

**AGENDA
FLORIDA DEPARTMENT OF LAW ENFORCEMENT**

October 26, 2004

- ITEM 1. 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 November 30, 2004.

(See Attachment 1)

RECOMMEND APPROVAL

Rule 11B-14 Salary Incentive Program - This section makes no substantive changes, only clarifications to existing rule language.

Rule 11B-18 Criminal Justice Standards and Training Trust Fund - This section creates procedures for a training school's failure to respond to an audit on the prescribed due date.

Rule 11B-20 Certification of Criminal Justice Training Instructors - This section adds requirements for obtaining CMS, high-liability and specialized training topic certifications. This section requires that an instructor, who has had a certification suspended, revoked, or has voluntarily relinquished a certification shall not instruct Commission-approved program courses. This rule implements 2003 legislation, SB 1650, by regulating in-service training for agencies. This rule authorizes agency administrators or designees to supervise high-liability internships, inspect instructor certification applications, and instruct Commission-approved program courses at a training school or agency. This section requires that an instructor apply for a high-liability instructor certification every four years.

Rule 11B-21 Certification of Criminal Justice Training Schools - This section is revised to require that a training organization demonstrate a "need" to be a certified training school prior to certification and revises the timeline for training school re-certification to January 1, 2006, then January 1, 2010, and every five years thereafter. This section further adds new staffing and facility requirements and revises the requirements for addition of new satellite sites and high-liability training facilities.

Rule 11B-27 Certification and Employment or Appointment - This section authorizes employing agencies to utilize Live Scan technology for fingerprints versus fingerprint cards. This section requires that an officer with a break-in-service of 4 to 8 years must demonstrate proficiency in the high-liability courses, pass the State Officer Certification Examination (SOCE), and comply with the minimum qualifications of Section 943.133(2), F.S. This section requires that a break-in-service of more than 8 years requires completion of a Commission-approved basic recruit training program, passing of the SOCE and compliance with the minimum qualification requirements of Section 943.133(2), F.S. This section revises the process for issuing a Letter of Acknowledgement for agency discipline of officers that is within the Commission's disciplinary guidelines.

Rule 11B-30 State Officer Certification Examination - This rule is amended to require individuals to take the State Officer Certification Examination (SOCE), after successfully completing a Commission-approved basic recruit or cross-over training program within four years after beginning a program. This section further requires individuals to have completed a comparable law enforcement basic recruit training program in another state or for the federal government, have been employed for one year, and successfully demonstrate proficiency in the applicable high-liability courses to be exempt from Florida's law enforcement basic recruit training program. This section requires that inactive, out-of-state, military, or federal law enforcement officers, who qualify for an exemption from the Traditional Basic Recruit Training Program, shall take the SOCE prior to January 1, 2005. This section requires that out-of-state, military or federal officers, and inactive officers demonstrate proficiency in the high-liability courses and pass the SOCE within one year. This section requires that officers who are exempt from the CMS Application-Based Law Enforcement Basic Recruit Training Program shall take the SOCE beginning January 1, 2005. This section further transfers language from Rule 11B-30.0063, F.A.C., to Rule 11B-30.0062, F.A.C. This rule is revised to provide a list of special accommodations that are not provided to applicants when taking the SOCE and creates new security procedures for applicants at the SOCE site.

Rule Chapter 11B-35 Training Programs - This rule revises requirements for becoming a CMS Commission-certified instructor. This rule revises end-of-course examination requirements for basic recruit training. The rule revises the requirements for exemption from basic recruit training by authorizing an exemption for a full-time sworn officer from another state or with the federal government or who is an inactive Florida officer, provided the officer has not had more than an 8-year break-in-service. This section requires such individual to become employed within four years from the date the exemption from basic recruit training was granted.

Rule Chapter 11C-6 Criminal History Records Dissemination Policy - This rule is revised to specify the manner in which applicant fingerprints submitted for criminal history background checks will be retained in the Applicant Fingerprint Retention and Notification Program, searched against incoming arrest fingerprints, how notification is given to the submitting agency when a match is found, and what the submitting agency will be charged for this service.

Rule Chapter 11G-2 Standard Investigation Procedures - This rule amendment states that retention of organs and body parts held beyond the specified rule periods must be in accordance with certain criteria specified in Rule 11G-2.006. Adoption is necessary to clarify the duties and standards of care of Medical Examiners.

ITEM 2. Respectfully submit the **Florida Department of Law Enforcement's 2005 Proposed Legislative Initiatives.**

(See Attachment 2)

RECOMMEND APPROVAL

**Cabinet Affairs Contact
Administrator Heather Smith
410-7001**

October 14, 2004

Honorable Jeb Bush
Governor
The Capitol
Tallahassee, Florida 32399

Attention: Cabinet Affairs Director Kent Perez

Dear Governor Bush:

The enclosed rule adoption package is submitted to the Governor and Cabinet, as agency head, for formal approval on October 26, 2004, 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 August 20, 2004. The approval date was August 23, 2004. 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 September 3 and September 24, 2004. An opportunity for a public comment period and public hearings were provided. FDLE received no written requests for a public hearing. 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 the proposed rule amendments.

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 November 30, 2004.

The rule package submitted to the Governor and Cabinet for approval pertains to the updating of rules as a result of legislative changes in statutes and general housekeeping. In the Criminal Justice Standards and Training area, the amended rule language specifies changes as a result of the new Curriculum Management System Application-based Program (CMS) for law enforcement officers. In the Criminal Justice Information area, the amended rule language specifies the manner of submitting and retaining fingerprints for criminal history background checks, including notification and billing procedures to the submitting agency when a match is found. In the Medical Examiner area, the amended rule language clarifies the retention period for certain organs and updates the practice guidelines for medical examiners. The following is a summary of the rules:

Criminal Justice Standards & Training (CJST)

Rule 11B-14 Salary Incentive Program

This section makes no substantive changes, only clarifications to existing rule language.

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

This section creates procedures for a training school's failure to respond to an audit on the prescribed due date.

Rule 11B-20 Certification of Criminal Justice Training Instructors

This section adds requirements for obtaining CMS, high-liability and specialized training topic certifications. This section requires that an instructor, who has had a certification suspended, revoked, or has voluntarily relinquished a certification shall not instruct Commission-approved program courses. This rule implements 2003 legislation, SB 1650, by regulating in-service training for agencies. This rule authorizes agency administrators or designees to supervise high-liability internships, inspect instructor certification applications, and instruct Commission-approved program courses at a training school or agency. This section requires that an instructor apply for a high-liability instructor certification every four years.

Rule 11B-21 Certification of Criminal Justice Training Schools

This section is revised to require that a training organization demonstrate a “need” to be a certified training school prior to certification and revises the timeline for training school re-certification to January 1, 2006, then January 1, 2010, and every five years thereafter. This section further adds new staffing and facility requirements and revises the requirements for addition of new satellite sites and high-liability training facilities.

Rule 11B-27 Certification and Employment or Appointment

This section authorizes employing agencies to utilize Live Scan technology for fingerprints versus fingerprint cards. This section requires that an officer with a break-in-service of 4 to 8 years must demonstrate proficiency in the high-liability courses, pass the State Officer Certification Examination (SOCE), and comply with the minimum qualifications of Section 943.133(2), F.S. This section requires that a break-in-service of more than 8 years requires completion of a Commission-approved basic recruit training program, passing of the SOCE and compliance with the minimum qualification requirements of Section 943.133(2), F.S. This section revises the process for issuing a Letter of Acknowledgement for agency discipline of officers that is within the Commission’s disciplinary guidelines.

Rule 11B-30 State Officer Certification Examination

This rule is amended to require individuals to take the State Officer Certification Examination (SOCE), after successfully completing a Commission-approved basic recruit or cross-over training program within four years after beginning a program. This section further requires individuals to have completed a comparable law enforcement basic recruit training program in another state or for the federal government, have been employed for one year, and successfully demonstrate proficiency in the applicable high-liability courses to be exempt from Florida’s law enforcement basic recruit training program. This section requires that inactive, out-of-state, military, or federal law enforcement officers, who qualify for an exemption from the Traditional Basic Recruit Training Program, shall take the SOCE prior to January 1, 2005. This section requires that out-of-state, military or federal officers, and inactive officers demonstrate proficiency in the high-liability courses and pass the SOCE within one year. This section requires that officers who are exempt from the CMS Application-Based Law Enforcement Basic Recruit Training Program shall take the SOCE beginning January 1, 2005. This section further transfers language from Rule 11B-30.0063, F.A.C., to Rule 11B-30.0062, F.A.C. This rule is revised to provide a list of special accommodations that are not provided to applicants when taking the SOCE and creates new security procedures for applicants at the SOCE site.

Rule Chapter 11B-35 Training Programs

This rule revises requirements for becoming a CMS Commission-certified instructor. This rule revises end-of-course examination requirements for basic recruit training. The rule revises the requirements for

Governor Jeb Bush
October 14, 2004
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exemption from basic recruit training by authorizing an exemption for a full-time sworn officer from another state or with the federal government or who is an inactive Florida officer, provided the officer has not had more than an 8-year break-in-service. This section requires such individual to become employed within four years from the date the exemption from basic recruit training was granted.

Criminal Justice Information System (CJIS)

Rule Chapter 11C-6 Criminal History Records Dissemination Policy

This rule is revised to specify the manner in which applicant fingerprints submitted for criminal history background checks will be retained in the Applicant Fingerprint Retention and Notification Program, searched against incoming arrest fingerprints, how notification is given to the submitting agency when a match is found, and what the submitting agency will be charged for this service.

Medical Examiner

Rule Chapter 11G-2 Standard Investigation Procedures

This rule amendment states that retention of organs and body parts held beyond the specified rule periods must be in accordance with certain criteria specified in Rule 11G-2.006. Adoption is necessary to clarify the duties and standards of care of Medical Examiners.

If you have any questions concerning this package, please contact FDLE Cabinet Affairs Administrator Heather Smith at 410-7001.

Sincerely,

Guy M. Tunnell
Commissioner

GMT/FR/fr

Enclosures

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

Chapter 11B-14, FLORIDA ADMINISTRATIVE CODE

AMENDING RULE 11B-14.001, 11B-14.002, 11B-14.003, and 11B-14.005

SALARY INCENTIVE PROGRAM

SUMMARY OF PROPOSED RULE

Revisions to this rule chapter are made to define "pass, successfully completed, or completion of a course," and "employing agency;" to revised Commission forms; to delete contradictory, obsolete, and regulating rule language; to make clarification and grammar modifications; and add a web site address for obtaining CJSTC forms.

JUSTIFICATION OF PROPOSED RULE

Revisions to this rule chapter are necessary to update definitions, revise forms, delete obsolete and regulating rule language, and make clarification and grammar modifications.

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 September 3, 2004, for a hearing to be held on September 28, 2004, if requested.

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

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

Chapter 11B-18, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11B-18.003, 11B-18.004, 11B-18.005, 11B-18.0052, 11B-18.0053,

11B-18.0071, 11B-18.008, and 11B-18.010, F.A.C.

CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND

SUMMARY OF PROPOSED RULE

Revisions to this rule chapter are made to make grammatical and clarification revisions; add and revise rule definitions; add Broward County Sheriff's Office Institute for Criminal Justice Studies as a Commission-certified training school; clarify that the members representing training schools on a Local Regional Training Council shall be training center directors; allow two voting members from an agency to serve on the Regional Training Council; add a web site address for obtaining CJSTC forms; add the Department of Banking investigators to the list of support personnel eligible to expend trust fund monies for advanced and specialized training program courses; create an Operating Capital Outlay Property Disposal Request form CJSTC-311; revise the Officer Training Monies Programmatic Change and Budget Amendment form CJSTC-302; require, in addition to the administrative head of a training school, written notification to an agency or entity, fiscal agent, training center director, and regional chair for failure to respond to an audit on the prescribed due date; remove the date of October 1 for submission of the annual audit report of Operating Capital Outlay Property; and to issue a letter of censure to training schools, a period of three years, for continued failure to respond to the required audit report after.

JUSTIFICATION OF PROPOSED RULE

Revisions to this rule chapter are necessary to add and revise operational definitions; add a new training school; to clarify membership and voting requirements on regional training councils; update the eligible support personnel eligible to expend trust fund monies; revise and add Commission forms; to include written notification to an agency or entity, fiscal agenda, training center director and regional chair for failure to respond to an audit; make grammatical and clarification modifications; to revise requirements for reporting operating capital outlay; and add a time frame for issuing a letter of censure to a training school for continued failure to respond to the Commission's audit report.

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 September 3, 2004 for a hearing to be held on September 28, 2004, if requested.

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

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, 11B-20.0016, and 11B-20.0017, F.A.C.

CERTIFICATION OF CRIMINAL JUSTICE TRAINING INSTRUCTORS

SUMMARY OF PROPOSED RULE

Revisions to this rule chapter are made to create the CMS First Aid Performance Evaluation form CJSTC-5 CMS and revise the following forms: Laser and Radar Speed Measurement Device Instructor Field Evaluation Form CJSTC-10, Training Report form CJSTC-67, Instructor Certification Application form CJSTC-71, Competency Checklist form CJSTC-81, High-Liability Internship form CJSTC-81A, Instructor Exemption form CJSTC-82, Instructor Compliance Application form CJSTC-84, and Instructor Certification Deficiency Notification form CJSTC-271; add the definition of "agency"; make clarification, formatting, and grammatical modifications; update and add instructor course names; update rule references; implement the CMS Curriculum by retiring the following courses effective 6/30/2004: Traditional Instructor Techniques Course, Traditional Law Enforcement Vehicle Operations Instructor Course, Traditional Firearms Instructor Course, Traditional Defensive Tactics Instructor Course, and Traditional First Responder Instructor Course. Add the following CMS instructor certifications: CMS General Instructor Certification, CMS Vehicle Operations Instructor Certification, CMS Firearms Instructor Certification, CMS Defensive Tactics Instructor Certification, and CMS First Aid Instructor Certification; add the requirements for obtaining CMS high-liability and specialized training topics certifications; retire the Human Diversity Instructor Certification and incorporate human diversity training into the CMS Curriculum; require that an instructor, who has had a certification suspended, revoked, or voluntary relinquished a certification shall not instruct Commission-approved program courses. Implement the 2003 Legislation, SB 1650 by: Authorizing the Commission to regulate in-service training, which includes certification and decertification of agency in-service instructors; authorizes agency administrators or designees to supervise high-liability internships, inspect instructor certification applications, and instruct Commission-approved program courses at a training school or agency. Requires that an instructor apply for a high-liability instructor certification every four years; lists the courses requirements for obtaining and renewing a CPR Instructor Certification; requires that an instructor complete an internship when a Specialized Topics Instructor Certification has lapsed; and changes the required experience, for obtaining a Canine Team Certification, from five years to three years.

JUSTIFICATION OF PROPOSED RULE

Revisions to this rule chapter are necessary to revise Commission forms; incorporate the CMS Curriculum and its impact on instructor certification requirements; incorporate 2003 legislation (SB 1650) regarding regulation of in-service instructors; make rule definitions; revise the requirements for denial and revocation of instructor certifications; revise commission instructor certification categories; revise the minimum requirements for general, high-liability, and specialized topics instructor certifications; revise the requirements for inspection of instructor certification applications; and revise the maintenance and duration of instructor certifications.

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 September 24, 2004, for a hearing to be held on October 15, 2004, if requested.

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

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-21, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11B-21.001, 11B-21.002, 11B-21.005, 11B-21.0051, 11B-21.018, and 11B-21.019, F.A.C.

CERTIFICATION OF CRIMINAL JUSTICE TRAINING SCHOOLS

SUMMARY OF PROPOSED RULE

Revisions to this rule chapter are made to make grammatical and clarification revisions; revise course names; update rule sites; delete obsolete rule language; require that a training organization demonstrate a "need" to be a certified training school prior to certification; revise the timeline for training school recertification to January 1, 2006, then January 1, 2010, and every five years thereafter. Revise the following forms: Training School Contact Report form CJSTC-200, Firing Range Facility and Equipment Requirements form CJSTC-201, Driving Range Facility and Equipment Requirements form CJSTC-202, Defensive Tactics Facility and Equipment Requirements form CJSTC-203, Staffing Requirements form CJSTC-204, Training School Classroom Facility Requirements form CJSTC-205, Non-Compliance Follow-up Report form CJSTC-206, and CMS First Aid Instructional Requirements form CJSTC-208. Add a web site for obtaining CJSTC forms; add new staffing and facility requirements; and revise the requirements for addition of new satellite sites and high-liability training facilities.

JUSTIFICATION OF PROPOSED RULE

Revisions to this rule chapter are necessary to update Commission forms; update rule sites; revise the training needs analysis requirements for training school certifications; revise the satellite facility and equipment requirements; revise the training school staffing and facility requirements; and revise training school certification and recertification requirements.

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 September 24, 2004, for a hearing to be held on October 15, 2004, if requested.

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

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-27-00211, 11B-27.00212, 11B-27.00213,
11B-27.0022, 11B-27.00225, 11B-27.003, 11B-27.004, 11B-27.005, and 11B-27.013, F.A.C.

CERTIFICATION AND EMPLOYMENT OR APPOINTMENT

SUMMARY OF PROPOSED RULE

Revisions to this rule chapter are made to revise the following Commission forms: CMS Firearms Performance Evaluation form CJSTC-4 CMS, Authority for Release of Information form CJSTC-58, Affidavit of Separation Supplemental form CJSTC-61A, Affidavit of Applicant form CJSTC-68, Patrol Canine Team Certification Application form CJSTC-70, Physician's Assessment form CJSTC-75, Patient Information form CJSTC-75A, Equivalency-of-Training form CJSTC-76, Equivalency-of-Training Proficiency of Demonstration form CJSTC-76A, Internal Investigation Report form CJSTC-78, Patrol Duty Canine Team Proficiency Examination and Equivalency form CJSTC-83, and to authorize form CJSTC-61 to be transmitted to Commission staff via the Commission's ATMS. Remove obsolete rule language and rule references; make grammatical and clarification revisions; authorize employing agencies to utilize Live Scan technology for fingerprints versus fingerprint cards; define high school graduate, significant agency action, and characterization of misconduct; require that a break-in-service of 4 to 8 years requires demonstration of proficiency in the high-liability courses, passage of the State Officer Certification Examination (SOCE), and compliance with the minimum qualifications of Section 943.133(2), F.S, and to require that a break-in-service of more than 8 years requires completion of a Commission-approved basic recruit training program, passage of the SOCE and compliance with the minimum qualification requirements of Section 943.133(2), F.S.; revise rule language regarding authenticity of a high school diploma and acceptable documents in the absence of a high school diploma. Revise the Temporary Employment Authorization requirements: Requires that an individual who is issued a Temporary Employment Authorization (TEA) shall have completed a basic recruit training program and are scheduled to take the next available SOCE, allows 180 days from completion of training, or commencement of employment, whichever is later, to pass the SOCE, requires that individuals hired on a TEA may be employed on a TEA for a maximum of 2-1/2 years (which allows such individuals 180 days to begin training, 18 months to complete training and 180 days to pass the SOCE), prohibits an individual from being hired on a TEA when certification has

been previously revoked or voluntarily relinquished, and authorizes the Commission to impose disciplinary action for individuals employed on a TEA. Requires that a background investigation shall be conducted on officers who have resigned or retired while under investigation and for officers employed at the time of the alleged violation, or employed on a TEA; requires that a new urine test shall be submitted by an agency following an officer's break-in-service and prohibits an agency from using drug tests performed by another agency. revise the requirements for issuing a Letter of Acknowledgment If a respondent has been retained by the employing agency, Commission staff shall issue a Letter of Acknowledgment of agency action if the agency has complied with Rule 11B-27.005(1), F.A.C.; authorizes the Commission to issue a Letter of Acknowledgement of agency action upon an officer's termination by the employing agency, if the penalty specifies probation or suspension; requires that a respondent's case is held in abeyance when a respondent has been terminated or disciplined and the case is under review by the administrative or judicial process; requires that a case shall be removed from abeyance upon receipt of a final disposition of the case and a Letter of Acknowledgment is issued or presented to the Commission for Commission action; provides new guidelines upon which the Commission shall refrain from taking further action on a case; provides new guidelines upon which the Commission shall "no cause" a case. Add rule language for the control of patrol canine during proficiency examination and re-examination, implement new requirements for demonstration of proficiency by a canine team, clarify equivalent training for canine team handlers, and correct rule language from a previous rule promulgation.

JUSTIFICATION OF PROPOSED RULE

Revisions to this rule chapter are necessary to revise Commission forms; revise officer break-in-service requirements; revise the officer fingerprint process; revise high school diploma or equivalent requirements; revise temporary employment or appointment authorizations; revise background investigation requirements; revise controlled substance testing procedures; revise probable cause determination procedures; revise the letter of acknowledgment process; and revise canine team certification requirements.

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 September 24, 2004, for a hearing to be held on October 15, 2004, if requested.

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

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-30, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES, 11B-30.006, 1B-30.0062, 11B-30.0063, 11B-30.007,
11B-30.0071, 11B-30.008, 11B-30.009, 11B-30.010, 11B-30.011, and 11B-30.012, F.A.C.

REPEALING RULE 11B-30.0061, F.A.C.

STATE OFFICER CERTIFICATION EXAMINATION

SUMMARY OF PROPOSED RULE

Revisions to this rule chapter are made to make grammatical and clarification revisions; revise the Training Report form CJSTC-67, Application for Officer Certification Examination form CJSTC-500, Application for Individuals Requesting Special Test Accommodations form CJSTC-502, and State Officer Certification Examination Review form CJSTC-511; create the Commission-approved Examination Admission Voucher form CJSTC-517; add a web site address for obtaining CJSTC forms; add the definition of "appropriate professionals"; require individuals to take the State Officer Certification Examination (SOCE), after successfully completing a commission-approved basic recruit or cross-over training program within four years after beginning a program; require individuals to completed a comparable law enforcement basic recruit training program in another state for the federal government, have been employed for one year, and successfully demonstrate proficiency in the applicable high-liability courses to be exempt from Florida's law enforcement basic recruit training program; require that inactive, out-of-state, military, or federal law enforcement officers, who qualify for an exemption from the Traditional Basic Recruit Training Program, shall take the SOCE prior to January 1, 2005; require that out-of-state, military or federal officers, and inactive officers demonstrate proficiency in the high-liability courses and pass the SOCE within one year; require that officers who are exempt from the CMS Application-Based Law Enforcement Basic Recruit Training Program shall take the SOCE beginning January 1, 2005; repeal Rule 11B-30.0063 regarding the CMS Application-Based State Officer Certification Examination and Retake Eligibility Requirements, and transferred its rule language to Rule 11B-30.0062, F.A.C.; create procedures for submitting on-line applications to take the SOCE; provide a list of special accommodations that are not provided to applicants when taking the SOCE; create new security procedures for applicants at the SOCE site; allow only the applicant who took the SOCE to obtain their personal numerical score; and require that only one examination may be reviewed at an Examination Review Session.

JUSTIFICATION OF PROPOSED RULE

Revisions to this rule chapter are necessary to revise Commission forms; provide SOCE test requirements for officers who have completed a comparable basic recruit training program; provide SOCE eligibility requirements for inactive, out-of-state military and federal law enforcement officers; provide a list special test accommodations that are not provided to applicants who take the SOCE; revise the SOCE examination review process; and implement the privacy act for review of examinations.

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 September 24, 2004, for a hearing to be held on October 15, 2004, if requested.

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

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-35.0023, 11B-35.0024, 11B-35.003, 11B-35.004, 11B-35.006, 11B-35.007, 11B-35.0085, and 11B-35.009, F.A.C.

REPEALING RULE 11B-35.004

TRAINING PROGRAMS

SUMMARY OF PROPOSED RULE

Revisions to this rule chapter are made to revise the following forms: the Radar Operator Performance Report form CJSTC-8, Laser Operator Performance Report form CJSTC-9, Specialized Training Documentation form CJSTC-16, Specialized Training Documentation Supplemental form CJSTC-16A, Training Report form CJSTC-67, Equivalency-of-Training form CJSTC-76, Equivalency-of-Training Proficiency Demonstration form CJSTC-76A, and Instructor Exemption Application form CJSTC-82. Add a web site address for obtaining CJSTC forms. Create the following forms for implementation of the CMS Curriculum: CMS Firearms Performance Evaluation form CJSTC-4 CMS, CMS First Aid Performance Evaluation form CJSTC-5 CMS, CMS Defensive Tactics Performance Evaluation form CJSTC-6 CMS, CMS Defensive Tactics Chemical Agent Exposure Training Evaluation form CJSTC-6A CMS, and CMS Vehicle Operations Performance Evaluation form CJSTC-7 CMS. Remove night training and ambient lighting training from the vehicle operations course; make grammatical and clarification revisions; revise rule definitions; update rule and statutory references; remove redundant and obsolete rule language; repeal Rule 11B-35.004, F.A.C., and transferred its rule language to Rule 11B-35.003, F.A.C.; add "alteration of official documents" to conduct that would subvert or attempt to subvert the Basic Abilities Test (BAT) process and authorize disciplinary action for individuals who attempt to subvert the BAT; require individuals to complete basic recruit training and take the SOCE within four years of completing a basic recruit training program; authorize individuals who enroll in a Traditional Law Enforcement Basic Recruit Training Program, prior to 7/1/04, to continue in the program until the course is completed or failed, or the individual has withdrawn from the program; revise the training requirements for entering into a Cross-Over Basic Recruit Training Program; update the Specialized Instructor Training Course and Specialized Training Course names. Implement the CMS Application-Based Law Enforcement Basic Recruit Training Program by adding requirements for becoming a CMS Commission-certified

instructor; requiring a Curriculum Version Number on the Basic Recruit Training Certificate; retiring the traditional high-liability courses; adding CMS instructor courses; removing the 38-hour Preparation for Defensive Tactics Course; creating the CMS First Aid for Criminal Justice Officers Course to replace the Medical First Responder Course; adding the requirements for CPR Instructors to instruct the CPR portion of CMS courses; providing the CMS High-Liability Training Courses and proficiency demonstration requirements for basic recruit and instructor students; revising the required proficiency scores for successful completion of high-liability courses; revising the student to instructor ratios for instruction of high-liability courses; requiring students to complete basic recruit high-liability courses designated as "CMS NEW" when transferring from a Traditional Basic Recruit Training Program to the CMS Law Enforcement Basic Recruit Training Program; revising the basic recruit training program course names and hours. Require that a basic recruit student complete basic recruit training courses at the first training school when transferring to a second training school; and allow transfer of high-liability training from one training school to another. Revise end-of-course examination requirements by allowing a basic recruit student who fails the end-of-course examination for the Traditional Law Enforcement Basic Recruit Training Program to re-test in each course failed; establishing the passing score for an end-of-course examinations as 80%, exclusive of demonstration of the high-liability proficiency skills, and for advanced and specialized training program, 75%; providing a list of Specialized Training Program Courses that require end-of-course examinations; requiring the Training Report form CJSTC-67 to be transmitted through ATMS within 30 days of course completion for basic recruit training, advanced, instructor training program courses, and specific specialized training program courses; requiring that a training center director or designee develop and maintain end-of-course exam items, item bank, forms, and administration; requiring that end-of-course examination materials are maintained in a secured environment and obsolete materials destroyed. Revise auxiliary basic recruit training programs by relocating and revising existing auxiliary basic recruit training program rule language; adding the CMS basic recruit high-liability courses to the auxiliary training programs; providing training requirements for each auxiliary training program by discipline; expanding the Correctional Officer Auxiliary Training Program topics to include all requirements, in addition to the prerequisite course, and requires that a prerequisite course is instructed at a Commission-certified Training School; allowing auxiliary basic recruit high-liability courses to be instructed at a certified training school or local agency; requiring that the Commission recognizes high-liability courses taught at a Commission-certified training school for applicants seeking full certification as a law enforcement or correctional officer, if the applicant has maintained active employment within a discipline as an auxiliary officer. Revise requirements for

Exemption from basic recruit training by authorizing exemption from a basic recruit training program for a full-time sworn officer in another state or Federal Government or inactive Florida officers provided the officer has not had more than an 8-year break-in-service; and requiring such individual to become employed within four years from the date the exemption from basic recruit training was granted.

JUSTIFICATION OF PROPOSED RULE

Revisions to this rule chapter are necessary to revise Commission forms; revise definitions; make grammatical revisions; implement the CMS Application-Based Law Enforcement Basic Recruit Training Program Curriculum; revise end-of-course examinations requirements; revise course completion requirements; revise basic recruit training certificates; revise basic abilities violations; revise the timeline for completing a basic recruit training program; revise requirements for transfer of courses to another training school; revise the cross-over basic recruit training programs; revise Commission-approved training program course names; revise the requirements for completing Traditional and CMS basic recruit training programs; revise high-liability course names and course completion requirements; revise auxiliary basic recruit training program requirements; update advanced and specialized program courses; revise requirements for exemption from basic recruit training programs; revise requirements for employment as a criminal justice officer; revise temporary employment authorization requirements; and revise the requirements for administration and security of end-of-course examinations and responsibilities thereof.

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 September 24, 2004, for a hearing to be held on October 15, 2004, if requested.

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

STATE OF FLORIDA
FLORIDA DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11C-6, FLORIDA ADMINISTRATIVE CODE
CRIMINAL HISTORY RECORDS DISSEMINATION POLICY
CREATING RULE 11C-6.010

SUMMARY OF PROPOSED RULE

Specifies manner in which applicant fingerprints submitted for criminal history background checks will be retained in the Applicant Fingerprint Retention and Notification Program, searched against incoming arrest fingerprints, notification given to the submitting agency when a match is found, and in which the submitting agency will be charged for this service.

JUSTIFICATION OF PROPOSED RULE

The Department of Law Enforcement is required by statute to promulgate rules providing the manner in which applicant fingerprints will be retained and searched against incoming arrest prints, with notice to the submitting agency, when authorized by law.

FEDERAL COMPARISON STATEMENT

Title 28, C.F.R., Part 20, regulates the dissemination of local, state, and national criminal history records. Local and state records dissemination is subject to state law and regulation. The proposed rule does not affect national record dissemination and so is consistent with the federal rule.

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on September 3, 2004, for a hearing to be held on September 28, 2004, if requested and deemed necessary by the agency head.

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

STATE OF FLORIDA
FLORIDA DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11G-2, FLORIDA ADMINISTRATIVE CODE
STANDARD INVESTIGATION
AMENDING RULES 11G-2.004 and 11G-2.006

SUMMARY OF PROPOSED RULE

Requires fixed organs to be retained until completion of studies to determine the cause of death of the decedent. Clarifies retention of physical evidence by compliance with Rule 11G-2.006, and updates the Practice Guidelines.

JUSTIFICATION OF PROPOSED RULE

Clarifies that fixed organs need not be retained for one year. Also clarifies that retention of items held beyond the specified rule periods be in accordance with Rule 11G-2.006. Adoption is necessary to clarify the duties and standards of care of Medical Examiners.

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 September 24, 2004, for a hearing to be held on October 15, 2004, if requested.

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

Department of Community Affairs using the Florida Dual Party System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Caroline Sutton, Community Program Administrator, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1707, Suncom 292-1707

THE FULL TEXT OF THE PROPOSED RULES IS:

9K-8.004 Election by Recipient of Titleholder and Negotiating Entity; Rules Governing Acquisitions; Title.

(1) through (3) No change.

(4) If a Pre-acquired or Reimbursement Acquisition, title vests in the Recipient and Recipient will provide notification that Recipient's acquisition procedures were followed. If Recipient has no such procedures, the Recipient may follow the Acquisition procedures outlined in this rule chapter.

(5)(4) No change.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.501-.515 FS. History--New 5-27-01, Amended 5-20-02,_____.

9K-8.007 Appraisal Procedures, Appraisal Report Requirements and Determination of Maximum Approved Purchase Price.

(1) through (5) No change.

(6) The Trust shall compare the Maximum Approved Purchase Price with the cost to purchase the land as estimated in the Application. If that estimated cost is greater than the Maximum Approved Purchase Price, the Trust shall reduce the amount of the Award by a letter of notice to the Recipient ~~an amendment to the Grant Contract.~~

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.501-.515 FS. History--New 5-27-01, Amended 5-20-02,_____.

9K-8.011 Preparation and Acceptance of Project Plans.

(1)(a) through (f) No change.

(g) Additional documentation as may be requested by the Trust as Reasonable Assurance that the Recipient will be able to fulfill its obligations under the Grant Contract, the Declaration of Restrictive Covenants Grant Award Agreement, and Chapter 9K-7, F.A.C.

