Collection

RULE NO.: RULE TITLE:

11D-6.001 Definitions

PURPOSE AND EFFECT: To update the statute references in subsection 11D-6.001(3), F.A.C.

SUMMARY: The proposed rule updates statutory references pertaining to the definition of offender as it applies to the collection of specimens for the DNA database.

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

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

SPECIFIC AUTHORITY: 943.03(4), 943.325(9)(d) FS.

LAW IMPLEMENTED: 943.325 FS.

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

DATE AND TIME: January 10, 2007, 10:00 a.m.

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

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: Lisa Bohl at (850)410-7000.

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: Lisa Bohl at (850)410-7000

THE FULL TEXT OF THE PROPOSED RULE IS:

11D-6.001 Definitions.

As used in Rule 11D-6.003, F.A.C., the following definitions apply:

(1) “Blood sample” shall mean a specimen of whole blood, at least 7 cc in volume.

(2) “Other approved biological specimen” shall mean epithelial cells collected from the cheek in the oral cavity utilizing an FDLE-approved swab collection kit.

(3) “Offender” shall mean a person meeting any of the criteria specified in Sections 943.325(1), 943.325(10)(c), 943.325(11), 947.1405(7)(a)9., 948.03(1)(n), 947.1405(7); 948.03(5)(a)8. or 948.30(1)(i) 948.03(10), F.S.

Specific Authority 943.03(4), 943.325(9)(d) FS. Law Implemented 943.325 FS. History—New 7-4-90, Amended 7-6-99, 8-22-00, 11-5-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lisa Bohl, Florida Department of Law Enforcement, DNA Database Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7000

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David Coffman, Chief Of Forensic Services, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiners Commission

RULE CHAPTER NO.: RULE CHAPTER TITLE:

11G-2 Standard Investigation Procedures

RULE NOS.: RULE TITLES:

11G-2.002 Identification

11G-2.006 Practice Guidelines

PURPOSE AND EFFECT: To update procedures followed by the medical examiners in the process of identifying deceased bodies and to recognize the use of new tools for identification.

Practice Guidelines are revised to assure uniformity in the services rendered statewide by Medical Examiners in performance of their statutory duties.

SUMMARY: Rule 11G-2.002, F.A.C.: Revises procedures regarding the identification of a deceased body. Rule 11G-2.006, F.A.C.: Revises the duties and standards of care for Medical Examiners.

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

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

SPECIFIC AUTHORITY: 406.04 FS.

LAW IMPLEMENTED: 406.075, 406.11, 406.13, 406.145 FS. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 10, 2007, 10:00 a.m. PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bureau Chief Vickie Marsey at (850)410-8600

THE FULL TEXT OF THE PROPOSED RULES IS:

11G-2.002 Identification.

(1) The body shall be identified as soon as possible. If necessary to make an identification, the medical examiner shall determine and record the following information:

(a) Photograph and record a detailed description of the body; A detailed physical description, including a clothing, and personal effects; inventory;

(b) Obtain cComplete skeletal x-rays;;

(c) Create tThorough dental charts and x-rays;;

(d) Blood groupings Retain samples for possible DNA profiling; and

(e) Obtain a complete set of fFingerprints, if possible, and these shall be forwarded to the Department by the medical examiner or through the investigating law enforcement agency.

(2) In all cases, a photograph of the face shall be taken. If no identification has been made within seven days, the above information shall be furnished to the Department on a form furnished for that purpose. If identification is subsequently made, the medical examiner shall inform the Department.

(3) In all cases, a photograph of the face shall be taken, and in cases of questionable identity, fingerprints shall be taken on forms provided by the Department and these shall be forwarded to the Department through the appropriate law enforcement agency.

(3)(4) The medical examiner shall retain unidentified remains and preserve them in accordance with the law.

(4)(5) In the case of apparent criminal homicide, the medical examiner shall take all actions necessary so that he can testify to the identity of the deceased.

Specific Authority 406.04 FS. Law Implemented 406.11, 406.13, 406.145 FS. History--New 10-18-81, Formerly 11G-2.02, Amended 8-22-00,_____.

