

AGENDA
FLORIDA DEPARTMENT OF LAW ENFORCEMENT

February 26, 2008

- ITEM 1. Respectfully submit the **Florida Department of Law Enforcement's FY 07-08 2nd Quarter Performance Report, with Contracts, Agreements and Purchases over \$100,000 for October 1 through December 31, 2007.**

(See Attachment 1)

RECOMMEND APPROVAL

- ITEM 2. Respectfully submit the **Notice of Proposed Rules** as listed below:

11B-14 – Salary Incentive Program - Update Commission forms pertaining to dissemination of an individual's full social security number; fingerprint process for employment or appointment; and advanced training program courses list.

11B-20 – Certification of Criminal Justice Training Instructors - Update Commission forms and course criteria for criminal justice training instructors.

11B-21 – Certification of Criminal Justice Training Schools - Update Commission forms and requirements for certification of training schools.

11B-27 – Certification and Employment or Appointment - Update Commission forms; moral character violations; requirements for certification, employment or appointment, reactivation, termination or appoint; diploma and transcript; fingerprints process; maintenance of certification; high-liability performance evaluations; background investigation; officer revocation or disciplinary actions, disciplinary guidelines; and canine team certification.

11B-30 – Examinations - Update Commission forms, examination requirements, rule references and titles.

11B-35 – Training Programs - Update Commission forms, training program course delivery, criteria, definitions and procedures for criminal justice training programs/schools.

11C-4 – Crime Information Bureau; Criminal History Records, Fingerprinting and Reports - Update procedures for clerk of courts regarding dispositions.

11C-6 – Criminal History Records Dissemination Policy - Update procedures for submission of criminal history records.

11C-7 – Criminal History Records; Expunction and Sealing Policy and Procedures - Revise information for sealing and expunction of criminal records.

11C-8 – Criminal History Records; Review and Correction - Update personal review of criminal records.

11D-8 – Implied Consent Program - Revise to comply with developments in alcohol testing.

11G-2 – Standard Investigation Procedures – Create procedures for cooperative agreements for the performance of autopsies.

11N-1 – Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account - Clarify application for funding from the Violent Crime and Drug Control Strategy Implementation Account and change to bi-annual reporting.

(See Attachment 2)

RECOMMEND APPROVAL



2nd Quarter Performance Report

Fiscal Year 2007 - 2008

Gerald M. Bailey, Commissioner

Executive Direction and Support Program

Executive Direction and Support Services

• Administrative support costs as a percent of total agency costs	4%	4%
• Number of grants disbursed	352	575
• Total number of agencies and jails accredited	161	156
• Number of cases awarded emergency violent crime funds	33	73

Investigations and Forensic Science Program

Crime Laboratory Services

• Number / percent of lab service requests completed	38,983 / 99%	78,000 / 95%
• Average number of days to complete lab service requests		
1. AFIS (Automated Fingerprint Identification System)	38	45
2. CER (Computer Evidence Recovery)	56	70
3. Chemistry	16	30
4. Crime Scene	18	30
5. Firearms	90 ¹	80
6. Latents	41	60
7. Microanalysis	165 ¹	115
8. Serology / DNA	183 ¹	111
9. Toxicology	51 ¹	40
• Number of DNA samples added to the DNA Database	62,521 ²	36,000
• Number of crime scene service requests completed	287	600

Investigative Services

• Number of criminal investigations worked	1,299	2,500
• Number / percent of criminal investigations closed	370 / 29% ³	900 / 46%
• Number / percent of closed criminal investigations resolved	339 / 92%	702 / 78%
• Number / percent of criminal investigations closed resulting in arrest	241 / 65% ³	585 / 65%
• Number of short-term investigative assists worked	4,299 ⁴	3,678
• Number of domestic security concerns reported and responded to by Regional Domestic Security Task Forces	374 ⁵	1,000

Mutual Aid and Prevention Services

• Number of dignitaries provided with FDLE protective services	34	52
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Public Assistance Fraud Investigative Services

• Amount of fraudulent benefits withheld as a result of public assistance fraud investigations	\$7M ⁶	\$20.1 M
• Number of public assistance fraud investigations conducted	1,597 ⁶	5,625

Florida Capitol Police Program

Capitol Police Services

• Number of criminal incidents per 1,000 employees	3.14	9.38
• Number of officer patrol hours	59,324	96,432
• Number of calls for service	2,164	8,000

Information Program

Network Services

• Percentage of responses from FCIC hot files that contain substantive information within defined timeframes	100%	98%
• Percentage of time FCIC is running and accessible	99.94%	99.50%
• Percentage response to criminal history record check customers within defined timeframes	100%	94%
• Percentage of criminal arrest records received electronically (through AFIS) for entry into the criminal history system	93%	90%
• Number of certified operators	63,607	56,177

Prevention and Crime Information Services

• Percentage of criminal history information records compiled accurately	94%	93%
• Number of responses to requests for criminal history record checks	1,411,241	2,000,000
• Number of registered sexual predators / offenders identified	46,669	37,865
• Number of missing children cases worked through MCIC	3,490	4,000
• Number of arrest records created and maintained	19,411,558	17,686,354
• Number of disposition records added to the criminal history file	465,671	750,000

Professionalism Program

Law Enforcement Training and Certification Services

• Number / percent of individuals who pass the basic professional certification examination for law enforcement officers, correctional officers, and correctional probation officers	3,597 / 78%	6,400 / 80%
• Number of course curricula and examinations developed / revised	134	135
• Number of examinations administered	4,717	8,000
• Number of individuals trained by the FCJEI	421	840
• Number of law enforcement officers trained by D.A.R.E.	85	160
• Number of professional law enforcement certificates issued	13,232	25,000
• Number of domestic security training courses delivered	67	120

Law Enforcement Standards Compliance Services

• Percentage of training schools in compliance with standards	86%	80%
• Number of breath-testing instruments inspected	333	491
• Number of discipline referrals processed for state and local LEOs, COs, and CPOs pursuant to Chapter 120, F.S.	688	1,500
• Number of criminal justice officer disciplinary actions	298	452
• Number of program and financial compliance audits performed	1,097	2,000
• Number of records audited to validate the accuracy and completeness of ATMS2 record information	5,115	8,000



¹ **Average number of days to complete lab service requests** – The Department continues to decrease the laboratory backlog through implementation of the 10-point plan. As part of the plan, FDLE has purchased robotics for DNA sections across the state, developed new case acceptance guidelines, implemented more effective workload and staffing management practices, maximized overtime use, and outsourced DNA backlogs to other private, accredited labs. Aged cases are being worked to reduce the backlog, which results in inflated turnaround times for incoming cases. During the second quarter, FDLE opened DNA services in its Ft. Myers Regional Crime Laboratory. This expansion will also improve the turnaround time for lab service requests.

² **Number of DNA samples added to the DNA database** – Due to a change in legislation, the DNA Database began collection of samples for all felony convictions effective July 1. This significantly increased the number of incoming samples. The Department anticipates this performance to continue.

³ **Investigative Services measures** – FDLE is committed to working complex, protracted high impact criminal investigations. Because of their complexity, they are lengthy and labor intensive, resulting in agents investing more hours in fewer cases over a longer period of time.

⁴ **Number of short-term investigative assists worked** – This measure captures assistance provided to law enforcement agencies whose jurisdiction, resources or expertise may be limited. Short-term cases initiated by FDLE that do not meet the investigative criteria to qualify as a major case are also included. More assists and short-term cases were conducted than anticipated.

⁵ **Number of domestic security concerns reported and responded to by regional domestic security task forces** – This measure captures the number of tips and cases entered into the In-Site database. The Regional Domestic Security Task Forces responded to all significant domestic security concerns reported by citizens, business entities, local, state, or federal law enforcement or governmental entities. Fewer tips and cases were received than anticipated.

⁶ **Public Assistance Fraud (PAF) Investigative Services measures** – Changes in federal food stamp program policies have resulted in a decrease of the number of administrative hearing referrals received. Additionally, the PAF program is engaged in more complex criminal investigations which require more time and effort to investigate, resulting in fewer case closures.



Laboratory Adds DNA Analysis Section. In an effort to enhance service to the Department's laboratory customers, the Ft. Myers Regional Crime Laboratory recently added a DNA Analysis Section. The expansion is part of FDLE's plan to increase its DNA processing capacity. Approximately 55 additional DNA service requests will be completed each month. With this expansion, DNA Analysis will be provided in six of the seven regional crime labs. Previously, DNA submissions from agencies in the Ft. Myers region were handled by the Tampa Bay Regional Crime Laboratory. The Ft. Myers lab will continue to provide forensic services in the disciplines of Chemistry, Latent Prints and Crime Scene to agencies in the ten county region. The addition of this section is part of a multi-faceted backlog reduction plan to address the surge in evidence submissions statewide. Since July 2006, FDLE has almost cut its DNA backlog in half.



Cold Case Playing Cards Solve Two Cases. In conjunction with the Department of Corrections, Attorney General's Office and the Florida Association of Crime Stoppers, FDLE developed the Cold Case Playing Cards Initiative featuring 104 unsolved cases from across Florida on playing cards. Approximately 100,000 decks of cards were distributed to inmates throughout the state's prison system. Each card provides a photograph and factual information about the victims to help crack Florida's unsolved cold cases. Since July, two cases displayed in the decks were solved based on tips that were received.

The first case involved the arrest of an individual for the alleged murder of James Foote on November 15, 2004. He was found dead with a single gunshot wound to his chest in Ft. Myers. Foote was the seven of clubs in the first edition deck. The second case involved the arrest of an individual for the alleged murder of Ingrid Lugo on December 13, 2004. She was found strangled to death in a retention pond in Bradenton. Lugo was the six of spades in the first edition deck. FDLE is currently working to develop a third edition deck of cards to feature 52 new unsolved cold cases.

Securities Broker/Insurance Agent Arrested for Theft. Special Agents with the Ft. Myers Regional Operations Center, in partnership with the Office of Financial Regulation, arrested Michael Traynor in connection with theft of over \$6.5 million in clients' investment and insurance funds. Traynor, a former licenses investment securities broker and insurance agent in Manatee County, allegedly victimized more than 30 clients across the state. Traynor was found to have misrepresented the victims' by purporting that their investment funds were being invested. The investigation revealed the funds had not been invested, but kept and used as a classic Ponzi scheme. The case is being prosecuted by the Florida Office of Statewide Prosecution.



CONTRACTS, AGREEMENTS AND PURCHASES
OVER \$100,000 FOR OCTOBER 1ST THROUGH DECEMBER 31ST 2007

<u>P.O.#</u>	<u>VENDOR/SERVICE</u>	AMOUNT
DO331826	The Bode Technology Group Amended to add 12 months for forensic (DNA) backlog cases to be tested for the Tampa and Jacksonville Regional Crime Labs. Term period: 9/1/06 thru 6/30/08 Agency ITB	\$979,112
DO331827	ReliaGene Technologies, Inc. Amended to add 12 months for forensic (DNA) backlog cases to be tested for the Pensacola, Orlando and Tallahassee Regional Crime Labs. Term period: 9/1/07 thru 8/31/09 Agency ITB	\$500,850
DO561777	Infinity Software Development, Inc. Amended to add 1,000 hours of IT systems analysis and programming for Sexual Offender/Predator System for Information Program. Term period: 7/1/07 to 6/30/08 State Contract	\$301,568
DO684749	Strategic Staffing Solutions 1,722 hours of IT database services analyst for FLEX project for Information Program. Term period: 9/28/07 thru 6/30/08 State Contract	\$163,000
DO686456	COPYFAX 2000, Inc. New color copier/printer for Print Shop in Business Support Program. Term period: 11/30/07 thru 11/29/12 State Contract	\$264,019
DO726069	Universal Safety Response, Inc. Installation of stationary, shallow mounted bollards at Old Historic Capitol Building. Term period: 11/14/07 thru 1/15/08 Agency ITB	\$189,950

CONTRACTS, AGREEMENTS AND PURCHASES
OVER \$100,000 FOR OCTOBER 1ST THROUGH DECEMBER 31ST 2007

<u>P.O.#</u>	<u>VENDOR/SERVICE</u>	AMOUNT
DO757433	Whatman, Inc. 1,000 packs of indicator cards used in oral swab kits for Tallahassee Regional Crime Lab/DNA Section. Term period: 12/13/07 thru 6/30/08 Agency ITB	\$165,000
C9995A	Motorola, Inc. Motorola-Printrak Biometric Identification System with Palm Matching Subsystem replaces legacy Automated Fingerprint Identification System workflow hardware and software components for Information Program as part of FALCON. Term period: 12/28/07 thru 12/31/09 Sole Source	\$7,400,000
C9967A	Department of Health (DOH) Provide fraud investigative services to DOH Executive Director. Term period: 10/1/07 thru 9/30/09 Sole Source	\$100,000

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT

Chapter 11B-14, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11B-14.002 and 11B-14.005, F.A.C.

SALARY INCENTIVE PROGRAM

SUMMARY OF PROPOSED RULE

Commission forms, social security numbers, fingerprint process, and advanced training program courses.

JUSTIFICATION OF PROPOSED RULE

To comply with Section 120.74, F.S., which requires agencies to revise its rules as often as necessary to ensure compliance with Florida Statutes. 11B-14.002: To revise forms CJSTC-63 and CJSTC-67 to comply with Section 119.071, F.S., which has been revised to preclude an agency from requesting an individual's full social security number unless a list of the documents or forms have been filed with the state. To comply with Section 943.13(4), F.S., regarding the changes for fingerprinting for an individual who is required to meet minimum qualifications for employment or appointment as a criminal justice officer. 11B-14.005: To update the inactive advanced training program courses list.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on February 27, 2008 for a hearing to be held on April 2, 2008 if requested.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-14.002 General Program Provisions.

(1) No change.

(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., 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 designee, as defined in paragraph 11B-21.005(8)(a), F.A.C. To verify successful completion of a Commission-approved Advanced or Career Development Training Program Course and to authorize salary incentive payments, a Training Report, form CJSTC-67, revised November 8, 2007 ~~May 5, 2005~~, hereby incorporated by reference, shall be electronically transmitted to Commission staff through the Commission's ATMS.

(3) - (4) No change.

(a) - (v) No change.

(5) No change.

(a) No change.

1. - 3 No change.

(b) - (d) No change.

(6) Educational Salary Incentive Payments.

(a) No change.

(b) The employing agency is responsible for ensuring that the documents submitted for educational salary incentive payments are authentic and accurately reflect the credit given for academic courses successfully completed by the officer, and shall submit or electronically transmit to Commission staff through the Commission's ATMS a completed Higher Education for Salary Incentive Report, form CJSTC-63, revised November 8, 2007 ~~August 3, 2006~~, hereby incorporated by reference.

(c) - (d) No change.

(7) - (15) No change.

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

11B-14.005 Annual Salary Incentive Compensation Report.

(1) - (2) No change.

(3)(a) The active Commission-approved Advanced Training Program Courses approved for salary incentive payments are listed in subsection 11B-35.006(1)(b)(~~2~~), F.A.C.