(2) through (3) No change.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.507(11), 380.508, 380.510 FS. History--New 5-27-01, Amended 5-20-02, 12-9-03, _____.

9K-8.012 Examination for Hazardous Materials Contamination.

(1) All sites acquired with funds from the Florida Forever Trust Fund shall be examined for hazardous materials contamination within 90 ~~45~~ days before closing.

(2) through (5) No change.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.501-.515 FS. History--New 5-27-01, Amended _____.

9K-8.014 Closing.

(1) No change.

(2) The ~~Trust Executive Director~~ shall have the authority to modify the Purchase Agreement previously approved by the Trust to extend the time for option exercise, closing date, submittal deadlines or any other time limit relating to such agreement. The ~~Trust Executive Director~~ shall also have the authority to execute or modify all documents necessary for the implementation of Trust action, such as the Purchase Agreement, letter of notification of exercise of option, leases, easements, legal descriptions, deeds, assignments, and other miscellaneous agreements and affidavits, provided the modification does not change the substance nor the scope of Trust approval, and provided the document executed or modified was either approved by the Trust or contemplated by Trust approval. Any changes in the purchase price to be paid to the Seller(s) not contemplated by the terms of the Purchase Agreement must be approved by the Trust. An extension or modification may only be made under the terms of the Purchase Agreement, or with the Seller's agreement.

(3) No change.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.501-.515 FS. History--New 5-27-01, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Caroline Sutton, Community Program Administrator, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1707, Suncom 292-1707

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kathy Baughman McLeod, Community Program Manager, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1710

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 24, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 2004

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Salary Incentive Program

RULE CHAPTER NO.: 11B-14

RULE TITLES: Definitions

RULE NOS.: 11B-14.001

General Program Provisions

11B-14.002

Authorized Salary Incentive Payments

11B-14.003

Annual Salary Incentive Compensation Report

11B-14.005

PURPOSE AND EFFECT: Clarifies definitions, revises forms, and clarifies existing rule language.

SUMMARY: Updates rule definitions; revises Commission forms; updates rule references; and makes clarification and grammar modifications.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

LAW IMPLEMENTED: 943.22 FS.

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

TIME AND DATE: 1:00 p.m., September 28, 2004

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting: Donna Hunt, (850)410-8615 or TDD Number (850)656-9597.

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 32308-1489, (850)410-8615

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-14.001 Definitions.

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

(1) "Career Development Training Course" means ~~any~~ course in the Commission-approved Career Development Training Program ~~that approved by the Commission and~~ consists of advanced or technical training related to promotion to a higher rank or position pursuant to Section 943.17(1)(c), F.S.

(2) "Federal or Private Training" means a Commission-approved training program ~~that enhances approved by the Commission to enhance~~ an officer's knowledge, skills, and abilities for the job performed and is approved by the Commission for salary incentive payment. Commission-approved Federal or Private Training Programs are listed in subsection 11B-14.002(4)(3), F.A.C.

(3) "Advanced Training Course" means a course in the Commission-approved Advanced Training Program ~~that approved by the Commission,~~ which enhances an officer's knowledge, skills, and abilities for the job performed, pursuant to Section 943.17(1)(b), F.S.

(4) No change.

(5) "Officer" means an individual who meets the statutory requirements pursuant to Section Chapter 943.13, F.S.

(6) through (8) No change.

(9) For Commission-approved Basic Recruit and Advanced Training Program Courses, ~~advanced training courses~~ the terms "successfully completed," and "successfully complete," and "pass" are defined in subsection 11B-35.001(7), F.A.C., ~~as being denoted with a "Pass" on the Training Report, form CJSTC-67, revised February 7, 2002, hereby incorporated by reference,~~ or for federal or private training programs, a letter from the agency head attached to the Certificate of Completion that confers the successful completion of a federal or private training program.

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

11B-14.002 General Program Provisions.

(1) Section 943.22, F.S., establishes the Salary Incentive Program requirements for continued professional development of a full-time officer who is eligible to receive maximum aggregate monthly salary incentive payments in the amount of \$130 for completion of Commission-approved Advanced and Career Development Training Program Courses, Federal or Private Training Programs, Educational Training, and Commission-approved the Law Enforcement Basic Recruit Training Programs pursuant to Section 943.22(2)(a), F.S.

(2) Career Development Training Program Courses, as defined in subsection 11B-14.001(1), F.A.C., and Advanced Training Program Courses, as defined in subsection 11B-14.001(3), F.A.C., ~~and,~~ that have been successfully completed, as defined in subsection 11B-14.001(9), F.A.C., by eligible officers, shall be verified by the training center director or ~~the training center director's~~ designee, as defined in

paragraph 11B-21.005(8)(a), F.A.C. To verify successful completion of a Commission-approved ~~an approved~~ Advanced or Career Development Training Program; Course and to authorize salary incentive payments, a Training Report, form CJSTC-67, revised May 6, 2004, hereby incorporated by reference, shall be electronically transmitted to Commission staff through the Commission's ATMS.

(3) Pursuant to Section 943.17, F.S., Commission staff shall award 40 hours of advanced training credit for each 40 hours of criminal justice executive or management training successfully completed and approved by the Commission. Eligible officers who request to receive salary incentive payments for programs listed in paragraphs (4)(a)-(v) below, shall submit to Commission staff a written request from the officer's agency administrator and submit a copy of the officer's Certificate of Completion that indicates the hours completed. ~~The following federal or private training has been approved by the Commission and is recognized for advanced training that enhances an officer's knowledge, skills, and abilities for the job performed. Individuals successfully completing federal or private training shall submit documentation to Commission staff for a determination of course completion eligibility entitling the individual to salary incentive payments, however, the cost of these courses are not approved for expenditure from the Criminal Justice Standards and Training Trust Fund Officer Training Monies pursuant to Rule Chapter 11B-18, F.A.C.:~~

(4) The following Commission-approved federal or private training is recognized as training that enhances an officer's knowledge, skills, and abilities for the job performed. Individuals successfully completing federal or private training shall submit documentation to Commission staff for determination of course completion eligibility entitling the individual to receive salary incentive payments. However, the cost is not approved for expenditure from the Criminal Justice Standards and Training Trust Fund Officer Training Monies pursuant to subsection 11B-18.0053(3), F.A.C.: Full-time officers are eligible to receive training and educational salary incentive payment based on their date of certification, provided the officer notifies the agency of his or her eligibility to receive salary incentive payments.

<u>Federal or Private Training</u>	<u>Code</u>	<u>Hours</u>
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(a) through (v) No change.

(5) Training Salary Incentive Payments.

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

1. Determined by the ~~The~~ date of "successful completion," defined in subsection 11B-14.001(9), F.A.C., of a Commission-approved training course, ~~pursuant to subsection 11B-14.001(9), F.A.C.,~~ indicated on the Training Report form

CJSTC-67, ~~which has been~~ issued by a Commission-certified training school, or the date of certification, whichever is later; or-

2. Determined by the ~~The~~ date indicated on a Commission-approved training Certificate(s) of Completion, or the date of certification, whichever is later; and-

3. No change.

(b) through (c) No change.

(d) Salary incentive monies for Commission-approved Advanced Training Program Courses are transferable from one discipline to another.

(6) Educational Salary Incentive Payments.

(a) No change.

~~(b) To claim eligibility for educational salary incentive payment, an officer shall provide the employing agency an official transcript(s) issued by the institution conferring the degree, or providing academic credit for successful completion of courses.~~

~~(b)(e)~~ 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 ~~to Commission staff,~~ a completed Higher Education for Salary Incentive Report, form CJSTC-63, revised May 6, 2004, ~~February 7, 2002,~~ hereby incorporated by reference.

~~(c)(d)~~ Educational salary incentive payments shall begin on or after the date of notice of eligibility indicated on the transcript approval or the date of certification, whichever is later, pursuant to Section 943.22(2)(f), F.S., and no other date shall be used to calculate educational training salary incentive payments.

~~(d)(e)~~ The employing agency shall obtain an official sealed transcript directly from the educational institution conferring the degree, or providing the academic credit for successful completion of courses. The employing agency shall not forward the transcript to Commission staff.

(7) through (11) No change.

(12) Workers' compensation. An officer that is paid while on workers' compensation is entitled to salary incentive payments in the same proportion as a paid salary, pursuant to Section 943.22(2)(h), F.S.

(13) No change.

(14) Sheriffs eligible to qualify for special qualification salary, pursuant to Sections 943.253, F.S., and 145.071, F.S., are authorized to ~~may~~ request salary incentive payment pursuant to Section 943.22(2)(d), F.S., and shall be entitled to salary incentive payment under the programs provided in subsection (3) of this rule section. However, any executive or management courses completed to satisfy the requirements of Section 145.071, F.S., regarding special qualification salary for sheriffs, shall not be credited for salary incentive payments.

~~Documentation shall be provided to sheriffs, by Commission staff, that verifies Commission staff shall provide sheriffs with documentation that verify the number of hours credited for salary incentive payments pursuant to Section 943.22(2)(d), F.S., and the number of hours credited toward continuing education pursuant to Section 145.071(2)(c), F.S.~~

(15) All forms referenced in this rule chapter may be obtained on the following web site: http://www.fdle.state.fl.us/cist/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, _____.

11B-14.003 Authorized Salary Incentive Payments.

Full-time law enforcement, correctional, and correctional probation officers satisfying the certification requirements of ~~Section Chapter~~ Section Chapter 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) No change.

(2) Pursuant to Sections 943.22(2)(b) and (c), F.S., the maximum amount of educational salary incentive payments an officer may receive shall be limited to \$80 each month for a bachelor or higher degree. Full-time officers who possess an associate degree or equivalent, or a higher degree from an accredited post-secondary institution, are eligible for educational salary incentive payments. ~~However~~, state officers whose job specifications require a four-year degree are not eligible to receive educational salary incentive payment pursuant to Section 943.22(2)(e), F.S. Pursuant to Section 943.22, F.S., the employing agency is responsible for verifying that the accrediting association is recognized.

(3) Section 943.22(1)(c), F.S., defines an associate college degree or equivalent as “graduation from an accredited community college or successful completion of 60 semester hours or 90 quarter hours and eligibility to receive an associate degree.” To qualify for educational salary incentive payment, a letter from the awarding institution shall be submitted to the employing ~~criminal justice~~ agency, defined in Section 943.10, F.S., stating that the hours completed by the officer are equivalent to a two-year degree and would qualify the officer for a degree if the institution had a two-year degree program.

(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., agency

through the Commission’s ATMS. Commission staff shall recognize, only once, the successful completion of any specific training course for salary incentive payment.

(5) The maximum amount of salary incentive payments an officer is entitled to receive each month is based on the completion of the following Commission-approved training:

Commission-approved Training	Maximum Salary Incentive Payment
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(a) No change.

(b) Career Development Training

<u>Program</u> Courses on or before June 30, 1985	\$120 maximum
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Advanced Training Program Courses on or after July 1, 1985 Federal or Private Training

(c) through (d) 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, _____.

11B-14.005 Annual Salary Incentive Compensation Report.

(1) Employing agencies, defined in Section 943.10(4), F.S., shall be responsible for the correct salary incentive payments to full-time officers pursuant to Section 943.22(2)(j), F.S., and shall annually submit to the Commission a Salary Incentive Compensation Report that contains information relative to compensation of full-time officers pursuant to Section 943.22(2)(i), F.S.

(2) Salary incentive courses successfully completed by an officer are reported on the Annual Salary Incentive Compensation Report and are denoted by a code that corresponds with the course code reported by a Commission-certified training school, defined in Section 943.10(16), F.S., or a code that corresponds with federal or private training.

(3) The active Commission-approved Advanced Training Program Courses ~~advanced training courses~~ approved for salary incentive payments are listed in subsection 11B-35.006(2)(4), F.A.C.

(4) The following inactive Advanced Training Program Courses ~~advanced training courses~~ were eligible for salary incentive payments for the dates as indicated:

<u>Course Title</u>	Course Code	Course Hours	Inactive Date
Field Training Officer 40 hours	051	40	7/1/02

Specific Authority 943.03(4), 943.12(1), 943.22(2)(i) FS. Law Implemented 943.22 FS. History—New 11-5-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bureau Chief Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2004

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Criminal Justice Standards and Training Trust Fund

RULE CHAPTER NO.: 11B-18

RULE TITLES: Operational Definitions

RULE NOS.: 11B-18.003

Regional Training Areas

11B-18.004

Establishment of Regional Training Councils

11B-18.005

Development of Budgets

11B-18.0052

Officer Training Monies Budget and Expenditure Categories

11B-18.0053

Development of Officer Training Monies Budgets and Required Reports

11B-18.0071

Areas of Responsibility

11B-18.008

Criminal Justice Standards and Training Commission Fiscal Program Audits and Instruction and Facility Evaluations

11B-18.010

PURPOSE AND EFFECT: Clarifies rule language, creates a new Commission form, clarifies membership criteria, and revises audit procedures.

SUMMARY: Revises operational definitions; revises voting requirements for regional training councils; updates agency list of eligible support personnel allowed to use trust funds; creates Commission form CJSTC-311; makes grammatical and clarification modifications; revises the requirements for reporting operating capital outlay; and revises the fiscal program audit process regarding letter of censures.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

LAW IMPLEMENTED: 943.12(5), 943.25, 943.25(4),(5) FS.

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

TIME AND DATE: 1:00 p.m., September 28, 2004

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting: Donna Hunt, (850)410-8615 or TDD Number (850)656-9597.

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 32308-1489, (850)410-8615

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-18.003 Operational Definitions.

For the purpose of this rule chapter, the definitions of "Auxiliary Law Enforcement Officer," "Auxiliary Correctional Officer," "Auxiliary Correctional Probation Officer," "Commission," "Correctional Officer," "Correctional Probation Officer," "Criminal Justice Training School," "Commission staff," "Program," "Employing Agency," "Law Enforcement Officer," "Officer," "Part-time Law Enforcement Officer," "Part-time Correctional Officer," "Part-time Correctional Probation Officer," "Private Criminal Justice Training School," "Public Criminal Justice Training School," "Support Personnel," and "Training Center Director," pursuant to Section 943.10, F.S., shall apply. The operational definitions are as follows:

(1) "Advanced Training Program" means Commission-approved courses that are curriculum approved by the Commission that is limited to training that enhances courses enhancing an officer's knowledge, skills, and abilities for the job an officer performs pursuant to Section 943.17(1)(b), F.S.

(2) through (4) No change.

(5) "Criminal Justice Standards and Training Trust Fund" means "Officer Training Monies" appropriated by the Legislature to provide Commission-approved Advanced and Specialized Training Program Courses for law enforcement, correctional, and correctional probation officers pursuant to Section 943.25(2), F.S.

(6) through (21) No change.

(22) "Advanced Training Course" on or after July 1, 1985, means a Commission-approved course in the Advanced Training Program Course approved by the Commission that enhances an officer's knowledge, skills, and abilities for the

job performed, pursuant to Section 943.17(1)(b), F.S., and for the purpose of this rule chapter, means shall means Commission-approved Training Program Courses.

(23) "Commission-certified training school" means shall mean a training school pursuant to Section 943.10(16), F.S.

(24) "Training funded with Officer Training Monies" means Commission-approved Advanced and Specialized Training Program Courses funded in whole or in part with Officer Training Monies.

(25) "Student fees funded with Officer Training Monies" means payment for tuition, lab fees, and other related fees, for Commission-approved Advanced and Specialized Training Program Courses that have been approved by a community college or school district.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(5), 943.25(4) FS. (Supp. 1998). History—New 1-13-81, Amended 7-28-82, 1-26-83, 1-7-85, 1-28-86, Formerly 11B-18.03, Amended 7-13-87, 5-23-88, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 11-5-02, _____.

11B-18.004 Regional Training Areas.

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

(1) 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 Sheriff's Office Institute for Criminal Justice Studies.

(14) through (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, _____.

11B-18.005 Establishment of Regional Training Councils.

(1) through (4) No change.

(5) Each Local Regional Training Council shall be comprised of the following:

(a) through (b) No change.

(c) Not more than three members representing Commission-certified training schools. Members representing Commission-certified training schools shall be training center directors.

(d) A single Commission-certified training school, correctional agency, or law enforcement agency shall not have more than two voting members, one representative unless, in the view of the Commission, the addition of other representatives from the same agency does not adversely impact the representative nature of the Regional Training Council.

(e) through (g) No change.

(6) 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, _____.

11B-18.0052 Development of Budgets.

(1) through (3) No change.

(3) All forms referenced in this rule 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), 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, _____.

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

(1) through (2) No change.

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

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

1. through 3. No change.

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

(b) Officer Training Monies, pursuant to subsection 11B-18.003(24) or (25), F.A.C., shall be expended for Commission-approved Advanced Training Courses and Specialized Training Program Courses set forth in Rules 11B-35.006 and 11B-35.007, F.A.C., and shall not be used for reoccurring expenses incurred by a Commission-certified training school.

(c) Each training region shall offer Commission-approved Advanced Training Courses and Specialized Training Program Courses funded with Officer Training Monies, to officers within its respective region, prior to accepting officers or support personnel from other regions.

(d) No change.

(e) If ~~Commission-approved~~ Advanced Training Courses and Specialized Training Program Courses are funded with Officer Training Monies, the training and room or board costs may not be assessed against the officer, support personnel, or their employing agency, pursuant to Section 943.25(6), F.S. If an officer is not employed or appointed by an employing agency of Florida, the officer may attend a course funded with Officer Training Monies, provided the officer pays for all training costs associated with course attendance, pursuant to Section 943.25(6)(b), F.S. Reimbursement of these costs, excluding out-of-state tuition, shall be deposited in the Commission-certified training school's Officer Training Monies account.

(4) Category III, Operating Capital Outlay Expenses. Each region shall not budget more than 15% of the total regional allocation to purchase items that are non-consumable and non-expendable. Category III Operating Capital Outlay Expenses fall into the following categories:

(a) "Expense" Operating Capital Outlay. Expense operating capital outlay purchases that cost less than \$500 with a life expectancy of one year or more, shall be limited to items purchased that are required for delivery of ~~Commission-approved~~ Advanced Training Courses and Specialized Training Program Courses. Officer Training Monies shall not be used for training school expenditures used to fulfill the certification and recertification requirements of Rule 11B-21.005, F.A.C.

(b) No change.

(c) Operating Capital Outlay property purchased for use other than for the direct support of ~~Commission-approved~~ Advanced Training Program Courses pursuant to Rule 11B-35.006, F.A.C., and Specialized Training Program Courses pursuant to Rule 11B-35.007, F.A.C., are not appropriate purchases.

(d) No change.

(e) Operating Capital Outlay Property shall not be disposed of or transferred without prior notification to and approval by Commission staff. An Operating Capital Outlay Property Disposal Request, form CJSTC-311, created May 6, 2004, hereby incorporated by reference, shall be completed and submitted to Commission staff when disposing or transferring Operating Capital Outlay Property.

1. Usable Operating Capital Outlay Property. ~~Usable Disposal of all usable~~ property shall be offered to other Commission-certified training schools in Florida prior to selling or disposing of the property. To transfer Operating Capital Outlay Property from one training school to another, the transferring training school shall forward to Commission staff a completed form CJSTC-311, which shall be signed by the training center director a letter identifying the property, the value of the item, purchase date, present physical location, and proposed transfer location. The training center director and Regional Training Council Chairman shall sign the letter.

2. Obsolete or Unusable Operating Capital Outlay Property. A Commission-certified training school shall notify Commission staff on form CJSTC-311, in writing to request disposal of obsolete property. A written verification of the condition of the property shall be included. Commission staff shall physically view the property and approve the written verification of the condition of the property prior to disposal or trading of the property. Obsolete property may be traded for credit on the purchase of new property. Money received from the disposal of property purchased with Officer Training Monies shall be returned to Commission staff for deposit into the Criminal Justice Standards and Training Trust Fund.

3. No change.

(f) Audit of Operating Capital Outlay Property. Operating Capital Outlay Property purchased by a Commission-certified training school, using Officer Training Monies, shall be made available to Commission staff and inventoried during the audit for the fiscal year the property was purchased.

1. No change.

2. ~~Annual audits shall be completed and submitted to Commission staff by October 1 each year.~~ Commission staff is authorized to may also conduct spot inventories, on demand, of items purchased with Officer Training Monies.

3. through 5. No change.

Specific Authority 943.03(4), 943.12(1),(2), 943.25(2),(4),(5) FS. Law Implemented 943.25 FS. History--New 11-5-02, Amended _____.

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

(1) Operating Budget. No later than February 1 of each year, the Officer Training Monies Operating Budget, form CJSTC-310, revised February 7, 2002, hereby incorporated by reference, shall be submitted to Commission staff by each Regional Training Council and shall reflect the region's proposed operating budget for the upcoming fiscal year, beginning July 1 and ending June 30 of the next year, based on the Officer Training Monies available and projected for the region pursuant to subsection 11B-18.0052(1), F.A.C. The region shall also include a request to expend the previous year's accrued interest pursuant to subsection (5) of this rule section. Each Regional Training Council is responsible for including in its approved budget, the Criminal Justice Standards and Training Commission's priority budget issues as they relate to the training needs of the region. The region's projected annual operating budget shall list items in order of priority within each budget category as set forth in Rule subsections 11B-18.0053(1) and (2), F.A.C. A region that fails to meet the required deadline, or fails to receive an extension of the submission deadline from Commission staff, shall forfeit the opportunity to propose an operating budget for the region and Commission-certified training schools for that fiscal year. Officer Training Monies forfeited by a region due to noncompliance with the February 1 deadline shall be

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

(2) Budget Amendment and Programmatic Change. The Officer Training Monies Programmatic Change and Budget Amendment, form CJSTC-302, revised February 7, 2002, hereby incorporated by reference, shall be used by a Commission-certified training school through its Regional Training Council to reflect changes to its annual operating budget.

(a) through (c) No change.

(3) No change.

(4) Year-End Fiscal Report. Each Regional Fiscal Agent shall submit to Commission staff a completed Officer Training Monies Year-End Fiscal Report, form CJSTC-301, revised February 7, 2002, hereby incorporated by reference, reporting all expenditures, to include a list of all Operating Capital Outlay ~~P~~roperty purchased pursuant to subsection 11B-18.0053(4), F.A.C. The report shall be filed by October 30 of each year and shall include interest earned for the previous fiscal year ending June 30.

(a) No change.

(b) Unencumbered Officer Training Monies. Officer Training Monies not expended and not encumbered on June 30, shall be reported on form CJSTC-301 and filed by a training school on or before October 30 of each year. The training school shall attach a check or warrant payable to the Criminal Justice Standards and Training Trust Fund in the amount equal to the unexpended unencumbered funds for the year.

(5) Interest Earned. A training school may deposit Officer Training Monies in interest bearing accounts based on the authority granted by the State Comptroller. Interest earned shall be expended consistent with Category II and Category III expenditures set forth in subsections 11B-18.0053(3) and (4), F.A.C., and are not subject to the distribution formula. A separate operating budget for accrued interest shall be submitted by the Regional Training Councils. The training school shall report interest earned and corresponding expenditures to Commission staff on the following forms:

(a) The Officer Training Monies Semi-annual Expenditure Report; form CJSTC-300, pursuant to subsection 11B-18.0071(3), F.A.C., submitted to Commission staff no later than 45 days after the end of the two reporting periods of June 30 and December 31, shall include a report of all expenditures made during the interest budget period the interest was accrued. Interest earned by a training school shall be expended by June 30 of the year the Commission approved the expenditure. Interest earned shall ~~can~~ not be encumbered, and if not expended, shall be returned to the Commission no later than 90 days following June 30, which is the close of the fiscal year.

(b) No change.

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

11B-18.008 Areas of Responsibility.

With regard to the Criminal Justice Standards and Training Trust Fund Officer Training Monies, the following entities shall have responsibilities outlined in subsections ~~paragraphs~~ (1)-(3) of this rule section.

(1) through (2) No change.

(3) The responsibilities of ~~the~~ Commission-certified training schools are to:

(a) through (d) No change.

(e) Begin training courses, for which Officer Training Monies are expended, funded with Officer Training Monies on or before June 30 of the current fiscal year.

(f) through (g) No change.

Specific Authority 943.03(4), 943.12(1),(2), 943.25(5) FS. Law Implemented 943.25 FS. History—New 1-13-81, Amended 7-1-81, 7-28-82, 1-7-85, 1-28-86, Formerly 11B-18.08, 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, _____.

11B-18.010 Criminal Justice Standards and Training Commission Fiscal Program Audits and Instruction and Facility Evaluations.

Commission staff conducts a fiscal and program audit and instruction and facility evaluation of training schools within each region. The audit and instruction facility inspection performed by Commission staff shall establish a comprehensive analysis of training schools to ensure compliance with Chapter 943, F.S., and Rule Chapter 11B-18, F.A.C.

(1) through (4) No change.

(5) Failure to respond to, and continued non-compliance with applicable Florida Statutes and Commission rules shall result in punitive action by the Criminal Justice Standards and Training Commission to include:

(a) When training schools fail to respond in writing to the audit, Commission staff shall write a letter of concern to the training center director requesting a written response to the audit ~~to the administrative head of the training school requesting a written response to the audit. Copies of the letter shall be sent to the administrative head of the agency or entity, fiscal agent, and the regional chairperson.~~

(b) No change.

(c) Continued failure for three years to comply with Chapter 943, F.S., and Rule Chapter 11B-18, F.A.C., shall result in the Commission writing a letter of censure to the administrative head of the entity and to the training center director ~~training school~~ requesting a written plan for compliance with applicable Florida Statutes and Commission rules.

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-2.0061 Actions Against a Licensee; Penalties.
(1) through (6) No change.

(7) Probable cause. Determinations of probable cause shall be made as provided in Section 1005.38, F.S. Probable cause panels shall be appointed to consider suspected violations of law and to make findings, which shall be reported to the full Commission. If the probable cause panel makes a determination of probable cause, the Commission shall issue an administrative complaint ~~or notice of denial of licensure~~, and shall issue a cease and desist order as provided in Section 1005.38, F.S., if necessary to stop the violations. Probable cause panels shall be appointed and shall serve as follows:

(a) through (c) No change.
(8) through (10) No change.

Specific Authority ~~1005.22(1)(e)1,~~ 1005.32(7), 1005.38 FS. Law Implemented 1005.32(7), 1005.34(3), 1005.38 FS. History—New 10-13-83, Formerly 6E-2.061, Amended 5-20-87, 11-27-88, 11-29-89, 12-10-90, 10-19-93, 1-7-03, 7-20-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Commission for Independent Education
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for Independent Education
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2004

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

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Certification of Criminal Justice	
Training Instructors	11B-20
RULE TITLES:	RULE NOS.:
Definitions and Minimum Requirements	
for General Certification of Instructors	11B-20.001
Denial and Revocation of Instructor	
Certification	11B-20.0012
Commission Instructor Certification Categories	11B-20.0013
Minimum Requirements for High-Liability and	
Specialized Topics Instructor Certification	11B-20.0014
Inspection of Instructor Certification	
Applications	11B-20.0016
Maintenance and Duration of Instructor	
Certifications	11B-20.0017

PURPOSE AND EFFECT: Creates and revises forms, clarifies definitions, updates references, retires obsolete courses, adds new courses, implements new legislation, creates and clarifies instructor certification criteria, and implements legislative revisions.

SUMMARY: Creates and revises Commission forms; incorporates the new CMS Curriculum for certification of instructors; creates requirements for regulation of in-service instructors pursuant to the 2004 Legislation; revises rule definitions; revises the process for denying and revoking instructor certifications; revises instructor certification categories; revises the minimum requirements for high-liability and specialized topics instructor certifications; revises the instructor certification application process; and revises the process for maintenance and duration of instructor certifications.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 120.60(1), 943.03(4), 943.12(1), 943.14(3) FS.

LAW IMPLEMENTED: 120.60(1), 943.12(3), (9), 943.13(6), 943.14(3) FS.

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

TIME AND DATE: 1:00 p.m., October 15, 2004
PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting: Donna Hunt, (850)410-8615 or TDD Number (850)656-9597

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 32308-1489, (850)410-8615

THE FULL TEXT OF THE PROPOSED RULES IS:

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

(1) Definitions:

(a) "Successful completion" of a course is documented as a "Pass" on the completed Training Report, form CJSTC-67, revised ~~May 6, 2004, February 7, 2002~~, hereby incorporated by reference.

(b) "Training school" ~~means shall mean~~ those training academies and training schools that are certified by the Criminal Justice Standards and Training Commission.

(c) "Instructor" ~~means shall mean~~ an individual certified by the Criminal Justice Standards and Training Commission, hereafter referred to as "Commission or CJSTC"; to instruct at Commission-certified criminal justice training schools or criminal justice employing agencies pursuant to subsection 11B-20.001(2), F.A.C., and Rule 11B-20.0014, F.A.C.

(d) "CMS Training Program" ~~means shall mean~~ the CMS Application-Based Law Enforcement Basic Recruit Training Program.

(e) "ATMS" ~~means shall mean~~ the Commission's Automated Training Management System.

(f) "Basic Recruit Training Programs," "Advanced Training Programs Courses," and "Specialized Training Programs" ~~means shall means~~ training administered by training schools pursuant to Rule Chapter 11B-35, F.A.C.

(g) "Agency" for this rule chapter, means criminal justice employing agency.

(2) Instructor applicants applying for instructor certification shall:

(a) Complete the Instructor Certification Application, form CJSTC-71, revised May 6, 2004, hereby incorporated by reference;

(b) Be affiliated with a training school or agency;

(c) Possess good moral character pursuant to subsection 11B-27.0011(4), F.A.C., as applied to instructor applicants and certified instructors:

1. Not have been convicted of a felony or of a misdemeanor involving perjury or false statement, or received a dishonorable discharge from any of the Armed Forces of the United States; and

2. After July 1, 1981, any person who has pled guilty or nolo contendere to any felony or of a misdemeanor involving perjury or a false statement is not eligible for instructor certification, notwithstanding suspension of sentence or withholding of adjudication; and

3. Notwithstanding subsections (3) and (4) of this rule section, any person who has pled nolo contendere to a misdemeanor involving a false statement, prior to December 1, 1985, and has had such record sealed or expunged shall not be deemed ineligible for instructor certification.

(3)(2) General Instructor Certification. Instructor applicants shall comply with the following requirements for General Instructor Certification:

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

1.(a) Instructor applicants shall successfully complete Successful completion of the Traditional 80-hour Instructor Techniques Course (Retired 6/30/2004) delivered through a training school or complete completion of equivalent instructor training. The training center director is authorized to have instructor applicants complete only those portions of the Traditional Instructor Techniques Course for which the

instructor applicant is deficient. Instructor applicants who apply for a General Instructor Certification shall have completed the required instructor training within four years of the date the instructor applicant applies for certification. Instructor applicants who apply after four years shall be required to complete the General Instructor Refresher Training Course.

2. Instructor applicants who apply for a Traditional General Instructor Certification shall have completed the required instructor training within four years of the date the instructor applicant applies for certification. Instructor applicants who apply more than four years from the date training was completed shall be required to complete the General Instructor Refresher Course.

3.(b) Instructor applicants who request an exemption from the Traditional Instructor Techniques Course shall be evaluated by the training center director for The training center director may authorize the instructor applicant to complete only those portions of the 80-hour Instructor Techniques Course for which the instructor applicant is deficient. The training center director shall evaluate the completion of equivalent instructor training by documenting the instructor applicant's qualifications. Documentation shall include the instructor applicant's training in all of the following competencies:

a.1- Training liability.

b.2- Ethics.

c.3- Human diversity training required by Section 943.1758, F.S.

d.4- Adult learning theory.

e.5- Communication skills.

f.6- Learning aids.

g.7- Principles of instruction.

h.8- Lesson plan preparation.

i.9- Evaluation and measurement.

j.10- Demonstration of instructional ability.