11G-2.006 Practice Guidelines.

The duties and standards of care of a medical examiner are to be consistent with those contained in the Practice Guidelines for Florida Medical Examiners, Sponsored by the Florida Association of Medical Examiners, which publication is dated 8-9-2006 5-15-2003 and is hereby incorporated by reference.

Specific Authority 406.04 FS. Law Implemented 406.075, 406.11, 406.13 FS. History--New 7-29-01, Amended 11-30-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Luten, Florida Department of Law Enforcement, Medical Examiner's Commission, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8609

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Vicki Marsey, Bureau Chief of Standards, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF LAW ENFORCEMENT

Office of Inspector General

Table with 2 columns: RULE CHAPTER NO. and RULE CHAPTER TITLE. Rows include 11N-1 Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account, 11N-1.002 Criteria, 11N-1.0031 Limitations on Drug Control Investigative Funding, 11N-1.004 Procedures for Emergency Violent Crime Investigative Funding, 11N-1.005 Procedures for Formal Funding Requests for Violent Crime Investigative Reimbursement Funding.

STATE OF FLORIDA

FLORIDA DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11N-1 FLORIDA ADMINISTRATIVE CODE

AMENDING SECTIONS 11N-1.002 through 11N-1.009, FAC.

VIOLENT CRIME INVESTIGATIVE EMERGENCY AND DRUG CONTROL

STRATEGY IMPLEMENTATION ACCOUNT

SUMMARY OF PROPOSED RULE

Amendments to 11N-1 update program and contact names, revises forms to capture budgetary information from agencies to demonstrate funding criteria “beyond the resources” in order to receive funds from the Violent Crime and Drug Control Strategy Implementation Account, update the name of the Program Area tasked to provide staff support to the Violent Crime and Drug Control Council, funding request deadline changed to allow staff more time to process requests, ensure the information agencies send to FDLE is received in a timely manner, clarify which forms must be sent to which workgroup, change the recipient for Victim/Witness applications from an individual to a position.

JUSTIFICATION OF PROPOSED RULE

Proposed revisions to Chapter 11N-1, F.A.C., are necessary to update program procedures and forms.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on December 15, 2006, for a hearing to be held on January 10, 2007, if requested.

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

Practice Guidelines are revised to assure uniformity in the services rendered statewide by Medical Examiners in performance of their statutory duties.

SUMMARY: Rule 11G-2.002, F.A.C.: Revises procedures regarding the identification of a deceased body. Rule 11G-2.006, F.A.C.: Revises the duties and standards of care for Medical Examiners.

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

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

SPECIFIC AUTHORITY: 406.04 FS.

LAW IMPLEMENTED: 406.075, 406.11, 406.13, 406.145 FS. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 10, 2007, 10:00 a.m.

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bureau Chief Vickie Marsey at (850)410-8600

THE FULL TEXT OF THE PROPOSED RULES IS:

11G-2.002 Identification.

(1) The body shall be identified as soon as possible. If necessary to make an identification, the medical examiner shall determine and record the following information:

(a) Photograph and record a detailed description of the body; A detailed physical description, including a clothing, and personal effects; inventory;

(b) Obtain cComplete skeletal x-rays;;

(c) Create tThorough dental charts and x-rays;;

(d) Blood groupings Retain samples for possible DNA profiling; and

(e) Obtain a complete set of fFingerprints, if possible, and these shall be forwarded to the Department by the medical examiner or through the investigating law enforcement agency.

(2) In all cases, a photograph of the face shall be taken. If no identification has been made within seven days, the above information shall be furnished to the Department on a form furnished for that purpose. If identification is subsequently made, the medical examiner shall inform the Department.

(3) In all cases, a photograph of the face shall be taken, and in cases of questionable identity, fingerprints shall be taken on forms provided by the Department and these shall be forwarded to the Department through the appropriate law enforcement agency.

(3)(4) The medical examiner shall retain unidentified remains and preserve them in accordance with the law.

(4)(5) In the case of apparent criminal homicide, the medical examiner shall take all actions necessary so that he can testify to the identity of the deceased.