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

	Course Title	Course Code	Course Hours	Inactive
<u>1.</u>	Refresher	003	40	11/1/79
<u>2.</u>	Intermediate	004	80	11/1/79
<u>3.</u>	Advanced	005	40	11/1/79
<u>4.</u>	<u>Middle Management</u>	<u>007</u>	<u>40</u>	<u>10/1/06</u>
<u>5.</u>	Executive Development: Base	008	40	10/1/85
<u>6.</u>	The Nature of Management Responsibilities	009	40	7/1/88
<u>7.</u>	Developing a Philosophy of Management	010	40	7/1/88
<u>8.</u>	Instructor Techniques, effective 10/1/79	015	40	10/1/85
<u>9.</u>	Crime Scene Procedure	017	40	7/1/88
<u>10.</u>	General Criminal Investigation Techniques	018	40	7/1/88
<u>11.</u>	Officer Skills Improvement and Stress Reduction	028	40	7/1/88
<u>12.</u>	Police Officer Procedures and Techniques	029	40	7/1/88
<u>13.</u>	Introduction to Police Operations and Leadership	030	40	7/1/88
<u>14.</u>	Crime Scene Photography, effective 7/1/85	031	40	7/1/88
<u>15.</u>	Crimes Against Property	034	40	7/1/88
<u>16.</u>	Confidential Informants and Other Source of Information	035	40	7/1/88
<u>17.</u>	Crime Prevention	037	40	7/1/88

<u>18.</u>	Traffic Accident Investigation	038	40	7/1/88
<u>19.</u>	Traffic Homicide Investigation	039	40	7/1/88
<u>20.</u>	Surveillance Techniques	040	40	7/1/88
<u>21.</u>	Environmental Law Enforcement and Investigation	041	40	10/1/85
<u>22.</u>	Marine Enforcement and Investigation	042	40	7/1/88
<u>23.</u>	Economic Crimes - An Overview	043	40	7/1/88
<u>24.</u>	Economic Crimes - Crime Scheme Identification	044	40	10/1/85
<u>25.</u>	Economic Crimes - Frauds and Schemes	045	40	7/1/88
<u>26.</u>	Economic Crimes - Tangible Property Frauds and Schemes	046	40	10/24/86
<u>27.</u>	Crimes Against Persons	048	40	7/1/88
<u>28.</u>	Tactical Police Driving	049	40	7/1/88
<u>29.</u>	Field Training Officer	051	40	7/1/02
<u>30.</u>	Crime and the Elderly	052	40	7/1/88
<u>31.</u>	<u>Radar Speed Measurement Training Course for Law Enforcement Officers</u>	<u>055</u>	<u>40</u>	<u>12/31/06</u>
<u>32.</u>	Correctional Operations	059	40	7/1/88
<u>33.</u>	Counseling and Communication Skills Program	060	40	7/1/88
<u>34.</u>	Supervisory Training - See Course 006	061	40	10/1/85
<u>35.</u>	Management Training - See Course 007	062	40	10/1/85
<u>36.</u>	Crisis Management Training - See Course 053	063	40	10/1/85
<u>37.</u>	Stress Awareness and Resolution - See Course 050	064	40	10/1/85
<u>38.</u>	Self Defense and Use of Force	065	40	7/1/88
<u>39.</u>	First Responder to Medical Emergencies	066	40	7/1/91
<u>40.</u>	Firearms Qualification	067	40	9/30/83
<u>41.</u>	Residential Security	069	40	7/1/88
<u>42.</u>	Commercial Security	070	40	7/1/88
<u>43.</u>	Developing and Managing Crime Prevention Programs	071	40	7/1/88
<u>44.</u>	Community Relations	075	40	10/24/86
<u>45.</u>	Health Training	076	40	10/1/85
<u>46.</u>	Proficiency Skills Enhancement, effective 4/25/85	078	40	7/1/88
<u>47.</u>	Prevention of Delinquency and Juvenile Victimization, effective 4/25/85	079	40	7/1/88
<u>48.</u>	Instructor Techniques, effective 7/1/85	081	80	7/1/88
<u>49.</u>	Foreign Language Skills, effective 7/25/85	082	80	7/1/88
<u>50.</u>	Advanced Neighborhood Watch, effective 7/25/85	083	40	7/1/88
<u>51.</u>	Models for Management	084	40	7/1/87
<u>52.</u>	Background Investigations	086	40	7/1/88
<u>53.</u>	Investment in Excellence, effective 3/17/86	089	40	7/1/88
<u>54.</u>	Fingerprints Science, effective 10/24/86	092	120	7/1/88
<u>55.</u>	<u>Laser Speed Measurement Operators Course for Law Enforcement Officers</u>	<u>095</u>	<u>40</u>	<u>12/31/06</u>
<u>56.</u>	Learning To Supervise, effective 4/25/85	200	40	7/1/88
<u>57.</u>	Learning To Manage, effective 4/25/85	201	40	7/1/88

Specific Authority 943.03(4), 943.12(1), 943.22(2)(i) FS. Law Implemented 943.22 FS. History--New 11-5-02. Amended 11-30-04,_____.

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

Commission forms; minimum requirements for general certification of instructors; denial and discipline of instructor certifications; instructor certification categories; minimum requirements for high-liability and specialized topics instructor certifications; inspection of instructor certification applications; and maintenance and duration of instructor certifications.

JUSTIFICATION OF PROPOSED RULE

To comply with Section 120.74, F.S., which requires agencies to revise its rules as often as necessary to ensure compliance with Florida Statutes. 11B-20.001: To allow a professional or technical certification plus three years experience in a specified subject matter to be instructed for exemption from General Instructor Certification. To require an instructor applicant to attach the required documentation to form CJSTC-71 prior to submitting to Commission staff; to revise forms CJSTC-61 and CJSTC-61A. To require that an instructor shall not instruct in Commission-approved courses if his/her certificate has been revoked, relinquished, or suspended. 11B-20.0013: To retire the Radar Instructor Certification and Laser and Radar Instructor Certifications and creating the Speed Measurement Instructor Certification for both certifications. The following Commission forms were revised to comply with the proposed rule revisions: 11B-20.0014: To revise form CJSTC-10 to reflect the new requirements for obtaining a Speed Measurement Instructor Certification.

Pursuant to Section 943.12(1), F.S. to develop rules for the implementation of Section 943.085, F.S., which requires establishment, implementation and evaluation of criminal justice training for law enforcement, correctional, and correctional probation officers. The following revisions were made to implement the new Florida CMS Law Enforcement and Florida Correctional Probation Basic Recruit Training Programs: 11B-20.001: To repeal the High-Liability Instructor Internship form CJSTC-81A and transfer the internship requirements to form CJSTC-81. 11B-20.001 and 11B-20.0014: To revise the General Instructor Certification requirements and retire the Traditional General Instructor Certification and Traditional Instructor Techniques Course. 11B-20.0013: To retire the Traditional High-Liability Instructor Certifications and remove the “CMS” designation from the existing high-liability certifications. 11B-20.0014: To require three years experience versus three years work experience for instructor certification. To require student evaluation of an instructor. To update the law topics in the Commission’s Basic Recruit Training Programs. 11B-20.0016: To update the instructor certification topics. 11B-20.0017: To revise the names of the general and high-liability instructor certifications.

New Fingerprint Process. To revise form CJSTC-67 to comply with the revision of Section 943.13(5), F.S., for processing an officer's fingerprints for employment or appointment.

To revise the following forms to comply with the revision of Section 119.071, F.S., which precludes an agency from requesting an individual's full social security number unless a list of the documents or forms are filed with the state: 11B-20.001: CJSTC-71, CJSTC-61, CJSTC-81; 11B-20.0016: CJSTC-271; 11B-20.0017: CJSTC-84; 11B-20.0014: CJSTC-10.

To Clarify and restructure existing rule language to comply with the Governor's plain language policy: 11B-20.001: To create a new rule paragraph for "instructor separation from affiliation." To create a new rule paragraph for equivalent instructor training. To update the required instructor competencies and internship requirements by creating a new rule paragraph for instructor exemption from the Instructor Techniques Courses. To create a new rule paragraph for Exemption from General Instructor Certification. 11B-20.0012: To create a new paragraph for disciplinary guidelines and penalties to impose on Commission-certified instructors for violation of statute or Commission rules. 11B-20.0014: To create new rule paragraphs for high-liability instructor certifications for vehicle, firearms, defensive tactics, first aid, specialized instructor certifications for law topics, speed measurement, canine, and breath test. 11B-20.0017: To create a new rule paragraph for "lapse of instructor certifications" and to clarify the period for maintaining an instructor certification.

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 February 27, 2008 for a hearing to be held on April 2, 2008 if requested.

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

THE FULL TEXT OF THE PROPOSED RULE 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 ~~November 8, 2007~~ ~~May 5, 2005~~, hereby incorporated by reference.

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

(c) "Instructor" means an individual certified by the Criminal Justice Standards and Training Commission, hereafter referred to as "Commission" or "CJSTC," ~~and is affiliated with a to instruct at~~ Commission-certified criminal justice training school ~~schools~~ or criminal justice employing agency and is authorized to instruct Basic Recruit Training Programs, Advanced Training Programs, or Specialized Training Programs ~~agencies pursuant to subsection 11B 20.001(2), F.A.C., and Rule 11B-20.0014, F.A.C.~~

(d) "Affiliated" means an instructor who is currently employed by a Commission-certified criminal justice training school or criminal justice agency, whether or not the instructor receives compensation.

(e) "Active certification" means a certification held by an instructor who is affiliated with a Commission-certified criminal justice training school or criminal justice agency.

(f) "Inactive certification" means a certification held by an instructor who is not affiliated with a Commission-certified training school or criminal justice agency.

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

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

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

~~(i)(g)~~ "Agency" means criminal justice employing agency.

(2) Instructor applicants applying for instructor certification shall:

(a) Complete the Instructor Certification Application, form CJSTC-71, revised November 8, 2007 ~~August 3, 2006~~, 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) General Instructor Certification.

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

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

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. ~~After successful completion of the mandatory instructor training, instructor applicants shall complete an internship. Instructor applicants who request an exemption from the Traditional Instructor Techniques Course shall be evaluated by the training center director for 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. 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.~~

~~4. Instructor applicant internship:~~

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

~~a.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. The training center director, agency administrator, or designee, and shall complete the Instructor Competency Checklist, form CJSTC-81, revised November 8, 2007 May 6, 2004, hereby incorporated by reference.

~~b.e.~~ 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.

~~c.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. Instructor applicants shall complete the Instructor Certification Application form CJSTC-71 and attach all required documentation prior to submitting the application for approval. The training center director, agency administrator, or designee is required to submit form CJSTC-71 to Commission staff or electronically transmitted through the Commission's ATMS. Form CJSTC-71 and supporting documentation on all affiliated instructors shall be maintained in the instructor's file.

5. Instructor Separation from Affiliation.

a. When an instructor requests a change of affiliation, or the training center director or agency administrator separates an instructor for administrative purposes, the training center director, agency administrator, or designee shall complete an Affidavit of Separation, form CJSTC-61, revised November 8, 2007, hereby incorporated by reference, and submitted to Commission staff, or immediately transmit through the Commission's ATMS. A copy shall be maintained in the instructor's file.

b. When a training center director or agency administrator separates an instructor, the training center director, agency administrator, or designee shall notify the instructor of the separation and submit form CJSTC-61 to Commission staff. If the separation involves a violation of Section 943.13(4), F.S., or moral character violation, the training center director, agency administrator, or designee shall also complete the Affidavit of Separation Supplement, form CJSTC-61A, revised November 8, 2007, hereby incorporated by reference and form CJSTC-61 to Commission staff.

~~(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.~~

~~(b) Equivalent Instructor Training.~~

1.4. Instructor applicants who request an exemption from the required instructor training 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. - 1 No change.~~

~~m. Applied Learning Concepts CMS Concepts.~~

~~2.5. Instructor applicants shall complete an internship. Applicant Internship:~~

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

~~a.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. The training center director, agency administrator, or designee, and shall complete the Instructor Competency Checklist form CJSTC-81.

~~b.e.~~ 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.

~~c.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.

3. Instructor applicants shall complete the Instructor Certification Application form CJSTC-71 and attach all required documentation prior to submitting the application for approval. The training center director, agency administrator, or designee shall electronically transmit through the Commission's ATMS, or submit form CJSTC-71 to Commission staff. The supporting documentation for affiliated instructors shall be maintained in the instructor's file.

~~(c) Exemption from Instructor Techniques Courses.~~

~~(4) 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, form CJSTC 82, revised August 3, 2006, hereby incorporated by reference:~~

~~1.(a) Instructor applicants are exempt from the Traditional General Instructor Techniques Course (Retired 6/30/2004) or CMS General Instructor Techniques Course when the The instructor applicant is a full-time instructor at a vocational technical institution or an accredited community college, college, or university. The instructor applicant shall provide documentation of his or her training center director shall document the applicant's full-time status and identify the name and location of the vocational technical institution, college, community college, or university.; on form CJSTC-82, which shall be maintained in the instructor's file at the training school; or~~

~~2. Instructor applicants shall complete an internship pursuant to (3)(b)2. of this rule section.~~

~~3.(b) Instructor applicants shall complete the Instructor Certification Application form CJSTC-71 and attach all required documentation. 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 completes an internship pursuant to subparagraphs 11B 20.001(3)(a)4., 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~~

~~(4)(d) Exemption from General Instructor Certification. The training center director is authorized to exempt an individual, from General Instructor Certification, who has a professional or technical certification or instructor applicant shall have completed three years of work experience in the specified subject matter to be instructed. The training center director shall document the individual's instructor applicant's qualifications by completing the Instructor Exemption, form CJSTC-82, revised November 8, 2007, hereby incorporated by reference, which shall be maintained in the course instructor's file at the training school.~~

~~(5)(e) An individual, whose certification has been revoked, relinquished, or is currently suspended, shall not instruct Commission-approved Basic Recruit Training, Advanced Training or Specialized Training Program Courses. 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.~~

~~(6) An individual found in violation of Section 943.13(4), F.S., or is guilty of the offenses set forth in paragraphs 11B-20.0012(2)(a)-(f), F.A.C., shall not instruct Commission-approved Basic Recruit Training, Advanced Training or Specialized Training Program Courses.~~

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

11B-20.0012 Denial and Discipline ~~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 is authorized ~~has the authority~~ to impose disciplinary action against ~~revoke~~ an instructor's certification if:

(a) The instructor willfully compromises the security and confidentiality of examinations, grading keys, or test specifications used in training courses, or engages in any other conduct that subverts or attempts to subvert the State Officer Certification Examination (SOCE) process; or

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

(c) The instructor willfully compromises or circumvents the trainee performance requirements pursuant to subsection 11B-35.001(7) and Rule 11B-35.0024, F. A. C.; or

(d) The instructor intentionally and materially falsifies criminal justice documentation; or

(e) The instructor commits an act or acts establishing gross incompetence as determined by the Commission. Gross incompetence is the lack of ability or fitness to perform as an instructor as a result of emotional instability, or physical incapacitation, or inadequate technical knowledge of subject matter, or reckless disregard for the safety of trainees or the public.

(f) The instructor commits an act or acts establishing a “lack of good moral character,” defined in subsection 11B-27.0011(4), F.A.C.

(3) – (4) No change.

(5) Should a Commission Probable Cause Determination Hearing find probable cause that an instructor has violated subsection (2) of this rule section, disciplinary revocation proceedings shall be conducted pursuant to Chapter 120, F.S.

(6) - (7) No change.

(8) The Criminal Justice Standards and Training Commission sets forth in subsections (1) and (2) of this rule section, a range of disciplinary guidelines from which disciplinary penalties shall be imposed upon certified instructors who have been found by the Commission to have violated subsection 11B-20.0012(2), F.A.C.