4.(e) Instructor applicant internship: Successful completion of an internship. An instructor applicant shall be supervised by a training center director who is currently an instructor or by an instructor designated by the training center director. The training center director or designee shall evaluate the applicant's instructional abilities by completing an Instructor Competency Checklist, form CJSTC 81, revised February 7, 2002, hereby incorporated by reference, which shall be maintained in the instructor's file at the training school. The instructor applicant shall demonstrate applicable competencies listed on form CJSTC 81. The internship shall not be included in the 80-hour Instructor Techniques Course. The composition of the internship shall be in written form and maintained as part of the instructor applicant's file at the training school. The instructor applicant shall be evaluated by his or her students. A training center director or an instructor

designated by the training center director shall review student evaluations with the instructor applicant and shall document the review on form CJSTC-81.

a. The instructor applicant's internship shall not be included in the Traditional Instructor Techniques Course.

b. The instructor applicant shall be supervised by and have his or her instructional abilities evaluated by a training center director or agency administrator, who is currently an instructor, or a designee who is currently an instructor, and shall complete the Instructor Competency Checklist, form CJSTC-81, revised May 6, 2004, hereby incorporated by reference.

c. The instructor applicant shall demonstrate the applicable competencies listed on form CJSTC-81, which shall be maintained in the instructor's file at the training school or agency.

d. The instructor applicant shall be evaluated by his or her students. Student evaluations shall be reviewed with the instructor applicant by a training center director, agency administrator, or an instructor designated by the training center director or agency administrator, and documented on form CJSTC-81.

~~(d) An instructor applicant who applies for certification by the Commission shall be affiliated with a training school or agency to instruct training courses.~~

~~(e) Possess good moral character pursuant to subsection HB-27.0011(4), F.A.C., as applied to instructor applicants and certified instructors. Instructor applicants requesting instructor certification shall:~~

~~1. Not have been convicted of a felony or of a misdemeanor involving perjury or false statement, or received a dishonorable discharge from any of the Armed Forces of the United States; and~~

~~2. After July 1, 1981, any person who has pled guilty or nolo contendere to any felony or of a misdemeanor involving perjury or a false statement is not eligible for instructor certification, notwithstanding suspension of sentence or withholding of adjudication.~~

~~3. Notwithstanding subsections (1) and (2) of this rule section, any person who has pled nolo contendere to a misdemeanor involving a false statement, prior to December 1, 1985, and has had such record sealed or expunged shall not be deemed ineligible for instructor certification.~~

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

~~1. Instructor applicants who apply for a CMS General Instructor Certification shall have completed the required instructor training within four years of the date the instructor applicant applies for certification. Instructor applicants who apply for CMS General Instructor Certification more than four years from the date training was completed, shall be required to complete the General Instructor Refresher Course.~~

2. Instructor applicants who possess a Traditional General Instructor Certification or are exempt pursuant to subsection (4) of this rule section, shall successfully complete the CMS General Instructor Transition Course at a training school.

3. New instructor applicants shall successfully complete the CMS Instructor Techniques Course at a training school or equivalent instructor training and complete an instructor internship.

4. New Instructor applicants shall be evaluated by the training center director for completion of equivalent instructor training by documenting the instructor applicant's qualifications. Documentation shall include the instructor applicant's training in all of the following competencies, or the training center director may authorize the instructor applicant to complete only those portions of the CMS Instructor Techniques Course for which the instructor applicant is deficient:

a. Training liability.

b. Ethics.

c. Human diversity training required by Section 943.1758, F.S.

d. Adult learning theory.

e. Communication skills.

f. Learning aids.

g. Principles of instruction.

h. Lesson plan preparation.

i. Evaluation and measurement.

j. Demonstration of instructional ability.

k. Group management.

l. Facilitation skills.

m. CMS Concepts.

5. Instructor Applicant Internship:

a. The instructor applicant's internship shall not be included in the CMS Instructor Techniques Course.

b. The instructor applicant shall be supervised by and have his or her instructional abilities evaluated by a training center director or agency administrator, who is currently an instructor, or a designee who is currently an instructor, and shall complete the Instructor Competency Checklist form CJSTC-81.

c. The instructor applicant shall demonstrate the applicable competencies listed on form CJSTC-81, which shall be maintained in the instructor's file at the training school or agency.

d. The instructor applicant shall be evaluated by his or her students. Student evaluations shall be reviewed with the instructor applicant by a training center director, agency administrator, or an instructor designated by the training center director or agency administrator, and documented on form CJSTC-81.

(4)(3) An instructor applicant shall be exempt from Traditional General Instructor Certification when the instructor applicant has complied with the following conditions,

documented on the Instructor Exemption Application, form CJSTC-82, revised ~~May 6, 2004, February 7, 2002~~, hereby incorporated by reference:

(a) The instructor applicant is a full-time instructor at an accredited community college, college, or university. The training center director shall document the applicant's full-time status and identify the name and location of the college, community college, or university, on form CJSTC-82, which shall be maintained in the instructor's file at the training school; ~~or-~~

(b) The instructor applicant is a full-time vocational-technical instructor. The training center director shall document the instructor applicant's full-time status and identify the name and location of the vocational-technical institution on form CJSTC-82, which shall be maintained in the instructor's file at the training school; ~~or-~~

(c) The instructor applicant holds a current and valid instructor certification from another state or federal government, has completed three years of work experience in the specified subject matter to be instructed, and ~~the instructor applicant~~ completes an internship pursuant to subparagraph 11B-20.001(3)(a)4, paragraph 11B-20.001(2)(e), F.A.C. The training center director shall include a copy of the instructor applicant's out-of-state or federal government certification, document his or her qualifications based on training, education, experience, or professional credentials suitable to the topic of instruction to be taught, documentation describing the internship, and completion of the Instructor Competency Checklist form CJSTC-81; and the Instructor Exemption form CJSTC-82, which shall be maintained in the instructor's file at the training school; ~~or-~~

(d) The instructor applicant shall have completed three years of work experience, ~~as set forth in paragraph 11B-20.0014(1)(b), F.A.C.~~, in the specified subject matter to be instructed. The training center director shall document the instructor applicant's qualifications by completing form CJSTC-82, which shall be maintained in the instructor's file at the training school.

(e) Notwithstanding the above exemptions, an individual who has had any Commission certification revoked, or who has voluntarily relinquished any Commission certification, or who has had any Commission certification suspended, or who is in violation of Section 943.13(4), F.S., or who has been determined guilty of any of the offenses set forth in paragraphs 11B-20.0012(2)(a)-(f), F.A.C., shall not instruct Commission-approved Basic Recruit, Training Program Courses, Advanced Training Program Courses, or Specialized Training Program Courses.

~~(4) CMS General Instructor Applicants shall meet the requirements of subsections 11B-20.001(2) or (3), F.A.C., and complete the CMS General Instructor Transition Course. CMS General Instructors are authorized to instruct the CMS~~

~~Application-Based Basic Recruit Training Curricula, CMS General Instructor Course, and CMS General Instructor Transition Course.~~

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, _____.

11B-20.0012 Denial and Revocation of Instructor Certification.

(1) The Criminal Justice Standards and Training Commission shall deny an instructor applicant's request for certification, in the certification categories outlined in Rule 11B-20.0013, F.A.C., if the instructor applicant does not meet the minimum qualification requirements for General, High-Liability, or Specialized Topics Instruction Certification, pursuant to Rules 11B-20.001 and 11B-20.0014, F.A.C. The Commission shall notify the instructor applicant by sending a "Notice of Intent to Deny Instructor Certification," which shall specify the reason(s) for the denial of instructor certification. The affected party shall have a right to a hearing pursuant to Section 120.57, F.S., upon denial of certification.

(2) The Criminal Justice Standards and Training Commission has the authority to revoke an instructor's certification if:

(a) No change.

(b) The instructor willfully compromises or circumvents the student trainee attendance requirements set forth in subsection 11B-35.001(11), F.A.C.; or

(c) through (f) No change.

(3) No change.

(4) A training center director or agency administrator, having good cause to believe that an instructor has violated subsection (2) of this rule section, shall conduct a preliminary inquiry, and report the findings to Commission staff. An administrative investigation, based upon this on the training center director's report, shall be conducted by Commission staff, and all sustained violations of conduct shall be scheduled before a Commission Probable Cause Determination Hearing.

(5) through (6) No change.

(7) Notwithstanding subsection 11B-20.001~~(4)(3)~~, F.A.C., if an instructor's certification is revoked, or is voluntarily relinquished, or the instructor has been adjudicated or found to be guilty of an offense, or has plead nolo contendere to any offense set forth in paragraphs 11B-20.0012(2)(a)-(f), F.A.C., the instructor shall not instruct Commission-approved Basic Recruit Training Program Courses, Advanced Training Program Courses, or Specialized Training Program Courses.

Specific 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, _____.

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) Traditional General Instructor Certification.
- (2) CMS General Instructor Certification.
- (3) High-Liability Instructor Certifications.
 - (a) Traditional ~~Law Enforcement~~ Vehicle Operations Instructor Certification.
 - (b) CMS ~~Law Enforcement~~ Vehicle Operations Instructor Certification.
 - (c) Traditional Firearms Instructor Certification.
 - (d) CMS Firearms Instructor Certification.
 - (e) Traditional Defensive Tactics Instructor Certification.
 - (f) CMS Defensive Tactics Instructor Certification.
 - (g) Traditional ~~Medical~~ First Responder Instructor Certification.
 - (h) CMS First Aid ~~Medical First Responder~~ Instructor Certification.
 - (4) Specialized Topics Instructor Certifications.
 - (a) Law Topics Instructor Certification.
 - (b) Speed Measurement Instructor Certifications.
 - 1. Radar Instructor Certification.
 - 2. Laser Instructor Certification.
 - (c) Canine Team Instructor Certification.
 - ~~(d) Human Diversity Instructor Certification.~~
 - ~~(d)(e)~~ Breath Test Instructor Certification.

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,

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

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

- (a) Possess a Traditional General Instructor Certification or CMS General Instructor Certification, pursuant to ~~Rule 11B-20.001, F.A.C.,~~ or have successfully completed the Traditional 80 hour Instructor Techniques Course, or CMS Instructor Techniques Course, or have on file at the training school a completed Instructor Exemption, form CJSTC-82. General, High-Liability, and Specialized Topics Instructor Certifications may be applied for at the same time.
- (b) Complete three years work experience as a certified criminal justice officer or three years experience in the topic of instruction for which certification is sought and meet any specific requirements set forth in subsection 11B-20.0014(3).

F.A.C. The instructor applicant shall document his or her instructor qualifications based on training, education, experience, or professional credentials, and proficiency skill standards suitable to the topic of instruction for which certification is sought. The training center director or agency administrator accepting the instructor's application for certification, shall review and maintain all documentation in the instructor's file ~~at the training school.~~

(c) The instructor applicant shall successfully complete the instructor training requirements set forth in subsections (2) or (3) of this rule section, for High-Liability and Specialized Topics Instructor Certifications, for which the instructor applicant is requesting certification. The High-Liability Training Courses and requirements are outlined ~~defined~~ in Rule 11B-35.0024, F.A.C.

(2) High-Liability Instructor Certifications. Instructor applicants, who apply ~~applying~~ 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 ~~a~~Applicants shall meet the following requirements for High-Liability Instructor Certification for each topic requested.

(a) Traditional ~~Law Enforcement~~ Vehicle Operations Instructor Certification. Instructor applicants who request to obtain certification to instruct vehicle operations topics shall: ~~in the Traditional Basic Recruit Training Curricula and Law Enforcement Vehicle Operations Instructor Course, pursuant to paragraph 11B-35.0024(3)(h), F.A.C., shall comply with the requirements for General Instructor Certification, pursuant to subsection 11B-20.001(2), F.A.C., or be exempt from General Instructor Certification pursuant to subsection 11B-20.001(3), F.A.C.; successfully complete the Law Enforcement Vehicle Operations Instructor Course through a training school; and successfully complete a high-liability internship, documented on a High-Liability Internship, form CJSTC-81A, revised February 7, 2002, hereby incorporated by reference, under the supervision of a Law Enforcement Vehicle Operations Instructor who has been approved by the training center director.~~

1. Comply with the requirements for Traditional General Instructor Certification pursuant to paragraph 11B-20.001(3)(a), F.A.C., unless the applicant is exempt from Traditional General Instructor Certification pursuant to subsection 11B-20.001(4), F.A.C.; and

2. Have successfully completed the Vehicle Operations Instructor Course (retired 6/30/04) through a training school; and

3. Have successfully completed a high-liability internship supervised by the training center director, agency administrator, or designee, which has been documented on the High-Liability Internship form CJSTC-81A, revised May 6, 2004, hereby incorporated by reference.

(b) ~~CMS Law Enforcement Vehicle Operations Instructor Certification.~~ Instructor applicants who request to obtain certification to instruct vehicle operations topics in Commission-approved Basic Recruit Training Programs, ~~the CMS Application Based Basic Recruit Training Curriculum~~, ~~the CMS Law Enforcement Vehicle Operations Instructor Course~~, and ~~CMS Law Enforcement Vehicle Operations Instructor Transition Course~~, shall comply with the requirements for CMS General Instructor Certification pursuant to paragraph 11B-20.001(3)(b), ~~subsection 11B-20.001(4)~~, F.A.C., prior to successfully completing one of the following training courses through a training school:

1. Instructor applicants who are Traditional ~~Law Enforcement Vehicle Operations Instructors~~ shall complete the ~~CMS Law Enforcement Vehicle Operations Instructor Transition Course~~.

2. Instructor applicants who are not Traditional ~~Law Enforcement Vehicle Operations Instructors~~ shall complete the ~~CMS Law Enforcement Vehicle Operations Instructor Course~~, and ~~shall~~ complete a high-liability internship supervised by the training center director, agency administrator, or designee, which has been documented on form CJSTC-81A, ~~under the supervision of a CMS Law Enforcement Vehicle Operations Instructor who has been approved by the training center director.~~

(c) Traditional Firearms Instructor Certification. Instructor applicants who request to obtain certification to instruct firearms topics ~~shall: in the Traditional Basic Recruit Training Curricula and the Firearms Instructor Course, pursuant to paragraph 11B-35.0024(3)(d), F.A.C., shall comply with the requirements for General Instructor Certification pursuant to subsection 11B-20.001(2), F.A.C., or be exempted from General Instructor Certification pursuant to subsection 11B-20.001(3), F.A.C., successfully complete the Firearms Instructor Course through a training school, and complete a high liability internship, documented on form CJSTC 81A, under the supervision of a Firearms Instructor who has been approved by the training center director.~~

1. Comply with the requirements for Traditional General Instructor Certification pursuant to paragraph 11B-20.001(3)(a), F.A.C., unless the applicant is exempt from Traditional General Instructor Certification pursuant to subsection 11B-20.001(4), F.A.C.; and

2. Have successfully completed the Firearms Instructor Course (retired 6/30/04) through a training school; and

3. Have successfully completed a high-liability internship supervised by the training center director, agency administrator, or designee, which has been documented on the High-Liability Internship form CJSTC-81A.

(d) CMS Firearms Instructor Certification. Instructor applicants who request to obtain certification to instruct firearms topics in Commission-approved Basic Recruit Training Programs, ~~CMS Application Based Basic Recruit Training Curriculum~~, CMS Firearms Instructor Course, and CMS Firearms Instructor Transition Course, shall comply with the requirements for CMS General Instructor Certification pursuant to paragraph subsection 11B-20.001(3)(b)(4), F.A.C., prior to successfully completing one of the following training courses through a training school:

1. Instructor applicants who are Traditional Firearms Instructors shall complete the CMS Firearms Instructor Transition Course.

2. Instructor applicants who are not Traditional Firearms Instructors shall complete the CMS Firearms Instructor Course, and ~~shall~~ complete a high-liability internship supervised by the training center director, agency administrator, or designee, which has been documented on form CJSTC-81A, ~~under the supervision of a CMS Firearms Instructor who has been approved by the training center director.~~

(e) Traditional Defensive Tactics Instructor Certification. Instructor applicants who request to obtain certification to instruct defensive tactics topics ~~shall: in the Traditional Basic Recruit Training Curricula and the Defensive Tactics Instructor Course, pursuant to paragraph 11B-35.0024(3)(b), F.A.C., shall comply with the requirements for General Instructor Certification, pursuant to subsection 11B-20.001(2), F.A.C., or be exempt from General Instructor Certification pursuant to subsection 11B-20.001(3), F.A.C., successfully complete the Defensive Tactics Instructor Course, and complete a high liability internship, documented on form CJSTC 81A, under the supervision of a Defensive Tactics Instructor who has been approved by the training center director.~~

1. Comply with the requirements for Traditional General Instructor Certification pursuant to paragraph 11B-20.001(3)(a), F.A.C., unless the applicant is exempt from Traditional General Instructor Certification pursuant to subsection 11B-20.001(4), F.A.C.; and

2. Have successfully completed the Defensive Tactics Instructor Course (retired 6/30/04) through a training school; and

3. Have successfully completed a high-liability internship supervised by the training center director, agency administrator, or designee, which has been documented on the High-Liability Internship form CJSTC-81A.

(f) CMS Defensive Tactics Instructor Certification. Instructor applicants who request to obtain certification to instruct defensive tactics topics in Commission-approved Basic Recruit Training Programs, the CMS Application-Based Basic Recruit Training Curricula, CMS Defensive Tactics Instructor Course, and CMS Defensive Tactics Instructor Transition Course, shall comply with the requirements for CMS General Instructor Certification pursuant to paragraph subsection 11B-20.001(3)(b)(4), F.A.C., prior to successfully completing one of the following training courses through a training school:

1. Instructor applicants who are Traditional Defensive Tactics Instructors shall complete the CMS Defensive Tactics Instructor Transition Course.

2. Instructor applicants who are not Traditional Defensive Tactics Instructors shall complete the CMS Defensive Tactics Instructor Course, and ~~shall~~ complete a high-liability internship supervised by the training center director, agency administrator, or designee, which has been, documented on form CJSTC-81A, under the supervision of a CMS Defensive Tactics Instructor who has been approved by the training center director.

(g) Traditional ~~Medical~~ First Responder Instructor Certification. Instructor applicants who request to obtain certification to instruct in ~~medical~~ first responder topics shall comply with the requirements for Traditional General Instructor Certification pursuant to paragraph subsection 11B-20.001(3)(a)(2), F.A.C., or be exempt from Traditional General Instructor Certification pursuant to subsection 11B-20.001(4)(3), 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, prior to successfully completing the following training courses through a training school:

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) 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. 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 instruct the Medical First Responder Course:

a. through f. No change.

2. Individuals set forth in this rule section shall possess and maintain a valid CPR instructor certification 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 and are certified pursuant to Section 943.13, F.S. These individuals shall:

a. No change.

b. Have successfully completed the ~~Medical~~ First Responder Instructor Course (retired 6/30/2004) pursuant to ~~paragraph 11B-35.0024(3)(f)~~, F.A.C., or have successfully completed a U.S. Department of Transportation recognized ~~medical~~ first responder course;

c. Have successfully demonstrated 100% proficiency in first aid ~~medical first responder~~ skills, with the results recorded on the CMS First Aid Performance Evaluation, form CJSTC-5 CMS, created May 6, 2004, Medical First Responder Performance Evaluation, form CJSTC-5, revised February 7, 2002, hereby incorporated by reference; and

d. Have successfully completed a high-liability internship, documented on form CJSTC-81A, under the supervision of a Medical First Responder Instructor who has been approved by the training center director, agency administrator, or designee.

(h) CMS First Aid ~~Medical First Responder~~ Instructor Certification. 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, ~~Medical First Responder topics in the CMS Application-Based Basic Recruit Training Curriculum~~, CMS Medical First Responder Instructor Course, and CMS First Responder to Emergencies Instructor Transition Course, Unit 1: Medical First Responder, shall comply with the requirements for CMS General Instructor Certification pursuant to paragraph subsection 11B-20.001(3)(b)(4), F.A.C., prior to successfully completing the following training courses through a training school:

1. Instructor applicants who are professionals outlined in subparagraph (g)1. of this rule section shall complete the CMS First Aid Instructor Transition Course.

~~2.1.~~ Instructor applicants who are Traditional ~~Medical~~ First Responder Instructors, pursuant to ~~paragraph (3)(g) of this rule section~~ shall complete the CMS First Aid First Responder to Emergencies Instructor Transition Course, Unit 1: Medical First Responder.

~~3.2.~~ Instructor applicants who are not Traditional ~~Medical~~ First Responder Instructors, shall complete the CMS First Aid ~~Medical First Responder~~ Instructor Course and complete, and a high-liability internship supervised by the training center director, agency administrator, or designee, which has been documented on form CJSTC-81A, under the supervision of a

~~Commission-certified CMS Medical First Responder Instructor who has been approved by the training center director.~~

(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 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, 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.

1. Traditional Correctional Basic Recruit Training Program.

2. Traditional Correctional Probation Basic Recruit Training Program.

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

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

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

6. Traditional Correctional to Correctional Probation Basic Recruit Cross-Over Training Program.

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

8. Traditional Correctional Probation to Correctional Basic Recruit Cross-Over Training Program.

9. Law Enforcement Auxiliary Officer Basic Recruit Training Program.

10. Correctional Auxiliary Officer Basic Recruit Training Program.

11. Correctional Probation Auxiliary Officer Basic Recruit Training Program.

12. Law topics in the Commission-approved Basic Recruit Training Programs that require a law topics certified instructor.

(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. Radar Instructor Certification. An instructor applicant shall successfully complete the ~~40-hour~~ Radar Speed Measurement Instructors ~~Training~~ Course for Law Enforcement Officers at a training school, with the results recorded on a Laser and Radar Speed Measurement Device Instructor Field Evaluation, form CJSTC-10, revised May 6, 2004, hereby incorporated by reference.

2. Laser Instructor Certification. An instructor applicant shall successfully complete the ~~40-hour~~ Radar Speed Measurement Instructor ~~Training~~ Course for Law Enforcement Officers and the ~~24-hour~~ Laser Speed Measurement Device (LSMD) Instructor Transition ~~Instructor~~ Course for Radar Instructors at a training school, with the results recorded on a Laser and Radar Speed Measurement Device Instructor Field Evaluation, form CJSTC-10, ~~revised February 7, 2002, hereby incorporated by reference.~~

(c) Canine Team Instructor Certification. An instructor applicant shall successfully complete the Canine Team Instructor Course through a training school; and complete an internship documented on a Competency Checklist form CJSTC-81. As part of the required internship, an instructor applicant shall instruct any "course unit" of the Canine Team Training Course or Canine Team Instructor Course. An instructor applicant who applies for a ~~40-hour~~ Canine Team Instructor Certification shall be required to possess the following minimum training and experience:

1. A ~~minimum of five years experience as a law enforcement, military law enforcement, or correctional officer~~ and a minimum of three years canine team experience ~~which shall be~~ documented in the instructor applicant's file at the training school or agency.

2. No change.

3. Verification that there is not a sustained "excessive use of force" complaint against the instructor applicant, at the time a canine was under their command, at the agency(s) where at the employing agency or agencies in which the instructor applicant obtained their experience as a criminal justice officer.

~~(d) Human Diversity Instructor Certification. An instructor applicant shall successfully complete the following training courses through a training school to be certified to teach human diversity topics of instruction:~~

~~1. Basic Recruit Human Diversity Awareness Course,~~

~~24 hours.~~

~~An instructor who has completed the 24-hour Basic Recruit Human Diversity Awareness Course as a part of the basic recruit training program, shall not be required to repeat the course for application as a Human Diversity Instructor.~~

~~2. Human Diversity Train-the-Trainer Course 20 Hours.~~

~~(d)(e) Breath Test Instructor Certification. A Breath Test Instructor shall be certified by the Commission to instruct the Breath Test Operator Course and Agency Inspector Course. Only certified breath test instructors shall instruct such courses.~~

1. Each Breath Test Instructor Certification applicant, in addition to the requirements set forth in subsection 11B-20.0014(1), F.A.C., shall:

- a. Successfully complete the Breath Test Instructor Certification Course through a training school; and
- b. No change.

2. Individuals who hold a valid Florida Department of Law Enforcement Alcohol Testing Program Breath Test Instructor Permit and successfully complete the 2002 Breath Test Instructor Update Course, are exempt from the requirements set forth in subparagraph (3)(d)1. of this rule section 11B-20.0014(3)(e)1., F.A.C. Alcohol Testing Program staff are also exempt from subparagraph (3)(d)1. of this rule section 11B-20.0014(3)(e)1., F.A.C.

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, _____.

11B-20.0016 Inspection of Instructor Certification Applications.

(1) For instructor applicants who have not been certified by the Commission and who have met the certification requirements set forth in Rules 11B-20.001 and 11B-20.0014, F.A.C., the employing training center director, agency administrator, or ~~the training center director's~~ designee shall:

(a) Collect the Instructor Certification Application form CJSTC-71 and document, verify, and maintain on file in the instructor training files at the training school, documentation verifying the instructor's professional expertise, pursuant with Rules 11B-20.001 and 11B-20.0014, F.A.C., for the specific certification being requested. Form CJSTC-71 and other documentation shall be maintained in the instructor's training file at the training school or agency.

(b) No change.

(c) Electronically transmit the information to Commission staff on an Instructor Certification Application, form CJSTC-71, ~~revised February 7, 2002, hereby incorporated by reference,~~ through the Commission's staff's ATMS.

(2) If the instructor applicant's file at the training school or agency contains missing or deficient documentation, the instructor applicant and the training school or agency shall be notified of such documentation on the Instructor Certification Deficiency Notification, form CJSTC-271, revised May 6, 2004, February 7, 2002, hereby incorporated by reference.

(3) through (4) No change.

Specific Authority 120.60(1), 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 120.60(1), 943.12(3), (9), 943.14(3) FS. History--New 7-29-01, Amended 11-5-02, _____.

11B-20.0017 Maintenance and Duration of Instructor Certifications.

Documentation for instructors, ~~pursuant to this subsection,~~ 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 May 6, 2004, February 7, 2002, 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 ~~comply with the requirements for Commission certification pursuant to subsection 11B-20.001(2) or (3), F.A.C.~~ Instructors whose High-Liability ~~or Special Topics~~ 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 ~~comply with the requirements for Commission certification pursuant to Rule 11B-20.0014, F.A.C.~~

(1) Instructors shall maintain Good Moral Character Standards pursuant to paragraphs 11B-20.0012(2)(c)(a) ~~(f)~~, F.A.C.

(2) Traditional General Instructor Certification. Instructors who possess a Traditional General Instructor Certification shall instruct in a Traditional Basic Recruit Training Program Course, Advanced Training Program Course, or non-CMS Specialized Training Program Course ~~that is delivered at a training school, or in-service training course delivered at an agency, at least once every four years.~~

(3) CMS General Instructor Certification. Instructors who possess a CMS General Instructor Certification shall instruct in a Commission-approved Basic Recruit Training Program Course, Advanced Training Program Course, or Specialized Training Program Course ~~that is delivered at a training school, or in-service training course delivered at an agency, at least once every four years.~~

(4) High-Liability Instructor Certification. Commission-certified Instructors who possess a High-Liability Instructor Certification shall comply with the following requirements, every four years, to maintain an active certificate for each high-liability certification:-

(a) Instruct in a Commission-approved Basic Recruit Training Program Course, Advanced Training Program Course, or Specialized Training Program Course delivered at through a training school, or in-service training course delivered at an agency.

(b) Successfully complete continuing education or training approved by the training center director or agency administrator.

(c) No change.

(5) Specialized Topics Instructor Certification. Instructors who possess a Specialized Topics Certification shall comply with the following requirements, every four years, to maintain certification:

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

(1) No change.

(2) Pursuant to Section 943.12(7), F.S., the Commission shall authorize the issuance of certificates to criminal justice training schools. A training school shall be categorized as a type "A", "B", or "C" certification and assigned one of the following certification codes:

(a) Type "A" certification grants a training school the authority to deliver Commission-approved Basic Recruit Training Program Courses ~~basic recruit training~~ for law enforcement, correctional, and correctional probation officers, and Commission-approved Advanced Training Courses and Specialized Training Program Courses outlined set forth in Rule Chapter 11B-35, F.A.C.

(b) Type "B" certification grants a training school the authority to deliver Commission-approved Basic Recruit Training Program Courses ~~basic recruit training~~ for law enforcement and Commission-approved Advanced Training Courses and Specialized Training Program Courses outlined set forth in Rule Chapter 11B-35, F.A.C.

(c) Type "C" certification grants a training school the authority to deliver Commission-approved Basic Recruit Training Program Courses ~~basic recruit training~~ for correctional and correctional probation officers, and Commission-approved Advanced Training Courses and Specialized Training Program Courses outlined set forth in Rule Chapter 11B-35, F.A.C.

(3) Request for Training School Initial Certification.

(a) No change.

(b) A training needs analysis shall be conducted by Commission staff for the region or local training area to be served by the organization requesting certification. An inspection shall be conducted of the training organization to ensure compliance with the requirements for certification pursuant to Rule 11B-21.005, F.A.C. An application for certification of a training organization shall be denied by the Commission for any training organization that does not demonstrate that a training need exists in the region or local training area intended to be served by the training organization or does not comply with the requirements set forth in Rule 11B-21.005, F.A.C.

(c) A training organization shall receive a notice of intent to approve or deny certification. If a request for certification is denied, the notice shall specify the grounds for the denial, and the denial shall be conducted pursuant to Chapter 120, F.S. A training organization that has been denied Commission certification as a training school may reapply or petition the Commission after such action is effective. The Commission shall require a hearing, at which time the affected training organization shall show cause why its application for certification should be accepted, or its petition granted.

(d) No change.

(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 or expiration of certification~~. Recertification dates for training schools shall be 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, _____.

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

Training Schools certified by the Commission ~~on or after July 1, 1990~~, shall comply with the following requirements:

(1) through (2) No change.

(3) Comply with the classroom facility and equipment requirements set forth in the Training School Classroom Facility Requirements, form CJSTC-205, revised May 6, 2004, February 7, 2002, hereby incorporated by reference.

(4) Comply with the driving range, facility, equipment, and instructor to student to instructor ratio requirements, pursuant to subsection 11B-35.0021(4), F.A.C., and as set forth in the Driving Range Facility and Equipment Requirements, form CJSTC-202, revised May 6, 2004, February 7, 2002, hereby incorporated by reference, when conducting Commission-approved vehicle operations training. Should any driving range proposed for construction after July 1, 1988, deviate from the standards set forth in form CJSTC-202, plans for such construction shall be submitted to Commission staff for initial review, and then to the Commission for final approval or disapproval. Justification for such construction shall include a statement of explanation and supporting documentation justifying the need to deviate from the established standard. A recommendation for deviation from the Commission's driving facility requirement shall ensure that vehicle operation training exercises can be safely and effectively performed.

(5) Comply with the defensive tactics equipment, facility, and instructor to student to instructor ratio requirements, pursuant to subsection 11B-35.0021(4), F.A.C., and as set forth in the Defensive Tactics Facility and Equipment Requirements,

form CJSTC-203, revised May 6, 2004, February 7, 2002, hereby incorporated by reference, when conducting Commission-approved defensive tactics training.

(6) Comply with the equipment, facility, and instructor to student to instructor ratio requirements, pursuant to subsection 11B-35.0021(4), F.A.C., and as set forth in the Firing Range Facility and Equipment Requirements, form CJSTC-201, revised May 6, 2004, February 7, 2002, hereby incorporated by reference, when conducting Commission-approved firearms training. Firearms training shall be supervised directly by a Commission-certified firearms instructor and the instructor shall have access to at least one firearms range designed for criminal justice firearms instruction.

(7) Comply with the equipment, facility, and instructor to student to instructor ratio requirements, pursuant to subsection 11B-35.0021(4), F.A.C., and as set forth in the CMS First Aid Instructional Requirements Medical First Responder Requirements, form CJSTC-208, revised May 6, 2004, February 7, 2002, hereby incorporated by reference, when conducting Commission-approved first aid medical first responder training.

(8) Comply with the personnel requirements set forth in the Staffing Requirements, form CJSTC-204, revised May 6, 2004, February 7, 2002, hereby incorporated by reference. The following specifications shall be met:

(a) No change.

(b) At least one full-time clerk or administrative assistant assigned to report to the training center director, whose responsibilities are limited to providing clerical and administrative assistance to the director. Two or more individuals may perform such clerk or administrative assistant duties, if provided that the aggregate personnel time dedicated to these duties; is equivalent, at minimum, to a full-time position.

(c) No change.

(9) Comply with the instructor certification requirements set forth in Rule Chapter 11B-20, F.A.C., when delivering Commission-approved training.

(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 vendor for a period longer than the Commission's testing cycle of three years.

(b) Require, for admission into a Commission-approved Basic Recruit Training Program, a passing score from a Commission-approved basic abilities test, which shall be accepted by any training school. A passing score is valid two years from the date of the test.

(c) No change.