Specific Authority 406.04 FS. Law Implemented 406.11, 406.13, 406.145 FS. History--New 10-18-81, Formerly 11G-2.02, Amended 8-22-00,_____.

11G-2.006 Practice Guidelines.

The duties and standards of care of a medical examiner are to be consistent with those contained in the Practice Guidelines for Florida Medical Examiners, Sponsored by the Florida Association of Medical Examiners, which publication is dated 8-9-2006 5-15-2003 and is hereby incorporated by reference.

Specific Authority 406.04 FS. Law Implemented 406.075, 406.11, 406.13 FS. History--New 7-29-01, Amended 11-30-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Luten, Florida Department of Law Enforcement, Medical Examiner's Commission, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8609

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Vicki Marsey, Bureau Chief of Standards, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF LAW ENFORCEMENT

Office of Inspector General

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
11N-1	Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account
RULE NOS.:	RULE TITLES:
11N-1.002	Criteria
11N-1.0031	Limitations on Drug Control Investigative Funding
11N-1.004	Procedures for Emergency Violent Crime Investigative Funding
11N-1.005	Procedures for Formal Funding Requests for Violent Crime Investigative Reimbursement Funding

11N-1.0051 Procedures for Funding Requests for Matching Drug Control Investigative Funding

11N-1.007 Annual Audit

11N-1.009 Victim/Witness Protection Program
PURPOSE AND EFFECT: Updates program procedures and forms.

SUMMARY: This rule chapter updates program and contact information, creates and revises forms to capture budgetary information from agencies and provide documentation for audits, expands funding request deadline to provide more time to process requests.

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

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

SPECIFIC AUTHORITY: 943.03(4), 943.042 FS.

LAW IMPLEMENTED: 943.031, 943.042 FS.

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

DATE AND TIME: January 10, 2007, 10:00 a.m.

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

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)410-7096.

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 RULES IS: Joyce Gainous-Harris at (850)410-7096

THE FULL TEXT OF THE PROPOSED RULES IS:

11N-1.002 Criteria.

The Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall be used:

(1) through (2) No change.

(3) Application information, funding criteria, and dates of scheduled VCDCC meetings can be found at <http://www.fdle.state.fl.us>.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History–New 3-10-94, Amended 10-10-95, 10-25-01, 11-5-02,_____.

11N-1.0031 Limitations on Drug Control Investigative Funding.

(1) through (5) No change.

(6) Limits Upon Drug Control Funding.

(a) through (d) No change.

(e) Previously-approved drug investigation initiatives are eligible for additional funding from the Council, up to the funding limits set by Rules 11N-1.003 and 11N-1.0031, F.A.C., and Section 943.031, F.S. In order to receive consideration for additional funding, an entity seeking such consideration must demonstrate:

1. through 3. No change.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History–New 10-25-01, Amended 12-3-03, 3-27-06,_____.

11N-1.004 Procedures for Emergency Violent Crime Investigative Funding.

(1) Requests for violent crime investigative emergency funding up to the maximum of \$25,000 shall be made by a detailed written request demonstrating how emergency funding criteria established in this rule are satisfied and certifying that the requesting agency cannot initiate or continue the investigation without immediate supplemental funding. The request shall be accompanied by ~~f~~Form FDLE/IFS-001 ~~FDLE/OSI-001~~, Violent Crime Investigative Reimbursement Application, revised 08/01/06 ~~10/08/02~~, hereby incorporated by reference, and shall be mailed to the chairperson of the Florida Violent Crime and Drug Control Council, c/o Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302. This form can be obtained by written request to the above address.

(2) No change.

(3) Agencies receiving emergency violent crime investigative funding from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall provide a written quarterly report to the chairperson of the Florida Violent Crime and Drug Control Council of all expenditures from the Account funds. The report shall be accompanied by ~~f~~Form FDLE/IFS-002 ~~FDLE/OSI-002~~, Violent Crime Investigative Quarterly Report, revised 08/01/06 ~~10/08/02~~, hereby incorporated by reference, and shall be mailed to the chairperson of the Florida Violent Crime and Drug Control Council, c/o Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302. This form can be obtained by written request to the above address. Requesting agencies shall retain documentation supporting expenditures from the Account and make these available during the annual evaluation and audit of the trust fund.