(a) For the perpetration by the instructor of an act that would constitute any violation of paragraphs 11B-20.0012(2)(a)-(e), F.A.C., the Commission shall impose one or more of the following penalties:

1. Revocation of certification.

2. Suspension of certification for a period not to exceed two years.

3. Placement on a probationary status for a period not to exceed two years. Upon the violation of such terms and conditions, the Commission is authorized to revoke certification or impose additional penalties as enumerated in this subsection.

4. Successful completion by the instructor of any basic recruit, advanced, or career development training or such retraining required by the Commission.

5. Issuance of a reprimand.

(b) For the perpetration by the instructor of an act or acts that would constitute a violation of paragraph 11B-20.0012(2)(f), F.A.C., the Commission shall impose a penalty consistent with subsections 11B-27.005(4)-(7), F.A.C., for an act or acts establishing a “lack of good moral character” defined in subsection 11B-27.0011(4), F.A.C. 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, 11-30-04, 3-21-07, _____.

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. The Commission offers the following categories of certification to instructor applicants ~~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.~~

(2)(3) High-Liability Instructor Certifications.

(a) ~~Traditional~~ Vehicle Operations Instructor Certification.

~~(b) CMS Vehicle Operations Instructor Certification.~~

(b)(e) ~~Traditional~~ Firearms Instructor Certification.

~~(d) CMS Firearms Instructor Certification.~~

(c)(e) ~~Traditional~~ Defensive Tactics Instructor Certification.

~~(f) CMS Defensive Tactics Instructor Certification.~~

~~(g) Traditional First Responder Instructor Certification.~~

~~(d)(h) First CMS First Aid Instructor Certification.~~

(3)(4) Specialized Topics Instructor Certifications.

(a) Law Topics Instructor Certification.

(b) Speed Measurement Instructor Certification ~~Certifications.~~

~~1. Radar Instructor Certification.~~

~~2. Laser and Radar Instructor Certification.~~

(c) Canine Team Instructor Certification.

(d) 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, 11-30-04, 3-21-07, _____.

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 be eligible for General Instructor Certification and apply for General Instructor Certification at the same time the applicant is requesting certification in the high-liability topic. Multiple topics may be applied for at the same time. ~~CMS General Instructor Certification, or have successfully completed the Traditional 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.~~

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

(d) Be evaluated by his or her students. Student evaluation 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 the Instructor Competency Checklist form CJSTC-81.

(e) Complete the Instructor Certification Application form CJSTC-71 and attach all documents prior to submitting the application for approval.

~~(f)(2) High Liability Instructor Certifications.~~ Instructor applicants, who apply for a High-Liability Instructor Certification, shall have completed the applicable High-Liability Instructor Course within four years of the date the instructor applicant applies for certification. Instructor applicants, who apply for a High-Liability Instructor Certification more than four years from the date training was completed, shall complete an internship and demonstrate the proficiency skills applicable to the high-liability topic. Instructor applicants shall meet the ~~following~~ requirements for High-Liability Instructor Certification for each topic requested.

(2) High-Liability Instructor Topics.

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

1. Comply with the requirements for ~~Traditional~~ General Instructor Certification pursuant to subsection 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 the Vehicle Operations Instructor Course (retired 6/30/04) or CMS Vehicle Operations Instructor Course; and

3. Have successfully completed a high-liability internship documented on the Instructor Competency Checklist form CJSTC-81 that is supervised by a certified vehicle operations instructor, 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 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 Vehicle Operations Instructor Course, and CMS Vehicle Operations Instructor Transition Course, shall comply with the requirements for CMS General Instructor Certification pursuant to paragraph 11B-20.001(3)(b), F.A.C., and successfully complete one of the following training courses through a training school.:~~

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

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

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

1. Comply with the requirements for ~~Traditional~~ General Instructor Certification pursuant to subsection 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 the Firearms Instructor Course (retired 6/30/04) or CMS Firearms Instructor Course; and

3. Have successfully completed a high-liability internship documented on the Instructor Competency Checklist form CJSTC-81 that is supervised by a certified firearms instructor 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, the CMS Firearms Instructor Course, and CMS Firearms Instructor Transition Course, shall comply with the requirements for CMS General Instructor Certification pursuant to paragraph 11B-20.001(3)(b), F.A.C., and successfully complete 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 complete a high-liability internship supervised by the training center director, agency administrator, or designee, which has been documented on form CJSTC 81A.~~

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

~~1. Comply with the requirements for Traditional General Instructor Certification pursuant to subsection 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 through a training school the Defensive Tactics Instructor Course (retired 6/30/04) or CMS Defensive Tactics Instructor Course through a training school; and~~

~~3.~~

~~Have successfully completed a high-liability internship documented on the Instructor Competency Checklist form CJSTC-81 that is supervised by a certified defensive tactics instructor 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 Defensive Tactics Instructor Course, and CMS Defensive Tactics Instructor Transition Course, shall comply with the requirements for CMS General Instructor Certification pursuant to paragraph 11B-20.001(3)(b), F.A.C., and successfully complete 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 complete a high-liability internship supervised by the training center director, agency administrator, or designee, which has been documented on form CJSTC 81A.~~

~~(d)(g) First Aid Instructor Certification. Instructor applicants who request to obtain certification to instruct in first aid shall: Traditional First Responder Instructor Certification. Instructor applicants who request to obtain certification to instruct in first responder topics shall comply with the requirements for Traditional General Instructor Certification pursuant to paragraph 11B-20.001(3)(a), F.A.C., or be exempt from Traditional General Instructor Certification pursuant to subsection 11B-20.001(4), F.A.C. Individuals who request to obtain certification as a Traditional First Responder Instructor shall comply with the requirements in subparagraph (g)1. or (g)2. of this rule section:~~

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

~~a. Certified emergency medical technicians;~~

~~b. Certified paramedics.~~

~~c. Licensed physicians, who are actively involved in emergency care and have three years experience in emergency medical care.~~

~~d. Licensed physician's assistants, who are actively involved in emergency care and have three years experience in emergency medical care.~~

~~e. Registered nurses, or licensed practical nurses who are actively involved in emergency care and have three years experience in emergency medical care.~~

~~f. Members of the Armed Forces of the United States on active duty entitled to practice as an Emergency Medical Technician (EMT) or a Florida paramedic set forth in Chapter 401, F.S., Part III.~~

~~2. Comply with the requirements for General Instructor Certification pursuant to subsection 11B-20.001(3), F.A.C.; and Individuals set forth in this rule section shall possess and maintain a valid CPR instructor certification, which is at minimum at the "BLS Instructor" or "Heartsaver Instructor" level with the American Heart Association, "CPR/AED for the Professional Rescuer Instructor" or "First Aid/CPR/AED Instructor" or "Emergency Response Instructor" or "Lifeguarding Instructor" level with the American Red Cross, "First Aid/CPR/AED Instructor" or "BLS Instructor" level with the American Safety and~~

Health Institute, or “BLS Instructor” level with the National Safety Council, and are certified pursuant to Section 943.13, F.S. These individuals shall:

- a. ~~Have three years experience as a criminal justice officer;~~
- b. ~~Have successfully completed the First Responder Instructor Course (retired 6/30/04) or have successfully completed a U.S. Department of Transportation recognized first responder course;~~
- c. ~~Have successfully demonstrated 100% proficiency in first aid skills, with the results recorded on the CMS First Aid Performance Evaluation, form CJSTC 5 CMS, revised August 3, 2006, hereby incorporated by reference; and~~
- d. ~~Have successfully completed a high-liability internship documented on form CJSTC-81A, under the supervision of the training center director, agency administrator, or designee.~~

3. ~~Have successfully completed through a training school the First Responder Instructor Course (retired 6/30/04) or CMS First Aid Instructor Course or complete a U.S. Department of Transportation recognized first responder instructor course; and~~

4. ~~Have successfully completed a high-liability internship documented on the Instructor Competency Checklist form CJSTC-81 that is supervised by a certified first aid instructor; and~~

5. ~~Possess and maintain a valid CPR Instructor Certification from an entity referenced in Rule 64E-2.038, F.A.C. The instructor shall not let the CPR Instructor Certification lapse and shall provide documentation of renewal to the certifying agency or training school. If the CPR Instructor Certification expires during the instructor certification period, the instructor shall not instruct in first responder or first aid until the CPR Instructor Certification is renewed; or~~

6. The following individuals, based on their education and training experience in the United States or its territories, are eligible to request First Aid Instructor Certification without completing additional Commission-approved training and shall comply with subparagraphs (2)(d)4.-5. of this rule section:

- a. Certified emergency medical technicians.
- b. Certified paramedics.
- c. Licensed physicians, who are actively involved in emergency care and have three years experience in emergency medical care.
- d. Licensed physician’s assistants, who are actively involved in emergency care and have three years experience in emergency medical care.
- e. Registered nurses, or licensed practical nurses who are actively involved in emergency care and have three years experience in emergency medical care.
- f. Members of the Armed Forces of the United States on active duty entitled to practice as an Emergency Medical Technician (EMT) or a Florida paramedic set forth in Chapter 401, F.S., Part III.
- g. Full-time instructors at a vocational technical institution or an accredited college or university, who instruct medical topics in EMT, paramedic, nursing, physician, or physician assistance programs.
- h. To obtain a First Aid Instructor Certification, the instructor applicant shall provide a copy of the current qualifying professional’s certification or license and shall not allow the qualifying professional’s certification or license to lapse. The instructor applicant shall provide documentation of renewal to the certifying agency or training school. If the qualifying professional’s certification or license expires during the certification period, the instructor shall not instruct in first aid until the professional’s certification or license is renewed.

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

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

~~2. Instructor applicants who are Traditional First Responder Instructors shall complete the CMS First Aid Instructor Transition Course.~~

~~3. Instructor applicants who are not Traditional First Responder Instructors shall complete the CMS First Aid Instructor Course and complete a high-liability internship supervised by the training center director, agency administrator, or designee, which has been documented on form CJSTC-81A.~~

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

(a) Law Topics Instructor Certification. Individuals who request certification to instruct legal topics as outlined in subparagraphs (3)(a)6. - 8. of this rule section shall comply with the following requirements to obtain Law Topics Instructor

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

1. Possess a General Instructor Certification or be eligible for General Instructor Certification and apply for General Instructor Certification at the same time the instructor requests a Law Topics Instructor Certification; and

2. Possess three years of criminal justice experience and a minimum of fifteen semester hours of college law courses, to include both a constitutional law course and a criminal law course with a grade of "C" or above from an accredited college or university; or

3. Possess a juris doctorate from an accredited college or university defined in Section 943.22, F.S.

4. The instructor applicant shall be supervised by and have his or her instructional abilities evaluated by a certified instructor and shall complete the Instructor Competency Checklist form CJSTC-81. 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.

5. 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 CJSTC-81.

6. ~~Correctional Officer Basic Recruit Training Programs.~~ An instructor is required to possess a Law Topics Instructor certification to teach in the topics ~~A Law Topics Instructor is required to instruct in the law topics~~ of Arrest Laws, ~~Attempt, Conspiracy and Solicitation,~~ Burden of Proof, Civil and Criminal Liability, Classification of Offenses, ~~Constitutional Law,~~ Constitutional Law Overview, Court Rules and Trial Procedures, Court Structure, Elements of a Crime, Evidence Concepts, Evidence Rules, Intent, Legal Defense, ~~Legal Show up, Legal Line up,~~ Parties to a Crime, Probable Cause, Search and Seizure Concepts, ~~Stop and Frisk Laws,~~ and Use of Force, in the following basic recruit training programs:

a. Traditional Correctional Basic Recruit Training Program number 502.

b. Traditional Correctional Probation Cross-Over to Traditional Correctional Basic Recruit Training Program number 556 (Retired 3/31/08).

c. CMS Application-Based Law Enforcement Cross-Over to Traditional Correctional Basic Recruit Training Program number 1155 (Retired 3/31/08).

d. Law Enforcement Officer Cross-Over Training to Traditional Correctional Basic Recruit Training Program number 1181 (Effective 4/1/08).

e. Correctional Probation Officer Cross-Over Training to Traditional Correctional Basic Recruit Training Program number 1182 (Effective 4/1/08).

f. Correctional Auxiliary Officer Basic Recruit Training Program number 501 (Effective 1/1/97).

b. Traditional Correctional Probation Basic Recruit Training Program.

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

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

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

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

g. Law Enforcement Auxiliary Officer Basic Recruit Training Program.

h. Correctional Auxiliary Officer Basic Recruit Training Program.

i. Correctional Probation Auxiliary Officer Basic Recruit Training Program.

7. Correctional Probation Officer Basic Recruit Training Programs. An instructor is required to possess a Law Topics Instructor Certification to teach the topics of Constitutional Law, Probable Cause, Parties to a Crime, Civil and Criminal Liability, Classification of Offenses, Court Rules and Trial Procedures, Courtroom Demeanor and Testimony, and Use-of-Force in the following basic recruit training programs.

a. Florida Correctional Probation Basic Recruit Training Program number 1176 (Effective 4/1/08).

b. Traditional Correctional Cross-Over to Traditional Correctional Probation Basic Recruit Training Program number 667 (Retired 3/31/08).

c. CMS Application-Based Law Enforcement Cross-Over to Traditional Correctional Probation Basic Recruit Training Program number 1156 (Retired 3/31/08).

d. Correctional Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program number 1183 (Effective 4/1/08).

e. Law Enforcement Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program number 1184 (Effective 4/1/08).

8. ~~Law Enforcement Officer Basic Recruit Training Programs.~~ Individuals who possess a Law Topics Instructor Certification are authorized eligible to instruct in the law topics of Introduction to Law, Legal Concepts, and Substantive Criminal Law ~~Criminal Justice Systems of Florida, Constitutional Law, and Introduction of Florida Statutes~~ in the following basic recruit training programs:

a. Florida CMS Law Enforcement Basic Recruit Training Program number 1177 (Effective 4/1/08).

b. Traditional Correctional Cross-Over to CMS Application-Based Law Enforcement number 1143 (Retired 3/31/08).

c. Traditional Correctional Probation Cross-Over to CMS Application-Based Law Enforcement number 1157 (Retired 3/31/08).

d. Correctional Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1178 (Effective 4/1/08).

e. Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1179 (Effective 4/1/08).

f. Law Enforcement Auxiliary Officer Basic Recruit Training Program number 211 (Retired 3/31/08).

g. CMS Law Enforcement Auxiliary Officer Basic Recruit Training Program number 1180 (Effective 4/1/08).

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

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

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

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

1. Possess a General Instructor Certification or be eligible for General Instructor Certification and apply for General Instructor Certification at the same time the applicant is requesting Speed Measurement Instructor Certification; and Radar Instructor Certification. An instructor applicant shall successfully complete the Radar Speed Measurement Instructor 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 5, 2005, hereby incorporated by reference.

2. Possess three years experience as a speed measurement device operator; and

~~3.2. Successfully Laser and Radar Instructor Certification. An instructor applicant shall successfully complete at a training school, the Laser and Radar Speed Measurement Instructor Course for Law Enforcement Officers, course 1159 or the Radar Speed Measurement Instructor Course for Law Enforcement Officers, course 1108, retired December 31, 2006, and the Laser Speed Measurement Device (LSMD) Instructor Transition Course for Radar Instructors, course 1109, to be retired December 31, 2008; and, with the results recorded on a Laser and Radar Speed Measurement Device Instructor Field Evaluation, form CJSTC 10.~~

4. Complete the Speed Measurement Device Instructor Field Evaluation, form CJSTC-10, revised November 8, 2007, hereby incorporated by reference.