(11) Comply with requirements for notification of changes in requirements for certification. Training schools with changes in staff and facilities during the school's active certification period shall:

(a) Provide notification to Commission staff, in writing or via e-mail to your field specialist, of any changes in the training school's staffing requirements, pursuant to subsection 11B-21.005(8), F.A.C., within 10 working days upon hiring or separation of personnel.

(b) Provide notification to Commission staff, in writing or via e-mail, of any changes in the training school's facility requirements. Such notification shall include locations by the type of facility and street address, and certify in writing to Commission staff that the facility is in compliance with Rule 11B-21.005, F.A.C.

1. Training schools shall notify Commission staff of any changes in facility sites and the site's compliance with the Commission's requirements, thirty days prior to delivering training or immediately upon scheduling when under thirty days.

2. Driving ranges, firearms ranges, and defensive tactics facilities shall not be used for Commission training until approved by Commission staff.

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, _____

11B-21.0051 Criminal Justice Training School Satellite Facilities and Equipment Requirements.

(1) A satellite facility shall be defined as a training facility or location that is not part of the immediate premises of a training school and is not used to comply with a training school's certification requirements. A high-liability satellite training facility shall comply with the facility and equipment requirements set forth in subsection 11B-21.019(1), F.A.C. Such training schools utilizing satellite training facilities, inclusive of high-liability facilities, to deliver training, shall:

(2) Such training schools utilizing satellite training facilities, inclusive of high-liability facilities, to deliver training, shall:

(a) No change.

(b) Identify active satellite locations by the type of facility and street address, and certify in writing to Commission staff prior to July 1 of each fiscal year that its designated satellite training facility complies with Rule 11B-21.005, F.A.C. Training schools shall notify Commission staff of any new satellite sites and the satellite site's compliance with the Commission's requirements, prior to delivering training, or immediately upon scheduling the course when under thirty days. Prior to utilizing a satellite training facility, pursuant to Rule 11B-21.005, F.A.C., a driving range, firearms range, and

defensive tactics facility shall comply with the equipment and facility requirements, and shall not be used for Commission training until approved by Commission staff.

(c) Comply with the requirements of Rule 11B-21.005, F.A.C., for the delivery of training at satellite sites. Only those sites that submit notification to Commission staff, set forth in subsection 11B-35.001(2), F.A.C., regarding notification of scheduled courses, shall be approved to instruct training at a satellite facility.

(d) 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 11-5-02, Amended _____.

11B-21.018 Criminal Justice Training School Disciplinary Guidelines and Revocation of Certification.

(1) The certification of a training school shall be revoked, suspended, or placed on probation if any of the following violations occur:

(a) through (c) No change.

(d) Failure to comply with trainee attendance and performance standards pursuant to subsections 11B-35.001(7) and (11)(8), F.A.C.

(e) No change.

(2) through (3) No change.

(4) A training school whose Commission certification has been revoked may reapply or petition the Commission for certification pursuant to the provisions of paragraph 11B-21.002(5)(2)(d), F.A.C.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(3), 943.14 FS. History—New 10-17-90, Amended 12-13-92, 8-7-94, 1-2-97, 7-7-99, 8-22-00, 11-5-02, _____.

11B-21.019 Criminal Justice Training School Inspections. Section 943.12(7), F.S., authorizes the Criminal Justice Standards and Training Commission to issue certificates to criminal justice training schools. These training schools shall abide by the requirements for administration and instruction of Commission-approved training pursuant to Rule Chapters 11B-21 and 11B-35, F.A.C.

(1) A comprehensive inspection of training schools shall be conducted annually, at minimum, by Commission staff, to ensure compliance with Rules 11B-21.005 and 11B-21.0051, F.A.C. The training center director or designee shall sign the following applicable form(s):

(a) Firing Range Facility and Equipment Requirements form CJSTC-201.

(b) Driving Range Facility and Equipment Requirements form CJSTC-202.

(c) Defensive Tactics Facility and Equipment Requirements form CJSTC-203.

(d) CMS First Aid Instructional ~~Medical First Responder~~ Requirements form CJSTC-208.

(2) Random inspections shall be conducted by Commission staff of classroom facilities, courses in session, ~~and~~ staffing requirements, statute and rule compliance, and shall be documented on the following applicable form(s):

(a) Training School Contact Report ~~Course Monitor~~, form CJSTC-200, revised May 6, 2004, ~~February 7, 2002~~, hereby incorporated by reference.

(b) through (c) No change.

(3) No change.

(4) Commission staff shall conduct a re-inspection of the areas of non-compliance that were recorded on the form(s) to ensure corrective action has taken place and shall complete a Non-Compliance Follow-up Report, form CJSTC-206, revised May 6, 2004, ~~February 7, 2002~~, hereby incorporated by reference.

(5) The Commission chairperson ~~chairman~~ shall be notified of continued non-compliance of training schools regarding “deficiency(ies)” recorded and “complaint(s)” opened pursuant to the disciplinary provisions of Rule 11B-21.018, F.A.C. Notification of an “Official Inquiry” shall be provided to the training school.

(6) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(3), (7), 943.14 FS. History—New 11-5-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, Telephone Number: (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bureau Chief Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2004

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Certification and Employment or Appointment

RULE CHAPTER NO.:

11B-27

RULE TITLES: Moral Character

RULE NOS.:

11B-27.0011

Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers

11B-27.002

High School Graduation or Equivalent

11B-27.0021

Fingerprint Processing and Criminal Record Results

11B-27.00211

Maintenance of Officer Certification

11B-27.00212

Temporary Employment Authorization	11B-27.00213
Background Investigations	11B-27.0022
Controlled Substance Testing Procedures	11B-27.00225
Duty to Report, Investigations, Procedures	11B-27.003
Probable Cause Determination	11B-27.004
Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances	11B-27.005
Canine Team Certification	11B-27.013

PURPOSE AND EFFECT: Creates and revises Commission forms, clarifies and adds definitions, removes obsolete rule language, clarifies requirements for recertification after a break-in-service, revises Temporary Employment Authorization criteria, revises criteria for hiring officers, revises criteria for issuing a letter of acknowledgement, and revises and clarifies canine team certification requirements.

SUMMARY: Creates and revises Commission forms; requires that a break-in-service of 4 to 8 years requires demonstration of proficiency in the high-liability courses; revises the process for fingerprinting officers; revises documentation requirements for proof of a high school diploma and acceptable documents in the absence of a high school diploma; revises the temporary employment or appointment authorization process; revises the background investigations process; revises the controlled substance testing procedures; revises the probable cause determination process; revises the letter of acknowledgment process; and revises the canine team certification process.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), 943.133(3), 943.1395 FS. **LAW IMPLEMENTED:** 943.12, 943.12(3), (17), 943.13, 943.13(3), (7), (11), 943.131, 943.133, 943.135, 943.139, 943.1395, 943.1395(3), (5), (7), (8), 943.17, 943.17(1)(a), 943.1701, 943.1715, 943.1716, 943.253 FS.

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

TIME AND DATE: 1:00 p.m., October 15, 2004

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting: Donna Hunt, (850)410-8615 or TDD Number (850)656-9597

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 32308-1489, (850)410-8615

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-27.0011 Moral Character.

(1) through (3) No change.

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

(a) through (b) No change.

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

1. through 8. No change.

9. Conduct that subverts or attempts to subvert the examination process for Commission-approved training at a Commission-certified training school or an employing agency promotional examination process, which shall include the following:

(d) No change.

(5) through (6) No change.

(7) Commission staff's decision to initiate presentation of a case for a Commission Probable Cause Determination shall be based upon the following conditions:

(a) through (b) No change.

(c) Whether a Letter of Acknowledgment is warranted pursuant to subsections 11B-27.004(7)-(11)~~(10)~~, F.A.C.

(8) 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 943.13(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, _____.

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 (b) No change.

(c) Evidence that an applicant's fingerprints have ~~Applicant Fingerprint Card, FBI form FD-258~~ has been processed by the Federal Bureau of Investigation or the Florida Department of Law Enforcement, if identified as a single state offender or multi-state offender, pursuant to Rule 11B-27.00211, F.A.C.

(d) A Physician's Assessment, form CJSTC-75, revised ~~May 6, 2004, February 7, 2002~~, hereby incorporated by reference, and ~~Patient Information, form CJSTC-75A, revised February 7, 2002, 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 and 75A forms~~ 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 ~~May 6, 2004, February 7, 2002~~, 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) No change.

(h) Evidence that the applicant has successfully completed a Commission-approved Basic Recruit Training Program, pursuant to Rules 11B-35.002 ~~and~~, 11B-35.003, ~~11B-35.004~~, F.A.C., and has achieved a passing score on ~~successfully passed~~ the State Officer Certification Examination for the discipline for which certification is being sought pursuant to Section 943.13(10), F.S.

(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, to execute 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) through (b) No change.

(3) Employment requirements pursuant to Section 943.13, F.S., shall be documented on an Agency New Hire Report, form CJSTC-207, revised February 7, 2002, hereby incorporated by reference.

(a) No change.

1. through 2. No change.

3. An Affidavit of Applicant, form CJSTC-68.

4. through 7. No change.

8. High School Diploma, GED, and Equivalency of Foreign and Non-Public High School Curriculum, ~~form CJSTC-35, revised February 7, 2002, hereby incorporated by reference~~, pursuant to subsection 11B-27.0021(1), F.A.C.

9. No change.

10. A Civil Applicant Response form or response from the Florida Department of Law Enforcement (FDLE) Certified Mail Application (Live Scan), with any FBI supplied criminal history record attached, and a ~~Florida Department of Law Enforcement (FDLE) Customer Summary Report and Transaction Listing form~~, with any FDLE supplied criminal history record attached, or the applicant's fingerprint card attached to a FDLE supplied single-state or multi-state offender criminal history record.

11. An Equivalency-of-Training, form CJSTC-76, revised ~~May 6, 2004, February 7, 2002~~, and an Equivalency-of-Training Proficiency of Demonstration, form CJSTC-76A, ~~revised May 6, 2004, effective July 1, 2002, pursuant to Section 943.131(2), F.S.~~, hereby incorporated by reference for previous Florida and out-of-state, federal, or military officers, if the officer utilized this training option.

12. No change.

13. A Physician's Assessment, form CJSTC-75 ~~and Patient Information form CJSTC-75A~~, or equivalents.

14. No change.

15. An Affidavit of Separation, form CJSTC-61, revised February 7, 2002, hereby incorporated by reference, and Affidavit of Separation Supplement, form CJSTC-61A, revised February 7, 2002, hereby incorporated by reference, if the officer has separated employment with the agency.

(b) Commission staff shall conduct a re-inspection of the noted deficiencies, which shall be recorded on the Agency New Hire Report, form CJSTC-207, within 90 days of the initial inspection.

1. through 2. No change.

3. If the deficiency(s) noted in the officer's file remains unresolved, the Criminal Justice Standards and Training Commission Chairman shall notify the agency head, in writing, that the Registration of Employment Affidavit of Compliance, form CJSTC-60, that has been signed by the agency head or its designee, confirming agency compliance with Section

943.133(2), F.S., is in fact not in compliance, and as such, is in violation of subparagraph 11B-27.0011(4)(c)11., F.A.C., and Section 837.06, F.S.

4. No change.

(4) Within four years of the beginning date of a Commission-approved ~~An individual shall successfully complete a Basic Recruit Training Program, an individual shall successfully complete the program, achieve a passing score on the applicable~~ pursuant to Rules 11B-35.002, 11B-35.003, 11B-35.004, F.A.C., or former Rule 11B-29.002, F.A.C., pass the State Officer Certification Examination, and gain employment as an officer ~~within four years of starting the required training program.~~ 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, comply with the following requirements:

(a) 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., and

(b) Achieve a passing score on ~~Successfully pass~~ the State Officer Certification Examination.

(5) Officer Separation from Employment or Appointment. An Affidavit of Separation form CJSTC-61, shall be completed by the employing agency and immediately transmitted via the Commission's ATMS or submitted to Commission staff.

(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,

11B-27.0021 High School Graduation or Equivalent.

(1) A high school graduate shall be an individual who has completed a secondary education program through a public school, graduated from a high school, and has been awarded a standard diploma, pursuant to Sections 232.246(1), (5) and (6), F.S., within the United States or its territories, and the school is a public or private school, private school, an equivalency diploma program, or home education program through an educational provider recognized by a public educational system within the United States or its territories, or received a foreign high school diploma which has been accredited by an accrediting agency, and is recognized by the Florida Department of Education for accreditation purposes. ~~Individuals who have successfully completed a non-public high school, foreign high school, or home school curriculum, shall possess a diploma or verification of successful completion of home school education program pursuant to Section 232.0201, F.S., that substantially meets the requirements of Section 232.246, F.S.~~

(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: An employing agency or a Regional Criminal Justice Selection Center, established pursuant to Section 943.246, F.S., shall evaluate non-public high school and foreign high school curricula, as provided for in subsection (1) of this rule section, and shall complete an Equivalency of Foreign and Non-Public High School Curriculum form CJSTC-35, which shall be maintained in the officer's employing agency file.

(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.

(c) Transcripts showing a secondary education program completion or graduation date.

(d) A letter from a School Board District Office verifying completion of a high school program and issuance of a standard diploma.

(e) For individuals who have completed a home school program, documentation that the education program has met the requirements of Section 1002.41, F.S., or of the Department of Education from the state where the home school program was completed.

(f) For individuals who have completed a foreign high school diploma, documentation transcribed by a certified translator and complies with this rule section.

~~(3) Successful completion of the General Education Development (G.E.D.) Tests shall be considered the equivalent of a high school diploma for purposes of subsection (1) of this rule section.~~

~~(3)(4) In the absence of proof of successful high school graduation or General Education Development Tests, 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 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.firn.edu/doe/cie/institutions.htm>), shall be acceptable as meeting the educational requirements of this rule section. ~~Transcript verification of successful completion of at least 30 semester hours or 45 quarter hours of college work, or an associate or higher degree from an accredited institution pursuant to Section 943.22(1), F.S., or licensed by the Florida Board of Independent Colleges and Universities; or~~

- 1. At least 30 semester hours; or
- 2. 45 quarter hours of college work; or
- 3. An associate or higher degree.

(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, _____.

11B-27.00211 Fingerprint Processing and Criminal Record Results.

An employing agency shall maintain on file, at minimum, a Federal Bureau of Investigation Civil Applicant Response form or the response from the FDLE Certified Mail Application, with any Federal Bureau of Investigation (FBI) supplied criminal history record attached, and a FDLE Customer Summary Report and Transaction Listing form, with any FDLE supplied criminal history record attached, or the applicant's fingerprint card attached to a FDLE supplied single-state or multi-state offender criminal history record, indicating the applicant's fingerprint card has been processed.

(1) The employing agency shall submit for processing an Applicant Fingerprint Card FD-258 to the Florida Department of Law Enforcement that bears the applicant's currently taken fingerprints. The submission shall include one of the following references: "Law Enforcement Officer Applicant, Section 943.13, F.S.," or "Correctional Officer Applicant, Section 943.13, F.S.," or "Correctional Probation Officer Applicant, Section 943.13, F.S.," in the "Reason Fingerprinted" block of the FBI Applicant Fingerprint Card. An Applicant Fingerprint Card shall be processed in conjunction with an officer's employment or appointment regardless if the officer has proof of the existence of a processed Applicant Fingerprint Card from a previous employment or appointment. The employing agency is also authorized to use a Live Scan device, if authorized by FDLE, for the submission of applicant fingerprints versus submitting an Applicant Fingerprint card.

(2) Private correctional institutions under contract with the Florida Department of Corrections shall obtain blank Applicant Fingerprint Cards from the Department of Corrections. Other private correctional institutions and jails shall obtain blank Applicant Fingerprint Cards from the Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Officer Records Section. A private correctional institution shall submit a completed Applicant Fingerprint Card for processing to the Florida Department of Law Enforcement, User Services Bureau, Post Office Box 1489, Tallahassee, Florida; 32302-1489. A private correctional Institution or jail is authorized to use a Live Scan device, if authorized by FDLE, for the submission of applicant fingerprints versus submitting an Applicant Fingerprint Card.

(3) The employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, a Fingerprint Notification, form CJSTC-62, revised

February 7, 2002, hereby incorporated by reference. The response from an applicant's processed fingerprints ~~A processed Applicant Fingerprint Card shall be completed and the response shall be maintained~~ on file at the agency within one year of the officer's initial employment or appointment. An employing agency is not required to re-fingerprint an individual who has been continuously employed or appointed with the same agency and is seeking certification as a sworn officer with that agency.

(4) Training schools that offer a Commission-approved Basic Recruit Training Program for law enforcement, correctional, or correctional probation officers, or a selection center that provides applicant screening for a training school, shall conduct a criminal history background check of an applicant prior to entrance into such Basic Recruit Training Program. The employing agency shall provide the training school with documentation that an applicant's fingerprints have Applicant Fingerprint has been processed, that the response is on file with the employing or appointing agency, and has been verified by the employing or appointing agency to contain no statutory disqualifiers. If the FBI has not returned the Civil Applicant Response to the employing or appointing agency, the agency shall notify the training school that the criminal history background check is incomplete. The employing or appointing agency shall notify the training school upon receipt of the results of the Applicant Fingerprint Card, which shall be maintained in the student's file at the training school.

(5) An applicant's fingerprints that have been Applicant Fingerprint Cards processed prior to employment or appointment, in conjunction with the agency's background investigation, and pursuant to Rule 11B-27.0022, F.A.C., shall be considered current when the officer's fingerprints are Applicant Fingerprint Card(s) is processed in conjunction with the new employment or appointment.

(6) An officer's certification shall not be issued by the Commission until he or she is in compliance with the certification requirements pursuant to Sections 943.13(1)-(10), F.S., and documentation of a legible processed applicant fingerprints are Applicant Fingerprint Card is on file at the employing agency.

(7) If an officer has been separated for lack of a processed applicant fingerprints Applicant Fingerprint Card within one year of employment or appointment, the agency shall re-register the officer when the processed applicant fingerprint Applicant Fingerprint Card response is received from the FBI or FDLE. The re-registration date shall be the date that the FBI or FDLE processed the applicant fingerprints applicant's fingerprint card(s). An officer who has been separated for not having a processed applicant fingerprints Applicant Fingerprint Card on file at the employing agency is not authorized to perform the duties of a sworn officer.

(8) through (9) No change.

(10) Should an officer separate from employment prior to the employing agency's receipt of the officer's processed applicant fingerprints, Applicant Fingerprint Card, and there is an indication that the officer would have failed to meet the employment qualifications pursuant to this rule chapter, the separating agency shall immediately notify Commission staff and provide a copy of all documentation that establishes non-compliance of the officer to meet the necessary qualifications.

(11) 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 11-5-02, Amended

11B-27.00212 Maintenance of Officer Certification.

(1) through (4) No change.

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

(a) No change.

(b) Human Diversity Training pursuant to Section 943.1716, F.S. ~~Officers shall satisfy the continuing human diversity training from the instructional modules contained in paragraphs 11B-35.007(4)(b)-(g), F.A.C.~~ Certified officers who elect to instruct human diversity modules pursuant to Section 943.1716, F.S., may substitute completion or instruction of human diversity training to satisfy the officer's continuing training requirement.

(c) No change.

(d) Discriminatory Profiling and Professional Traffic Stops pursuant to Section 943.1758, F.S. Human Diversity In-Service Training for Discriminatory Profiling and Professional Traffic Stops Course, pursuant to paragraph 11B-35.007(4)(h), F.A.C., or IPTM's Safe and Legal Traffic Stops Course, shall be used to satisfy all or a portion of an officer's continuing training requirements for human diversity training. Certified law enforcement officers who elect to instruct Discriminatory Profiling and Professional Traffic Stops may substitute completion or instruction of this training to satisfy the officer's continuing training requirement. ~~The Criminal Justice Standards and Training Commission shall recognize completion of IPTM's Safe and Legal Traffic Stops Course as satisfying Discriminatory Profiling Training.~~

(6) Failure to comply with statutorily required continuing education or training. In the event that an officer fails to meet the continuing education or training requirements of Section 943.135, F.S., the officer's certificate shall become inactive until the employing agency provides documentation to Commission staff establishing that the continuing education or training requirements have been satisfied. The Commission's ATMS shall separate an officer from employment if the Mandatory Retraining Report, form CJSTC-74, is not received by the June 30th deadline, pursuant to subsection (1) of this rule section.

(7) through (8) No change.

(9) Documentation supporting the required training shall be attached to the Mandatory Retraining Report form, CJSTC-74, and maintained in the officer's file.

(10) through (11) No change.

(12) Prerequisites for certificate reactivation and reemployment as an officer. To become eligible for reactivation of certification and reemployment in the discipline for which the officer has experienced a break-in-service, pursuant to subsection ~~(11)(4)~~ of this rule section, the officer shall, on or after July 1, 1993, meet the following conditions:

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

1.(a) Successfully demonstrate proficiency in the High-Liability Basic Recruit Training Courses high-liability courses pursuant to Rule 11B-35.0024, F.A.C.

2.(b) Achieve a passing score on the applicable Successfully pass the State Officer Certification Examination pursuant to procedures in Rule Chapter 11B-30, F.A.C., State Officer Certification Examination.

3.(c) Meet the minimum qualifications described in Rules 11B-27.002, 11B-27.0021, 11B-27.0022, and 11B-27.00225, F.A.C., as evidenced by an employing agency's compliance with Section 943.133(2), F.S.

(b) If the break-in-service is more than eight years the officer shall:

1. As a condition of employment or appointment, successfully complete a Commission-approved Basic Recruit Training Program pursuant to Rule 11B-35.002, F.A.C.

2. Achieve a passing score on the applicable State Officer Certification Examination pursuant to Rule Chapter 11B-30, F.A.C.

3. Meet the minimum qualifications described in Rules 11B-27.002, 11B-27.0021, 11B-27.0022, and 11B-27.00225, F.A.C., as evidenced by an employing agency's compliance with Section 943.133(2), F.S.

(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 prior to June 30, 2008.

(a) Certified law enforcement officers who have completed WMD and Basic ICS training, prior to December 3, 2003, the effective date of this rule section, 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 prior to 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 prior to June 30, 2008.

(a) through (e) No change.

(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.

(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) Use-of-Force training shall include the following topics of instruction:

1. Scenario-based Firearms Training.
2. Physiological Response Dynamics Training.
3. Use-of-Force Matrix and less-lethal force options available within the agency.
4. Agency policies on Use-of-Force training.
5. Legal aspects regarding Use-of-Force training.

(b) A law enforcement and correctional officer shall complete, once every two years, Use-of-Force training pursuant to subparagraphs (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 (14)(a)2.-5., of this rule section.

(d) An officer, who fails to comply with the Use-of-Force training requirements within the first two years of his or her four-year mandatory retraining cycle, shall satisfy these training requirements prior to the end of the four-year cycle.

(e) An officer's employing agency shall report the completion of Use-of-Force training to Commission staff, prior to the close of the officer's four-year mandatory retraining cycle, by electronically transmitting a completed Mandatory Retraining Report form CJSTC-74, through the Commission's ATMS.

(f) An officer is permitted to substitute instruction of Use-of-Force training to satisfy the continuing education or training requirements for the officer's four-year mandatory retraining cycle.

(g) An officer, who fails to comply with the Use-of-Force training requirements, pursuant to paragraphs (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) An officer, who has a lapse in employment of less than four years, shall complete the Use-of-Force training requirements pursuant to paragraph (14)(b) or (c) of this rule section.

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,_____.

11B-27.00213 Temporary Employment Authorization.

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

(1) A TEA's shall only be issued pursuant to Section 943.131, F.S. Individuals hired on a TEA shall comply with the firearms training program established by Section 943.17(1)(a), F.S. To employ or appoint an individual on a TEA, who has not completed a Commission-approved Basic Recruit Training Program, the employing agency shall document circumstances for the critical need to employ or appoint such individual on a Temporary Employment Authorization Statement form CJSTC-65, which shall maintained in the officer's file at the employing agency.

(a) Pre-Training TEA. Individuals employed or appointed on a pre-training TEA shall:

1. Begin a Commission-approved Basic Recruit Training Program within 180 days of being placed on a TEA;

2. Successfully complete eight hours of firearms training, which shall include demonstration of proficiency in the presence of a Commission-certified firearms instructor.

3. Successfully complete a Commission-approved Basic Recruit Training Program within 18 months of beginning the training program.

4. Achieve a passing score on the SOCE within 180 days from the date that basic recruit training was completed.

5. To employ or appoint an individual on a TEA, who has not completed a Commission-approved Basic Recruit Training Program, the employing agency shall document circumstances for the critical need to employ or appoint such individual on a Temporary Employment Authorization Statement form CJSTC-65, which shall be maintained in the officer's file at the employing agency.

(b) Post-training TEA. Individuals employed or appointed on a post-training TEA shall:

1. Have completed a Commission-approved Basic Recruit Training Program and is waiting to take the next scheduled SOCE.

2. Have 180 days from the completion date of the Basic Recruit Training Program or commencement of employment, whichever is later, to achieve a passing score on the SOCE.

(c) A TEA shall terminate if a basic recruit student fails to pass the Basic Recruit Training Program.

1. If a basic recruit student fails a course in the Basic Recruit Training Program, the student shall be permitted to remain on the TEA while retaking the failed course; and

2. Shall be required to enroll in the next available course to complete the Basic Recruit Training Program.

(2) An agency head is authorized to ~~may~~ request to waive the firearms training requirement for a TEA by placing a statement in the officers file at the employing agency, which has been signed by the agency head, confirming that the TEA appointed officer shall not be permitted to carry a firearm until the following classroom training requirements have been fulfilled:

(a) No change.

(b) Firearms Range Training. The trainee's proficiency demonstration shall be documented on a CMS Firearms Performance Evaluation, form CJSTC-4 CMS, created May 6, 2004, Firearms Performance Evaluation, form CJSTC-4, February 7, 2002, hereby incorporated by reference, and maintained in the trainee's file at the employing agency. ~~The~~ Such instructor shall qualify the trainee with a handgun using the Commission's Basic Recruit Training Firearms Course of Fire, pursuant to form CJSTC-4 CMS, and the form shall be maintained in the trainee's file at the employing agency. Trainees shall fire a long gun as prescribed in the Commission-approved Basic Recruit Training Program Curriculum.

(3) The Commission ~~Commission's ATMS~~ shall separate an officer from employment, through the Commission's ATMS, if the officer's TEA exceeds 180 days without enrollment in a Commission-approved Basic Recruit Training Program, fails to complete a Commission-approved Basic Recruit Training Program within 18 months, or the officer has failed to achieve a passing an acceptable score on the State Officer Certification Examination within 180 consecutive days after successful completion of a Basic Recruit Training Program.

(4) Agencies applying to temporarily employ or appoint an individual who has had a previous TEA registered with the Commission in the same discipline, may do so only if:

(a) No change.

(b) The individual was previously hired on pursuant to a TEA and has separated from the employing agency or discontinued training while still in good standing, and has had a break-in-service from the last employment for a minimum of four years. Such individual shall comply with the firearms training requirements pursuant to Rule 11B-35.0024, F.A.C., and Section 943.17(1)(a), F.S., unless the agency head has waived the such requirements in pursuant to subsection (2) of this rule section, 11B-27.0020(2), F.A.C., and shall enroll in a Commission-approved Basic Recruit Training Program within

180 days of employment in the first training program offered in the geographic area, or in the first assigned state training program for a state officer.

(5) Individuals employed on a TEA, pursuant to Section 943.131, F.S., are subject to disciplinary action by the Commission.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.131, 943.133, 943.139, 943.1395, 943.17(1)(a) FS. History--New 11-5-02, Amended _____.

11B-27.0022 Background Investigations.

(1) Pursuant to Section 943.133, F.S., and Rule 11B-27.0011, F.A.C., the employing agency shall conduct a thorough background investigation of each applicant. The agency shall maintain in the applicant's file at the employing agency a summary of the background investigation findings, signed and dated by the investigator and the agency head or designee. The summary shall verify the following information:

(a) No change.

(b) Processed applicant fingerprint Applicant Fingerprint Card responses on file reflecting state and national criminal history record checks. If the processed applicant fingerprint Applicant Fingerprint Card response has not yet been received, the agency shall maintain on file the FCIC/NCIC criminal history and wanted person responses.

(c) through (d) 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 May 6, 2004, effective August 9, 2001, pursuant to Sections 943.134(2) and (4), 943.13(4), (5) and (7), F.S., hereby incorporated by reference.

(c) Research military law enforcement records. Florida Crime Information Center records, National Crime Information Center records, and military records. A copy of the most recently issued DD214, or current military ID, shall be maintained in the officer's file at the employing agency. Wording on the DD214 shall document that the discharge was an Honorable discharge. A military discharge that is dishonorable pursuant to Section 943.13(4), F.S., or other than an honorable discharge, shall be investigated by the agency. The agency shall submit a Request Pertaining to Military Record, form OMB No. 3095-0029.

(d) 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, _____.

11B-27.00225 Controlled Substance Testing Procedures.

(1) The employing agency is required to conduct a background investigation upon each applicant for certification, or employment or appointment, which shall include the analysis of a urine sample furnished by the applicant for the presence of controlled substances or metabolites, which shall be consistent with the procedures for drug testing pursuant to Section 112.0455, F.S. and Rule Chapter 59A-24, F.A.C., which have been adopted by the Agency for Health Care Administration. A new urine sample shall be submitted for analysis following any break-in-service.

(2) The employing agency shall verify the following requirements for the collection and analysis of urine samples:

(a) through (c) No change.

(d) The laboratory performing the analysis did analyze the urine sample for the presence of the following seven substances:

1. Amphetamines (amphetamine ~~and~~; methamphetamine).
2. through 4. No change.
5. Opiates (codeine ~~and~~; morphine).
6. through 7. No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.13(7), 943.133, 943.1395 FS. History—New 7-13-87, Amended 1-2-97, 7-7-99, 8-22-00, 11-5-02, _____.

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

(1) Pursuant to Section 943.1395(5), F.S., an employing agency shall conduct an investigation when having cause to suspect that an officer it employs or employed at the time of the alleged violation, or employed on a Temporary Employment Authorization (TEA) pursuant to Section 943.131, F.S., does not comply with Sections 943.13(4) or (7), F.S., or subsection 11B-27.0011(4), F.A.C. An investigation shall be conducted and concluded when the employing agency has cause to suspect that an officer is in violation of Sections 943.13(4) or (7), F.S., or subsection 11B-27.0011(4), 11B-27.002(9), F.A.C. The agency's investigation shall contain an official disposition, which ~~it~~ shall be reported to Commission staff pursuant to subsection (2) of this rule section, report to Commission staff as follows:

(2) Upon concluding the investigation:

(a) If the allegations are sustained, the employing agency shall complete an Internal Investigation Report, form CJSTC-78, revised May 6, 2004, February 7, 2002, hereby incorporated by reference, regardless of whether any civil service appeal, arbitration, employment hearing, administrative, civil, or criminal action is pending or contemplated.

(b) If the allegations are sustained, and are a violation of Sections 943.13(4) or (7), F.S., or subsection 11B-27.0011(4), F.A.C., the employing agency shall forward to Commission

staff the complete investigative package, which shall include the following, no later than 45 days after the allegations are sustained:

1. A completed Internal Investigation Report form, CJSTC-78.

2. through 7. No change.

(c) No change.

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

11B-27.004 Probable Cause Determination.

At the conclusion of the preliminary investigation and when the reports and documents are received as directed by Sections 943.139 and 943.1395, F.S., a determination of probable cause shall be made before the Commission initiates proceedings to take disciplinary action against the certification of an officer.

(1) through (6) No change.