(4) No change.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History—New 3-10-94, Amended 10-10-95, 8-22-00, 10-25-01, 12-3-03,_____.

11N-1.005 Procedures for Formal Funding Requests for Violent Crime Investigative Reimbursement Funding.

(1) No change.

(2) In order to assure careful consideration of requests before presentation to the Council, written requests for funding shall be submitted by the head of the Regional Violent Crime Investigative Coordinating Team so that they are received at least ~~30 thirty~~ days prior to the next scheduled Violent Crime and Drug Control Council meeting. Requests shall be mailed to: Florida Violent Crime and Drug Control Council, c/o Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, ~~and shall indicate who will be making the presentation to the Council.~~

(3) Agencies making formal funding requests under this section, shall submit to the Council via the Regional Violent Crime Investigative Coordinating Team a detailed and itemized written request and the head of the requesting agency shall certify in writing that the request complies with the requirements established by this rule for funding. The request shall be accompanied by ~~f~~Form FDLE/IFS-001 ~~FDLE/OSI-001~~. The request shall describe the violent crime case in relation to the criteria established in this rule chapter and shall state details and specifics demonstrating that the resources of each requesting agency are insufficient to meet the investigative or trial expenses in the agency's current fiscal year.

(4) through (5) No change.

(6) Agencies receiving advance funding under this section from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall provide a written quarterly report to the chairperson of the Florida Violent Crime and Drug Control Council of all expenditures from the Account funds. The report for such advance funding shall be accompanied by ~~f~~Form FDLE/IFS-002 ~~FDLE/OSI-002~~. Requesting agencies shall retain documentation supporting expenditures from the Account and make these available during the annual evaluation and audit of the trust fund.

(7) through (9) No change.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History—New 3-10-94, Amended 10-10-95, 10-25-01, 12-3-03, 3-27-06,_____.

11N-1.0051 Procedures for Funding Requests for Drug Control Investigative Funding.

(1) The Department of Law Enforcement has established in each area of the state served by a Department regional office a Regional Drug Enforcement Coordinating Team (Team) to coordinate the identification and development of multi-agency or statewide drug control or illicit money laundering

investigative or task force efforts that significantly contribute to achieving the state's goal of reducing drug-related crime as articulated by the Office of Drug Control, that represent a significant illicit money laundering investigative effort, or that otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under Section 397.333, F.S. Each Team will be under the direction of the Florida Department of Law Enforcement Special Agent in Charge ~~Regional Director~~ for the area of the state in which the Team operates. The Team should be made up of representatives of state, local, and federal law enforcement and prosecuting entities working within the area.

(2) through (4) No change.

(5) Submissions from a Regional Drug Enforcement Coordinating Team shall be made to the Department of Law Enforcement's Investigations and Forensic Science Program (IFS) ~~Office of Statewide Intelligence~~. Materials being submitted shall be secured and transmitted in a manner to assure that the criminal investigative and criminal intelligence information contained is not compromised.

(6) The ~~IFS Office of Statewide Intelligence~~ will receive and review all submissions from the various Regional Drug Enforcement Coordinating Teams utilizing the criteria of this rule, and shall prioritize from the pending submissions those proposals that best meet the criteria of this rule and are determined to be multi-agency or statewide drug control or illicit money laundering investigative or task force efforts that are most likely to significantly contribute to achieving the state's goal of reducing drug-related crime as articulated by the Office of Drug Control, that represent the most significant of proposed illicit money laundering investigative efforts, or are cases that are best believed to otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under Section 397.333, F.S.

(7) The ~~IFS Office of Statewide Intelligence (OSI)~~ shall present to the Council all cases forwarded to it by the regional Teams, indicating its prioritization determinations at a meeting of the Council. The presentation must include a recommendation of which cases ~~IFS OSI~~ believes should receive funding priority and the amount of drug control funding recommended and may identify the relative strengths and weaknesses of the cases under consideration in meeting the underlying goals of Council funding.