5. The instructor applicant shall be supervised by and have his or her instructional abilities evaluated by a certified speed measurement instructor and shall complete the Instructor Competency Checklist form CJSTC-81. 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.

6. 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 CJSTC-81.

(c) Canine Team Instructor Certification. An instructor applicant shall: 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 Canine Team Instructor Certification shall be required to possess the following minimum training and experience:

1. Possess a General Instructor Certification or be eligible for General Instructor Certification and apply for a General Instructor Certification at the same time the applicant is requesting Canine Team Instructor Certification.

~~2.4. Possess a~~ A minimum of three years criminal justice canine team experience documented in the instructor applicant's file at the training school or agency.

~~3.2. Successful completion of the Commission approved Canine Team Training Course or an equivalent course pursuant to subsection 11B-27.013(4), F.A.C.~~

4. Successfully complete the Canine Team Instructor Course through a training school.

5. Complete an internship documented on a Competency Checklist form CJSTC-81. As part of the required internship, an instructor applicant shall instruct any topic of the Canine Team Training Course or Canine Team Instructor course and shall be evaluated by a certified canine team instructor.

6. 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 CJSTC-81.

~~7.3. Provide verification~~ Verification that there is not a sustained "excessive use of force" complaint against the instructor applicant, involving the use of the canine at the time a canine was under his or her their command, at the agency(s) where the instructor applicant obtained experience as a canine criminal justice officer. The verification shall be documented on agency letterhead and signed by the agency administrator or designee.

(d) Breath Test Instructor Certification. A Breath Test Instructor shall be certified by the Commission to instruct the Breath Test Operator Course, Breath Test Operator Renewal Course, Agency and Agency Inspector Course, and the Agency Inspector Renewal Course, pursuant to subsection 11B-35.007, F.A.C. Only certified breath test instructors shall instruct such courses.

1. Breath test instructor applicants shall:

~~a.4. Possess a~~ General Instructor Certification or be eligible for General Instructor Certification and apply for a General Instructor Certification at the same time the applicant requests a Breath Test Instructor Certification. Each

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

~~b.a. Successfully complete the Breath Test Instructor Course through a training school; and~~

~~c. Have a minimum of three years experience as a certified breath test operator and agency inspector.~~

~~d.b. Possess a valid Breath Test Operator Permit and a valid Agency Inspector Permit at the time the ~~an~~ application for breath test instructor certification is submitted. ~~The work experience set forth in paragraph 11B-20.0014(1)(b), F.A.C., shall include three years as a breath test operator and three years as an agency inspector.~~~~

~~e. Be supervised by and have his or her instructional abilities evaluated by a Commission-certified Breath Test Instructor and complete the Instructor Competency Checklist form CJSTC-81. The instructor applicant shall successfully demonstrate the competencies listed on form CJSTC-81, which shall be maintained in the instructor's file at the training school.~~

~~f. 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 shall be documented on form CJSTC-81, which shall be maintained in the instructor's file at the training school or agency.~~

~~2. Alcohol Testing Program staff shall possess a General Instructor Certification pursuant to subparagraph (3)(d)1.a. of this rule section, and shall be exempt from the requirements of paragraph (3)(d)1.b.-f. of this rule section. Individuals who hold a valid Florida Department of Law Enforcement Alcohol Testing Program Breath Test Instructor Permit and successfully completes the 2002 Breath Test Instructor Update Course, are exempt from the requirements set forth in subparagraph (3)(d)1. of this rule section. Alcohol Testing Program staff are also exempt from subparagraph (3)(d)1. of this rule section.~~

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.13 (6), 943.14(3) FS. History—New 7-29-01, Amended 11-5-02, 11-30-04, 3-27-06, 3-21-07, _____.

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 designee shall:

(a) Collect the Instructor Certification Application form CJSTC-71 and verify the instructor meets the requirements of paragraph 11B-20.001(2)(c), F.A.C. Verify document 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 required ~~other~~ documentation shall be maintained in the instructor's training file at the training school or agency.

(b) Sign the instructor application after the instructor applicant has completed a satisfactory internship.

(c) Electronically transmit the information to Commission staff on ~~an Instructor Certification Application~~ form CJSTC-71, through the Commission'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 November 8, 2007 ~~May 6, 2004~~, hereby incorporated by reference.

(3) – (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, 11-30-04, 3-27-06, _____.

11B-20.0017 Maintenance and Duration of Instructor Certifications.

Documentation for instructors shall be maintained in the instructor's file at the respective training school or agency. Additionally, the training school or agency shall submit or transmit to Commission staff, through the Commission's ATMS, an Instructor Compliance Application, form CJSTC-84, revised November 8, 2007 ~~August 3, 2006~~, hereby incorporated by reference, to verify compliance with the mandatory retraining requirements. ~~Instructors whose Traditional General Instructor Certification or CMS General Instructor Certification has lapsed shall complete the General Instructor Refresher Course. Instructors whose High Liability Instructor Certification has lapsed shall demonstrate proficiency skills in the applicable high liability topic. Instructors whose Specialized Topics Instructor Certification has lapsed shall complete an internship in the applicable high liability topic.~~

(1) Instructors shall successfully complete the instructional, ~~proficiency~~, and continuing education requirements outlined below every four years. The expiration of an instructor's certification shall be March 31st of the fourth year following the instructor's initial certification.

Example:

Original Instructor Certification Date
Instructor Four-year Anniversary Date

November 21, 2005
November 21, 2009

(2) Instructors shall maintain Good Moral Character Standards pursuant to paragraph 11B-20.001(2)(c) ~~11B-20.001(2)(e)~~, F.A.C.

~~(3) 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 delivered at a training school, or in-service training course delivered at an agency, once every four years.~~

~~(3)(4) 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 delivered at a training school, or in-service training course delivered at an agency, once during their four-year cycle every four years.~~

~~(4)(5) High-Liability Instructor Certification. Commission-certified Instructors who possess a High-Liability Instructor Certification shall comply with the following requirements, once during their four-year cycle every four years, to maintain an active certificate for each high-liability topic certification:~~

~~(a) Instruct in a Commission-approved Basic Recruit Training Program Course, Advanced Training Program Course, or Specialized Training Program Course delivered at a training school, or in-service training course delivered at an agency for each high-liability certification.~~

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

~~(c) Successfully qualify in the high liability proficiency skills for the instructor certification issued pursuant to Rule 11B-35.0024, F.A.C.~~

~~(5)(6) Specialized Topics Instructor Certification. Instructors who possess a Specialized Topics Certification shall comply with the following requirements, once during their four-year cycle every four years, to maintain certification:~~

~~(a) Instruct in a Commission-approved Basic Recruit Training Program Course, Advanced Training Program Course, or Specialized Training Program Course delivered at a training school, or in-service training course delivered at an agency for each specialized topic certification.~~

~~(b) Successfully complete continuing education or training approved by the training center director or agency administrator. Breath Test Instructors shall successfully complete the Breath Test Instructor Renewal Course.~~

~~(6)(7) Commission staff and Alcohol Testing Program staff responsible for the oversight of training schools are exempt from the instructor maintenance requirements for Commission certification.~~

~~(7) Lapse of Instructor Certifications.~~

~~(a) Instructors who do not comply with subsections (3), (4), or (5) of this rule section shall complete the Instructor Certification Application form CJSTC-71, and attach all required documentation pursuant to subsection (7)(b) – (d) of this rule section, to request approval for reactivation of instructor certification.~~

~~(b) General Instructor Certification. Instructors whose General Instructor Certification has lapsed shall complete the General Instructor Refresher Course.~~

~~(c) High-Liability Instructor Certification. Instructors whose High-Liability Instructor Certification has lapsed shall demonstrate proficiency skills in the applicable high-liability topic pursuant to Rule 11B-35.0024, F.A.C.~~

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

~~(8) Breath Test Instructors who have not met the continuing education requirement required pursuant to paragraph (5)(b) in this rule section, shall successfully complete the Breath Test Instructor Renewal Course prior to submitting a request for reactivation of their 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, 11-30-04, 3-27-06, 3-21-07, _____.

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11B-21, FLORIDA ADMINISTRATIVE CODE
AMENDING RULES 11B-21.002, 11B-21.005, 11B-21.018, and 11B-21.019, F.A.C.
CERTIFICATION OF CRIMINAL JUSTICE TRAINING SCHOOLS

SUMMARY OF PROPOSED RULE

Commission forms and requirements for certification and recertification of criminal justice training schools.

JUSTIFICATION OF PROPOSED RULE

Pursuant to Section 943.12(1), F.S., to develop rules for the implementation of Section 943.085, F.S., which requires establishment, implementation and evaluation of criminal justice training for law enforcement, correctional, and correctional probation officers. The following revisions were made to implement the new Florida CMS Law Enforcement Basic Recruit Training Program: 11B-21.005: To update the instructor to student ratio requirements and/or equipment to ratio requirements and update items in the first aid kit on the equipment and facility requirement forms CJSTC-202; CJSTC-203; CJSTC-201; and CJSTC-208.

To comply with Section 120.74, F.S., which requires agencies to revise its rules as often as necessary to ensure compliance with Florida Statutes. 11B-21.005: To revise the instructor staffing requirements for training schools with a Type "B" or "C" certification to allow training schools to have a least one full-time instructor or instructor coordinator that will report solely to the training center director. To increase the years from two to four for maintaining a valid Basic Abilities Test. To update rule references.

To revise form CJSTC-200 to comply with the revision of Section 119.071, F.S., which precludes an agency from requesting an individual's full social security number unless a list of the documents or forms are filed with the state:

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 February 27, 2008 for a hearing to be held on April 2, 2008 if requested.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) – (2) No change.

(a) – (c) No change.

(3) No change.

(a) – (d) No change.

(4) Request for Expansion for Certification. A training school that requests expansion of its certification shall follow the procedures in subsection 11B-21.002(3)(2), F.A.C. The expansion portion of the certification shall be treated as an initial certification. The certification expiration date of the expansion shall remain the same as the current expiration date.

(5) No change.

(a) – (d) No change.

(6) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(3), (7), 943.14 FS. History–New 7-21-82, Amended 1-28-86, Formerly 11B-21.02, Amended 12-13-92, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04, 3-21-07,___.

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

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

(1) – (2) No change.

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

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

(a) When conducting Commission-approved vehicle operations training cComply with the driving range, facility, equipment, and instructor to student ratio requirements set forth in, 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 November 8, 2007 ~~May 5, 2005~~, hereby incorporated by reference, ~~when conducting Commission-approved vehicle operations training.~~

(b) Deviation from the Standard Driving Range. 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) Defensive Tactics Facility, Equipment, and Instructor to Student Ratio Requirements. When conducting Commission-approved defensive tactics training cComply with the defensive tactics equipment, facility, and instructor to student ratio requirements set forth in, 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 November 8, 2007 ~~May 6, 2004~~, hereby incorporated by reference, ~~when conducting Commission-approved defensive tactics training.~~

(6) Firing Range Facility, Equipment, and Instructor to Student Ratio Requirements. When conducting Commission-approved firearms training cComply with the firing range equipment, facility, and instructor to student ratio requirements set forth in, 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 November 8, 2007 ~~May 6, 2004~~, 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) First Aid Facility, Equipment, and Instructor to Student Ratio Requirements. When conducting Commission-approved first aid training cComply with the first aid equipment, facility, and instructor to student ratio requirements set forth in, pursuant to subsection 11B-35.0021(4), F.A.C., and as set forth in the CMS First Aid Instructional Requirements, form CJSTC-208, revised November 8, 2007 ~~May 6, 2004~~, hereby incorporated by reference, ~~when conducting Commission-approved first aid training.~~

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

(a) – (b) No change.

(c) At least two full-time criminal justice training instructor or instructional coordinator positions assigned to report solely to the training center director for training schools with a Type "A" certification. One coordinator position can be composed of

two or more instructional coordinators, provided the aggregate personnel time dedicated to these duties is equivalent to one full-time position. A training school with a Type "B" or "C" certification shall have at least one full-time criminal justice training instructor or instructor coordinator position assigned to report solely to the training center director. In the absence of the director, at least one full-time instructor, instructional coordinator, or other individual specifically designated by the director shall be accessible while criminal justice training is being administered and shall be responsible for quality control.

(9) No change.

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

(a) Adopt a Commission-approved basic abilities test as an entry requirement into a Commission-approved Basic Recruit Training Program, and not enter into a contract with any testing provider 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 four ~~two~~ years from the date of the test.

(c) Not exempt a student from taking a Commission-approved basic abilities test.

(11) No change.

(a) – (b) No change.

1. – 2. No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(3), (7), 943.14, 943.17(1)(g) FS. History–New 7-21-82, Formerly 11B-21.05, Amended 1-28-86, 8-30-89, 12-24-89, 6-3-91, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07,_____.

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

(1) No change.

(a) – (c) No change.

(d) Failure to comply with trainee attendance and performance standards pursuant to subsections 11B-35.001(9)(7) and (12)(11), F.A.C.

(e) No change.

(2) No change.

(a) – (b) No change.

(3) No change.

(a) – (d) No change.

(4) No change.

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, 11-30-04,_____.

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) No change.

(a) – (d) No change.

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

(a) Training School Contact Report, form CJSTC-200, revised November 8, 2007 ~~May 6, 2004~~, hereby incorporated by reference.

(b) – (c) No change.

(3) – (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 11-30-04,_____.

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-27.003, 11B-27.004, 11B-27.005, and 11B-27.013, F.A.C.

CERTIFICATION AND EMPLOYMENT OR APPOINTMENT

SUMMARY OF PROPOSED RULE

Commission forms; update of moral character violations; requirements for certification, employment or appointment, reactivation, terminating employment or appoint of officers; high school diploma and college transcript; officer fingerprint process; maintenance of officer certification; high-liability performance evaluations; background investigation requirements; officer revocation or disciplinary actions, disciplinary guidelines and range of penalties; and canine team certification.

JUSTIFICATION OF PROPOSED RULE

To revise the following forms to comply with the revision of Section 119.071, F.S., which precludes an agency from requesting an individual's full social security number unless a list of the documents or forms are filed with the state: 11B-27.002, 11B-27.00212, 11B-27.003: CJSTC-63; CJSTC-67; CJSTC-75; CJSTC-75A; CJSTC-68; CJSTC-60; CJSTC-59; CJSTC-78, CJSTC-79; CJSTC-207; CJSTC-259; CJSTC-77; CJSTC-65; CJSTC-76; CJSTC-76A; CJSTC-61; CJSTC-61A; CJSTC-74; CJSTC-86; CJSTC-86A; 11B-27.013; CJSTC-70; CJSTC-83; and CJSTC-270.

Clarify and restructure existing rule language to comply with the Governor's plain language policy: High School Diploma. 11B-27.0021: To clarify the requirements for obtaining proof of compliance and authenticity of a high school diploma and college transcript, and to list the allowable degree granting institutions. 11B-27.00211: To create a separate rule paragraph for correctional institutions.