(7) ~~When the Commission determines that staff initiates a Probable Cause Determination Hearing, and the respondent has been retained or reinstated by the employing agency, subject to the below listed conditions, Commission staff shall present the matters before a Probable Cause Panel on a consent agenda. The Probable Cause Panel shall issue a Letter of Acknowledgment of agency action in these cases provided the employing agency shall have taken significant agency action as defined in subsections 11B-27.005(1) and (2), F.A.C. that the following conditions shall be satisfied prior to the Probable Cause Determination Hearing:~~

(a) ~~The employing agency shall have taken significant agency action against the respondent pursuant to subsections 11B-27.005(1)-(2), F.A.C.~~

(b) ~~Commission staff shall include on the consent agenda the following information: The name, social security number, employing agency of the respondent, the nature of the misconduct, and a statement that the employing agency took significant agency action against the respondent pursuant to subsections 11B-27.005(1)-(2), F.A.C.~~

(c) ~~The alleged offense shall not be a violation of Section 943.13(4), F.S., or paragraphs 11B-27.0011(4)(a) or (d), F.A.C.~~

(d) ~~The respondent shall not have exhibited a "pattern of misconduct." A "pattern of misconduct" is described as more than one offense or incident of misconduct, interrelated by similar characteristics, which are not isolated incidents previously acted upon by the Commission.~~

(e) ~~The respondent shall not be a "repeat offender." A "repeat offender" is defined as a respondent who is present before the Probable Cause Panel for the third sustained offense, for which suspension of certification may be imposed within a five-year period.~~

(f) ~~The alleged misconduct shall not have presented a high risk of harm to the officer, other officers, or the public at large.~~

(8) When Commission staff determines that initiates a Probable Cause Determination Hearing, and the respondent has been terminated by the employing agency, and subject to the below listed conditions, Commission staff shall present the matters to a Probable Cause Panel on a consent agenda. The Probable Cause Panel shall issue a Letter of Acknowledgment of agency action in these cases, provided that the penalty guidelines of subsection 11B-27.005(5), F.A.C., specifies probation or suspension as a penalty for the offense. ~~following conditions shall be satisfied prior to the Probable Cause Determination Hearing:~~

(a) ~~The penalty guidelines of subsection 11B-27.005(5), F.A.C., specify probation or suspension as the maximum penalty for the offense;~~

(b) ~~Aggravating circumstances do not exist that may prompt the Commission to depart from the guidelines and consider revocation of certification;~~

(c) ~~Commission staff shall include on the consent agenda the following information: The name, social security number, employing agency of the respondent, the nature of the misconduct, and a statement that the employing agency took significant agency action against the respondent pursuant to subsections 11B-27.005(1)-(2), F.A.C.;~~

(d) ~~The alleged offense shall not be a violation of Section 943.13(4), F.S., or paragraphs 11B-27.0011(4)(a) or (d), F.A.C.~~

(e) ~~The respondent shall not have exhibited a "pattern of misconduct." A "pattern of misconduct" is described as more than one offense or incident of misconduct, interrelated by similar characteristics, which are not isolated incidents previously acted upon by the Commission.~~

(f) ~~The respondent shall not be a "repeat offender." A "repeat offender" is defined as a respondent who is present before the Probable Cause Panel for the third sustained offense, for which suspension of certification may be imposed within a five-year period.~~

(g) ~~The alleged misconduct shall not have presented a high risk of harm to the officer, other officers, or the public at large.~~

(9) No change.

(10) In cases where the respondent has been terminated or disciplined and is seeking review of that termination or discipline through the administrative or judicial process, the respondent and employing agency shall notify Commission staff of such review, ~~prior to the convening of the Probable Cause Panel. Pending final resolution, Commission staff shall hold such cases in abeyance. The respondent and employing agency shall also notify Commission staff of the final resolution of the administrative or judicial review. Such notification shall be done within fifteen days of the final resolution. When the administrative or judicial review is pending at the time of the Probable Cause Determination~~

~~Hearing, any findings of the Probable Cause Panel shall be conditional, except in cases where the respondent is statutorily ineligible to maintain certification, regardless of the outcome of the appeal. Pending final resolution Commission staff shall hold cases involving conditional finding in abeyance without further action.~~

(11)(a) ~~If administrative or judicial review results in a final disposition approval of the respondent's termination or discipline, the case shall no longer be held in abeyance and Commission staff shall review the case for the issuance of a Letter of Acknowledgment, if applicable, or for presentation shall be presented to the Commission for Commission action. If administrative or judicial review results in a final imposition of a penalty of less than termination of employment, the conditional finding of probable cause shall be re-addressed by a subsequent Probable Cause Panel for determination of handling under subsection (7) of this rule section.~~

(b) ~~In cases in which administrative or judicial review results in a final reversal of discipline imposed by the employing agency relating to the alleged misconduct that is subject to review by the Commission, or criminal proceedings that result in the respondent's acquittal on all charges subject to review by the Commission after a trial, Commission staff shall take no further action, provided that Commission staff may present the case to a Probable Cause Panel upon Commission staff's specific showing that the findings of fact in the collateral proceedings were based upon inclusion or exclusion of evidence, or that the testimony was a departure from the essential requirements of law, the findings of fact in the collateral proceedings were not supported by competent and substantial evidence, or were clearly contrary to the evidence presented.~~

(12)(a) ~~In cases in which the facts presented to Commission staff are inconclusive, lack reliability, are insufficient to permit a reasonable determination of what occurred, or fail to demonstrate that the alleged misconduct meets the statutory criteria for Commission action, Commission staff is authorized to "no cause" the case. Commission staff is authorized to reopen a case that has been "no caused" if new evidence or witnesses become available to Commission staff. Commission staff's characterization of misconduct shall control processing under the rules of the Commission regardless of agency characterization.~~

(b) ~~Commission staff's characterization of misconduct based upon the facts as presented shall control processing of misconduct cases under the rules of the Commission.~~

(13) through (14) No change.

Specific Authority 943.03(4), 943.12(1), 943.1395 FS. Law Implemented 943.1395 FS. History—New 12-13-92, Amended 1-19-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 11-5-02, _____.

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

(1) through (3) No change.

(4)(a) The Commission sets forth in paragraphs (5)(a)-(d); of this rule section, a range of disciplinary guidelines from which disciplinary penalties shall be imposed upon certified officers who have been found by the Commission to have violated Section 943.13(7), F.S. The purpose of the disciplinary guidelines is to give notice to certified officers of the range of penalties or prescribed penalties that shall be imposed for particular violations of Section 943.13(7), F.S., absent aggravating or mitigating circumstances, as provided in subsection (6) of this rule section. The disciplinary guidelines are based upon a "single count violation" of each provision listed. All penalties at the upper range of the sanctions set forth in the guidelines (i.e., suspension or revocation), include lesser penalties (i.e., reprimand, remedial training, or probation), that may be included in the final penalty at the Commission's discretion.

(b) 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) No change.

(b) For the perpetration by the officer of an act that would constitute any of the misdemeanor offenses, pursuant to paragraph 11B-27.0011(4)(b), F.A.C., but where there was not a violation of Section 943.13(4), F.S., the action of the Commission shall be to impose a penalty ranging from probation of certification to suspension of certification. Specific violations and penalties that shall be imposed, absent aggravating or mitigating circumstances, include the following:

Violation:	Recommended Penalty Range:
1. Assault (784.011, F.S.)	Suspension of certification
2. Battery (784.03, F.S.)	Suspension of certification
3. Petit theft (812.014, F.S.)	Suspension of certification to revocation
4. No change.	
5. Improper exhibition of a weapon (790.10, F.S.)	Probation of certification with training
6. Discharging a firearm in public (790.15, F.S.)	Suspension of certification
7. Passing a worthless check (832.05, F.S.)	Probation of certification
8. No change.	

9. Indecent exposure (800.03, F.S.) Suspension, ~~of certification~~ and probation with counseling, to revocation

10. Driving or boating under the influence (316.193 and 327.35, F.S.) Probation of ~~certification~~ with substance abuse counseling

11. No change.

12. Neglect or refusal to aid (843.06, F.S.) Suspension of ~~certification~~ to revocation

(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:

<u>Violation:</u>	<u>Recommended Penalty Range:</u>
1. Excessive use of force; under the color of authority	Suspension of certification to revocation
2. Sexual harassment involving physical contact with or misuse of position	Probation of certification training to suspension
3. Misuse of official position	Suspension of certification
4. Engaging in sex while on duty, or at any time the officer is acting under the color of authority as a Commission-certified officer	Suspension of certification to revocation
5. No change.	
6. Other unprofessional relationship with an inmate, detainee, probationer or parolee, or community controllee	Probation of certification with training to suspension
7. False statements during the employment application process	Suspension of certification to revocation
8. No change.	
9. Subverting Commission-Approved training or employing agency promotional examination process	Suspension of certification to revocation
10. Any overt, conspicuous, or public act of a sexual or simulated sexual nature which is likely to be observed by others	Suspension of certification to revocation or

11. Willful failure of the agency administrator to comply with Chapter 943, F.S., as it pertains to the Commission or Commission rules

Suspension of certification to revocation

12. Making a false statement(s) of fact, under oath, as to misconduct related to an agency duty, as defined in subparagraph 11B-27.0011(4)(c)12., F.A.C., with the intent to mislead or deceive

Suspension of certification to revocation

13. Conduct that subverts or attempts to subvert the Basic Abilities Test process pursuant to paragraphs 11B-35.0011(1)(a)-(f)(e), F.A.C.

Revocation

(d) No change.

(6) The Commission shall be entitled to deviate from the disciplinary guidelines in this rule section, upon a showing of aggravating or mitigating circumstances by evidence presented to the Commission, if pursuant to Section 120.57(2), F.S., or to an Administrative Law Judge, if pursuant to Section 120.57(1), F.S., prior to the imposition of a final penalty. The Commission shall base a deviation from the disciplinary guidelines upon a finding of one or more of the following:

(a) No change.

(b) Mitigating circumstances:

1. The officer's employment status in a position requiring Commission certification ~~Criminal Justice Standards and Training Commission certification~~ at the time of the final hearing before the Commission.

2. through 8. No change.

(7) 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, _____.

11B-27.013 Canine Team Certification.

(1) Definitions.

(a) No change.

(b) "Patrol canine evaluator" shall refer to a person who is authorized by the Commission to administer the Patrol Duty Canine Team Proficiency Examination to patrol duty canine teams and to attest to the proficiency of the team pursuant with the proficiency examination. The evaluator is also authorized to determine if training submitted by an agency that is requesting certification is equivalent to the Commission-approved ~~400-hour~~ Canine Team Training

Course, which is a minimum of 400 hours. The patrol canine evaluator applicant requesting approval of the Commission shall be required to possess the minimum training and experience pursuant to subsection (8) of this rule section, and shall be documented in a request to Commission staff.

(2) Patrol canine team certification requirements. Commission certification of a patrol canine team is not required. Prior to submitting a Patrol Canine Team Certification Application, form CJSTC-70, revised May 6, 2004, February 7, 2002, hereby incorporated by reference, the agency employing the patrol canine team shall collect, ~~and~~ verify, and have on file documents establishing compliance with the requirements of this rule section, regardless of where canine training takes place.

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

(a) A certificate issued to the canine team by a Commission-certified training school documenting successful completion of the Commission-approved ~~400-hour~~ Canine Team Training Course, which is a minimum of 400 hours; or

(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 May 6, 2004, February 7, 2002, hereby incorporated by reference.

1. If a canine team fails to demonstrate proficiency on any topic of the proficiency examination, one re-examination may be given for the specific proficiency topic. Remedial training is permitted prior to the re-examination being declared. No more than one re-examination is permitted during the entire proficiency examination.

2. If a canine team fails to successfully demonstrate proficiency, the team must repeat the block(s) of training outlined in the Commission-approved training course or an approved equivalent training course for the task failed within the specific topic. Documentation of the remedial training shall be made available to Commission-approved evaluators prior to the administration of a subsequent Patrol Duty Canine Team Proficiency Examination. The examination shall be repeated in its entirety.

(4) Equivalent Training ~~Equivalency of training~~. Equivalent training shall be reviewed and approved by a Commission-approved evaluator. Equivalent training for a canine team, with a handler who has never been certified, shall

comply with the objectives of the ~~400-hour~~ Canine Team Training Course, which is a minimum of 400 hours the exception of the administrative block of instruction. Equivalent training for a previously certified handler, who is assigned a new canine, shall comply with the objectives of the Canine Team Training Course with the exception of the administrative block of instruction. It is the responsibility of the employing agency submitting the Patrol Canine Team Certification Application; form CJSTC-70, ~~and the evaluator who completes form CJSTC-83,~~ to provide documentation of ~~equivalent training to the Commission-approved evaluator for review and for approval as equivalent training by the evaluator.~~

(5) Renewal of Certification.

(a) No change.

(b) If the patrol canine team applying for recertification has not changed or the certification expired, the employing agency requesting renewal of the certification shall submit a Patrol Canine Team Certification Application form CJSTC-70 marked "Renewal," and document the canine team proficiency on a Patrol Duty Canine Team Proficiency Examination and Equivalency; form CJSTC-83, in compliance with the requirements of paragraph 11B-27.013(3)(c), F.A.C. A patrol canine team certification that has expired shall comply with the requirements of this rule section and submit to Commission staff form CJSTC-70 marked "New."

(c) A patrol canine team certification that has expired shall comply with the requirements of this rule section and submit to Commission staff form CJSTC-70 marked "New."

(6) through (7) No change.

(8) Canine Team Evaluators. Prior to being approved by the Commission as a canine team evaluator, the evaluator shall provide documentation verifying that the evaluator applicant has complied with the following requirements:

(a) No change.

(b) Verification that the canine team evaluator applicant has trained a minimum of twelve patrol canine teams, who have successfully completed the Canine Team Certification process, and Proficiency Examination which has been documented on the Patrol Duty Canine Team Certification Application form CJSTC-70 Proficiency Examination and Equivalency form CJSTC-83. Canines trained exclusively for tracking or specific detection, ~~or a patrol canine assigned to the evaluator applicant as a work partner,~~ shall not be included in this total.

(c) No change.

(d) Request for evaluator status. A letter from the evaluator applicant requesting approval from the Commission as a "canine team evaluator" shall be forwarded to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, P. O. Box 1489, Tallahassee, Florida 32302, Attention Bureau Chief of the Bureau of Standards, for the initial request for approval as a canine team evaluator. The letter shall include the evaluator's full name, ~~and~~ social

security number (optional), complete address, and documentation of compliance with the standards set forth in this rule section.

(e) No change.

(f) Maintenance of evaluator status. Commission-approved evaluators shall be required to submit a request for continuance as an evaluator, to the address in this rule section within four years of the date of approval, with documentation that verifies the evaluator has completed a minimum of four canine team examinations within the four-year period. The verifying documentation shall be copies of form CJSTC-70 attesting that the examination of proficiency was administered by the evaluator CJSTC-83 administered by the evaluator. If the Commission-approved evaluator's approval status expires, the evaluator shall comply with the requirements in this rule section. An evaluators "approval status" that is approved prior to November 5, 2002, shall expire on November 5, 2006, unless the requirements of paragraphs (8)(a)-(d) of this rule section are met. An evaluators "approval status" shall expire four years following the date approved by the Commission.

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, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bureau Chief Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2004

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
State Officer Certification Examination	11B-30
RULE TITLES:	RULE NOS.:
State Officer Certification Examination	
General Eligibility Requirements	11B-30.006
State Officer Certification Examination and	
Retake Eligibility Requirements	
for Individuals Completing a Basic	
Recruit Training Program	11B-30.0062
CMS Application-Based State Officer	
Certification Examination and Retake	
Eligibility Requirements	11B-30.0063

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

PURPOSE AND EFFECT: Creates and revises Commission forms and corresponding rule language, revises time frames for taking and passing the State Officer Certification Examination (SOCE), clarifies exemptions from basic recruit training, clarifies timelines for taking the SOCE, repeals obsolete rule language and transfers same language to new rules, clarifies special accommodations for taking the SOCE, and clarifies the SOCE review procedures.

SUMMARY: Creates and revises Commission forms; revises the time line for taking the SOCE; revises the SOCE test requirements for officers who have taken comparable basic recruit training programs; revises the SOCE eligibility requirements for inactive, out-of-state, military, and federal law enforcement officers; revises the special test accommodations for SOCE applicants; revises the SOCE examination review process; and implements the privacy act for review of examinations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1),(18), 943.1397, 943.173(3) FS.

LAW IMPLEMENTED: 120, 943.10, 943.12(18), 943.13(7),(10), 943.131(2), 943.1397, 943.1397(1),(3),(5), 943.173 FS.

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

TIME AND DATE: 1:00 p.m., October 15, 2004

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting: Donna Hunt, (850)410-8615 or TDD Number (850)656-9597

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 32308-1489, (850)410-8615

THE FULL TEXT OF THE PROPOSED RULES IS:

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

(1) For the purposes of this rule chapter, the terms “successfully completed” and “successfully complete” are defined as being denoted with a “Pass,” pursuant to subsection 11B-35.001(7), F.A.C., on the completed Training Report, form CJSTC-67, revised May 6, 2004, February 7, 2002, hereby incorporated by reference.

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

(a) Individuals who, within four years of beginning basic recruit training, have successfully completed a Commission-approved Traditional Law Enforcement, Correctional, or Correctional Probation Basic Recruit Training Program, pursuant to paragraphs subsection 11B-35.002(8)(a), (b), and (c)(4), F.A.C., or Cross-Over Training Program, pursuant to subsection 11B-35.004(3), F.A.C., or the CMS Application-Based Basic Recruit Training Program, pursuant to subsection 11B-35.002(5), F.A.C., within the past four years.

(b) Individuals who, within four years of beginning basic recruit training, have successfully completed a Commission-approved Cross-Over Training Program for law enforcement, correctional, or correctional probation pursuant to subsection 11B-35.002(8), F.A.C.

(c) Individuals who, within four years of beginning basic recruit training, have successfully completed a Commission-approved CMS Application-Based Law Enforcement Basic Recruit Training Program pursuant to paragraph 11B-35.002(8)(d), F.A.C.

(d)(b) Inactive Florida officers who have a break-in-service of more than four years and have complied with the examination requirements pursuant to of paragraph 11B-30.008(2)(c), F.A.C., and the High-Liability Basic Recruit Training proficiency requirements pursuant to subsection 11B-35.009(6), F.A.C.

(e)(e) Individuals who have completed a comparable law enforcement basic recruit training program Basic Recruit Training Program in another state, or for the federal government, and have served as a full-time sworn officer in another state or for the federal government for at least one year, in the requested criminal justice discipline, and are approved for an exemption from completing a Commission-approved Basic Recruit Training Program, and have successfully demonstrated proficiency in the

High-Liability Basic Recruit Training Courses of vehicle operations, firearms, defensive tactics, and first aid, pursuant to Rule 11B-35.009, F.A.C.

(f) Individuals who have completed a comparable correctional or correctional probation basic recruit training program in another state or for the federal government, have served as a full-time sworn officer in another state or for the federal government for at least one year in the requested criminal justice discipline, are approved for an exemption from completing a Commission-approved Basic Recruit Training Program, and have successfully demonstrated proficiency in the High-Liability Basic Recruit Training Courses of firearms, defensive tactics, and first aid, pursuant to Rule 11B-35.009, F.A.C.

(3) "Training school" shall mean those entities ~~training academies and training schools~~ that are certified by the Criminal Justice Standards and Training Commission. Training schools may order officer certification examination applicant handbooks and an Application for Officer Certification Examination, form CJSTC-500, revised May 6, 2004, ~~December 6, 2000~~, hereby incorporated by reference, by completing a Training School Certification Examination Supplies Request, form CJSTC-514, revised February 7, 2002, hereby incorporated by reference. The request form shall be submitted to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Attention: Certification Examination Section.

(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(18), 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, _____.

11B-30.0062 State Officer Certification Examination and Retake Eligibility Requirements for Individuals Completing a Basic Recruit Training Program.

(1) Individuals who have successfully completed a Commission-approved Basic Recruit Training Program, pursuant to ~~subsection paragraph~~ 11B-30.006(2)(a), F.A.C., shall be allowed to apply for and take the applicable State Officer Certification Examination (SOCE) corresponding to the type of training, and specific to the discipline for which training was completed.

(a) The following individuals shall take the Traditional SOCE for the discipline for which training was completed:

1. Individuals completing a Commission-approved Traditional Law Enforcement, Correctional, or Correctional Probation Basic Recruit Training Program pursuant to paragraphs 11B-35.002(8)(a)-(c), F.A.C.

2. Individuals completing a Commission-approved Traditional Basic Recruit Cross-Over Training Program for law enforcement, correctional, and correctional probation pursuant to subsection 11B-35.002(9), F.A.C.

3. Inactive Florida law enforcement officers who comply with paragraph 11B-27.00212(12)(a), F.A.C., prior to January 1, 2005.

4. Inactive Florida correctional and correctional probation officers who comply with Rule 11B-35.009, F.A.C.

5. Out-of-state, military, and federal correctional and correctional probation officers who comply with Rule 11B-35.009, F.A.C.

6. Out-of-state, military, and federal law enforcement officers who comply with Rule 11B-35.009, F.A.C., prior to January 1, 2005.

(b) The following individuals shall take the CMS Law Enforcement SOCE:

1. Individuals completing a CMS Application-Based Law Enforcement Basic Recruit Training Program pursuant to paragraph 11B-35.002(8)(d), F.A.C.

2. Inactive Florida law enforcement officers who comply with paragraph 11B-27.00212(12)(a), F.A.C., after January 1, 2005.

3. Out-of-state, military, and federal law enforcement officers who comply with Rule 11B-35.009, F.A.C., after January 1, 2005.

(2) Should an individual fail to achieve an overall passing score ~~on for~~ the SOCE, the individual shall be permitted two opportunities to reapply and retake the examination.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(18), 943.131(10), 943.1397 FS. History—New 7-29-01, Amended 11-5-02, _____.

11B-30.0063 CMS Application-Based State Officer Certification Examination and Retake Eligibility Requirements.

Specific Authority 943.03(4), 943.12(1), (18) FS. Law Implemented 943.12(18), 943.1397(8), 943.173 FS. History—New 7-29-01, Amended 11-5-02, Repealed _____.

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

(1) Application to take the State Officer Certification Examination (SOCE) ~~shall may~~ be made by submitting: a ~~completed~~ Application for Officer Certification Examination form CJSTC 500, to the Florida Department of Law Enforcement, Office of Finance and Accounting, Post Office Box 1489, Tallahassee, Florida 32302 1489, and shall be accompanied by a cashiers check, money order, or public agency instrument in the amount of \$100 made payable to the Criminal Justice Standards and Training Trust Fund. A ~~completed~~ application form CJSTC 500 shall be submitted according to the established deadline date. Form CJSTC 500 and the established examination dates may be obtained from a

training school, or from the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Attention: Certification Examination Section, Post Office Box 1489, Tallahassee, Florida 32302-1489.

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

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

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

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

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

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

(6)(4) 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 Commission staff to reschedule the SOCE within sixty days of the missed examination date. Rescheduling that is granted by Commission staff 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. The following conditions shall exist and shall be documented in the applicant's request to reschedule the SOCE date:

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

Due to military service, an applicant shall provide a copy of military orders, or provide a letter from his or her commanding officer to Commission staff; or

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

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

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

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(18), 943.1397(3) FS. History--New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, _____.

11B-30.0071 Examination Accommodations for Applicants with Disabilities.

(1) In compliance with the Americans with Disabilities Act (ADA) of 1990, the Department shall provide reasonable and appropriate accommodations to individuals with physical, mental, or specific learning disabilities to the extent such accommodations do not create an undue cost, administration restraints, security considerations, and availability of resources. Accommodations made will vary depending upon the nature and the severity of the disability. Each case shall be dealt with on an individual basis with the limits prescribed herein. Reference information and guidelines regarding the process for documenting disabilities are contained in the document, "Request for Test Accommodations for Examinees with Disabilities," document, which 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)410-8600, (TDD) TDD#: (850)656-9597.

(2) An applicant requesting special accommodations shall submit an Application for Individuals Requesting Special Test Accommodations, form CJSTC-502, revised May 6, 2004, February 7, 2002, 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)410-8600, (TDD) 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) Flexible Time. Individuals requiring extra time to take the SOCE shall submit a recommendation of such from an appropriate professional, pursuant to paragraph (7)(6)(e) of this rule section. The Criminal Justice Standards and Training Commission, herein referred to as "Commission," recognizes that using a live reader takes longer than reading regular print. Untimed certification examinations shall not be provided.

(b) through (e) No change.

(4) Accommodations that are not permissible. A reader shall not be allowed for applicants taking the CMS Law Enforcement SOCE. 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)(4) The Commission shall request further evidence for the necessity of the accommodation when the evidence substantiating the need for the accommodation is not complete. The Commission shall request that the individual receive another professional evaluation to verify the disability, which shall be paid by the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, or to determine what accommodations are most appropriate and effective when the initial evaluation is inconclusive, unclear, or does not substantiate the need for the requested accommodation, which shall be paid for by the individual.

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

(7)(6) Definition of Terms.

(a) through (d) No change.

(e) For purposes of this rule, "an appropriate professional" is a person licensed, pursuant to Chapters 460 (Chiropractic), 490 (Psychological Services), 458 (Medical Practice), 459 (Osteopathy), 461 (Podiatric Medicine), 463 (Optometry), 468, Part I (Speech-Language Pathology and Audiology), or 490 (Psychological Services or certified as a School Psychologist by the Florida Department of Education), Florida Statutes, or is licensed in the state in which the certification of disability was performed. Any certification, documentation, or recommendation relating to the individual's disability provided

by an appropriate professional, and, pursuant to the requirements of this rule, shall not be extended beyond the scope permitted by the law for that professional or that which the professional knows or has reason to know that he or she is not competent to perform.

Specific Authority 943.03(4), 943.12(1), 943.1397 FS. Law Implemented 943.12(18), 943.1397 FS. History—New 7-29-01, Amended 11-5-02,

11B-30.008 State Officer Certification Examination Site Administration.

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

(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) No change.

(b) A record of completed training, if required, pursuant to Rule 11B-30.006, F.A.C. The record of completed training shall be in the form of a Commission-approved Examination Admission Voucher, form CJSTC-517, created May 6, 2004, hereby incorporated by reference. Certificate of Completion or a Letter of Completion on the training school's letterhead and shall include the applicant's name, the discipline, the completed training, the training completion date, the number of hours completed, and the signature of the training center director. Documentation of completed training may 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.

(c) SOCE requirements for out-of-state, military, or federal officers or inactive Florida officers. Effective July 1, 2002, ~~pursuant to Section 943.131(2), F.S., 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 high-liability proficiency skills.~~ 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 for the required High-Liability Basic Recruit Training Courses a copy of the Equivalency of Training Proficiency Demonstration, form CJSTC-76A, effective July 1, 2002, pursuant to Section 943.131(2), F.S., hereby

incorporated by reference, prior to the day of testing, or may present a copy of form CJSTC-76A to the examination administrator on the day of testing. 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) through (4) No change.

Specific Authority 943.03(4), 943.12(1),(18) FS. Law Implemented 943.12(18), 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, _____.

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

(1) through (5) No change.

(6) 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 an applicant identification, pencils, certificate of completion, Equivalency-of-Training Proficiency Demonstration form CJSTC-76A, revised May 6, 2004, hereby incorporated by reference, or other documentation required by the Commission. 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 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), (18), 943.173(3) FS. Law Implemented 943.12(18), 943.13(7), 943.1397(3), 943.173 FS. History—New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, _____.

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 pass the State Officer Certification Examination (SOCE) with an overall scale score equal to or higher than the established cut-off score of 80 or higher. 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 February 7, 2002, 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), (18) FS. Law Implemented 943.12(18), 943.1397(1) FS. History—New 1-10-94, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, _____.

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

(1) Individuals who have failed taken the State Officer Certification Examination (SOCE) shall have the right to review their examination results by submitting a State Officer Certification Examination Grade Review Request, form CJSTC-510, revised February 7, 2002, hereby incorporated by reference. To be eligible to file a 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 during regular work hours of 8:00 a.m. through 5:00 p.m., Monday through Friday, at the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, excluding official state holidays. 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 forty calendar days of Commission staff’s receipt of the completed form CJSTC-510. Participants in the Examination Review Session shall be permitted to review only one examination for each session.

(a) No change.

(b) Individuals requesting a ~~The individual who requested the grade review shall be provided with the results of the SOCE test results and the State Officer Certification Examination Review, form CJSTC-511, revised May 6, 2004, February 7, 2002, hereby incorporated by reference. Form CJSTC-511 shall be signed by the individual requesting the review and a Commission staff member at the conclusion of an the Examination Review Session. Individuals shall not be allowed to bring materials into the Examination Review Session or remove materials provided in the Examination Review Session. All materials used by the participants in the Examination Review Session shall be retained by Commission staff. Only individuals the individual scheduled for the Examination Review Session and a Commission staff member shall be present during an Examination Review Session.~~

(c) Prior to an ~~any~~ Examination Review Session, all individuals shall acknowledge receipt of these rules and affirm to abide by all such rules in writing.

(3) Individuals shall be prohibited from bringing materials into or removing materials from leaving an Examination Review Session with any written challenges, grade sheets, or any other examination materials.

(4) Individuals participating in an examination review session, shall be notified ~~Commission staff shall notify the individual~~ 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 on the State Officer Grade Review Request form CJSTC-510.

Specific Authority 943.03(4), 943.12(1),(18) FS. Law Implemented 943.12(18), 943.173 FS. History--New 1-10-94, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, 2331 Phillips Road, Tallahassee, Florida 32308-1489, Telephone Number: (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bureau Chief Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2004

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Training Programs
RULE CHAPTER NO.: 11B-35

RULE TITLES: General Training Programs; Requirements and Specifications
RULE NOS.: 11B-35.001

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

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

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

Student Transfers within Basic Recruit Training Programs
11B-35.0023

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

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

Traditional Basic Recruit Training Programs; Cross-Over Training for Law Enforcement, Correctional, and Correctional Probation Officers
11B-35.004

Advanced Training Program 11B-35.006
Specialized Training Program 11B-35.007

Criminal Justice Training School
Requirements for Local Administration and Security of Examinations
for Training Courses 11B-35.0085

Exemption from Basic Recruit Training 11B-35.009

PURPOSE AND EFFECT: Creates and revises forms, implements the CMS Application-Based Law Enforcement Basic Recruit Training Program, revises end-of-course examination requirements, revises the auxiliary basic recruit training program, and revises exemptions from basic recruit training programs.

SUMMARY: Creates and revises Commission forms; revises definitions; makes grammatical revisions; implements the CMS Application-Based Law Enforcement Basic Recruit Training Program Curriculum; revises the end-of-course examination process; revises course completion requirements; requires a Curriculum Version Number on the Basic Recruit Training Certificate; updates the basic abilities test violations; revises the timeline for completing basic recruit training programs; revises the requirements for transferring courses to another training school; revises the cross-over basic recruit training program requirements; revises Commission-approved training program course names; revises the requirements for completing Traditional and CMS basic recruit training programs; revises the high-liability course names and course completion requirements; revises the auxiliary basic recruit training program requirements; adds and revises advanced and specialized program course names; revises the exemption from basic recruit training program requirements; revises the process for employment as a criminal justice officer; revises the process for receiving a temporary employment authorization; and revises the process for the administration and security of end-of-course examination.

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

LAW IMPLEMENTED: 943.12, 943.12(5), 943.131(2), 943.1395(3), 943.17, 943.17(1), 943.17(1)(a), 943.1715, 943.173, 943.175, 943.25, 943.25(5) FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), (18), 943.1397, 943.173(3) FS.

LAW IMPLEMENTED: 120, 943.10, 943.12(18), 943.13(7), (10), 943.131(2), 943.1397, 943.1397(1), (3), (5), 943.173 FS.

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

TIME AND DATE: 1:00 p.m., October 15, 2004

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting: Donna Hunt, (850)410-8615, (850)656-9597 (TDD).

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 32308-1489, (850)410-8615

THE FULL TEXT OF THE PROPOSED RULES IS:

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

(1) Throughout this rule chapter “training programs,” “courses,” “instructors,” and “training schools” refer to Commission-approved training programs, courses, instructors, and training schools. Commission-approved Basic Recruit, Advanced, Training Programs, Advanced Training Courses, and Specialized Training Programs established or approved by the Criminal Justice Standards and Training Commission (Commission) are intended to provide job-related training to law enforcement, correctional, and correctional probation officers. The training programs are:

(a) Basic Recruit Training Programs that provide for the acquisition of employment skills necessary for officer certification and employment; and

(b) Advanced Training Programs that maintain officer certification, enhance officer knowledge, skills, and abilities, and assist in an officer’s promotion to a higher rank.

(c) Specialized Training Programs that provide for officer post-basic in-service training that enhance an officer’s knowledge, skills, and abilities in a specific area.

(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).

(3) Instructors who teach Commission-approved Basic Recruit, Advanced, Training Courses, Advanced Training Courses, and Specialized Training Program Courses Programs at a training school shall: be certified by the Commission, or exempt from certification, pursuant to Rule 11B-20.001, F.A.C.

(a) Be a Commission-certified General Instructor pursuant to subsection 11B-20.001(3), F.A.C., or be exempt from certification pursuant to subsection 11B-20.001(4), F.A.C.