(8) The Council will make its drug control funding decisions based upon the information presented to it by ~~IFS OSI~~, or otherwise made available at a Council meeting, and the availability of funds for use by the Council. The Council may direct that approved funding shall be paid in a lump sum or in installments. The Council may fund all, a portion, or none of a request presented to it.

(9) through (10) No change.

(11) If after receipt of funds, it appears that a funded investigative effort will substantially depart from the focus and effort originally approved by the Council, the agencies receiving Council funds shall suspend use of such funds and shall contact the Regional Drug Enforcement Coordinating Team leader and describe the change of focus and effort.

(a) through (b) No change.

(c) The Council may endorse changes of focus or efforts and authorize the continued use of Council funds when receiving progress reports during regularly scheduled meetings provided that the Team and the IFS endorse the new focus or efforts for such continued funding.

(12) In order to assure careful consideration of original requests for drug control funding and resubmitted requests for funding that have been previously denied, the written requests and approvals shall be submitted by the head of the Team to the ~~IFS Office of Statewide Intelligence~~ no later than 30 days prior to the meeting of the Council in which the request for funding might be considered.

(13) Agencies seeking drug control funding under this section shall cooperate with the Team in the agencies' area, and provide all information as requested by the Team to assist in the preparation of a funding request, including information to identify the amounts of agency funds being committed by each participating agency to be matched by Council drug control funds. The head of each requesting agency that seeks to receive Council drug control funds shall include in the submission to the Team a certification in writing that to the agency head's best knowledge and belief, the request complies with the requirements established by law and this rule for funding. The agency head shall also agree to provide requested information to the Council to assist the Council in its performance-monitoring obligations and shall agree to retain proof and documentation as may be required by the Council and to submit to any audits or reviews of agency utilization of Council funds or funds derived from any Council-funded investigative effort as may be performed. The request shall be accompanied by ~~Form~~ FDLE/IFS-003 ~~FDLE/OSI-003~~ Drug Control & Money Laundering Application, revised 08/01/06 ~~12/03/2004~~, incorporated by reference.

(14) through (15) No change.

(16) Council Funding Documentation.

(a) Agencies receiving drug control funding under this section shall provide a written quarterly report of expenditures of Council funds and of the progress of the investigative effort. The report shall be prepared in consultation with the Regional Drug Enforcement Coordinating Team and submitted by that Team through the ~~IFS Office of Statewide Intelligence~~ for compilation and presentation to the Council at a quarterly meeting. Form FDLE/IFS-004A ~~FDLE/OSI-004A~~, Drug Control Quarterly Report, revised 08/01/06 ~~12/03/2004~~, incorporated by reference, shall be utilized to make the report. In addition, the Council may require oral progress reports to be

made at Council meetings by a representative of the Regional Drug Enforcement Coordinating Team or a designee of the lead investigative agency in a funded investigative effort. Agencies receiving Drug Control funding after September 1, 2005, shall utilize FDLE/IFS-004B ~~FDLE/OSI-004B~~, Drug Control Bi-Annual Report, revised 08/01/06 ~~12/03/2004~~, hereby incorporated by reference.

(b) Agencies receiving Council funding shall retain documentation supporting the amounts and purposes of expenditures made from Council funds, the amounts and purposes of expenditure of agency match funds, the performance and accomplishments of the investigative efforts, and shall make these available to the Council upon request. With regard to agency personnel assigned to investigative efforts receiving Council funds, each agency shall retain, and make available to the Council as requested, each employee's official time and leave records and such other documentation demonstrating the time devoted by the employee to the funded investigative effort, but these records shall not be submitted with either FDLE/IFS-004A ~~FDLE/OSI-004A~~ or FDLE/IFS-004B ~~FDLE/OSI-004B~~.

(c) Agencies receiving Council funding shall provide such other information as required by the Council or the ~~IFS Office of Statewide Intelligence~~ in its capacity as support staff, to assist in preparing its annual report to the Legislature, to assist audits of Council activities, or to assist the Council and ~~IFS~~ ~~OSI~~ in fulfilling their role to monitor the performance of funded investigations.