To comply with Section 120.74, F.S., which requires an agency to revise its rules as often as necessary (no less than every two years) to ensure compliance with Florida Statutes. 11B-27.002: **Military Status.** To allow other official documentation from the United States Military denoting the individual's discharge status. **Background Investigations -** 11B-27.002: To require that all documents collected during a background investigation shall be made available for review by Commission staff and to clarify the "type" of investigative findings collected on form CJSTC-77. 11B-27.002: To revise form CJSTC-61 and CJSTC-61A to require training schools and agencies to report an instructor's separation from employment to Commission staff. 11B-27.00213: To make formatting changes. 11B-27.0022: To revise the Authority for Release of Information form CJSTC-58 to allow other official documentation from the United States Military for verifying an individual's discharge status and to require an agency to document its contact with the applicant's commanding officer or designee to verify the applicant is

compliant with military regulations. 11B-27.0022: To require verification of the applicant's response through a FCIC and NCIC records warrants check regarding prior history of unlawful conduct and to require verification of the applicant's response regarding unlawful drug use. 11B-27.003: To revise the Internal Investigation Report form CJSTC-78 to include Section 112.532(6), F.S., "limitation for disciplinary action during an internal investigation."

Pursuant to Section 943.12(1), F.S., to develop rules for the implementation of Section 943.085, F.S., which requires establishment, implementation and evaluation of criminal justice training for law enforcement, correctional, and correctional probation officers. The following revisions were made to implement the new Florida CMS Law Enforcement and Florida Correctional Probation Basic Recruit Training Programs: 11B-27.0011: To revise existing rule references and remove obsolete rule language. 11B-27.00213: To revise the performance requirements on the CMS Firearms Performance Evaluation form CJSTC-4 CMS.

Pursuant to Section 943.1395(8)(b)2, F.S., on or before July 1 of each odd-numbered year, the commission shall conduct a workshop to receive public comment and evaluate disciplinary guidelines and penalties: To comply with statutory requirements by updating the Commission's rules regarding moral character violations, probable cause determinations, revocation or disciplinary actions, disciplinary guidelines, and range of penalties in Rule sections 11B-27.0011, 11B-27.004, and 11B-27.005.

To comply with the statutory revisions of Section 943.13(6), F.S., that requires an officer to give prior knowledge of tuberculosis, hypertension, and heart disease in 11B-27.002.

To comply with statutory revisions to Section 943.13(5), F.S. 11B-27.002: To provide that the Applicant Fingerprint Card FD-258 is no longer required for processing an officer's employment or appointment. 11B-27.00211: To remove the requirement that Commission staff notify agencies via the Fingerprint Notification form CJSTC-62 when an applicant's file does not contain documentation of processed fingerprints. To change the required receipt date of processed fingerprints by the agency from the FBI or FDLE from 3 months to 30 days.

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 February 27, 2008 for a hearing to be held on April 2, 2008 if requested.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-27.0011 Moral Character.

(1) – (3) No change.

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

(a) The perpetration by an officer of an act that would constitute any felony offense, whether criminally prosecuted or not.

(b) Except as otherwise provided in Section 943.13(4), F.S., a plea of guilty or a verdict of guilty after a criminal trial for any of the following misdemeanor or criminal offenses, notwithstanding any suspension of sentence or withholding of adjudication, or the perpetration by an officer of an act that would constitute any of the following misdemeanor or criminal offenses whether criminally prosecuted or not:

1. Sections 316.193, ~~316.1935~~, 327.35, 414.39, 741.31, 784.011, 784.03, 784.047, 784.048, 784.05, 790.01, 790.10, 790.15, 790.27, 794.027, 796.07, 800.02, 800.03, 806.101, 806.13, 810.08, ~~810.14~~, 812.014, 812.015, 812.14, 817.235, 817.49, 817.563, 817.565, 817.567, 817.61, 817.64, 827.04, 828.12, 831.30, 831.31(1)(b), 832.05, 837.012, 837.05, ~~837.055~~, 837.06, 839.13, 839.20, 843.02, 843.03, 843.06, 843.085, 847.011, 856.021, 870.01, 893.13, 893.147, 914.22, 934.03, 944.35, 944.37, and 944.39, F.S.

2. – 3. No change.

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

1. Excessive use of force, defined as a use of force on a person by any officer that is not justified under Section 776.05 or 776.07, F.S., or a use of force on an inmate or prisoner by any correctional officer that would not be authorized under Section 944.35(1)(a), F.S. ~~The situation in which an officer uses a "level of force" inappropriate with the circumstances presented at the time of the incident. In the administrative review of "use of force" for officer disciplinary cases, the Commission applies the Commission's Recommended Response to Resistance and Levels of Resistance, form CJSTC-85, revised February 7, 2002, hereby incorporated by reference, is a reference tool to evaluate "use of force" circumstances presented in a disciplinary case.~~

2. – 3. No change.

a. – b. No change.

4. No change.

a. – c. No change.

5. – 7. No change.

8. Conduct that subverts or attempts to subvert the Basic Abilities Test process pursuant to subsections 11B-35.0011(1)(~~S~~), F.A.C.

9. No change.

a. – 1 No change.

10. No change.

11. Willful failure of the agency administrator head to comply with Chapter 943, F.S., as it pertains to the Criminal Justice Standards and Training Commission or Commission rules.

12. Intentional abuse of a Temporary Employment Authorization, pursuant to Section 943.131(1), F.S. ~~pursuant to Rule 11B-27.00225, F.A.C., or is consistent with and indicative of ingestion of a controlled substance pursuant to Chapter 893, F.S., and not having a specific nanogram level listed in Rule 11B-27.00225, F.A.C., shall be an affirmative defense to this provision to establish that any such ingestion was lawful. Any test of this kind relied upon by the Commission for disciplinary action, shall comply with the requirements for reliability and integrity of the testing process pursuant to Rule 11B-27.00225, F.A.C.~~

(d) No change.

(5) Recantation, pursuant to Section 837.07, F.S., shall be a defense to any violation involving perjury or false statement, pursuant to subsection (4) of this rule section. If the perjury or false statement is alleged to have occurred in the performance of work duties or the course of an administrative investigation, recantation shall be a defense to any violation involving perjury or false statement of this rule section if the officer making the statement conceded such statement to be false prior to the employing agency's final disciplinary determination as provided for in Section 112.532(4)(b), F.S.

(6) – (7) No change.

(a) – (c) No change.

(8) No change.

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

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) – (c) No change.

(d) A Physician's Assessment, form CJSTC-75, revised November 8, 2007 ~~August 3, 2006~~, 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 November 8, 2007 ~~May 6, 2004~~, hereby incorporated by reference, may also be provided to the examining physician, certified advanced registered nurse practitioner, or physician assistant for reference. ~~The completed and signed~~ CJSTC-75 form or equivalent, shall be completed with each new employment or appointment of an officer, and shall not be completed more than one year prior to an officer's employment or appointment. A CJSTC-75 form prepared for a specific employing agency shall not be used by any other employing agency.

(e) No change.

(f) An Affidavit of Applicant, form CJSTC-68, revised November 8, 2007 ~~August 3, 2006~~, 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) – (h) No change.

(2) The employing agency ~~administrator head~~ is required, within 30 days of hire, to submit to Commission staff or electronically transmit through the Commission's Automated Training Management System (ATMS), and maintain in file a Registration of Employment Affidavit of Compliance, form CJSTC-60, revised November 8, 2007 ~~February 7, 2002~~, hereby incorporated by reference, attesting to compliance by the employing agency with the following requirements:

(a) For law enforcement, correctional, and correctional probation officer applicants who have not been previously certified and who have complied with the certification requirements pursuant to Section 943.13(1)-(10), F.S., the employing agency shall certify to the Commission that the applicant is eligible for certification by submitting to Commission staff or electronically transmitting through the Commission's Automated Training Management System (ATMS), a completed Officer Certification Application, form CJSTC-59, revised November 8, 2007 ~~February 7, 2002~~, hereby incorporated by reference, within 30 days of the applicant's compliance with the certification requirements. Upon receipt of an Officer Certification Application Deficiency Notification, form CJSTC-259, revised November 8, 2007 ~~May 5, 2005~~, the employing agency shall maintain on file, a copy of form CJSTC-59 and any other employment documentation. The employing agency shall submit a copy of form CJSTC-259 and the missing or deficient documentation to Commission staff within 90 days of the date the form was signed and issued to the agency. Failure by the employing agency to submit missing or deficient documentation within the required 90 days may result in denial of an applicant's request for certification. An officer applicant shall not work as a sworn officer prior to meeting the requirements of Sections 943.13 and 943.131, F.S.

(b) Name changes shall be verified by the employing agency through verification of information on legal documents such as a marriage license or official name change documents. To document an officer's name change, a completed Name Change Application, form CJSTC-79, revised November 8, 2007 ~~February 7, 2002~~, hereby incorporated by reference, and a copy of supporting documentation shall be submitted to Commission staff.

(3) Employment requirements pursuant to Sections 943.13, F.S., shall be documented on an Agency New Hire Report, form CJSTC-207, revised November 8, 2007 ~~February 7, 2002~~, hereby incorporated by reference.

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

1. No change.

2. An Employment Background Investigative Report, form CJSTC-77, revised November 8, 2007 ~~February 7, 2002~~, hereby incorporated by reference.

3. No change.

4. A Temporary Employment Authorization Statement, form CJSTC-65, revised November 8, 2007 ~~February 7, 2002~~, hereby incorporated by reference.

5. – 8. No change.

9. A copy of the most recently issued DD 214, or other official documents from the United States Military denoting the discharge status or copy of the officer's current military identification. Wording on the documentation shall indicate the discharge was any discharge other than dishonorable. ~~A current military identification or the most recently issued Military Status DD 214 form.~~

10. An FBI Civil Applicant Response provided from a Live Scan device by form or response from the Florida Department of Law Enforcement (FDLE) Certified Mail Application (Live Scan), with the National Crime Information Center (NCIC) any FBI supplied criminal history record attached, and an FDLE a Customer Summary Report and Transaction Listing with the Florida Criminal Information Center (FCIC) 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. If a Civil

Applicant Response is not received by the agency, the FCIC Criminal History indicating no single state or multi-state offender criminal history record exists shall be proof the applicant's fingerprints have been processed.

11. An Equivalency-of-Training, form CJSTC-76, revised November 8, 2007 ~~May 6, 2004~~, and an Equivalency-of-Training Proficiency Demonstration, form CJSTC-76A, revised May 5, 2005, hereby incorporated by reference, for previous Florida and out-of-state, federal, or military officers, if the officer used this training option.

12. – 14. No change.

15. An Affidavit of Separation, form CJSTC-61, revised November 8, 2007 ~~February 7, 2002~~, hereby incorporated by reference, and Affidavit of Separation Supplement, form CJSTC-61A, revised November 8, 2007 ~~February 7, 2002~~, hereby incorporated by reference, if the officer has separated employment with the agency.

(b) No change.

1. No change.

2. If the deficiency(s) has not been resolved on or before the re-inspection date, the agency administrator head shall provide Commission staff with a timeline for resolution of the noted deficiency(s) in the officer's file.

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 administrator head, in writing, that the Registration of Employment Affidavit of Compliance form CJSTC-60, that has been signed by the agency administrator 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) No change.

(a) – (b) No change.

(5) – (6) No change.

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

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, 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.

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

(a) A high school diploma or high school equivalency diploma issued by a public school education program; or

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

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

~~(c)(d)~~ A letter on the letterhead from a School Board District Office or high school principal verifying completion of a high school program and issuance of a high school standard diploma.

~~(d)(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.

~~(e)(f)~~ For individuals who have completed an education program in a foreign jurisdiction ~~high school diploma~~, documentation that the diploma or official school transcript, indicating the date of graduation or completion, is equivalent to the requirements for a U.S. High School Diploma or equivalency diploma. Documents shall be transcribed by a certified translator and notarized as true and correct. ~~complies with this rule section.~~

(3) No change.

(a) No change.

1. – 3. No change.

(b) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.13(3) FS. History–New 10-6-82, Amended 1-7-85, Formerly 11B-27.021, Amended 7-7-99, 7-29-01, 11-5-02, 11-30-04, 3-21-07, _____.

11B-27.00211 Fingerprint Processing and Criminal Record Results.

An employing agency shall maintain on file, at minimum, a Federal Bureau of Investigation Civil Applicant Response provided from a Live Scan device by the ~~form or the response from the~~ Florida Department of Law Enforcement (FDLE) ~~FDLE~~ Certified Mail Application, with any the National Crime Information Center (NCIC) ~~Federal Bureau of Investigation (FBI) supplied~~ criminal history record attached, and an a FDLE Customer Summary Report and Transaction Listing ~~form~~, with the Florida Criminal Information Center (FCIC) ~~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.~~ If a Civil Applicant Response is not received by the

agency, the FCIC Criminal History indicating no single state or multi-state offender criminal history record exists shall be proof the applicant's fingerprints have been processed.

(1) The employing agency shall submit for processing an applicant's fingerprints ~~Applicant Fingerprint Card FD-258~~ to the ~~FDLE 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.," as the reason fingerprinted in the ~~"Reason Fingerprinted"~~ block of the ~~FBI Applicant Fingerprint Card~~. An applicant's fingerprints ~~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 processed fingerprints a ~~processed Applicant Fingerprint Card~~ from a previous employment or appointment. The employing agency is required to use an electronic fingerprinting submission device ~~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 and Jails. 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.~~

(a) Private correctional institutions under contract with the Florida Department of Management Services (DMS) shall submit for processing an applicant's fingerprints to the FDLE. The private correctional institution is required to use an electronic fingerprinting submission device and is responsible for any cost associated with the fingerprint submission. The response to the fingerprint submission shall be electronically transmitted to the DMS for review for compliance with Section 943.13(4), F.S. The DMS will complete the Fingerprint Notification, form CJSTC-62, revised November 8, 2007, hereby incorporated by reference, and provide it to the private correctional institution.

(b) All other private correctional institutions and jails shall submit for processing an applicant's fingerprints to the FDLE. The private correctional institution is required to use an electronic fingerprinting submission device and is responsible for any cost associated with the fingerprint submission. The response to the fingerprint submission shall be electronically transmitted to the FDLE, Officer Records Section, for review for compliance with Section 943.13(4), F.S. The Officer Records Section will complete form CJSTC-62 and provide it to the private correctional institution or jail.

(3) The employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, the date indicated on the electronic response documenting the processed fingerprints ~~a Fingerprint Notification, form CJSTC-62, revised February 7, 2002, hereby incorporated by reference.~~ The response from an applicant's processed fingerprints 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 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's fingerprints Applicant Fingerprint Card, which shall be maintained in the student's file at the training school.

(5) An applicant's fingerprints that have been 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 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 legible processed applicant fingerprints are on file at the employing agency.

(7) If an officer has been separated for lack of processed applicant fingerprints within one year of employment or appointment, the agency shall re-register the officer when the processed applicant fingerprint 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. An officer who has been separated for not having processed applicant fingerprints on file at the employing agency is not authorized to perform the duties of a sworn officer.

(8) Employing agencies shall be notified by Commission staff when an applicant's file does not contain documentation of processed fingerprints a Fingerprint Notification form CJSTC-62.

(9) An employing agency that does not receive processed fingerprint Applicant Fingerprint Card documentation from the FBI or FDLE within thirty days three months of submission of the fingerprints through an electronic fingerprinting submission device, fingerprint card shall fingerprint the applicant again and resubmit the fingerprints fingerprint card to FDLE and the

FBI. If the FBI has processed the fingerprints card, the letter from the FBI stating that the individual does not have a criminal history may be accepted as official documentation. The date the letter is postmarked shall be the date recorded as the fingerprint processed date on the Fingerprint Notification form CJSTC 62.