(b) Be required to hold additional certifications for specified areas of instruction in Commission courses pursuant to Rule 11B-20.0014, F.A.C.

(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.

(4) Commission-approved Basic Recruit, Advanced, Training Programs, Advanced Training Courses, and Specialized Training Program Courses Programs shall be made available to the following:

(a) Students who enroll in a Commission-approved Basic Recruit Training Program to become certified law enforcement, correctional, or correctional probation officers.

(b) Students who enroll in a Commission-approved Advanced ~~an~~ Training Course or Specialized Training Program Course; and are Commission-certified law enforcement, correctional, or correctional probation officers.

(c) Criminal justice officers and support personnel, defined in Section 943.10(11), F.S., are authorized to expend Officer Training Monies to attend Commission-approved Advanced Training Courses and Specialized Training Program Courses Programs delivered through a training school. The Commission has further authorized support personnel to attend training courses funded with Officer Training Monies, as defined in paragraph 11B-18.0053(3)(a), F.A.C.

(d) The training center director shall provide to each student, the Commission’s approved Basic Recruit Training Curriculum ~~for each of the Basic Recruit Training Courses~~ applicable to the student’s enrollment. This material is to be provided prior to or during the time that the student is enrolled in a given course.

(5) Training center directors shall ensure that the Commission’s CMS Application-Based Law Enforcement Basic Recruit Training Program is Programs ~~are~~ delivered in compliance with Commission rules and delivery guidelines provided in the Curriculum ~~the facilitator and student materials prescribed for each curriculum module.~~

(6) Training curricula and delivery requirements shall be maintained for Commission-approved Basic Recruit, Advanced, Training Courses, Advanced Training Courses, and Specialized Training Programs within the Florida Department of Law Enforcement, Criminal Justice Professionalism Program.

(7) Student performance in courses.

(a) Each training school shall make available to its students and Commission staff a written copy of its performance standards.

(b) A student enrolled in a Commission-approved Basic Recruit Training Program shall achieve a score of no less than 80% on each of the end-of-course examinations, exclusive of demonstration of proficiency skills in the High-Liability Basic Recruit Training Courses. A student enrolled in a Commission-approved Advanced or Specified Specialized Training Program Course shall achieve a score of no less than 75% percent on the end-of-course examination, exclusive of demonstration of proficiency skills in the High-Liability Basic Recruit Training Courses to successfully complete an Advanced Training Course or Specialized Training Program Course, and 80 percent on the end-of-course examination to successfully complete each Basic Recruit Training Course, exclusive of the demonstration of high-liability proficiency skills.

(c) The training center director or designee is responsible for the development, maintenance, and administration of a comprehensive end-of-course examinations ~~for each of the Basic Recruit Training Courses, Advanced Training Courses, and Specialized Training Program Courses.~~ The training center director is authorized to develop, maintain, and administer additional academic tests for ~~these~~ courses, and is not limited to only the utilization of a comprehensive end-of-course examination. Training schools shall maintain examinations for Commission-approved Basic Recruit, Advanced, Training Courses, Advanced Training Courses, and Specified Specialized Training Program Courses in compliance with the administration, confidentiality, and security requirements of subsections 11B-35.0085(2)-(5)(3), F.A.C. ~~For Traditional Basic Recruit Training Programs, end-of-course examinations shall be developed and administered that include the objectives in each course. Examinations for CMS Application-Based Basic Recruit Training Programs, end-of-course examinations shall be developed and administered for each course from the objectives outlined in the CMS test specifications.~~

(d) Specified Specialized Training Program Courses requiring an end-of-course examination are:

1. Specialized Instructor Training Courses outlined in subsection 11B-35.007(3), F.A.C.

<u>Course Number</u>	<u>Course Title</u>	<u>Course Hours</u>
2. 1112	<u>Canine Team Training Course</u>	<u>400</u>
3. 1113	<u>Laser Speed Measurement Device (LSMD) Transition Operators Course for Radar Operators</u>	<u>12</u>
4. 1132	<u>Parking Enforcement Specialist for Civilians</u>	<u>16</u>
5. 1133	<u>Selective Traffic Enforcement Program for Civilians</u>	<u>80</u>

6. 732	<u>Traffic Control Officer for Civilians</u>	<u>8</u>
7. 851	<u>Breath Test Operator Course</u>	<u>24</u>
8. 951	<u>Breath Test Operator Renewal Course</u>	<u>6</u>
9. 850	<u>Agency Inspector Course</u>	<u>24</u>
10. 950	<u>Agency Inspector Renewal Course</u>	<u>6</u>
11. 1134	<u>Criminal Justice Officer Ethics Course</u>	<u>8</u>
12. 1135	<u>Crimes Against Children</u>	<u>Open</u>
13. 1136	<u>Domestic Violence</u>	<u>Open</u>
14. 1137	<u>Violent Crime Investigator Training Course</u>	<u>Open</u>

(e) End-of-course examinations shall be developed and administered for each course in the Traditional Basic Recruit Training Programs and shall include the objectives in each course. End-of-course examinations shall be developed and administered for each course in the CMS Application-Based Law Enforcement Basic Recruit Training Program from the objectives outlined in the CMS Test Specifications.

(8) The “CMS” designation shall be utilized in conjunction with the titles of training identified in this rule chapter. The “CMS” designation shall identify ~~for training schools, agencies, instructors, and students,~~ programs and courses that have been developed using application-based delivery techniques, and courses developed to teach the instructional philosophy of the CMS Application-Based Law Enforcement Basic Recruit Training Programs for training schools, agencies, instructors, and students program.

(9) Field-test of the CMS Application-Based Basic Recruit Training Program. The Criminal Justice Standards and Training Commission is currently developing and evaluating the CMS Application-Based Basic Recruit Training Programs for use as a basic recruit training program for criminal justice officers. These ~~The CMS Application-Based Basic Recruit Training Programs~~ are based on a statewide job-task analysis of each of the criminal justice disciplines, and provide an enhanced learning environment for the student, through lesson plans provided for each module, and ensure a “standardized delivery” of statewide training curricula. A CMS ~~Field-Test~~ field-test utilizing a classroom environment with student participation is necessary to evaluate the program before certain course criteria can be established and final rules adopted. To accomplish these goals:

(a) The Commission authorizes field-testing of the CMS Application-Based Basic Recruit Training Programs effective June 2001.

(b) The Commission approves the CMS Field-Test as a Commission-approved Basic Recruit Training Program ~~basic recruit training program for law enforcement officers~~ during the field-test period.

(c) Specific conditions for instructor certification and delivery of the CMS Curricula ~~curricula~~ are established consistent with the completed modules. Training schools shall adhere to the delivery specifications and the instructor requirements outlined in the modules. The Commission

exempts the training schools, academies, and colleges that participate in the CMS Field-Test pursuant to paragraph (9)(e) of this rule section, from the requirements of subsection 11B-35.001(7), F.A.C., General Training Programs; Requirements, and Specifications.

(d) Exemptions set forth in paragraph (9)(c) of this rule section shall not apply to courses in ~~Commission-approved the~~ Traditional Basic Recruit Training Programs.

(e) ~~Notwithstanding subsection 11B-27.002(4), F.A.C., a basic recruit student enrolled in a Commission-approved Traditional Law Enforcement Basic Recruit Training Program with a beginning date prior to July 1, 2004, shall be allowed to continue in the program until the student successfully completes, fails, or withdraws from the program. The CMS Field-Test shall be conducted at training schools. Individual field-tests of the CMS High-Liability Modules may be delivered by any training school. A full field-test of the CMS Application-Based Basic Recruit Training Program for law enforcement shall be initiated at the following training schools:~~

1. ~~A basic recruit student who is unable to graduate from a Commission-approved Traditional Law Enforcement Basic Recruit Training Program because of failure to achieve a passing score on the end-of-course examination(s), pursuant to subsection 11B-35.001(7), F.A.C., shall be granted a re-test for each course failed.~~ Santa Fe Community College.

2. The re-examination provisions outlined for a basic recruit student in subsection (12) of this rule section shall not apply. Broward Community College.

3. A basic recruit student who meets the conditions stated in this rule section shall have successfully passed the end-of-course examination(s) by June 30, 2005. St. Petersburg Junior College.

4. Florida Highway Patrol.

5. Polk Community College.

6. Lake County Vocational Technical School.

7. Tallahassee Community College.

(f) Students participating in the field-test of the CMS Application-Based Basic Recruit Training Program shall be students seeking Commission training for the purpose of applying to take the State Officer Certification Examination and for employment as a Florida law enforcement officer. Selection of students shall be consistent with the individual agency, community college, or vocational technical school process for selection of students. Students participating in the CMS Application-Based Basic Recruit Training Program shall successfully complete all activities contained within the lesson plans. Students who successfully complete a CMS Application-Based Basic Recruit Training Program are eligible to apply for and take the CMS Application-Based State Officer Certification Examination pursuant to Rule 11B-30.0063, F.A.C.

~~(g) This rule section shall expire upon Commission acceptance and approval of the CMS Application-Based Basic Recruit Training Program for each of the criminal justice disciplines.~~

(10) ~~Reporting Training program reporting~~ requirements for Commission-approved Basic Recruit, Advanced, and Specialized Training Program Courses ~~training center directors~~ are as follows:

(a) The training center director or designee shall determine the beginning and ending dates of each Basic Recruit Training Program, and thirty days following the class starting date shall forward a Training Report, form CJSTC-67, revised ~~May 6, 2004, February 7, 2002~~, hereby incorporated by reference, to Commission staff through the Commission's Automated Training Management System (ATMS).

(b) Following the completion of a ~~Commission-approved Basic Recruit Training Program Course, Advanced Training Program Course, or Instructor Training Course, instructor training course and courses pursuant to paragraphs 11B-35.007(4)(h), (i), (m), (n), (o) and (p), F.A.C.,~~ the training center director or designee shall, within thirty days of the ~~program or course completion date~~, electronically transmit a completed Training Report form CJSTC-67, ~~or transmit an updated CJSTC-67 form~~ through the Commission's ATMS, ~~or submit an updated form CJSTC-67. The following Specialized Training Program Courses shall be submitted to Commission staff through the Commission's ATMS, by transmitting a completed form CJSTC-67 within thirty days of the course completion:~~

~~1. Canine Team Training Course.~~

~~2. Laser Speed Measurement Device (LSMD) Transition Operators Course for Radar Operators.~~

~~3. Breath Test Operator Course.~~

~~4. Breath Test Operator Renewal Course.~~

~~5. Agency Inspector Course.~~

~~6. Agency Inspector Renewal Course.~~

(c) The training center director or designee shall ensure that the records for ~~Commission-approved Basic Recruit, Advanced, Training Programs, Advanced Training Courses,~~ 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. Course outline(s) or schedule(s).~~

~~2. Course(s) name and contact person.~~

~~3. Date(s) of course(s).~~

~~4. Full legal name names of all attending students.~~

~~5. Test scores when and test materials, if tests are used. Test materials shall be made available for review by Commission staff upon request.~~

~~6.5.~~ The number of course electives ~~shall be included~~ for all courses delivered using Commission-approved Specialized Goals and Objectives.

~~7.6.~~ Applicable proficiency checklist and performance reports.

~~8.7.~~ Course instructors.

~~9.8.~~ Student attendance records.

~~10.9.~~ Training Report form CJSTC-67.

~~11.10.~~ For Basic Recruit Training Programs, proof of compliance with Sections 943.14(7) ~~943.14(8)~~ and 943.17(1)(g), F.S.

~~12.11.~~ Attaining school re-examination policy and document justification for each student reexamination administered.

~~13.12.~~ A list of expenditures from the Criminal Justice Standards and Training Trust Fund Officer Training Monies for Commission-approved Advanced ~~shall be included for Advanced Training Courses~~ and Specialized Training Program Courses when Officer Training Monies are used to fund the course.

(11) Student attendance requirements for Commission-approved Basic Recruit Training Programs outlined in paragraphs 11B-35.002(1)(a)-(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.

(a) The training center director or designee shall maintain daily student attendance records for each training course. A training school shall have a written copy of its attendance policy available for review by students and Commission staff.

(b) Each student shall attend all sessions of a training course except for absences approved by the training center director. The training center director shall maintain in the student's file at the training school, documentation specifying the reason for excused absence(s). Students shall be responsible for class work missed during absences. The training center director shall determine the content and quantity of makeup work. Makeup work required of a student shall be maintained in the student's file at the training school.

(c) The Commission has approved the delivery of High-Liability Basic Recruit Training Courses and CMS Instructor Transition Courses as "competency-based" instruction. Competency-based instruction is defined as "curriculum that uses specific objectives and performance-based learning to achieve performance standards, in lieu of established contact hours."

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

(a) A student shall achieve a passing score, pursuant to subsection 11B-35.007(1), F.A.C., on successfully complete all end-of-course examinations in a Commission-approved ~~to be eligible to pass a~~ Basic Recruit Training Program to

successfully complete a program. A student who has failed a cognitive end-of-course examination may be granted a re-examination by the training center director if:

1. There is technical difficulty in the administration of the test.

2. A condition of the student adversely impacts the student's ability to achieve a passing score on an end-of-course examination ~~pass the test.~~

3. The end-of-course testing instrument is shown to be invalid.

(b) Exclusive of the Commission's high-liability training courses and re-examinations in paragraph (12)(a) of this rule section, a student may be granted one course cognitive re-examination during ~~the course of~~ a single Basic Recruit Training Program, ~~exclusive of the re-examinations in paragraph (12)(a) of this rule section.~~ Students, who have failed to successfully demonstrate ~~the~~ required cognitive knowledge after a second attempt, shall be deemed to have failed the course.

~~(c) A student shall be granted 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 Commission-required high-liability training areas of firearms, vehicle operations, defensive tactics, and medical first responder. Students, who have failed to successfully demonstrate required cognitive knowledge or demonstration of high-liability proficiency skills after a second attempt, shall be deemed to have failed the High-Liability Training Course.~~

~~(c)(d)~~ The training center director is authorized to approve a student's request for re-examination.

~~(e) Each training school shall develop its own procedures for processing a student request for re-examination set forth in subsection (12) of this rule section. Training school procedures for processing student requests for re-examination shall be documented and maintained on file at the training school for review by Commission staff and the student.~~

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

(14) Proof of course completion. The training center director shall, within thirty days, following the completion of a Commission-approved Basic Recruit, Advanced, Training

~~Program, Advanced Training Course, or Specialized Training Program Course, provide to a student who has successfully completed the program, training course, 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 Training Program, Advanced Training Course, 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.~~

(15) 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, 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, _____.

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 the applicable Basic Recruit Training Program.

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

- (a) Removing BAT materials from the examination room.
- (b) Reproducing or reconstructing any portion of the BAT.
- (c) Aiding by any means in the reproduction of any portion of the BAT.

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

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

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

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

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

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

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

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

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

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

(b) Impersonating an applicant.

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

(d) Disrupting the test administration.

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

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

(a) Have their BAT declared invalid;

(b) Forfeit the application fee;

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

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

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

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

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

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

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 ~~high liability~~ proficiency skills necessary for officer employment and certification pursuant to Sections 943.10(1)-(3), F.S. Individuals who apply for employment as a Florida law enforcement, correctional, or correctional probation officer, shall successfully complete one of the following Commission-approved Basic Recruit Training Programs:

- (a) Traditional Law Enforcement Basic Recruit Training Program (Retired June 30, 2004) 672.0 hours
 - (b) Traditional Correctional Basic Recruit Training Program 532.0 hours
 - (c) Traditional Correctional Probation Basic Recruit Training Program 424.0 hours
 - (d) CMS Application-Based Law Enforcement Basic Recruit Training Program 760.0 hours
 - (e) Traditional Law Enforcement to Correctional Basic Recruit Cross-Over Training Program 156.0 hours
 - (f) Traditional Law Enforcement to Correctional Probation Basic Recruit Cross-Over Training Program 150.0 hours
 - (g) Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program 302.0 hours
 - (h) Traditional Correctional to Correctional Probation Basic Recruit Cross-Over Training Program 180.0 hours
 - (i) Traditional Correctional Probation to Correctional Basic Recruit Cross-Over Training Program 412.0 hours
 - (j) Traditional Correctional Probation to Law Enforcement Basic Recruit Cross-Over Training Program 256.0 hours
 - (k) Law Enforcement Auxiliary Officer Basic Recruit Training Program 294.0 hours
 - (l) Correctional Auxiliary Officer Basic Recruit Training Program 254.0 hours
 - (m) Correctional Probation Auxiliary Officer Basic Recruit Training Program. 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) 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 a Basic Recruit Training Program pursuant to Rules 11B 35.002, 11B 35.003, 11B 35.004, F.A.C., or former Rule 11B 29.002, F.A.C., pass the State Officer Certification Examination (SOCE) pursuant to Rule 11B-30.0062, F.A.C., and gain employment as an officer within four years of starting the required training program. 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, comply with the following:

- (a) Successfully completed the applicable 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.; and
- (b) Achieve a passing score on the applicable Pass the State Officer Certification Examination pursuant to Rule 11B-30.0062, F.A.C.
- (3) Individuals enrolled in a Commission-approved Traditional Law Enforcement Basic Recruit Training Program prior to July 1, 2004, shall be allowed to continue such training until they successfully complete, fail, or withdraw from the training program, and shall comply with subsection (2) of this rule section. Basic Recruit Training Program requirements:
- (4)(a) Each training school that offers a Commission-approved Traditional Basic Recruit Training Program, pursuant to paragraphs (1)(b), (c), (e)-(j) of this rule section, shall deliver all courses Basic Recruit Training Courses included in the Traditional Basic Recruit Training Program. A training school that complies with this requirement may also deliver any combination of Commission-approved Traditional Basic Recruit Training Program Courses, based upon agency need and student remediation.
- (5)(b) Each training school that offers the Commission's a CMS Application-Based Law Enforcement Basic Recruit Training Program, pursuant to paragraph (1)(d) of this rule section, shall deliver all course materials included in the training program. Delivery and sequencing of the course materials shall comply with the requirements set forth in the CMS Curriculum facilitator and student materials approved by the Commission and shall be delivered in sequence. The training school shall ensure that all introductory and high liability course materials are successfully completed by a basic recruit student prior to a student beginning the application based course materials.
- (6)(e) A basic recruit student shall successfully complete Commission-approved Basic Recruit Training Program Courses to be eligible to take the applicable State Officer Certification Examination. For each Basic Recruit Training Course, a student shall pass a comprehensive end-of-course examination:
- (d) Successful completion of all courses within a Basic Recruit Training Program shall determine a student's eligibility to take the State Officer Certification Examination in a respective discipline.
- (7) High-Liability Basic Recruit Training Courses, pursuant to Rule 11B-35.0024, F.A.C., successfully completed at a training school, shall be transferable from one training school to another, or from one Commission-approved Basic Recruit Training Program to another, pursuant to Rule 11B-35.0023, F.A.C. A basic recruit student who requests transfer of successfully completed High-Liability Basic Recruit Training Courses from the Traditional Basic Recruit Training Program to the CMS Application-Based Law

Enforcement Basic Recruit Training Program, shall complete high-liability training designated as "CMS New" in the CMS High-Liability Basic Recruit Training Course for which the training is requested.

(8)(4) 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: Traditional Basic Recruit Training Programs. Basic Recruit Training Programs shall be on file at the Florida Department of Law Enforcement, Criminal Justice Professionalism Program. Effective February 4, 1999, such programs shall include the following courses:

(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 1	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	106.0
6. Criminal Justice Weapons, or CMS Criminal Justice Firearms	CJK_0050 or CJB_1050	64.0
7. Medical First Responder	CJK_0040 or CJB1040	

Course	Course	Course
(Options: CJT_362 or EMS_1059), or CMS First Responder to Medical Emergencies Unit 1	CJD_254	48.0
8. Law Enforcement Legal 3	CJK_0030 or CJB_1030	32.0
9. Law Enforcement Patrol	CJD_730	32.0
10. Law Enforcement Traffic	CJD_731	64.0
11. Law Enforcement Vehicle Operations, or CMS Law Enforcement Vehicle Operations	CJD_732	46.0
12. Law Enforcement Investigations	CJD_723	32.0
	CJK_0020 or CJB_1020	
	CJD_734	64.0
	TOTAL	672.0

(b) Traditional Correctional Basic Recruit Training Program:-

Course Name	Course Number	Course Hours
1. Criminal Justice Legal 1	CJD_770	46.0
2. Criminal Justice Legal 2	CJD_771	22.0
3. Criminal Justice Communications	CJD_772	42.0
4. Interpersonal Skills 1	CJD_773	62.0
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	106.0
6. Criminal Justice Weapons, or CMS Criminal Justice Firearms	CJK_0050 or CJB_1050	80.0
7. CMS First Aid for Criminal Justice Officers	CJD_705	64.0
Medical First Responder (Options: CJT_362 or EMS_1059), or CMS First Responder to Medical Emergencies Unit 1	CJK_0040 or CJB_1040	80.0
8. Interpersonal Skills 2	CJK_0030	40.0
9. Emergency Preparedness	CJK_0030	40.0
10. Correctional Operations	CJD_254	48.0
11. CMS Criminal Justice Special Topics, Module 15	CJK_0030 or CJB_1030	50.0
	CJD_750	50.0
	CJD_741	26.0
	CJD_752	64.0
	CJK_0095	20.0
	TOTAL	532.0
		530.0

(c) Combination Recruit Training Program

1. Criminal Justice Legal 1	CJD_710	54.0
2. Criminal Justice Legal 2	CJD_711	52.0
3. Criminal Justice Communications	CJD_712	62.0
4. Interpersonal Skills 1	CJD_713	66.0
5. Criminal Justice Defensive Tactics that includes the 38-hour	CJD_704	106.0

Preparation for Defensive Tactics Course, effective 7/1/98, or CMS Criminal Justice Defensive Tactics	CJK_0050 or CJB_1050	
6. Criminal Justice Weapons, or CMS Criminal Justice Firearms	CJD_705	64.0
7. Medical First Responder (Options: CJT_362 or EMS_1059), or CMS First Responder to Medical Emergencies Unit 1	CJD_254	48.0
8. Law Enforcement Legal 3	CJK_0030 or CJB_1030	
9. Law Enforcement Patrol	CJD_730	32.0
10. Law Enforcement Traffic	CJD_731	64.0
11. Law Enforcement Vehicle Operations, or CMS Law Enforcement Vehicle Operations	CJD_732	46.0
13. Interpersonal Skills 2	CJD_723	32.0
Law Enforcement Investigations	CJK_0020 or CJB_1020	
14. Emergency Preparedness	CJD_750	50.0
15. Correctional Operations	CJD_734	64.0
	CJD_741	26.0
	CJD_752	64.0
	TOTAL	830.0

(d) Associates of Science Criminal Justice Combination Academy Track

1. Criminal Justice Legal 1	CJD_700	54.0
2. Criminal Justice Legal 2	CJD_701	52.0
3. Criminal Justice Communications	CJD_702	62.0
4. Interpersonal Skills 1	CJD_703	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	106.0
6. Criminal Justice Weapons, or CMS Criminal Justice Firearms	CJK_0050 or CJB_1050	
7. Medical First Responder (Options: CJT_362 or EMS_1059), or CMS First Responder to Medical Emergencies Unit 1	CJD_705	64.0
8. Law Enforcement Legal 3	CJK_0040 or CJB_1040	
9. Law Enforcement Patrol	CJD_254	48.0
10. Law Enforcement Traffic	CJK_0030 or CJB_1030	
11. Law Enforcement Vehicle Operations, or CMS Law Enforcement Vehicle Operations	CJD_720	32.0
12. Law Enforcement Investigations	CJD_721	64.0
13. Interpersonal Skills 2	CJD_722	46.0
14. Emergency Preparedness	CJD_723	32.0
15. Correctional Operations	CJK_0020 or CJB_1020	
	CJD_724	64.0
	CJD_740	50.0
	CJD_741	26.0
	CJD_742	64.0
	TOTAL	830.0

(c)(e) Traditional Correctional Probation Basic Recruit Training Program:-

Course Name	Course Number	Course Hours
1. Correctional Probation Legal	CJD_790	60.0
2. Correctional Probation Operations	CJD_791	16.0
3. Correctional Probation Interpersonal Skills	CJD_792	68.0
4. Correctional Probation Communication Skills	CJD_793	70.0
5. Correctional Probation Supervision	CJD_794	54.0
6. 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_795	106.0
7. CMS Correctional Probation Firearms	CJK_0050 or CJB_1050	80.0
8. CMS First Aid for Criminal Justice Officer	TBA	16.0
Medical First Responder (Options: CJT_362 or EMS_1059), or CMS First Responder to Medical Emergencies Unit 1	CJD_795	16.0
9. Criminal Justice Special Topics, Module 15	CJK_0030	40.0
	CJK_0095	20.0
	TOTAL	424.0
		438.0

(5) CMS Application Based Basic Recruit Training Programs:-

(a) CMS Application Based Law Enforcement Officer Basic Recruit Training Program 672.0

(b) CMS Application Based Correctional Officer Basic Recruit Training Program 530.0

(c) CMS Application Based Correctional Probation Officer Basic Recruit Training Program 438.0

(d) CMS Application Based Law Enforcement Basic Recruit Training Program:

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_0030	40.0
6. CMS Criminal Justice Firearms	CJK_0040	80.0
7. CMS Criminal Justice Defensive Tactics	CJK_0050	80.0

8. Patrol	CJK_0060	57.0
9. Investigations	CJK_0070	53.0
10. Investigating Offenses	CJK_0075	40.0
11. Traffic Stops	CJK_0080	62.0
12. Traffic Crash Investigations	CJK_0085	32.0
13. Tactical Applications	CJK_0090	14.0
14. Criminal Justice		
Special Topics	CJK_0095	20.0
	TOTAL	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) Officers entering a basic recruit cross-over training program shall comply with the employment requirements of Section 943.1395(3), F.S., and subsections 11B-27.002(4) and 11B-35.002(2), F.A.C.; and

(b) An applicant requesting to attend a Commission-approved Basic Recruit Cross-Over Training Program shall:

1. Be an active certified officer in the discipline the officer is moving from; or

2. Have successfully completed a Commission-approved Basic Recruit Training Program and passed the State Officer Certification Examination (SOCE), within four years, for the discipline the officer is moving from.

(c) A Commission-approved Basic Recruit Cross-Over Training Program requires that an officer comply with Section 943.17(1)(g), F.S., successfully complete the required courses in the cross-over training program for the discipline in which cross-over certification is being requested, successfully complete the applicable high-liability training requirements pursuant to subsection (7) of this rule section, if applicable, and achieve a passing score on the applicable State Officer Certification Examination pursuant to Rule 11B-30.0062, F.A.C.

(d) Traditional Law Enforcement to Traditional Correctional Basic Recruit Cross-Over Training Program. A law enforcement officer shall complete the following courses to cross-over from the "Law Enforcement Discipline" to the "Correctional Officer Discipline":

<u>Course Name</u>	<u>Course Number</u>	<u>Course Hours</u>
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. A law enforcement officer shall complete the following courses to cross-over from the "Law Enforcement Discipline" to the "Correctional Probation Officer Discipline":

<u>Course Name</u>	<u>Course Number</u>	<u>Course Hours</u>
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
3. Correctional Probation Operations	CJD_791	16.0
	Total	150.0

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

<u>Course Name</u>	<u>Course Number</u>	<u>Course Hours</u>
1. Cross-Over Correctional to Law Enforcement	CJD_781	48.0
2. Law Enforcement Legal 3	CJD_730	32.0
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
	Total	302.0

(g) Traditional Correctional to Traditional Correctional Probation Basic Recruit Cross-Over Training Program. A correctional officer shall complete the following courses to cross-over from the "Correctional Discipline" to the "Correctional Probation Discipline":

<u>Course Name</u>	<u>Course Number</u>	<u>Course Hours</u>
1. Cross-Over Correctional Legal to Correctional Probation	CJD_774	30.0
2. Cross-Over Correctional to Correctional Probation	CJD_775	26.0
3. Correctional Probation Communication Skills	CJD_793	70.0
4. Correctional Probation Supervision	CJD_794	54.0
	Total	180.0

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

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

(i) Traditional Correctional Probation to Traditional Correctional Basic Recruit Cross-Over Training Program. A correctional probation officer shall complete the following courses to cross-over from the "Correctional Probation Discipline" to the "Correctional Discipline":

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

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

(1) Basic Recruit High-Liability Training Courses:

~~(a) Traditional Basic Recruit Training Program:~~

- ~~1. Criminal Justice Weapons Course.~~
- ~~2. Law Enforcement Vehicle Operations Course.~~
- ~~3. Criminal Justice Defensive Tactics Course.~~
- ~~4. Medical First Responder Course.~~

~~(b) CMS Application-Based Basic Recruit Training Program:~~

- ~~(a)1- CMS Criminal Justice Firearms Course.~~
- ~~(b)2- CMS Law Enforcement Vehicle Operations Course.~~
- ~~(c)3- CMS Criminal Justice Defensive Tactics Course.~~

~~(d)4- CMS First Aid for Criminal Justice Officers Course Responder to Emergencies, Unit 1: Medical First Responder.~~

~~(2)(e) Instructor High-Liability Training Courses:~~

- ~~(a)1- Firearms Instructor Course. (Retired June 30, 2004)~~
- ~~(b)2- CMS Firearms Instructor Course.~~
- ~~(c)3- CMS Firearms Instructor Transition Course.~~

~~(d)4. Law Enforcement Vehicle Operations Instructor Course. (Retired June 30, 2004)~~

~~(e)5- CMS Law Enforcement Vehicle Operations Instructor Course.~~

~~(f)6- CMS Law Enforcement Vehicle Operations Instructor Transition Course.~~

~~(g)7- Defensive Tactics Instructor Course. (Retired June 30, 2004)~~

~~(h)8- CMS Defensive Tactics Instructor Course.~~

~~(i)9- CMS Defensive Tactics Instructor Transition Course.~~

~~(j)10- Medical First Responder Instructor Course. (Retired June 30, 2004)~~

~~(k)11- CMS Medical First Aid Responder Instructor Course.~~

~~(l)12- CMS First Aid Responder to Emergencies Instructor Transition Course, Unit 1: Medical First Responder.~~

~~(3)(d) Applicants shall complete the training requirements set forth in subsection 11B-20.0014(2)(4), F.A.C., to become certified by the Commission to instruct in the high-liability topics of firearms, vehicle operations, defensive tactics, and first aid areas.~~

~~(4)(2) Instructor to student Ratios for Instruction of proficiency skills in the High-Liability Basic Recruit Training Courses and instructor courses. Student to Instructor Ratios for Instruction of High-Liability Proficiency Training.~~

~~(a) For instruction of the CMS Criminal Justice Firearms Weapons Course, CMS or Firearms Instructor Course, or CMS Firearms Instructor Transition Course, there shall be no more than six students actively engaged on a firearms range for each Commission-certified firearms instructor actively engaged on a firearms range. Actively engaged is defined as "a student on the firing range handling a weapon."~~

~~(b) For instruction of the CMS Law Enforcement Vehicle Operations Course, CMS or Law Enforcement Vehicle Operations Instructor Course, or CMS Vehicle Operations Instructor Transition Course, there shall be at least one Commission-certified driving instructor for each vehicle actively engaged on a driving range. Actively engaged is defined as "a vehicle that is at the point between the start and end of an exercise." Returning from or being in route to a driving range or course shall not be considered as actively engaged.~~

~~(c) For instruction of the CMS Criminal Justice Defensive Tactics Course, CMS or Defensive Tactics Instructor Course, or CMS Defensive Tactics Instructor Transition Course, there shall be no more than ten eight students actively engaged in~~

defensive tactics for each Commission-certified defensive tactics instructor while actively engaged in defensive tactics. Actively engaged is defined as “a student engaged in the practical performance of any one of the approved defensive tactics techniques.” ~~For instruction of the 38-Hour Preparation for Defensive Tactics Course in the Commission-approved Traditional Basic Recruit Training Programs, the student to instructor ratio shall be two instructors for the first twenty students. Each additional twenty students, or any portion thereof, shall require an additional instructor.~~

(d) For instruction of the CMS Criminal Justice Firearms Course, CMS Firearms Instructor Course, CMS Firearms Instructor Transition Course, CMS Law Enforcement Vehicle Operations Course, CMS Vehicle Operations Instructor Course or CMS Vehicle Operations Instructor Transition course, training courses for firearms and vehicle operations, in paragraphs (2)(a) (b) of this rule section, one rangemaster shall supervise all range activity while training is actively engaged. The rangemaster shall be a Commission-certified instructor for the High-Liability Basic Recruit Training Course being trained, and shall not be included as an instructor to comply with the instructor to student or instructor to vehicle student to instructor ratio requirements.