(17) through (18) No change.

(19) If agencies receiving Council funding fail to submit the required forms, FDLE/IFS-004A ~~FDLE/OSI-004A~~ or FDLE/IFS-004B ~~FDLE/OSI-004B~~, by the stated deadline, the Council Chair in consultation with ~~FDLE/IFS~~ ~~OSI~~ staff is authorized to request that all unexpended funds be returned within 30 days. Upon such a finding, the Agency Head of the funded agencies will be notified in writing as to the manner in which such funds must be returned. Any agency that is delinquent in submitting either form FDLE/IFS-004A ~~FDLE/OSI-004A~~ or FDLE/IFS-004B ~~FDLE/OSI-004B~~ by 90 or more days shall be subject to this provision.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 10-25-01, Amended 12-3-03, 3-27-06, _____.

11N-1.007 Annual Audit.

(1) The Department of Law Enforcement will annually arrange for an independent evaluation of the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account to ensure expenditures are consistent with provisions of this rule chapter, and annually arrange for an independent audit of the financial statement.

(2) Upon the lead agency’s receipt of the Council award, the Agency Head and the Chief Financial Officer (CFO) will be required to sign, date, and return the State Financial Assistance form FDLE/IFS-006, created 08/01/06 and incorporated by reference, indicating agreement to maintain the requested documentation detailing the actual funds expended during the investigations, and to provide documentation to an auditor upon request.

(3) Within 30 days of receipt of the award, the lead agency shall mail the signed State Financial Assistance form to: Florida Violent Crime and Drug Control Council, c/o Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302-1489.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History–New 3-10-94, Amended 10-10-95, 10-25-01,_____.

11N-1.009 Victim/Witness Protection Program.

(1) Requests for Victim/Witness Protection funding, pursuant to Section 943.031(6), F.S., must be made using the Victim/Witness Protection Program Application, form FDLE/IFS-005 ~~FDLE/OSI-005~~, revised 08/01/06 ~~10/8/02~~ and incorporated by reference.

(2) In order to be considered for funding, completed applications shall be submitted to FDLE/IFS, OSI, at least 30 days prior to the next scheduled Violent Crime and Drug Control Council (VCDCC) meeting. ~~Application information and dates of scheduled VCDCC meetings can be found at <http://osiweb.fdle.flejn.net/VCDCC/vwcases/vwapplication.htm>.~~

(3) Completed forms shall be mailed to: ~~Chairperson,~~ Florida Violent Crime & Drug Control Council, c/o Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attn.: Investigations and Forensic Science Program ~~Violent Crime Agent/Office of Statewide Intelligence.~~

Specific Authority 943.03(4) FS. Law Implemented 943.031(6), 914.25 FS. History–New 12-3-03, Amended 3-27-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joyce Gainous-Harris, Florida Department of Law Enforcement, Investigations and Forensic Science Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7096

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard A. Ward, Special Agent Supervisor, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

PUBLIC SERVICE COMMISSION

DOCKET NO. 060668-TP

RULE NO.: 25-4.0161
RULE TITLE: Regulatory Assessment Fees; Telecommunications Companies

PURPOSE AND EFFECT: To state the new minimum annual Regulatory Assessment Fees that telecommunications companies pay the Commission.

SUMMARY: Amended Rule 25-4.0161, F.A.C., defines new minimum annual regulatory assessment fees (RAF) companies must pay the Commission, regardless of their gross operating revenues and Commission RAF forms are changed to reflect the new minimum RAFs applicable to a specific company type.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The rule changes will increase the annual amount some companies must pay the Commission.

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.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 350.113, 364.285, 364.336 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE THESE PROPOSED RULE IS: Christiana T. Moore, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6098

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.0161 Regulatory Assessment Fees; Telecommunications Companies.

(1) As applicable and as provided in Sections 350.113, 364.02(13) and 364.336, F.S., each company shall remit a fee based upon its gross operating revenue as provided below. This fee shall be referred to as a regulatory assessment fee, and each company shall pay a regulatory assessment fee in the amount