(10) Should an officer separate from employment prior to the employing agency's receipt of the officer's processed applicant fingerprints, 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) If a criminal history record that could preclude employment pursuant to Section 943.13(4), F.S., is received from the FBI or FDLE, the agency shall obtain and maintain in the officer's file, supporting documentation from the court that the final disposition of the case has been resolved and the officer is eligible for employment, pursuant to [Section 943.13\(4\), F.S.](#) 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, 11-30-04, _____.

11B-27.00212 Maintenance of Officer Certification.

(1) – (3) No change.

(4) Continuing education or training pursuant to Section 943.135, F.S. Upon an officer's completion of the required continuing education or training the employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, a completed Mandatory Retraining Report, form CJSTC-74, revised November 8, 2007 ~~August 3, 2006~~, hereby incorporated by reference.

(5) No change.

(a) – (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. Completion or instruction of this training shall satisfy all or a portion of an officer's continuing training requirement for human diversity 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. Officers who have not satisfied their mandatory retraining requirement within six months of separation shall comply with the requirement of subsection 11B-27.002(1), F.A.C., prior to reemployment.

(7) Individuals who have been separated from an employing agency as an officer for less than four years, and whose certification is inactive for failing to complete the required hours for mandatory training, shall complete the continuing education and training requirements prior to resuming active service with an agency. An officer who requests to claim continuing education and training that was completed during a period when the officer's certification was inactive, shall request approval from the agency administrator ~~head~~ of the prospective employing agency and provide proof that the required continuing education and training was completed. The employing agency shall determine if the education or training requirements have been satisfied pursuant to Section 943.135, F.S., and shall submit to Commission staff, or electronically transmit through the Commission's ATMS, a completed Mandatory Retraining Report form CJSTC-74.

(8) – (12) No change.

(a) No change.

1. – 3. No change.

(b) No change.

1. – 3. No change.

(13) 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. – 2. No change.

3. Less-lethal ~~Use of Force Matrix and less-lethal~~ force options available within the agency.

4. – 5. No change.

(b) – (h) No change.

(14) Law Enforcement Officer Firearms Qualification Standard. Beginning July 1, 2006, a law enforcement officer shall be required to qualify on the Commission's approved course of fire with the proficiency skills documented on the Law Enforcement Officer Firearms Qualification Standard, form CJSTC-86A, revised November 8, 2007 ~~August 3, 2006~~, hereby incorporated by reference, and maintained in the officer's employment file.

(a) No change.

(b) Reporting of the compliance with this standard shall be June 30, 2008, and every two years thereafter. Documentation supporting the demonstration of proficiency skills shall be reported on the Mandatory Firearms Training Report, form CJSTC-86, revised November 8, 2007 ~~August 3, 2006~~, hereby incorporated by reference, and maintained in the officer's employment file. The employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, a completed form CJSTC-86.

(c) – (d) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12, 943.13(11), 943.135, 943.1395(3), 943.1701, 943.1715, 943.1716, 943.253 FS. History–New, 11-5-02. Amended 12-3-03, 11-30-04, 3-27-06, 3-21-07,_. Editorial Note: See 11B-27.0023, F.A.C.

11B-27.00213 Temporary Employment Authorization.

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

(1) No change.

- (a) No change.
- 1. – 5. No change.
- (b) No change.
- 1. – 2. No change.
- (c) No change.
- 1. – 2. No change.

(2) An agency ~~administrator head~~ is authorized to 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 ~~administrator 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) Classroom Training:
- 1. - 5. No change.

(b) Firearms Range Training. The trainee’s proficiency demonstration shall be documented on a CMS Firearms Performance Evaluation, form CJSTC-4 CMS, revised ~~November 8, 2007~~ ~~May 5, 2005~~, hereby incorporated by reference, and maintained in the trainee’s file at the employing agency. The instructor shall qualify the trainee with a handgun (revolver or semi-automatic pistol) and long gun (shotgun or semiautomatic rifle/carbine) using the Commission’s Basic Recruit Training Firearms 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.

- (3) No change.
- (4) No change.
- (a) No change.

(b) The individual was previously hired on 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 ~~administrator head~~ has waived such requirements in subsection (2) of this rule section, 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) No change.

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 11-30-04, 3-27-06, _____.

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 ~~administrator head~~ or designee. The summary shall verify the following information:

- (a) – (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 ~~November 8, 2007~~ ~~August 3, 2006~~, pursuant to Sections 943.134(2) and (4), F.S., hereby incorporated by reference.

(c) Research military records. ~~Florida Crime Information Center records, National Crime Information Center records, and military records.~~ A copy of the most recently issued DD 214, or other official separation document(s) from the United States Military denoting the discharge status or a copy of the officer’s current military identification ID, shall be maintained in the officer’s file at the employing agency. The agency shall document contact with the applicants’ commanding officer or designee if the applicant is currently serving on active duty or military reserve to ensure the applicant is compliant with military regulations. Wording on the documentation shall indicate DD214 shall document that the discharge was any discharge other than dishonorable 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) Verify the applicant’s ~~Applicant’s~~ response regarding prior history of unlawful conduct through a Florida Crime Information Center and National Crime Information Center records and warrants check.

- (e) Verify the ~~The~~ applicant’s response regarding unlawful drug use pursuant to subsection 11B-27.0011(2), F.A.C.

(3) The employing agency shall submit or electronically transmit to Commission staff through the Commission’s ATMS, a Registration of Employment Affidavit of Compliance form CJSTC-60. The agency shall also submit or electronically transmit to Commission staff through the Commission’s ATMS, a completed Employment Background Investigative Report form CJSTC-77, for each officer employed or appointed. The original form CJSTC-77 that has been signed and dated by the investigator and the agency ~~administrator head~~ or designee shall be retained in the applicant’s file.

Specific Authority 943.03(4) 943.12(1), 943.133(3) FS. Law Implemented 943.133, 943.139 FS. History–New 10-6-82, Amended 1-7-85, Formerly 11B-27.022, Amended 7-13-87, 10-17-90, 5-13-92, 5-14-92, 12-13-92, 9-5-93, 8-7-94, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04, 3-27-06, 3-21-07, _____.

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

(1) No change.

(2) Upon concluding the investigation:

(a) If the allegations are sustained, the employing agency shall complete an Internal Investigation Report, form CJSTC-78, revised November 8, 2007 ~~May 6, 2004~~, hereby incorporated by reference, regardless of whether any civil service appeal, arbitration, employment hearing, administrative, civil, or criminal action is pending or contemplated.

(b) No change.

1. – 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, 11-30-04,_____.

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) – (5) No change.

(6) The Probable Cause Panel is authorized to offer the respondent the opportunity to enter into an Intervention Program if there would otherwise be a finding of probable cause but the Panel finds that there are significant mitigating circumstances or that the violation is not egregious. The terms and conditions of the Probable Cause Panel's Intervention Programs may include the following:

(a) – (f) No change.

(7) When ~~the~~ Commission staff determines that the respondent has been retained by the employing agency, Commission staff 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.:

(8) When Commission staff determines that the respondent has been terminated by the employing agency, Commission staff shall issue a Letter of Acknowledgment of agency action in these cases, provided the penalty guidelines of subsection 11B-27.005(5), F.A.C., specify ~~specifies~~ probation or suspension as a penalty for the offense.

(9) Commission staff:

(a) Shall not issue a Letter of Acknowledgment to a respondent who has been issued a Letter of Acknowledgment within ~~with~~ three years prior to the date of receipt of the information described in paragraph 11B-27.003(2)(b), F.A.C.

(b) Shall not issue a Letter of Acknowledgment to a respondent who has been issued a Letter of Guidance within five years prior to the date of receipt of the information described in paragraph 11B-27.003(2)(b), F.A.C.

(c) Shall not issue a Letter of Acknowledgment to a respondent who has been disciplined by the Commission within eight years prior to the date of receipt of the information described in paragraph 11B-27.003(2)(b), F.A.C.

(d) Shall not issue a Letter of Acknowledgement to a respondent if the penalty guidelines of subsection 11B-27.005(5), F.A.C., specify prospective suspension to revocation as the guideline penalty for the offense.

(10) No change.

(11)(a) No change.

(b) No change.

(12)(a) No change.

(b) No change.

(13) – (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, 4-11-04, 11-30-04,_____.

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

(1) No change.

(a) – (b) No change.

(2) – (3) No change.

(a) – (c) No change.

(4)(a) No change.

(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) For the perpetration by the officer of an act that would constitute any felony offense, pursuant to paragraph 11B-27.0011(4)(a), 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 suspension of certification to revocation. Specific violations and penalties that shall be imposed, absent mitigating circumstances, include the following:

	Violation	Recommended Penalty Range
1.	Felony Aggravated assault (784.021, <u>784.07</u> , F.S.)	Prospective suspension to revocation
2.	Felony Aggravated battery (<u>784.041</u> , 784.045, <u>784.07</u> , F.S.)	Prospective suspension to revocation
3.	Grand theft (812.014, F.S.)	Revocation
4.	Possession, sale of controlled substance (893.13, F.S.)	Revocation
5.	Tampering with evidence (918.13, F.S.)	Revocation
6.	Introduction of contraband into a jail or prison involving a firearm, concealed weapon, controlled substance, currency, or a tool or implement useful in an attempt to escape from custody (<u>843.11</u> , <u>944.47</u> , and <u>951.22</u> , F.S.)	Revocation
7.	Other introduction of contraband into a jail or prison (944.47, 951.22, F.S.) Keeping a gambling house (849.01, F.S.)	<u>Suspension to revocation</u> <u>Revocation</u>
8.	False Statements (<u>837.02</u> , 837.021, 837.05(2), <u>838.022</u> , F.S.)	Prospective Suspension to revocation
9.	<u>Felony stalking (784.048, F.S.)</u>	<u>Revocation</u>
10.	<u>Sexual battery, unlawful sexual activity with a minor (794.011, 794.05, F.S.)</u>	<u>Revocation</u>
11.	<u>Lewd or lascivious offense, child under 16 (800.04, F.S.)</u>	<u>Revocation</u>
12.	<u>Child abuse (827.03, F.S.)</u>	<u>Prospective suspension to revocation</u>
13.	<u>Aggravated child abuse with violence (827.03, F.S.)</u>	<u>Revocation</u>
14.	<u>Resisting an officer with violence (843.01, F.S.)</u>	<u>Prospective suspension to revocation</u>
15.	<u>Felony controlled substance violation (893.13, 893.135, 893.147, 893.149, F.S.)</u>	<u>Revocation</u>

(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
2.	Battery (784.03, F.S.)	Suspension
3.	Petit Theft (812.014, F.S.)	Suspension to revocation
4.	False reports and statements (817.49, 837.012, 837.05(1), <u>837.055</u> , 837.06, 944.35, F.S.)	Prospective suspension to revocation
5.	Improper exhibition of a weapon (790.10, F.S.)	Probation with training
6.	Discharging a firearm in public (790.15, F.S.)	Suspension
7.	Passing a worthless check (832.05, F.S.)	Probation
8.	Prostitution or lewdness; <u>voyeurism (796.07 and 810.14, F.S.)</u>	<u>Prospective suspension, and probation with counseling to revocation</u>
9.	Indecent exposure (800.03, F.S.)	Suspension, and probation with counseling, to revocation
10.	Driving or boating under the influence Second DUI Offense (316.193 and 327.35, F.S.)	Probation with substance abuse counseling Prospective suspension to revocation
11.	Possess or delivery without consideration, and not more than 20 grams of Cannabis (893.13, F.S.)	Revocation
12.	Neglect or refusal to aid (843.06, F.S.)	Suspension to revocation
13.	<u>Second violation of domestic violence or other protective injunction (741.31, 784.047, F.S.)</u>	<u>Prospective suspension to revocation</u>
14.	<u>Stalking (784.048, F.S.)</u>	<u>Prospective suspension to revocation</u>

15.	<u>Battery involving domestic violence with slight or moderate victim physical injury</u> (741.28, 784.03, F.S.)	<u>Prospective suspension to revocation</u>
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(c) No change.

1. – 12 No change.

(d) No change.

(6) No change.

(a) No change.

1. – 12. No change.

(b) No change.

1. – 8. No change.

(7) No change.

(a) – (c) No change.

1. – 7. No change.

(d) – (e) No change.

(8)(a) No change.

(b) No change.

(9) – (10) No change.

(a) – (c) No change.

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

11B-27.013 Canine Team Certification.

(1) No change.

(a) – (b) No change.

(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 November 8, 2007 ~~May 6, 2004~~, hereby incorporated by reference, the agency employing the patrol canine team shall collect, 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) – (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 November 8, 2007 ~~August 3, 2006~~, hereby incorporated by reference.

1. – 2. No change.

(4) No change.

(5) No change.

(a) – (c) No change.”

(6) No change.

(a) – (c) No change.

(7) Inspection of patrol canine team applicant files.

(a) No change.

(b) Upon issuance of an unfavorable inspection on a Canine Team Certification Deficiency Notification Application, form CJSTC-270, revised November 8, 2007 ~~February 7, 2002~~, hereby incorporated by reference, a Patrol Canine Team Certification Application form CJSTC-70 shall note the deficiencies.

(c) 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) – (b) No change.

(c) A letter of recommendation for the evaluator applicant from a training center director or agency administrator ~~head~~.

(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, the last four digits of the evaluator’s social security number (optional), complete address, and documentation of compliance with the standards set forth in this rule section.

(e) – (f) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17) FS. History—New 3-29-89, Amended 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, _____

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-30, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11B-30.006, 11B-30.0062, 11B-30.007, 11B-30.0071, 11B-30.008, and 11B-30.012, F.A.C.

STATE OFFICER CERTIFICATION EXAMINATION

SUMMARY OF PROPOSED RULE

Commission forms; Examination general eligibility requirements; Examination assignment and retake eligibility requirements; application examination requirements and notification process; examination accommodations for applicants with disabilities; examination site administration requirements; and review of examination questions, answers, papers, grades, and grading key.

JUSTIFICATION OF PROPOSED RULE

To comply with statutory revisions in Section 943.13(5), F.S., for processing an officer's fingerprints for employment or appointment. To revise form CJSTC-67 incorporated in Rule Section 11B-30.006, F.A.C., To revise the following forms to comply with the revision of Section 119.071, F.S., which precludes an agency from requesting an individual's full social security number unless a list of the documents or forms are filed with the state: Forms CJSTC-67, CJSTC-76; CJSTC-500; CJSTC-502 incorporated in Rule Sections 11B-30.006, 11B-30.0071, and 11B-30.012, F.A.C.

Pursuant to Section 943.12(1), F.S., to develop rules for the implementation of Section 943.085, F.S., which requires establishment, implementation and evaluation of criminal justice training for law enforcement, correctional, and correctional probation officers. The following form revisions were made to implement the new Florida CMS Law Enforcement and Florida Correctional Probation Basic Recruit Training Programs: 11B-30.006 and 11B-30.0071: Forms *CJSTC-76 and CJSTC-500*.