(e) For instruction of the CMS First Aid for Criminal Justice Officers Course, Medical First Responder Course CMS First Aid Instructor Course, or Medical First Responder Instructor Course CMS First Aid Instructor Transition Course, at least one Commission-certified CMS First Aid Instructor Medical First Responder Instructor shall be required for every ten six students actively engaged in the practical and performance areas of the training portions of the training. Actively engaged is defined as “a student involved in the practical performance of any first aid skills training medical first responder skills training.” CPR Instructors, who possess a valid CPR Instructor Certification, which is at minimum 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 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 instructors 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, _____.

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

(1) Pursuant to subsection 11B-35.002(1), F.A.C., Commission-approved Basic Recruit Training Programs shall be offered only at training schools certified by the Criminal Justice Standards and Training Commission for the respective discipline.

(2) A student enrolled in a Commission-approved Basic Recruit Training Program may transfer courses to another training school, provided the courses have been successfully completed and Basic Recruit Training Courses that have been successfully completed at one training school, to another training school, if the student has exited the previous training school in “good standing,” pursuant to subsection (5) of this rule section. ~~Courses completed in a Traditional Basic Recruit Training Program shall be recognized and transferable to a Traditional Basic Recruit Training Program of the same discipline in a different training school. Courses completed in a Commission-approved CMS Application-Based Basic Recruit Training Program shall be acceptable for transfer to a CMS Application-Based Basic Recruit Training Program for the same discipline in a different training school.~~

(a) Courses completed in a Traditional Basic Recruit Training Program shall be recognized and transferable to a Traditional Basic Recruit Training Program in a different training school.

(b) Courses completed in the CMS Application-Based Law Enforcement Basic Recruit Training Program shall be transferable to a CMS Application-Based Law Enforcement Basic Recruit Training Program in a different training school.

(c) High-Liability Basic Recruit Training Courses successfully completed in a Traditional Law Enforcement Basic Recruit Training Program shall be transferable to the CMS Application-Based Law Enforcement Basic Recruit Training Program provided the student requesting the transfer has successfully completed the High-Liability Basic Recruit Training Course designated as “CMS New” for which the transfer is requested.

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

(4) When a student has successfully completed courses included in a Commission-approved Basic Recruit Training Program at two or more training schools, and has met all requirements for completion of the program, as set forth in the requirements of this rule section, the training school where the student has successfully completed the greatest number of courses in that program, shall, upon receipt of the student records from the other training school(s), submit a Training Report form CJSTC-67 to Commission staff. The training

school submitting form CJSTC-67, may require the student to demonstrate the required high-liability proficiency skills in a High-Liability Basic Recruit Training Course(s) not completed at that school, pursuant to subsection 11B-35.0024(1), F.A.C. The training school submitting form CJSTC-67 shall provide to the student with written evidence of the student's successful completion of the Basic Recruit Training Program.

(5) Each training school shall establish written criteria that specify the conditions that constitute leaving a Commission-approved Basic Recruit Training Program in "good standing." For this purpose, "good standing" is defined as a student being eligible to continue at the previous training school without any special considerations. The written criteria shall be made available to students and Commission staff.

(6) Nothing in this rule section shall be construed to prevent a training school from admitting a student for the limited purpose of completing a course(s) required for completion of a Commission-approved Basic Recruit Training Program at another training school where the student is enrolled. However, if a student began the Commission's CMS Application-Based Law Enforcement Basic Recruit Training Program, the student shall continue in the same program ~~CMS Basic Recruit Training~~. If the student began a Commission-approved Traditional Basic Recruit Training Program, the student shall continue in the same program ~~Traditional Basic Recruit Training~~.

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

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

(1) Students enrolled in a Commission-approved Basic Recruit Training Program and a High-Liability Instructor Training Course shall qualify through demonstration of proficiency skills in the applicable High-Liability Basic Recruit Training Courses and instructor courses high-liability proficiency skills and a written examination.

(2) 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 training areas of firearms, vehicle operations, defensive tactics, and first aid, medical first responder. A 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.

(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. ~~The required Traditional High-Liability Training Courses and the required demonstration of the high-liability proficiency skills are:~~

(a) CMS Criminal Justice Defensive Tactics Course.

1. ~~The CMS Criminal Justice Defensive Tactics Course shall be delivered to is delivered to basic recruit students enrolled in a Commission-approved Traditional Basic Recruit Training Program.~~

2. ~~A Basic Recruit Student Proficiency Demonstration.~~ The basic recruit student shall demonstrate at 100% proficiency, defensive tactics skills taught by a training school, with the results recorded on the required CMS Defensive Tactics Performance Evaluation, form CJSTC-6 CMS, created May 6, 2004, Defensive Tactics Performance Evaluation, form CJSTC-6, revised February 7, 2002, hereby incorporated by reference.

3. ~~The CMS Defensive Tactics Chemical Agent Exposure Training Evaluation, form CJSTC-6A CMS, created May 6, 2004, hereby incorporated by reference, is not a mandated evaluation form and shall only be completed if applicable.~~

(b) CMS Defensive Tactics Instructor Courses ~~Criminal Justice Defensive Tactics Instructor Course.~~

1. An instructor student shall complete the CMS Defensive Tactics Instructor Course or the CMS Defensive Tactics Instructor Transition Course, pursuant to Rule 11B-20.0014, F.A.C., to instruct the following courses: The CMS Criminal Justice Defensive Tactics Course in a Commission-approved Basic Recruit Training Program, or the CMS Defensive Tactics Instructor Course, or the CMS Defensive Tactics Instructor Transition Course. ~~The Criminal Justice Defensive Tactics Instructor Course is required training for instructors who instruct defensive tactics in the Traditional Basic Recruit Training Program and Criminal Justice Defensive Tactics Instructor Course.~~

2. A defensive tactics instructor student shall demonstrate the Defensive Tactics High-Liability Proficiency Skills with the results recorded on the required CJSTC-6 CMS form. ~~An instructor student shall demonstrate at 100% proficiency for all defensive tactics skills, with the results recorded on the required Defensive Tactics Performance Evaluation form CJSTC-6.~~

a. CMS Defensive Tactics Instructor Course. An instructor student shall demonstrate the required Defensive Tactics High-Liability Proficiency Skills at 100% for all proficiency skills.

b. CMS Defensive Tactics Instructor Transition Course. An instructor student shall demonstrate the required Defensive Tactics High-Liability Proficiency Skills at 100% for all proficiency skills designated as “New” in the course and on form CJSTC-6 CMS.

(c) CMS Criminal Justice Firearms Weapons Course.

1. The CMS Criminal Justice Firearms Weapons Course shall be delivered to ~~is delivered to basic recruit~~ students enrolled in a Commission-approved Traditional Basic Recruit Training Program.

2. A basic recruit student shall demonstrate the required Firearms High-Liability Proficiency Skills at 80% or higher using a handgun (revolver or semi-automatic pistol for both daylight and night), with the results recorded on the required CMS Firearms Performance Evaluation form CJSTC-4 CMS, created May 6, 2004, hereby incorporated by reference. Handgun. The basic recruit student shall demonstrate high liability proficiency skills at 80% with a handgun on the Firearms Course of Fire.

3. A Shotgun. The basic recruit student shall complete receive instruction on the handling of a long gun (shotgun or rifle) shotgun and shall fire the long gun a shotgun as prescribed in the course curriculum. There are no proficiency requirements for the long gun shotgun.

4. A basic recruit student shall demonstrate high liability proficiency skills with a handgun on all Firearms Courses of Fire, with the results recorded on the required Firearms Performance Evaluation, form CJSTC-4, revised February 7, 2002, hereby incorporated by reference. The Chemical Agent Exposure Training Evaluation, form CJSTC-4A, revised February 7, 2002, hereby incorporated by reference, shall be completed if applicable (optional is not a mandated evaluation form).

(d) CMS Firearms Instructor Courses Criminal Justice Firearms Instructor Course.

1. An instructor student shall complete the CMS Firearms Instructor Course or the CMS Firearms Instructor Transition Course, pursuant to Rule 11B-20.0014, F.A.C., to instruct the following courses: The CMS Criminal Justice Firearms Course in a Commission-approved Basic Recruit Training Program, or the CMS Firearms Instructor Course, or the CMS Firearms Instructor Transition Course. The Criminal Justice Firearms Instructor Course is required training for instructors who instruct firearms in the Traditional Basic Recruit Training Program and Criminal Justice Firearms Instructor Course.

2. A firearms instructor student shall demonstrate the required Firearms High-Liability Proficiency Skills with the results recorded on the required CJSTC-4 CMS form. The instructor student shall demonstrate high liability proficiency skills at 80%, on the Firearms Course of Fire, using a handgun (revolver or semi-automatic pistol) and a shotgun, with the results recorded on the required Firearms Performance Evaluation form CJSTC-4.

a. CMS Firearms Instructor Course. An instructor student shall demonstrate the required Firearms High-Liability Proficiency Skills at 80% or higher using a handgun (revolver or semi-automatic pistol for daylight or night). There are no proficiency skills requirements for the long gun.

b. CMS Firearms Instructor Transition Course. There are no required proficiency skills requirements for the handgun or long gun.

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

1. The CMS First Aid for Criminal Justice Officers Medical First Responder Course shall be ~~is delivered to basic recruit~~ students enrolled in a Commission-approved the Traditional Basic Recruit Training Program.

2. A basic recruit student shall demonstrate the required First Aid High-Liability Proficiency Skills proficiency at 100%; with the results recorded on the required CMS First Aid Performance Evaluation, form CJSTC-5 CMS, created May 6, 2004, Medical First Responder Performance Evaluation, form CJSTC-5, revised February 7, 2002, hereby incorporated by reference.

(f) CMS First Aid Instructor Courses Medical First Responder Instructor Course.

1. An instructor student shall complete the CMS First Aid Instructor Course or the CMS First Aid Instructor Transition Course, pursuant to Rule 11B-20.0014, F.A.C., to instruct the following courses: The CMS First Aid for Criminal Justice Officers Course in a Commission-approved Basic Recruit Training Program, or the CMS First Aid Instructor Course or the CMS First Aid Instructor Transition Course. The Medical First Responder Instructor Course is required training for instructors who instruct medical first responder in the Traditional Basic Recruit Training Program and Medical First Responder Instructor Course.

2. An instructor student shall demonstrate the required First Aid High-Liability Proficiency Skills with the results recorded on the required CJSTC-5 CMS form. The instructor student shall demonstrate proficiency at 100%, with the results recorded on the required Medical First Responder Performance Evaluation form CJSTC-5.

a. CMS First Aid Instructor Course. An instructor student shall demonstrate the required First Aid High-Liability Proficiency Skills at 100% for all proficiency skills.

b. CMS First Aid Instructor Transition Course. An instructor student shall demonstrate the required First Aid High-Liability Proficiency Skills at 100% for all proficiency skills designated as “New” in the course, and on the required CJSTC-5 CMS form.

(g) CMS Law Enforcement Vehicle Operations Course.

1. The CMS Law Enforcement Vehicle Operations Course shall be ~~is delivered to basic recruit~~ students enrolled in a Commission-approved Traditional Basic Recruit Training Program.

2. A basic recruit student shall demonstrate the required First Aid High-Liability Proficiency Skills, high-liability proficiency skill, with four three out of five four runs (80%) (75%) for each exercise, with the results recorded on the required CMS Vehicle Operations Performance Evaluation, form CJSTC-7 CMS, created May 6, 2004, Law Enforcement Vehicle Operations Performance Evaluation, form CJSTC-7, revised February 7, 2002, hereby incorporated by reference.

(h) CMS Vehicle Operations Instructor Courses, Law Enforcement Vehicle Operations Instructor Course.

1. An instructor student shall complete the CMS Vehicle Operations Instructor Course or the CMS Vehicle Operations Instructor Transition Course, pursuant to Rule 11B-20.0014, F.A.C., to instruct the following courses: The CMS Law Enforcement Vehicle Operations Course in a Commission-approved Basic Recruit Training Program, or the CMS Vehicle Operations Instructor Course, or the CMS Vehicle Operations Instructor Transition Course. The Law Enforcement Vehicle Operations Instructor Course is required training for instructors who instruct vehicle operations in the Traditional Basic Recruit Training Program and Law Enforcement Vehicle Operations Instructor Course.

2. An instructor student shall demonstrate the required Vehicle Operations High-Liability Proficiency Skills high-liability proficiency skill, with four out of five runs (80%) for each exercise, with the results recorded on the required CJSTC-7 CMS form, Law Enforcement Vehicle Operations Performance Evaluation form.

a. CMS Vehicle Operations Instructor Course. An instructor student shall demonstrate the required Vehicle Operations High-Liability Proficiency Skills with four out of five runs (80%) for each exercise.

b. CMS Vehicle Operations Instructor Transition Course. An instructor student shall drive the course for the "New" vehicle operation techniques.

(4) The required CMS High-Liability Training Courses shall be delivered in compliance with the requirements set forth in subsection 11B-35.001(9), F.A.C.

(5) Where night training or ambient lighting is designated, night or ambient light is defined as no earlier than thirty minutes after sunset and no later than thirty minutes prior to sunrise.

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, _____.

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

(1) Commission-approved Auxiliary Basic Recruit Training Programs are created to train applicants for employment or appointment by criminal justice agencies, with or without compensation, to assist or aid full-time or part-time officers. Law Enforcement and Correctional Auxiliary Basic

Recruit Training Programs are created to train individuals who are applicants for employment or appointment by criminal justice agencies, with or without compensation, to assist or aid full-time or part-time officers.

(2) To become certified For certification as an auxiliary officer, an applicant individual shall meet the requirements outlined in Sections 943.13(1)-(9) and (11) and 943.17(1)(g), F.S., successfully complete the Auxiliary Officer Basic Recruit Training Program requirements outlined in this rule section, complete the applicable Commission-approved CMS High-Liability Basic Recruit Training Courses for vehicle operations, defensive tactics, and firearms, and shall be taught by a Commission-certified high-liability instructor at a training school or agency. Prerequisite Course at a training school, and following applicable High Liability Training Courses for which certification is being sought:

(a) Criminal Justice Weapons or CMS Criminal Justice Firearms.

(b) Criminal Justice Defensive Tactics that includes the 38-hour Preparation for Defensive Tactics Course, effective July 1, 1998, or CMS Criminal Justice Defensive Tactics.

(c) Law Enforcement Vehicle Operations or CMS Law Enforcement Vehicle Operations (employing agency requirement).

(3) A training school shall submit form CJSTC-67 to Commission staff upon an individual's successful completion of a Law Enforcement or Correctional Auxiliary Officer Prerequisite Course. The training school or agency shall document the student's successful completion of the applicable High-Liability Basic Recruit Training Courses, pursuant to subsection 11B-35.0024(3), F.A.C. Regardless of where the High-Liability Basic Recruit Training Course is completed, the employing agency shall maintain the training documentation in the officer's file. High-Liability Training Courses shall be taught by a high-liability instructor, pursuant to subsection 11B-20.0014(4), F.A.C., whether taught at a training school or criminal justice agency.

(4) Commission-approved High-Liability Basic Recruit Training Courses instructed at a Commission-certified training school shall be recognized by the Commission for applicants requesting certification as a law enforcement, correctional, or correctional probation officer, if the applicant has maintained active employment within a discipline as an auxiliary officer, or has completed training within the past four years pursuant to subsection 11B-35.002(2), F.A.C. Recognition of completed high-liability courses shall comply with subsection 11B-35.002(7), F.A.C. A training school shall submit a Training Report form CJSTC-67 to Commission staff upon an individual's completion of the Law Enforcement or Correctional Auxiliary Officer Prerequisite Course. In addition, the training school or criminal justice agency shall document a student's successful completion of the applicable high-liability proficiency skill demonstration set forth in

subsection 11B-35.0024(3), F.A.C. Regardless of where the high liability training is completed the employing agency shall maintain the training documentation in the officer's training file.

(5) Law Enforcement Auxiliary Officer Basic Recruit Training Program requirements. The Auxiliary Basic Recruit Training Programs are:

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

TOPICS:	<u>Minimum</u> <u>Hours:</u>
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	12
7. <u>CMS First Aid for Criminal Justice Officers Medical First Responder</u>	<u>CJK_0030</u> 40 48
<u>Total Law Enforcement Auxiliary Officer Prerequisite Course Hours</u>	<u>TOTAL HOURS</u> 94 102
<u>(b) CMS Criminal Justice Firearms</u>	<u>CJK_0040</u> 80
<u>(c) CMS Criminal Justice Defensive Tactics</u>	<u>CJK_0050</u> 80
<u>(d) CMS Law Enforcement Vehicle Operations</u>	<u>CJK_0020</u> 48
<u>(Optional: Based on employing agency requirements)</u>	
<u>Total Law Enforcement Auxiliary Officer Program Hours</u>	<u>TOTAL HOURS</u> 302

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

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

TOPICS:	<u>Minimum</u> <u>Hours:</u>
1. Administration	1
2. Legal	24
3. Report Writing	4
4. Safety Issues	4
5. Interpersonal Skills	5
6. Security Procedures and Inmate Supervision	4
7. Equipment	2
8. Facility Movement	4
9. Correctional Operation and	

Intake Procedures	1
10. Inmate Property	2
11. Search Procedures	3
12. <u>CMS First Aid for Criminal Justice Officers Medical</u>	
First Responder	<u>CJK_0030</u> 40 48
<u>Total Correctional Auxiliary Officer Prerequisite Course Hours</u>	<u>TOTAL HOURS</u> 94 102
<u>(b) CMS Criminal Justice Firearms</u>	<u>CJK_0040</u> 80
<u>(c) CMS Criminal Justice Defensive Tactics</u>	<u>CJK_0050</u> 80
<u>Total Correctional Auxiliary Officer Program Hours</u>	<u>TOTAL HOURS</u> 254

(7) Correctional Probation Auxiliary Officer Basic Recruit Training Program. To become a Correctional Probation Auxiliary Officer an individual shall complete the Traditional Correctional Probation Officer Basic Recruit Training Program pursuant to paragraph 11B-35.002(8)(c), F.A.C.

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, _____.

11B-35.004 Traditional Basic Recruit Training Programs; Cross-Over Training for Law Enforcement, Correctional, and Correctional Probation Officers.

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 9-5-93, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, Repealed _____.

11B-35.006 Advanced Training Program.

(1) Commission-approved Advanced Training Program Courses were created to enhance an officer's knowledge, skills, and abilities for the job the officer performs and are used by an officer to satisfy mandatory retraining requirements or eligibility for salary incentive monies pursuant to Rule Chapter 11B-14, F.A.C. An officer may not receive both salary incentive credit and mandatory retraining credit for completion of an Advanced Training Program Course. Such courses shall include one major topic and be at least 40 hours long. Advanced training programs shall include specific courses that are offered by training schools, which have been approved by the Commission and taught by instructors.

(2) Advanced Training Courses shall include one major topic, shall be at least 40 hours long, and may be used by the officer to satisfy mandatory retraining requirements or eligibility for salary incentive payments when delivered through a training school. An officer may not receive both salary incentive credit and mandatory retraining credit for completion of an Advanced Training Course.

~~(2)~~(3) The following is a complete list of Advanced Training Program Courses:

<u>Course Number</u>	<u>Course Name</u>	<u>Course Hours</u>
006	Line Supervision	80 hours
007	Middle Management	80 hours
011	Developing and Maintaining a Sound Organization	40 hours
012	Planning the Effective Use of Financial Resources	40 hours
013	Building and Maintaining a Sound Behavioral Climate	40 hours
016	Narcotics Identification and Investigation	40 hours
019	Criminal Law	40 hours
020	Case Preparation and Court Presentation	40 hours
032	Special Tactical Problems	40 hours
033	Sex Crimes Investigation	40 hours
036	Injury and Death Investigation	40 hours
047	Interviews and Interrogations	40 hours
050	Stress Awareness and Resolution	40 hours
053	Crisis Intervention	40 hours
054	Organized Crime	40 hours
055	Radar Speed Measurement Training Course for Law Enforcement Officers	40 hours
057	Discipline and Special Confinement Techniques	40 hours
058	Youthful Offender Program	40 hours
068	Advanced Report Writing and Review	40 hours
072	Fire Fighting for Correctional Officers	40 hours
073	Human and Community Relations	40 hours
074	Drug Abuse Awareness and Education	40 hours
077	Underwater Police Science and Technology	80 hours
080	Computer Applications in Criminal Justice	40 hours
085	Emergency Preparedness for Correctional Officers	40 hours
087	Advanced Traffic Accident Investigations	80 hours
088	Traffic Accident Reconstruction	80 hours
090	School Resource Officer	40 hours
091	Domestic Intervention	40 hours
093	Hostage Negotiations	40 hours
094	Drug Abuse Resistanc Education (D.A.R.E.) – FDLE instructed only	80 hours

095	Laser Speed Measurement Operators Training Course for Law Enforcement Officers	40 hours
096	Drug Abuse Resistance Education (D.A.R.E.)	40 hours
094 & 097	Drug Abuse Resistance Education (D.A.R.E.)	40 hours
098	*Traffic Homicide Investigation	80 hours
*The previous Traffic Homicide Investigation course number 039 became inactive July 1, 1998.		
100	Crimes Against the Elderly and Disabled	40 hours
809	*CMS Field Training Officer Program Course (This course is not mandated for field training officers)	40 hours
1100	*Field Training Officer Course for Correctional and Correctional Probation Officers	40 hours
*Officers who are currently receiving salary incentive payment for completion of the Field Training Officer Course number 051, are not eligible to receive additional salary incentive credit for course number 809 or 1100.		

~~(3)~~(4) Course number 094, Drug Abuse Resistance Education (D.A.R.E.), may be offered only through the certified state D.A.R.E. training center. The Florida certified state D.A.R.E. training center is located within the Florida Department of Law Enforcement. D.A.R.E. course numbers are: Course #094 (80 hours), or #094 split with #097 (40 hours) for salary incentive, and #096 (40 hours) for mandatory retraining.

~~(4)~~(5) Only officers and support personnel who have written approval from their respective agency head or designee may attend Advanced Training Program Courses. Applicants shall submit evidence of their agency head’s approval in a format established and agreed upon by the Local Regional Training Council and training school.

~~(5)~~(6) 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) A Radar Operator Performance Report, form CJSTC-8, revised ~~May 6, 2004, February 7, 2002~~, hereby incorporated by reference, shall be completed for the Radar Speed Measurement Training Course for Law Enforcement Officers.

(b) A Laser Operator Performance Report, form CJSTC-9, revised ~~May 6, 2004, February 7, 2002~~, hereby incorporated by reference, shall be completed for the Laser Speed Measurement Operators ~~Training~~ Course for Law Enforcement Officers.

~~(7) Criminal Justice Standards and Training Trust Fund Officer Training Monies may be expended to conduct Advanced Training Courses pursuant to Rule Chapter 11B-18, F.A.C.~~

~~(6)(8) Training schools shall report the successful completion of Advanced Training Program Courses for officers pursuant to paragraph 11B-35.001(10)(b), F.A.C. who are eligible to receive salary incentive payment, pursuant to Section 943.22(2), F.S. A completed form CJSTC-67 shall be transmitted within thirty days of the course completion date through the Commission's ATMS.~~

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, _____.

11B-35.007 Specialized Training Program.

(1) The Commission's Specialized Training Programs may be used by training schools and consist of the following Commission-approved:

- (a) Specialized Goals and Objectives;
- (b) Instructor Training Courses; and
- (c) Specialized Training Courses.

(2) Courses developed from the Specialized Goals and Objectives ~~that~~ have been designed to use Commission-established categories, topics, and objectives that encompass subject matter pertinent to training within the criminal justice profession. Such courses shall be developed using a "menu" approach to fulfill local criminal justice agency training needs.

(a) Commission-established categories for Specialized Goals and Objectives are:

- 1. Communication Skills.
- 2. Crime Prevention.
- 3. Health.
- 4. High-Liability.
- 5. Investigations.
- 6. Legal Issues.
- 7. Management and Supervision.
- 8. Science and Technology.
- 9. Inmate Supervision and Control.
- 10. Community Policing.

(b) A training school shall adhere to the following procedures to develop courses from the Specialized Goals and Objectives:

- 1. Determine local agency training needs and applicable course content.
- 2. Review the category list to determine the applicable category.
- 3. Refer to topic lists within the category(ies) chosen to determine the subject area(s) covered.
- 4. Write the student learning goal(s) for the course.
- 5. Select the relevant objective(s) from the chosen topic(s) to cover the specific subject matter.
- 6. Develop the lesson plan.
- 7. ~~Maintain~~ Formulate information required for the Specialized Training Program Course file pursuant to Rule 11B-35.001, F.A.C.
- 8. Combine categories, topics, and objectives to develop a Specialized Training Program Course. In addition, objectives may be extracted from the Advanced Training Program Course series to develop a Specialized Training Program Course. If a portion of an Advanced Training Program Course is used, the course number and objective number shall be identified.

9. Establish the number of hours of instruction according to local agency needs. A minimum of four ~~Four~~ hours of course instruction are required. A training school shall determine the number of objectives needed for each block of course instruction. To provide further flexibility, a maximum of four hours of electives may be used for each forty hours of course instruction.

10. Document the training by completing a Specialized Training Documentation, form, revised February 7, 2002, hereby incorporated by reference, and when applicable complete a Specialized Training Documentation Supplemental, form CJSTC-16A, revised May 6, 2004, ~~February 7, 2002~~, hereby incorporated by reference. Forms CJSTC-16 and CJSTC-16A shall be maintained in the student's class file at the training school.

(3) Specialized Instructor ~~T~~training ~~C~~ourses. 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: ~~for certification as an instructor.~~

Course Number	Course Names:	Course Hours:	Course Number	Course Names:	Course Hours:
(a) 1101	Traditional General Instructor Techniques Course (Retired 6/30/04)	80	(a) 1125	Contraband Forfeiture	40
(b) 1115	General Instructor Refresher Course	8	(b) 1126	Human Diversity In-service Training for Professionalism and Ethics	4
(c)(b) 1116	CMS General Instructor Techniques Course	80	(c) 1127	Human Diversity In-service Training for Interdependent Relationships	8
(d)(e) 803	CMS General Instructor Transition Course	12 46	(d) 1128	Human Diversity In-service Training for Reducing Inter-group Conflict	4
(e)(d) 1102	Law Enforcement Vehicle Operations Instructor Course (Retired 6/30/04)	40	(e) 1129	Human Diversity In-service Training for Sexual Harassment in the Workplace	4
(f)(e) 800	CMS Law Enforcement Vehicle Operations Instructor Course	40	(f) 1130	Human Diversity In-service Training for Specialized Topics in Diversity	4
(g)(f) 805	CMS Law Enforcement Vehicle Operations Instructor Transition Course	16 42	(g) 1144	CMS Human Interaction Course	16
(h)(g) 1103	Criminal Justice Firearms Instructor Course (Retired 6/30/04)	44	(h)(g) 1131	Human Diversity In-service Training for Discriminatory Profiling and Professional Traffic Stops	4
(i)(h) 801	CMS Criminal Justice Firearms Instructor Course	44 FBA	(i)(h) 1112	Canine Team Training Course	400
(j)(i) 806	CMS Criminal Justice Firearms Instructor Transition Course	12	(j)(i) 1113	Laser Speed Measurement Measuring Device (LSMD) Transition	12
(k)(j) 1104	Defensive Tactics Instructor Course (Retired 6/30/04)	80	(k)(j) 1132	Operators Course for Radar Operators	16
(l)(k) 802	CMS Defensive Tactics Instructor Course	80 FBA	(l)(k) 1133	Parking Enforcement Specialist for Civilians	80
(m)(l) 807	CMS Defensive Tactics Instructor Transition Course	32	(m)(l) 732	Selective Traffic Enforcement Program for Civilians	8
(n)(m) 1105	Medical First Responder Instructor Course (Retired 6/30/04)	48	(n)(m) 851	Traffic Control Officer for Civilians	24
(o)(n) 1114	CMS Medical First Aid Responder Instructor Course	40 FBA	(o)(n) 951	Breath Test Operator Course	6
(p)(o) 804	CMS First Aid Instructor Transition Course	8	(p)(o) 850	Breath Test Operator Renewal Course	24
(q) 1107	Medical First Responder, to Emergencies Instructor Transition Course Unit 1: Medical First Responder	20	(q)(p) 950	Agency Inspector Course	6
(r) 1108	Human Diversity Train-the-Trainer Course	40	(r)(q) 1134	Agency Inspector Renewal Course	8
(s) 1109	Canine Team Training Instructor Course	40	(s)(r) 1135	Criminal Justice Officer Ethics Course	24 No hour requirement
(t) 1110	Radar Speed Measurement Instructors Training Course for Law Enforcement Officers	40	(t)(s) 1136	Crimes Against Children	8 No hour requirement
(u) 1111	Laser Speed Measurement Measuring Device (LSMD) Instructor Transition Instructors Course for Radar Instructors	24	(u)(t) 1137	Domestic Violence	40 No hour requirement
	Breath Test Instructor Certification Course	40	(v) 808	Violent Crime Investigator Training Course Courses	8
	Breath Test Instructor Certification Renewal Course	8	(w) 1140	CMS Field Training Officer Transition Course	6
			(x) 1141	Basic Incident Command System (ICS) Course	21

(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:

(y) 1142	<u>Advanced Incident Command System (ICS) Course</u>	16
(z) 1145	<u>Mental Retardation Course</u>	1
(aa) 1146	<u>Mental Illness Course</u>	1
(bb) 1147	<u>Alcohol and Substance Abuse Course</u>	1
(cc) 1148	<u>Physical Disabilities Course</u>	1

(5) Successfully completed Commission-approved Specialized Training Program Courses may be credited toward an officer's mandatory retraining requirement pursuant to Rule 11B-27.00212, F.A.C. Documentation of such training shall be provided to students and shall include the name of the training school delivering the course, the course title or topics taught, course date(s), and course hours.

(6) Training schools shall report the satisfactory completion of training pursuant to paragraph 11B-35.001(10)(b), F.A.C., instructor courses by a criminal justice officer by transmitting a completed Training Report form CJSTC-67 within 30 days of course completion through the Commission's ATMS.

~~(7) Pursuant to Section 943.13, F.S., to maintain certification by the Commission, a certified officer shall, every four years, complete a minimum of eight hours of continuing training in the area of "interpersonal skills relating to human diversity." The mandated eight hours of continuing training for officers in the area of "interpersonal skills relating to human diversity" shall be satisfied by successfully completing the following training:~~

~~(a) Law enforcement officers. Four hours of Human Diversity In-Service Training for Discriminatory Profiling and Professional Traffic Stops, pursuant to paragraph (4)(g) of this rule section, and one or more of the Human Diversity In-Service Training Modules set forth in paragraphs (4)(b)-(f) for the additional four hours required to satisfy the 8-hour continuing training requirement every four years.~~

~~(b) Correctional and correctional probation officers. A compliment of eight hours of continuing training comprised of Human Diversity In-Service Training Courses set forth in paragraphs (4)(b)-(f) of this rule section.~~

~~(7)(8) Criminal Justice Standards and Training Trust Fund Officer Training Monies may be expended to conduct Commission-approved Specialized Training Program Courses pursuant to subsection 11B-35.007(1), F.A.C. Officer Training Monies shall be expended pursuant to the requirements of Rule Chapter 11B-18, F.A.C. Human Diversity In-Service Training set forth in paragraphs (4)(b)-(f) of this rule section, which are delivered through a training school using Criminal Justice Standards and Training Trust Fund Officer Training Monies, shall use a Human Diversity Instructor pursuant to paragraph 11B-20.001(5)(d), F.A.C.~~

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, _____.

11B-35.0085 Criminal Justice Training School Requirements for Local Administration and Security of Examinations for Training Courses.

A training center director ~~designated by a training school~~ shall maintain the security and confidentiality of all examinations used in all Commission-approved courses in the following manner:

(1) Pursuant with Section 943.173(2), F.S., the Commission shall authorize the administration of examinations at training schools. Administration of examinations shall consist of the training center director or designee(s) developing examination items, maintaining examination item banks, preparing examination forms, administering examinations, retaining student examinations, proctoring, grading, and recording the results of the examinations.

~~(2) A training center director shall develop and maintain written procedures outlining the security of training school examinations to include preparation, administration, proctoring, storing, grading, disposal, and student review. The criminal justice training center director shall ensure that the security and confidentiality of examinations are maintained, and upon request shall make available examination materials for inspection by Commission staff.~~

(3) Written procedures, examinations and examination materials shall be made available for inspection by Commission staff.

(4) To maintain the security of the examinations outlined in this rule section, a training center director shall ensure that:

(a) The security and confidentiality of examinations and examination materials are maintained and obsolete examination materials are destroyed.

(b) Examination materials are secured and accessible only by training school staff approved by the training center director.

(c) Examination items are not reviewed with students prior to administration of the test.

(d) Student contact with examination materials is conducted in a controlled presentation to prohibit students from recording or transcribing test questions and answers.

~~(5)(3)~~ Examination materials, including the examination and individual answer forms for each training course, shall be retained for not less than two years after the date the examination is completed.

Specific Authority 943.12(1),(2) FS. Law Implemented 943.173 FS. History-New 7-7-99, Amended 11-5-02, _____.

11B-35.009 Exemption from Basic Recruit Training.

(1) Definitions. For the purpose of this rule section, the following definitions shall apply:

(a) "Employing agency" means any agency authorized by law to employ or appoint officers pursuant to Section 943.10(4), F.S.

(b) "Comparable basic recruit training program in another state or for the federal government," means any successfully completed sworn officer training course or courses, irrespective of the completion date, which when viewed together include all the primary training topics pursuant to subsection (3) of this rule section, Rule 11B-35.009, F.A.C., for the discipline in which the applicant is seeking an exemption, pursuant to Section 943.13(2), F.S. Commission-approved Basic Recruit Training Courses may be substituted for courses not included in basic level training.

(c) "Another state" means one or more of the United States or its territories, or any combination thereof, with the exception of the State of Florida.

(d) "Federal Government" means any agency of the United States government that employs or appoints sworn officers, a Native American Indian tribe or band that employs or appoints sworn officers, or any branch or entity of the United States Armed Forces or any combination thereof.

(e) "Full time" means any employed or appointed status in which a normal work week consists of forty or more on-duty hours, exclusive of overtime, holidays, regular days off, leave, or other authorized or ordered absence from work.

(f) "Sworn officer" means an individual whose work experience, as required in this rule section, meets the definition of a law enforcement, correctional, and correctional probation officer pursuant to Section 943.10(1)-(3), F.S. any officer defined in Section 943.10, F.S.

(g) "At least one year" means a time period of twelve months sworn experience that shall have occurred at no more than two criminal justice agencies over a period not to exceed eighteen months as a full-time sworn officer in a specified discipline, excluding periods during which an individual was enrolled in or attending basic recruit training.

(h) Pursuant to Section 943.1395(3), F.S., and subsection 11B-27.00212(11), 11B-27.00201(9), F.A.C., an "Inactive Florida Officer" means an individual who has met the certification and employment requirements of Section 943.13, F.S., and has not been employed as an officer in the discipline for which the individual was a Florida certified officer for a period of four to eight or more years.

(2) An individual who applies for certification as a Florida officer shall qualify is qualified for exemption from completing a Commission-approved Basic Recruit Training Program if the applicant has:

(a) Successfully completed basic recruit training comparable in content to the Basic Recruit Training Program for the discipline for which the individual claims exemption; and

(b) Prior service as a full-time sworn officer in another state or the Federal Government for at least one year, pursuant to paragraph (1)(g) of this rule section, in the criminal justice discipline for which the individual is requesting an exemption. There shall be no more than an 8-year break in employment,

which is measured from the separation date of the most recent qualifying employment to the time a complete application is submitted for an exemption under this rule section. The twelve months sworn experience shall have occurred at no more than two criminal justice agencies over a period not to exceed eighteen months as a full-time sworn officer in the discipline for which an exemption is being requested.

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

(a) Verify that the applicant's law enforcement training is comparable to the Commission's CMS Application-Based Law Enforcement ~~Officer~~ Basic Recruit Training Program for which the exemption is requested, and at a minimum reflects successful completion of training for the topics of Law Enforcement, Constitutional Law and Legal Issues, Report Writing, Interpersonal Skills, Firearms, Criminal Justice Weapons, Criminal Justice Defensive Tactics, First Aid Medical First Responder or equivalent, Vehicle Operations, Law Enforcement Patrol, Criminal Investigations, Traffic Crash Investigations, and Traffic Control and Stops.

(b) Verify that the applicant's correctional officer training is comparable to the Commission's Traditional Correctional ~~Officer~~ Basic Recruit Training Program whenever an exemption is requested, and at a minimum reflects successful completion of training for the topics of Correctional Legal Issues, Report Writing, Interpersonal Skills, Firearms, Criminal Justice Weapons, Criminal Justice Defensive Tactics, First Aid Medical First Responder or equivalent, and Correctional Facility Operations.

(c) Verify that the applicant's correctional probation officer training is comparable to the Commission's Traditional Correctional Probation Officer Basic Recruit Training Program whenever an exemption is requested, and at a minimum reflects successful completion of training for the topics of Correctional Probation Officer Legal Issues, Report Writing, Interpersonal Skills, Criminal Justice Defensive Tactics, First Aid Medical First Responder or equivalent, Probationer Supervision, and firearms Criminal Justice Weapons.

(d) Verify the required training and the authenticity of documents submitted by an individual through telephone or written confirmation of documents such as, criminal justice agency training records, training school records, official transcripts, curricula or curricula summaries, certificates of completion, or other such documents that verify the applicant's successful completion of comparable basic recruit training in another state or for the federal government, and affidavits executed by a custodian or custodians of such records or other persons with direct knowledge that support the individual's successful completion of comparable basic recruit training.

(e) Verify that the individual has met the required prior sworn experience by obtaining copies of one or more of the following:

1. Agency employee payroll record;
2. Agency employment record;
3. Employment verification by an authorized representative of the individual's previous employer or employers; and
4. Other documentation that confirms the applicant's previous experience and employment as an officer for at least one year.

(4) Inactive Florida officers who have been separated from employment for a period of four to ~~eight or more~~ years, may apply for exemption from re-taking the Basic Recruit Training Program for which the officer has been previously certified as a sworn officer. The employing agency or Criminal Justice Selection Center shall verify that the applicant has:

(a) Successfully completed the Basic Recruit Training Program for the discipline for which re-activation of certification is requested; and

(b) ~~Been Has been~~ employed as a criminal justice officer in Florida in the discipline for which reactivation or certification is requested.

(5) Documentation requirements for out-of-state, federal, and inactive Florida Officers. Upon verification of an individual's request for exemption of training certification, 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, February 7, 2002~~, 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. 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 skill ~~Proficiency~~ requirements for out-of-state, federal ~~or officers~~, 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 ~~high-liability proficiency skills~~ of vehicle operations, ~~firearms, eriminal justice weapons, eriminal justice defensive tactics, and first aid, medical first responder~~, pursuant to Rule 11B-35.0024, F.A.C., for the discipline for which certification is sought, ~~pursuant to subsection 11B-35.002(4), F.A.C.~~ Such officers shall achieve a passing score on successfully pass, as defined in subsection 11B-30.006(1), F.A.C., the State Officer Certification Examination, pursuant to paragraph

11B-30.008(2)(c), F.A.C. Upon demonstration of proficiency in the required High-Liability Basic Recruit Training Proficiency Skills, ~~high-liability proficiency skills~~, the training school shall complete an submit to Commission staff a completed ~~completed~~ Equivalency-of-Training Proficiency Demonstration, form CJSTC-76A ~~July 1, 2002, revised May 6, 2004~~, hereby incorporated by reference, and provide a copy 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) Individuals, who have qualified for an exemption from a Commission-approved Basic Recruit Training Program, pursuant to this rule section, shall become employed within four years of the date the exemption from basic recruit training was approved.

(8) Individuals applying for exemption from a Commission-approved Basic Recruit Training Program, outlined in this rule section, shall not engage in conduct that subverts or attempts to subvert the State Officer Examination (SOCE) process pursuant to Rule 11B-30.009, F.A.C.

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, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bureau Chief Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2004

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiners Commission

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Standard Investigation Procedures	11G-2
RULE TITLES:	RULE NOS.:
Physical Evidence	11G-2.004
Practice Guidelines	11G-2.006

PURPOSE AND EFFECT: To clarify retention of physical evidence and update the Practice Guidelines.

SUMMARY: Requires fixed organs to be retained until completion of studies to determine the cause of death of the decedent. Clarifies retention of physical evidence by compliance with Rule 11G-2.006, F.A.C., and updates the Practice Guidelines.

(d) If compliance is not achieved by following paragraphs (5)(a)-(c) of this rule section, the Commission shall take disciplinary action pursuant to the disciplinary guidelines set forth in Rule 11B-21.018, F.A.C.

Specific Authority 943.03(4), 943.12(1),(2), 943.25(4),(5) FS. Law Implemented 943.12(5) FS. History—New 11-5-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bureau Chief Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2004

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE CHAPTER TITLE: Criminal History Records
 RULE CHAPTER NO.: 11C-6

Dissemination Policy
 RULE TITLE: 11C-6.010

PURPOSE AND EFFECT: Creation of the rule is required by statute. The rule specifies the manner in which applicant fingerprints will be retained by the Department of Law Enforcement.

SUMMARY: Specifies manner in which applicant fingerprints submitted for criminal history background checks will be retained in the Applicant Fingerprint Retention and Notification Program, searched against incoming arrest fingerprints, notification given to the submitting agency when a match is found, and in which the submitting agency will be charged for this service.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

LAW IMPLEMENTED: 1012.32(3), 1012.465, 1012.56 FS.

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

TIME AND DATE: 1:00 p.m., September 28, 2004

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting: Donna Hunt, (850)410-8615, TDD Number (850)656-9597.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Martha Wright, Bureau Chief, User Services Bureau, Criminal Justice Information Services, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302

THE FULL TEXT OF THE PROPOSED RULE IS:

CRIMINAL HISTORY RECORDS
 DISSEMINATION POLICY

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 paper or 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) Agencies submitting applicant fingerprints in accordance with the authorizing statute, as indicated in the Law Implemented section below, shall notify individual applicants of the requirements of participation in the AFRNP.

(4) When the subject of fingerprints submitted for retention under this program is identified with fingerprints from an incoming Florida arrest, as confirmed by fingerprint comparison, the Department shall immediately advise the agency which submitted the applicant fingerprints of the arrest in writing. Arrests made in other states or by the federal government will not result in notification, as access to these arrests is restricted by federal law. The information on arrests for these applicants in other states and by the federal government is available only upon a fingerprint submission to the Federal Bureau of Investigation.

(5) The annual fee for participation in the AFRNP shall be \$6 per individual record retained.

(6) The initial entry of an applicant's fingerprints into the AFRNP database must be accompanied by a state and national criminal history records check. There is no additional fee for the first year of participation in the program. For each succeeding year, the \$6 per record annual fee will be charged.

(7) Governmental agencies will be charged this fee 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 September 29 in the case of the first billing option above at paragraph (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 1012.32(3), 1012.465, 1012.56 FS. Law Implemented 1012.32(3), 1012.465, 1012.56 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: John Booth, Assistant General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7676

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Martha Wright, Bureau Chief, User Services, Criminal Justice Information Services, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2004

DEPARTMENT OF LAW ENFORCEMENT

Division of Local Law Enforcement Assistance

RULE TITLES:	RULE NOS.:
Definitions	11D-8.002
Approval of Breath Test Methods and Instruments	11D-8.003
Approval of Alcohol Reference Solution and Sources	11D-8.0035
Approval of Dry Gas Standards Source	11D-8.0036
Department Inspection and Registration of Breath Test Instruments	11D-8.004
Agency Inspection of Breath Test Instruments	11D-8.006
Approved Breath Test Instruments – Access, Facility Requirements, Observation Period, and Operational Procedures	11D-8.007
Agency Retention of Records	11D-8.0075
Breath Test Operator and Agency Inspector Qualifications for Instructors	11D-8.008
Blood Alcohol Permit – Analyst	11D-8.013
Denial, Revocation, and Suspension of Permits	11D-8.015
Forms	11D-8.017

PURPOSE AND EFFECT: Revisions to the above rules are necessary to address new instrumentation for use in Florida and recent developments in the field of alcohol testing.

SUMMARY: Revisions to Chapter 11D-8, F.A.C., pertain to the regulation and implementation of Florida's implied consent and alcohol testing program. The revisions govern definitions based on scientific and common usage; standards for issuance and regulation of permits; evaluation and approval of breath and blood alcohol analysis methods; approval, use, and inspection of breath test instruments and records; and training requirements and qualifications.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS.

LAW IMPLEMENTED: 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3), 327.352(1)(e), 327.353(2)(b), 327.354(3) FS.

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

TIME AND DATE: 1:00 p.m., September 28, 2004

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting: Donna Hunt, at (850)410-8615, TDD Number (850)656-9597.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Rafael E. Madrigal, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302

THE FULL TEXT OF THE PROPOSED RULES IS:

11D-8.002 Definitions.

(1) Acceptable Range – ~~means~~ the results of alcohol reference solutions ~~agency or department inspections~~ and dry gas standard analyses which fall within the following ranges at each alcohol vapor concentration: 0.05 g/210L range is 0.045 to 0.055 g/210L; 0.08 g/210L range is 0.075 to 0.085 g/210L; 0.20 g/210L range is 0.190 to 0.210 g/210L; or the Alcohol Reference Solution gas chromatographic results which fall within the following ranges: 0.0605 g/100mL range is 0.0586

1. Agency employee payroll record;
2. Agency employment record;
3. Employment verification by an authorized representative of the individual's previous employer or employers; and
4. Other documentation that confirms the applicant's previous experience and employment as an officer for at least one year.

(4) Inactive Florida officers who have been separated from employment for a period of four to ~~eight or more~~ years, may apply for exemption from re-taking the Basic Recruit Training Program for which the officer has been previously certified as a sworn officer. The employing agency or Criminal Justice Selection Center shall verify that the applicant has:

(a) Successfully completed the Basic Recruit Training Program for the discipline for which re-activation of certification is requested; and

(b) ~~Been Has been~~ employed as a criminal justice officer in Florida in the discipline for which reactivation or certification is requested.

(5) Documentation requirements for out-of-state, federal, and inactive Florida Officers. Upon verification of an individual's request for exemption of training certification, 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, February 7, 2002, 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. 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 skill ~~Proficiency~~ requirements for out-of-state, federal ~~or officers~~, 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 ~~high-liability proficiency skills~~ of vehicle operations, firearms, ~~eriminal justice weapons, eriminal justice~~ defensive tactics, and first aid, medical first responder, pursuant to Rule 11B-35.0024, F.A.C., for the discipline for which certification is sought, ~~pursuant to subsection 11B-35.002(4), F.A.C.~~ Such officers shall achieve a passing score on successfully pass, as defined in subsection 11B-30.006(1), F.A.C., the State Officer Certification Examination, pursuant to paragraph

11B-30.008(2)(c), F.A.C. Upon demonstration of proficiency in the required High-Liability Basic Recruit Training Proficiency Skills, ~~high-liability proficiency skills~~, the training school shall complete an submit to Commission staff a completed Equivalency-of-Training Proficiency Demonstration, form CJSTC-76A ~~July 1, 2002, revised May 6, 2004~~, hereby incorporated by reference, and provide a copy 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) Individuals, who have qualified for an exemption from a Commission-approved Basic Recruit Training Program, pursuant to this rule section, shall become employed within four years of the date the exemption from basic recruit training was approved.

(8) Individuals applying for exemption from a Commission-approved Basic Recruit Training Program, outlined in this rule section, shall not engage in conduct that subverts or attempts to subvert the State Officer Examination (SOCE) process pursuant to Rule 11B-30.009, F.A.C.

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, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bureau Chief Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2004

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiners Commission

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Standard Investigation Procedures	11G-2
RULE TITLES:	RULE NOS.:
Physical Evidence	11G-2.004
Practice Guidelines	11G-2.006

PURPOSE AND EFFECT: To clarify retention of physical evidence and update the Practice Guidelines.

SUMMARY: Requires fixed organs to be retained until completion of studies to determine the cause of death of the decedent. Clarifies retention of physical evidence by compliance with Rule 11G-2.006, F.A.C., and updates the Practice Guidelines.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 406.04 FS.

LAW IMPLEMENTED: 406.075, 406.11, 406.13 FS.

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

TIME AND DATE: 1:00 p.m., October 15, 2004

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: Jim Luten, Medical Examiner Commission Staff, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting: Donna Hunt, (850)410-8615 or TDD Number (850)656-9597.

THE FULL TEXT OF THE PROPOSED RULES IS:

11G-2.004 Physical Evidence.

(1) through (3) No change.

(4) Physical Evidence shall be retained by the medical examiner as follows:

(a) Stained sections shall be preserved indefinitely and embedded tissue preserved for at least ten (10) years;

(b) Fixed organs shall be retained until the medical examiner has completed his or her studies of them.

~~(c)(b) All other specimens shall be retained for one year, and afterwards at the discretion of the medical examiner.~~

~~(d)(e) All other physical evidence not released to another investigative agency or to the owner shall be retained for one year, and afterwards at the discretion of the medical examiner.~~

(e) Physical Evidence that is retained for any period longer than is specified above must be held in accordance with Rule 11G-2.006, F.A.C.

(5) through (8) No change.

Specific Authority 406.04 FS. Law Implemented 406.11, 406.13 FS. History—New 10-18-81, Formerly 11G-2.04, Amended 8-27-87, 10-14-96, 7-29-01,

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 ~~of~~ the Florida Association of Medical Examiners, which publication is dated 5-15-2003 ~~9-29-99~~ 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 _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Craig Rockenstein, Assistant General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, Telephone number (850)410-7676

NAME OF SUPERVISOR OR PERSON WHO APPROVED PROPOSED RULE: Michael Ramage, General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2004

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE TITLE: Correctional Probation Officers: Appointment and Responsibility

RULE NO.: 33-302.103

PURPOSE AND EFFECT: The purpose and effect of the proposed rule repeal is to eliminate unnecessary language and provisions that are duplicative of statutes and other rules.

SUMMARY: Unnecessary language and provisions that are duplicative of statutes and other rules is being eliminated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 944.09 FS.
LAW IMPLEMENTED: 944.09 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

Florida Department of Law Enforcement
2005 Proposed Legislative Initiatives

Issue	Current Status	Proposed Change	Statutes Impacted
FDLE General Bill			
Extend Time for Certification of Victim/Witness Protective Services	Under current law, victims and witnesses who are certified to be in the state's protective services program are eligible to be in the program for a maximum of two years, or until the risk giving rise to the certification has diminished, whichever occurs sooner. Some major homicide and drug cases proceed slowly and victims and witnesses at risk may be in that status for longer than two years.	The proposed change would allow State Attorneys and Statewide Prosecutors to recertify victims and witnesses each year, as necessary, for up to 4 years in order to facilitate the length of time it takes for a case to go to trial. The proposed change was recommended by the Violent Crime and Drug Control Council.	914.25
Clarify Authority to Investigate Public Assistance Fraud Referrals from the Agency for Workforce Innovation	FDLE's Public Assistance Fraud program investigates fraud and abuse in all state public assistance programs regardless of the administrating agency. Current statutory language states that FDLE will investigate public assistance made under provisions of chapter 409 or chapter 414. Due to the breakup of the former Dept. of Health and Rehabilitative Services, assistance programs once administered by HRS are now located in other state agencies and do not come under the provisions of chapter 409 or chapter 414.	The proposed changes clarify that FDLE will investigate all public assistance provided to residents of the state and/or provided to others by the state and adds the Agency for Workforce Innovation, as this agency now administers subsidized child day care under the School Readiness program.	943.401
Crimes Excluded from Criminal History Seal/Expunge	Florida Statutes currently provide that persons who are found guilty of, or plead guilty or nolo contendere, to certain specified crimes, even if adjudication is withheld, are presently excluded from eligibility for sealing/expunging their criminal history record. The offense of voyeurism, as defined in s.810.14, is NOT included in this list. In addition, certain offenses (such as false imprisonment) which are currently specified as	The proposed change would add the crime of voyeurism, as defined in s. 810.14, to those crimes that may not be expunged or sealed when adjudication is withheld. Proposed change would also add to the list of offenses which cannot be expunged or sealed when adjudication is withheld, any offense specified as a predicate for sexual predator, sexual offender, or career offender registration.	943.0585 943.059

Issue	Current Status	Proposed Change	Statutes Impacted
	predicate crimes for sexual predator, sexual offender, or career offender registration are not currently included.		
Establishment of Expiration Date for Criminal History Seal/Expunge Certificates	Florida Statutes currently provide that in order for a criminal record to be sealed or expunged, FDLE must issue a certificate of eligibility to the petitioner. These certificates currently have no expiration date and become stale with the passage of time. Some courts do not accept "stale" certificates, and require the petitioner to reapply. In addition, maintaining "stale" certificates creates an administrative burden on FDLE, which must keep its files open ad infinitum pending the potential receipt of the court order authorizing the sealing or expunging of the record.	Proposed change would provide that certificates of eligibility to seal or expunge a criminal history record will expire after 12 months of their initial issuance. Proposed change would also make definite that a person who receives an acquittal must seal the record for ten years before it can be expunged.	943.0585 943.059
Access to Sealed Records for Firearm Purchase Background Checks	Current Florida law does not provide explicit language regarding criminal justice agencies' access to sealed records for the purpose of conducting a background check prior to approving a firearms purchase under state or federal law. FDLE currently follows implied intent to access these records for use in making firearm purchase determinations under s. 790.065, F.S., and the federal "Brady" Act. Federal law specifically authorizes access to national criminal history records for firearm purchase, without treating this purpose as a criminal justice function, and similar explicit language in Florida statute is needed. Access to sealed records is needed because a withhold of adjudication on a felony prevents purchasing a firearm for a specified period of time, during which the record could be sealed.	The proposed change would clearly authorize access to sealed records to criminal justice agencies for the purposes of conducting a background check for firearm purchase	943.059
Mandatory Submission of Juvenile Criminal History Dispositions	Florida statutes currently require court clerks to submit disposition reports for adult offenders. While some clerks voluntarily submit juvenile disposition reports, most do not.	The proposed change would require court clerks to begin submitting juvenile disposition reports to FDLE, beginning January 1, 2008.	943.052

Issue	Current Status	Proposed Change	Statutes Impacted
Obtain Mental Health Data on Firearm Purchasers	Federal law prohibits the transfer of a firearm to any person who has been adjudicated mentally defective or who has been committed to a mental institution. Florida has not been able to use this data when a firearm dealer calls FDLE for the required background check on the purchaser, even though it is public record, because it has not been readily accessible.	The proposed change would require civil courts to forward this data to FDLE for use in evaluating a firearm purchaser's eligibility and would require FDLE to forward it to the FBI for use by the FBI and other states as they are determining firearm eligibility.	790.065
Retention of Officer Fingerprints	Florida statutes currently require a fingerprint based criminal history background check as a condition of employment for all law enforcement, correctional and correctional probation officers. Unless initiated by the employing agency, there are no subsequent fingerprint checks to ensure that officers have not been arrested, charged, or convicted of offenses that could jeopardize their certification under Florida law. FDLE now has the capacity to retain fingerprints of persons who are applicants for licensing or employment. This capability allows FDLE to notify the licensing or employing agency if the subject of the retained fingerprints is arrested in Florida.	The proposed changes would authorize FDLE to collect and retain fingerprints for all active, certified officers. Retention of officer fingerprints will allow for notification to the employing agency if the officer is arrested in Florida and will help assure the integrity of Florida's active officers. In addition, these officer prints will be available to eliminate latent fingerprints the officers may have inadvertently left at a crime scene.	943.13
Retention of Criminal Justice Employee (other than officer) Fingerprints	Currently, criminal justice employees (non-officers) are background checked at the time of hire, but fingerprints are not retained. FDLE now has the capacity to retain fingerprints of persons who are applicants for licensing or employment. This will allow FDLE to notify the licensing or employing agency if the subject of the retained fingerprints is arrested in Florida.	The proposed change will provide for retention of criminal justice employee fingerprints. This will allow for notification to the employing agency if the employee is arrested in Florida and will allow the employing agency to take immediate action, as appropriate.	943.053
Correct Trust Fund Reference in Driving/Boating Under the Influence Statute	The current statutory language relating to fines imposed for driving/boating under the influence states that funds remitted to FDLE shall be deposited in the Criminal Justice Standards and Training Trust Fund. These funds have, for many years, been deposited in FDLE's Operating Trust Fund, consistent with	The proposed change would specify that fines for driving or boating under the influence that are remitted to FDLE shall be deposited in the Operating Trust Fund.	938.07

Issue	Current Status	Proposed Change	Statutes Impacted
	expenditure of the monies as authorized by the GAA.		
Clarify Trust Fund Reference in Investigative Costs Statute	The current statutory language relating to judgment for costs on conviction indicates that investigative costs recovered by an agency must be deposited in the agency's operating trust fund. FDLE's Forfeiture and Investigative Support Trust Fund, established under 943.362, F.S., is an FDLE operating trust fund from which investigative costs are paid. This trust fund is a better placement of recovered investigative costs.	The proposed change would specify that investigative costs remitted to FDLE shall be returned to the Department's Forfeiture and Investigative Support Trust Fund.	938.27
Authority to Purchase Goodwill and Promotional Materials	FDLE is frequently represented in national and international conferences, meetings, and cooperative efforts. Under current law, the department is not authorized to purchase promotional items or refreshments for any such events.	The proposed language would create new authority allowing FDLE to spend up to \$5,000 annually for promotional materials and modest refreshments.	Creates new section under 943
Use of the Florida Department of Law Enforcement's Emblem or Name	Florida statutes currently do not address the unauthorized use or misrepresentation of FDLE's logo, emblem or initials. The Department has experienced several instances in which FDLE's logo has been placed on private or commercial internet sites in a manner suggesting that FDLE is affiliated with or endorsing the service or product of the site.	The proposed change would create a new statute that mirrors federal language pertaining to the Federal Bureau of Investigation's name and emblem and would make it a first degree misdemeanor to use the FDLE or Capitol Police logo or likeness without permission.	Creates new section under 943
Selection Center Audits	Florida has selection centers throughout the state that evaluate criminal justice applicants for employment with agencies in the region. Currently, section 943.2569, F.S. requires that the selection centers provide for an annual financial audit. The community colleges and sheriff that administer the selection centers are required to conduct these annual financial	The proposed change would eliminate the audit requirement specified in Section 943.2569, Florida Statutes, and consistent with such elimination, revise Section 943.257, Florida Statutes, to provide that the Advisory Council and Commission may inspect and copy any documents from the centers to carry out their oversight responsibilities, including information about applicant	943.2569 943.257

Issue	Current Status	Proposed Change	Statutes Impacted
	audits pursuant to Sections 11.45(2)(c), FS so that the need for the separate audit requirement in Section 943.2569, Florida Statutes, is not apparent. Currently, section 943.257, FS provides that the Commission may inspect documentation of these independent audits. An operational audit of FDLE conducted in 2004 by the Auditor General contained recommendations for cleaning up this language.	evaluations and expenditures.	
Law Enforcement Diversity Training	Criminal justice officers currently must have 8 hours of training in interpersonal skills relating to diverse populations in basic recruit training and every 4 years, consistent with the mandatory retraining cycle. The state recently implemented a new basic recruit curriculum that provides in excess of 8 hours of training. Additionally, law enforcement agencies would prefer to independently determine the amount of mandatory retraining an officer needs in this area. Officers who interact with the public more regularly may benefit from more retraining hours, whereas other officers may need fewer hours.	The proposed change removes the 8-hour requirement for basic recruit and continuing training in the area of diverse populations. Officers will still be required to receive training in diverse populations every 4 years, but will be provided with the flexibility to determine what amount of training is appropriate and will not have to meet a fixed, 8 hour requirement. The proposed change was recommended by the Criminal Justice Standards and Training Commission.	943.1716
Amber Alert Immunity Clause	FDLE administers the state's Amber Alert program to aid in the recovery of missing children. Currently, the program is operated by interagency policy and agreement, there is no statutory language that governs the plan, nor is there any protection from civil liability for agencies acting in a good faith effort to distribute this information over the airways. Several other states have enacted language to protect the Amber program and its partners.	The proposed change would provide immunity from civil liability for damages to radio or television networks, broadcasters, or media representatives, or any agency, employee, individual, or entity, transmitting or releasing Amber Alert or Missing Child Alert information provided by law enforcement.	

Issue	Current Status	Proposed Change	Statutes Impacted
Sexual Predator / Offender Bill			
Modification of Definition of “Educational Institution” For Registration Purposes.	Current Florida registration law for sexual predators and sexual offenders requires an additional registration when the registrant enrolls at, is employed by, or is carrying on a vocation at an institution of higher education. This requirement serves to notice these institutions of the presence of the registrants on their campus and assures compliance with the federal Campus Sex Crimes Prevention Act amendments to the Jacob Wetterling laws.	The proposed change would add “career center” to the definition of an educational institution as required by new federal guidelines. This change is required to assure Florida remains in compliance with the Campus Sex Crimes Prevention Act.	775.21 943.0435 944.607
Clarification of Criteria for Predicate Sexual Predator Criteria Offenses.	Though not common, there have been instances in which a sexual offender who has committed multiple offenses may be prosecuted and convicted for one offense prior to being prosecuted and convicted for an earlier offense. In such cases it is necessary to clarify the legislative intent, specifically that any sexual offender who is convicted of multiple criteria offenses within a ten year period must register as a sexual predator.	The proposed change would removes confusion regarding prior convictions that have an earlier offense date by clarifying that the criteria apply “regardless of the date of the offense of the prior felony.”	775.21
Bill Drafting Correction	After the 2004 legislative session, an error in the operating sexual offender statute added an incorrect reference to “predator” rather than “offender.”	The proposed change corrects a bill-drafting error from last session in which a reference to “predator” should have been a reference to “offender.”	943.0435

Issue	Current Status	Proposed Change	Statutes Impacted
Alignment of Dates in Career Offender Statute	<p>The two operational statutes regarding career offender registration, one directing FDLE functions and the other directing Florida Department of Corrections (DC), are not aligned in regards to the operational dates of enactment, specifically in regards to the criteria of those required to register.</p>	<p>The proposed change would modify the FDLE definition of a career offender to conform to Department of Correction's companion criteria. DC uses starting date of 7/1/2002. FDLE uses 1/1/2003. The date difference was by reason of separate approaches to the same issue by the two departments when statutory language was originally crafted. This conforms FDLE's language to the same date used by DC.</p>	<p>775.261</p>
<p>Methamphetamine Bill</p>			
Add Methamphetamine Precursors to List of Schedule V Substances and Establish Penalties for Methamphetamine Offenses	<p>The primary ingredient in the manufacture of methamphetamine, pseudoephedrine, is essentially unregulated and can be bought in bulk quantities. The law in Florida currently does not address the availability of meth precursors (chemicals used in the manufacturing of meth), the hazards of meth production and transportation on the environment and the community, and the dangers that clandestine labs pose.</p>	<p>The proposed changes would:</p> <p>Make any compound or mixture containing pseudoephedrine a Schedule V substance (this effectively prohibits sale without a prescription of the powder and tablet forms of cold/allergy tablets containing pseudoephedrine. Consumers could still purchase gel cap and liquid forms off the shelf. Modeled after first of kind legislation in Oklahoma);</p> <p>Establish a child endangerment penalty for anyone convicted of manufacture, or intent to manufacture meth, with a child under the age of 16 present;</p> <p>Establish penalties to possess, store or transport liquid ammonia in an unapproved container (anhydrous ammonia, made from condensed liquid ammonia, is a highly hazardous chemical needed for one popular form of meth manufacturing);</p> <p>Establish penalties for serious injury to any local, state or</p>	<p>Amends various sections of Chapter 893</p>

Issue	Current Status	Proposed Change	Statutes Impacted
		<p>federal officer, firefighter, emergency medical technician or paramedic during the commission of any violation of 893;</p> <p>Establish penalties for improper dispensing pseudoephedrine;</p> <p>Amend trafficking penalties for possession of pseudoephedrine;</p> <p>Provide exemptions for private contractors and government employees in possession of meth when authorized to engage in clean up and disposal efforts; and</p> <p>Place damage liability for unlawful possession, tampering with, and storing of listed chemical with the persons illegally doing so and not the lawful owners, unless the lawful owner's actions or omissions constitute negligence.</p>	