To comply with Section 120.74, F.S., which requires an agency to revise its rules as often as necessary (no less than every two years) to ensure compliance with Florida Statutes. 11B-30.0062: To change the rule section name to correspond with the content of the revised rule language. 11B-30.007: To require that applicants are prohibited from registering for and taking more than one State Officer Certification Examination monthly and to add "traffic crash" to the list of acceptable reasons for an applicant to reschedule to take the State Officer Certification Examination. 11B-30.0071 and 11B-30.012: To make housekeeping revisions. To remove the provision of providing a live reader for basic recruit students during the SOCE. To remove the provision of allowing flexible recording of an individual's test responses by a proctor or marked on the test booklet. To allow assistive devices during the State Officer Certification Examination. To grant

Commission staff authority to request further evidence for the necessity of the accommodation when the evidence substantiating the need for the accommodation is incomplete, inconclusive, unclear, or does not substantiate the need for the requested accommodation. To remove the provision that requires the Commission to pay for medical evaluations for individuals requesting accommodations that does not substantiate the need for the requested accommodation. 11B-30.008: To update rule references and clarify that an applicant shall not be admitted to the examination after the administrator closes the registration process. 11B-30.012: To reformat existing rule language. To update applicant requirements at an Examination Review Session. To allow Commission staff to dismiss an individual from an Examination Review Session if the student violates applicant conduct pursuant to Rule 11B-30.009. To update the contents of the examination review packet on form CJSTC-511.

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 February 27, 2008 for a hearing to be held on April 2, 2008 if requested.

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

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 ~~November 8, 2007~~ ~~May 5, 2005~~, 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 11B-35.002(1)(a), (b), and (c) ~~(8)(a), (b), and (e)~~, F.A.C.

(b) Inactive Florida law enforcement, correctional, and correctional probation officers, defined in Section 943.1395(5), F.S., who comply with paragraph 11B-27.00212(12)(a) and 11B-35.009, F.A.C., shall pass the SOCE within one year of notification of approval of the Equivalency –of-Training, form CJSTC-76, revised November 8, 2007, incorporated by reference. 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) Out-of-state, military, and federal law enforcement, correctional, and correctional probation officers who comply with Rule 11B-35.009, F.A.C., shall pass the SOCE within one year of notification of approval of the Equivalency-of-Training form CJSTC-76. 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) ~~Inactive Florida officers who have a break in service of more than four years and have complied with the examination requirements pursuant to paragraph 11B-30.008(2)(e), F.A.C., and the High Liability Basic Recruit Training proficiency requirements pursuant to subsection 11B-35.009(6), F.A.C.~~

(e) ~~Individuals who have completed a comparable law enforcement 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 for the High Liability Basic Recruit Training Courses for 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 for the High Liability Basic Recruit Training Courses for firearms, defensive tactics, and first aid pursuant to Rule 11B-35.009, F.A.C.~~

(3) “Training school” shall mean those entities 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 ~~November 8, 2007~~ ~~May 6, 2004~~, 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) No change.

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

11B-30.0062 State Officer Certification Examination Assignment 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 or are exempt from a Basic Recruit Training Program, pursuant to subsection 11B-30.006(2), F.A.C., shall be allowed to apply for and take the applicable State Officer Certification Examination (SOCE) corresponding to the type of training, and specific to the discipline for which training was completed. Individuals completing a Basic Recruit Training Program shall pass the SOCE within four years of the beginning date of training pursuant to subsection 11B-27.002(4), F.A.C. Individuals exempt from a Basic Recruit Training Program shall pass the SOCE within one year of receiving the exemption pursuant to Section 943.131, F.S.

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

~~(a)4-~~ Individuals completing the following Traditional Law Enforcement Basic Recruit Training Programs (BRTTP) pursuant to subsection 11B-35.002(1), F.A.C., shall take the Traditional Law Enforcement SOCE ~~a Commission-approved Traditional Law Enforcement, Correctional, or Correctional Probation Basic Recruit Training Program pursuant to paragraph 11B-35.002(8)(a)(e), F.A.C.~~

<u>Traditional Law Enforcement Basic Recruit Training Programs</u>	<u>Program Number</u>	<u>Status: Retired (R)</u>
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		<u>Effective (E)</u>
<u>1. Traditional Law Enforcement BRTP</u>	<u>002</u>	<u>R-6/30/04</u>
<u>2. Traditional Correctional Cross-Over to Traditional Law Enforcement BRTP</u>	<u>222</u>	<u>R-3/31/05</u>
<u>3. Traditional Correctional Probation Cross-Over to Traditional Law Enforcement BRTP</u>	<u>223</u>	<u>R-3/31/06</u>

~~(b)2. Individuals completing the following Traditional Correctional Basic Recruit Training Programs, pursuant to subsection 11B-35.002(1), F.A.C., shall take the Traditional Correctional SOCE. 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.~~

<u>Traditional Correctional Basic Recruit Training Programs</u>	<u>Program Number</u>	<u>Status: Retired (R) Effective (E)</u>
<u>1. Traditional Correctional BRTP</u>	<u>502</u>	<u>E-4/1/08</u>
<u>2. Traditional Law Enforcement Cross-Over to Traditional Correctional BRTP</u>	<u>555</u>	<u>R-3/31/06</u>
<u>3. Traditional Correctional Probation Cross-Over to Traditional Correctional BRTP</u>	<u>556</u>	<u>R-3/31/08</u>
<u>4. CMS Application-Based Law Enforcement Cross-Over to Traditional Correctional BRTP</u>	<u>1155</u>	<u>R-3/31/08</u>

~~(c)3. Individuals completing the following Traditional Correctional Probation Basic Recruit Training Programs, pursuant to subsection 11B-35.002(1), F.A.C., shall take the Traditional Correctional Probation SOCE. Inactive Florida law enforcement officers who comply with paragraph 11B-27.00212(12)(a), F.A.C., prior to January 1, 2005.~~

<u>Traditional Correctional Probation Basic Recruit Training Programs</u>	<u>Program Number</u>	<u>Status: Retired (R) Effective (E)</u>
<u>1. Traditional Correctional Probation BRTP</u>	<u>602</u>	<u>R-8/31/07</u>
<u>2. Traditional Law Enforcement Cross-Over to Traditional Correctional Probation BRTP</u>	<u>660</u>	<u>R-3/31/06</u>
<u>3. Traditional Correctional Cross-Over to Traditional Correctional Probation BRTP</u>	<u>667</u>	<u>R-3/31/08</u>
<u>4. CMS Application-Based Law Enforcement Cross-Over to Traditional Correctional Probation BRTP</u>	<u>1156</u>	<u>R-3/31/08</u>

~~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:~~

~~(d)4. Individuals completing the following CMS Application-Based Law Enforcement Basic Recruit Training Programs, pursuant to subsection 11B-35.002(1), F.A.C., shall take the CMS Law Enforcement SOCE. Individuals completing a CMS Application Based Law Enforcement Basic Recruit Training Program pursuant to paragraph 11B-35.002 (8)(d), F.A.C.~~

<u>CMS Application-Based Law Enforcement Basic Recruit Training Programs</u>	<u>Program Number</u>	<u>Status: Retired (R) Effective (E)</u>
<u>1. CMS Application-Based Law Enforcement B RTP</u>	<u>224</u>	<u>R-3/31/08</u>
<u>2. Traditional Correctional Cross-Over to CMS Application-Based Law Enforcement B RTP</u>	<u>1143</u>	<u>R-3/31/08</u>
<u>3. Traditional Correctional Probation Cross-Over to CMS Application-Based Law Enforcement B RTP</u>	<u>1157</u>	<u>R-3/31/08</u>

~~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.~~

(e) Individuals completing the following Florida CMS Law Enforcement Basic Recruit Training Programs, pursuant to subsection 11B-35.002(1), F.A.C., shall take the Florida CMS Law Enforcement SOCE.

<u>Florida CMS Law Enforcement Basic Recruit Training Programs</u>	<u>Program Number</u>	<u>Status: Retired (R) Effective (E)</u>
<u>1. Florida CMS Law Enforcement B RTP</u>	<u>1177</u>	<u>E-4/1/08</u>
<u>2. Correctional Officer Cross-Over Training to Florida CMS Law Enforcement B RTP</u>	<u>1178</u>	<u>E-4/1/08</u>
<u>3. Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement B RTP</u>	<u>1179</u>	<u>E-4/1/08</u>

(f) Individuals completing the following Florida Correctional Probation Basic Recruit Training Programs, pursuant to subsection 11B-35.002(1), F.A.C., shall complete the Florida Correctional Probation SOCE.

<u>Florida Correctional Probation Basic Recruit Training Programs</u>	<u>Program Number</u>	<u>Status: Retired (R) Effective (E)</u>
<u>1. Florida Correctional Probation B RTP</u>	<u>1176</u>	<u>E-9/1/07</u>
<u>2. Correctional Officer Cross-Over Training to Florida Correctional Probation B RTP</u>	<u>1183</u>	<u>E-4/1/08</u>
<u>3. Law Enforcement Officer Cross-Over Training to Florida Correctional Probation B RTP</u>	<u>1184</u>	<u>E-4/1/08</u>

(2) Inactive Florida officers, defined in Section 943.1395(3), F.S., and out-of-state, military, and federal officers, who comply with paragraph 11B-27.00212(12)(a) and Rule 11B-35.009, F.A.C., within one year of notification of approval of the Equivalency-of-Training form CJSTC-76 shall take the following SOCE:

<u>Discipline</u>	<u>Required SOCE Test for Individuals Notified Prior To July 1, 2008</u>	<u>Required SOCE Test for Individuals Notified on or after July 1, 2008</u>
<u>Law Enforcement</u>	<u>CMS Application-Based Law Enforcement B RTP</u>	<u>Florida CMS Law Enforcement</u>
<u>Correctional Probation</u>	<u>Traditional Correctional Probation B RTP</u>	<u>Florida Correctional Probation</u>
<u>Correctional</u>	<u>Traditional Correctional B RTP</u>	<u>Traditional Correctional</u>

(3)(2) Should an individual fail to achieve an overall passing score on 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(17), 943.13(10), 943.1397 FS. History - New, 7-29-01, Amended 11-5-02, 11-30-04.

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

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

(a) – (b) No change.

(c) Applicants are prohibited from registering for more than one SOCE in the same discipline during a calendar month, in accordance with the published examination dates.

(2) – (5) No change.

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

re-examination, pursuant to Section 943.1397, F.S. The following conditions shall be documented in the applicant's request to reschedule the SOCE date:

(a) – (d) No change.

(e) Traffic crash. An applicant involved in a vehicular crash while in route to the examination site shall provide Commission staff with a copy of the accident report issued by a law enforcement agency.

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

11B-30.0071 Examination Accommodations for Applicants with Disabilities.

(1) In compliance with the Americans with Disabilities Act (ADA) of 1990, the Department shall provide reasonable and appropriate accommodations to individuals with physical, mental, or specific learning disabilities to the extent such accommodations do not create an undue cost, administration restraints, security considerations, and availability of resources. Accommodations made will vary depending upon the nature and the severity of the disability. Each case shall be dealt with on an individual basis with the limits prescribed herein. Reference information and guidelines regarding the process for documenting disabilities are contained in the "Request for Test Accommodations for Examinees with Disabilities," document, which may be obtained via the following web address: <http://www.fdle.state.fl.us/cjst/exam/SpecialAccommodationsManual.pdf> or by writing to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Certification Examination Section, Post Office Box 1489, Tallahassee, FL 32302-1489, Attention: ADA Coordinator, or by calling (Voice) (850) 410-8600, (TDD): (850) 656-9597.

(2) An applicant requesting special accommodations shall submit an Application for Individuals Requesting Special Test Accommodations, form CJSTC-502, revised November 8, 2007 ~~August 3, 2006~~, 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 ~~(7)(6)~~(e) of this rule section, when the disability and the requested accommodations are not obvious. Forms CJSTC-500 and CJSTC-502 may be obtained by writing to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Certification Examination Section, Post Office Box 1489, Tallahassee, FL 32302-1489, Attention: ADA Coordinator, or by calling (Voice) (850) 410-8602, (TDD): (850) 656-9597.

(3) Accommodations Reasonable and appropriate accommodations to take the SOCE shall be provided for qualifying individuals pursuant to (2) of this rule section. All accommodations shall be directly linked to the amelioration of the identified functional limitations caused by the asserted disability and must be reasonable and effective. Permissible accommodations include:

(a) Flexible Time. Individuals requiring extra time to take the SOCE shall submit a recommendation of such from an appropriate professional, pursuant to paragraph (7)(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) Flexible Setting. Individual and small group settings for administration of the SOCE shall be made available to individuals when such a service is recommended by an appropriate professional.

~~(c) Flexible Recording of Responses. The individual's responses may be recorded by a proctor or marked on the test booklet. The proctor may transcribe the individual's responses into a machine scannable answer sheet. In these instances, the individual will verify that the answers he or she indicated were marked.~~

~~(c)(d)~~ Flexible Format. The test booklet may be produced in large print.

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

(4) No change.

(5) Commission staff ~~the Commission~~ shall request further evidence for the necessity of the accommodation when the evidence substantiating the need for the accommodation is incomplete, inconclusive, unclear, or does not substantiate the need for the requested accommodation 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) – (7) No change.

(a) No change.

1. – 3. No change.

(b) – (e) No change.

Specific Authority 943.03(4), 943.12(1), 943.1397 FS. Law Implemented 943.12(17), 943.1397 FS. History–New 7-29-01, Amended 11-5-02, 11-30-04, 3-21-07,_____.

11B-30.008 State Officer Certification Examination Site Administration.

(1) No change.

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

(a) – (b) No change.

(c) SOCE requirements for out-of-state, military, or federal officers or inactive Florida officers. Such officers, pursuant to subsections 11B-27.00212(12)(a) subsection and 11B-35.009(6), F.A.C., who request to take the SOCE, shall submit to Commission staff, form CJSTC-517, as record of demonstration of proficiency in the required High-Liability Basic Recruit Training Courses. Documentation of completed training is permitted to be submitted prior to the SOCE date pursuant to Rule 11B-30.007, F.A.C., or presented to the examination administrator on the day of testing.

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

(4) No change.

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

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

(1) Individuals who have failed the State Officer Certification Examination (SOCE) shall have the right to review their missed examination items and corresponding grading key by submitting a State Officer Certification Examination Grade Review Request, form CJSTC-510, revised November 8, 2007 August 3, 2006, hereby incorporated by reference, and shall be received by the Florida Department of Law Enforcement by the established deadline date for the Examination Review Session requested.

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

~~(a) The provisions and sanctions of Rule 11B-30.009, F.A.C., shall apply to individuals in an Examination Review Session. In addition, any individual who violates the standards in Rule 11B-30.009, F.A.C., shall be dismissed from the Examination Review Session.~~

~~(a)(b)~~ Individuals requesting a grade review shall be provided with the SOCE test results and the State Officer Certification Examination Review, form CJSTC-511, revised November 8, 2007 August 3, 2006, hereby incorporated by reference. Form CJSTC-511 shall be signed by the individual requesting the review at the conclusion of an Examination Review Session. Only individuals scheduled for the Examination Review Session shall be present during an Examination Review Session.

~~(b)(c)~~ All Prior to an Examination Review Session, all individuals at an Examination Review Session 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 an Examination Review Session.

(4) The provisions and sanctions of Rule 11B-30.009, F.A.C., shall apply to individuals in an Examination Review Session, and any individual who violates the standards in Rule 11B-30.009, F.A.C., shall be dismissed from the Examination Review Session.

~~(5)(4)~~ Individuals participating in an examination review session shall be notified in writing, within thirty working days of the examination review date, of the results of the Commission's evaluation of the individual's concerns reported during the Examination Review Session.

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

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-35.006, 11B-35.007, and 11B-35.009, F.A.C.

TRAINING PROGRAMS

SUMMARY OF PROPOSED RULE

Commission forms; social security numbers, general training programs, requirements and specifications; basic abilities requirements of basic recruit training programs, changes in the basic recruit program curriculum; high-liability proficiency courses for basic recruit and instructor training; student transfers within basic recruit training programs; student performance in basic recruit and instructor high-liability training courses; and advanced and specialized training program courses.

JUSTIFICATION OF PROPOSED RULE

Pursuant to Section 943.12(1), F.S., to develop rules for the implementation of Section 943.085, F.S., which requires establishment, implementation and evaluation of criminal justice training for law enforcement, correctional, and correctional probation officers. The following revisions were made to implement the new Florida CMS Law Enforcement and Florida Correctional Probation Basic Recruit Training Programs: **Instructor Requirements.** 11B-35.001: To remove the requirement for an instructor to be CMS certified to teach high-liability courses in basic recruit training programs. To remove the CMS Application-Based Law Enforcement Curriculum and test specifications. To include exceptions for field delivery of the new Florida CMS Law Enforcement Basic Recruit Training Program. **Training school requirements.** 11B-35.001: To require training schools to provide the student with a current paper version of the curriculum prior to or at the beginning of the basic recruit training program and to require instruction of the curriculum in compliance with Commission rules and delivery guidelines. To allow training center directors to deliver basic recruit training program courses in a shorter time frame if the total program hours are successfully completed. To require 100% participation in Criminal Justice Officer Physical Fitness Training. **Commission forms.** 11B-35.001: To create the Role Play Practicum Check Sheet form CJSTC-3, Academy Physical Fitness Standards Report form CJSTC-67A, and Basic Recruit Student Physical Fitness and Chemical Agent Contamination form CJSTC-75B. **Retired Basic Recruit Training Program.** 11B-35.001: To provide a timeline for students enrolled in the retired CMS Application-Based Law Enforcement and Traditional Correctional Probation Basic Recruit Training Programs to complete the program and take the State Officer Certification Examination. **Physical Fitness Training.** 11B-35.0011: To require that a basic recruit student shall participate in the

physical fitness test and chemical agent exposure prior to beginning and prior to completing the Florida CMS Law Enforcement, Traditional Correctional, and Florida Correctional Probation Basic Recruit Training Programs. **Basic Recruit Training Programs.** 11B-35.002: To retire the CMS Application-Based Law Enforcement Basic Recruit Training Program effective 3/31/08; to add the new CMS Florida Law Enforcement Basic Recruit Training Program effective 4/1/08. To update the Traditional Correctional Probation Basic Recruit Training Program to reflect the new requirements for high-liability training and physical fitness training effective 8/31/07. To add the Florida Correctional Probation Basic Recruit Training Programs effective 4/1/08. **High-liability Training.** 11B-35.002 and 11B-35.0023: To require that an officer who transfers high-liability training from one school to another shall complete the CMS “new” training specified on the CJSTC high-liability forms. 11B-35.0021: To delete the obsolete high-liability proficiency and instructor courses and add the new high-liability proficiency and instructor courses. To remove the CMS high-liability instructor transition courses and update the instructor to student ratio requirements for the high-liability courses. 11B-35.007: To create the CMS General Update Instructor Course and CMS Defensive Tactics Update Instructor Course to prepare Commission-certified instructors to deliver the new Florida CMS Curriculum. To retire the Traditional Instructor Techniques Course and the Radar Speed Measurement Instructor Course for Law Enforcement Officers. **High-Liability Proficiency Requirements/Forms.** 11B-35.0024: To retire the CMS Defensive Tactics Instructor Transition course, CMS First Aid Instructor Transition Course, and CMS Vehicle Operation Instructor Transition Course. To add the new high-liability proficiency requirements on high-liability forms CJSTC-4 CMS, CJSTC-5 CMS, CJSTC-6 CMS, and CJSTC-7 CMS. To repeal form CJSTC-6A CMS. To retire the CMS Firearms Instructor Transition Course.

To comply with Section 120.74, F.S., which requires agencies to revise its rules as often as necessary to ensure compliance with Florida Statutes, and clarify/restructure existing rule language to comply with the Governor’s plain language policy: **Exemption from Basic Recruit Training.** 11B-35.009: To revise the list of required topics required for completion prior to receiving an exemption from a basic recruit training program. 11B-35.007: To require the training schools to attach the goals and objectives to form CJSTC-16. 11B-35.001: To change the instructor exemption requirements on form CJSTC-82 for instructors who have a professional or technical certification or experience in the specific subject matter. **Basic Abilities Test.** 11B-35.0011: Pursuant to the provisions of Section 943.17(1)(g), F.S., the rules were revised to restrict an applicant from taking more than three Basic Abilities Tests, from a single provider within a 12-month period. To clarify that the Basic Abilities Test shall be administered in Florida. To remove obsolete rule language. To revise the number of years, from two to four years, that a passing Basic Abilities Test is valid. **Housekeeping.** 11B-35.001: To clarify existing rule language regarding student academic performance in courses and end-of-course examinations for Specialized Instructor Training Courses. To retire the Laser Speed Measurement Device (LSMD) Transition Operators Course for Radar Operators effective 12/31/08. To add the required hours for Crimes Against Children, Domestic Violence, and Violent Crime

Investigator specialized training program courses. To clarify existing rule language and update rule references. To require a training center director to sign a student's make-up work. 11B-35.002: To delete redundant rule language. 11B-35.0021: To comply with nationally recognized organizations and remove the specific instructor levels for CMS First Aid Instructors who possess a valid CPR Instructor Certification from an entity referenced in Rule 64E-2.038, F.A.C. 11B-35.0023: To remove the definition of "good standing." 11B-35.003: To update rule references. 11B-35.006: To require that form CJSTC-11 shall be completed for the Speed Measurement Course number 1158 and for the Laser Speed Measurement Operators Course for Law Enforcement Officers. To allow a Speed Measurement Device Operator to instruct the practical exercises in the Speed Measurement Course while under the supervision of a certified Speed Measurement Instructor. To add "reviewing the student's course score to form CJSTC-67. To move the inactive Advanced Training Program Courses from 11B-35.006 to Rule 11B-14.005(4), F.A.C. To add new advanced training program courses. To clarify existing rule language. 11B-35.009: To clarify that an individual who receives an exemption from a basic recruit training program shall become employed four years from the date the individual demonstrated the required proficiency skills. 11B-35.006:

To revise the forms CJSTC-76 and CJSTC-76A (11B-35.009) to comply with the revision of Section 119.071, F.S., which has been revised to preclude an agency from requesting an individual's full social security number unless a list of the documents or forms have been filed with the state.

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 February 27, 2008 for a hearing to be held on April 2, 2008 if requested.

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

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

(1) No change.

(a) No change.

(2) No change.

(a) – (d) No change.

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

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

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

(a) – (c) No change.

~~(5)(4) The training center director shall provide to each student a paper copy of the Commission's currently approved Basic Recruit Training Curriculum applicable to the student's enrollment prior to or at the beginning of the program, the Commission's approved Basic Recruit Training Curriculum 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.~~

(6) For the Florida CMS Law Enforcement Basic Recruit Training Program, Cross-Over Programs to Florida CMS Law Enforcement Basic Recruit Training Program, and CMS Law Enforcement Auxiliary Prerequisite Course effective April 1, 2008, the training center director shall:

(a) Ensure that each student is taught from and has printed class materials to include the current copy of the curriculum, Florida Statutes, Florida handbook on jury instructions, and CJSTC Course Summary. These materials are to be provided prior to or at the start of the program.

(b) Conduct student role-play practicums, as required in the curriculum, and report the results on a Role-Play Practicum Check Sheet, form CJSTC-3, created November 8, 2007, hereby incorporated by reference. This form shall be completed by an instructor and maintained in the student or course file at the training school.

~~(7)(5) Training center directors shall ensure that instructors are delivering the current Commission-approved training programs in compliance with Commission rules. the Commission's CMS Application Based Law Enforcement Basic Recruit Training Program is delivered in compliance with Commission rules and delivery guidelines provided in the Curriculum.~~

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

~~(9)(7) Student academic performance in courses.~~

(a) Each training center director ~~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 cognitive 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% on the cognitive end-of-course examination, exclusive of demonstration of proficiency skills.

(c) The training center director or designee is responsible for the development, maintenance, and administration of comprehensive end-of-course examinations. The training center director is authorized to develop, maintain, and administer additional academic tests for 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, and Specified Specialized Training Program Courses in compliance with the administration, confidentiality, and security requirements of subsections 11B-35.0085(2) – (5), F.A.C.

(d) Specialized Instructor Training Courses outlined in subsection 11B-35.007(3), F.A.C., and the following ~~Specified~~ Specialized Training Program Courses require ~~requiring~~ an end-of-course examination ~~are~~:

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

	Course Number	Course Title	Course Hours
1. 2.	1112	Canine Team Training Course	400
2. 3.	1113	Laser Speed Measurement Device (LSMD) Transition Operators Course for Radar Operators (To be retired)	12

		12/31/08)	
3. 4-	1132	Parking Enforcement Specialist for Civilians	16
4. 5-	1133	Selective Traffic Enforcement Program for Civilians	80
5. 6-	732	Traffic Control Officer for Civilians	8
6. 7-	851	Breath Test Operator Course	24
7. 8-	951	Breath Test Operator Renewal Course	6
8. 9-	850	Agency Inspector Course	24
9. 10-	950	Agency Inspector Renewal Course	6
10. 11-	1134	Criminal Justice Officer Ethics Course	8
11. 12-	1135	Crimes Against Children	<u>24 Open</u>
12. 13-	1136	Domestic Violence	<u>8 Open</u>
13. 14-	1137	Violent Crime Investigator Training Course	<u>40 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 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 Program for training schools, agencies, instructors, and students.~~

~~(10)(9) Implementation of the Florida CMS Law Enforcement and Florida Correctional Probation Basic Recruit Training Programs. The Commission is preparing a significant update to the Commission-approved Law Enforcement and Correctional Probation Basic Recruit Training Programs. These programs and courses are based on a statewide job-task analysis of the criminal justice disciplines and provide an enhanced learning environment. 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 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 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) Finalization and field delivery of these course materials are necessary to evaluate the programs before certain course criteria can be established and final rules adopted. To accomplish these goals the Commission: The Commission authorizes field testing of the CMS Application Based Basic Recruit Training Programs effective June 2001.~~

~~1. Authorizes implementation of the Florida CMS Law Enforcement Basic Recruit Training Program effective April 1, 2008.~~

~~2. Authorizes implementation of the Florida Correctional Probation Basic Recruit Training Program effective September 1, 2007.~~

~~3. Approves implementation of the updated Commission-approved high-liability training courses for Defensive Tactics, Firearms, Vehicle Operations, and First Aid, to include updated curricula, student performance requirements, and student performance evaluation forms.~~

~~4. Approves the implementation of updated Commission-approved high-liability instructor training courses for Defensive Tactics, Firearms, Vehicle Operations, and First Aid, to include updated curricula, instructor student performance requirements, and instructor student performance evaluation forms.~~

~~5. Approves the continued delivery of the CMS Application-Based Law Enforcement Basic Recruit Training Program. Notwithstanding subsection 11B-27.002(4), F.A.C., a basic recruit student enrolled in a Commission-approved CMS Application-Based Law Enforcement Basic Recruit Training Program, with a beginning date prior to April 1, 2008, shall be allowed to continue in that program until the student successfully completes, fails, or withdraws from the program.~~

~~6. Approves continued delivery of the Traditional Correctional Probation Basic Recruit Training Program. Notwithstanding subsection 11B-27.002(4), F.A.C., a basic recruit student enrolled in a Commission-approved Traditional Correctional Probation Basic Recruit Training Program with a beginning date prior to September 1, 2007, shall be allowed to continue in the program until the student successfully completes, fails, or withdraws from the program.~~

~~(b) The Commission approves the CMS Field Test as a Commission-approved Basic Recruit Training Program during the field test period.~~

~~(b)(e) Florida CMS Law Enforcement SOCE. Notwithstanding, subsection 11B-27.002(4), F.A.C., a basic recruit student, who successfully completes the Florida CMS Law Enforcement BRTP is eligible to apply for and take the Florida CMS Law Enforcement SOCE pursuant to Rule 11B-30.0062, F.A.C. Specific conditions for instructor certification and delivery of the CMS 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.~~

(c)(d) Florida Correctional Probation SOCE. Notwithstanding, subsection 11B-27.002(4), F.A.C., a basic recruit student who successfully completes the Florida Correctional Probation BRTP is eligible to apply for and take the Florida Correctional Probation SOCE pursuant to Rule 11B-30.0062, F.A.C. ~~Exemptions set forth in paragraph (9)(c) of this rule section shall not apply to courses in Commission approved Traditional Basic Recruit Training Programs.~~

(d)(e) Notwithstanding subsection 11B-27.002(4), F.A.C., a basic recruit student enrolled in one of the following a Commission-approved Cross-Over ~~Traditional Law Enforcement~~ Basic Recruit Training Programs ~~Program~~ with a beginning date prior to April 1, 2008 ~~July 1, 2004~~, shall be allowed to continue in the program until the student successfully completes, fails, or withdraws from the program.

1. Cross-over from Traditional Correctional to CMS Application-Based Law Enforcement Basic Recruit Training Program. ~~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.~~

2. Cross-over from Traditional Correctional Probation to CMS Application-Based Law Enforcement Basic Recruit Training Program. ~~The re-examination provisions outlined for a basic recruit student in subsection (12) of this rule section shall not apply.~~

3. Cross-over from CMS Application-Based Law Enforcement to Traditional Correctional Probation Basic Recruit Training Program. ~~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.~~

4. Cross-over from Traditional Correctional to Traditional Correctional Probation Basic Recruit Training Program.

(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 30.0062, F.A.C.~~

(g) ~~Notwithstanding subsection 11B 27.002(4), F.A.C., a basic recruit student enrolled in a Commission approved Traditional Correctional to Law Enforcement Basic Recruit Cross Over Training Program with a beginning date prior to April 1, 2005, shall be allowed to continue in the program until the student successfully completes, fails, or withdraws from the program.~~

1. ~~A basic recruit student who is unable to graduate from a Commission approved Traditional Correctional to Law Enforcement Basic Recruit Cross Over 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.~~

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

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 March 31, 2006.~~

(11)(10) Reporting requirements for Commission-approved Basic Recruit, Advanced, and Specialized Training Program Courses 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 November 8, 2007 ~~May 5, 2005~~, 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, Advanced Training Program Course, or Instructor Training Course, the training center director or designee shall, within thirty days of the program or course completion date, electronically transmit a completed Training Report form CJSTC-67, or transmit an updated CJSTC-67 form through the Commission's ATMS. Submission of a Academy Physical Fitness Standards Report, form CJSTC-67A, created November 8, 2007, hereby incorporated by reference, is required for the Florida CMS Law Enforcement, Florida Correctional Probation, and Traditional Correctional Basic Recruit Training Programs within thirty days of the course completion. 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, and Specialized Training Program Courses are maintained within the a training school. Each course shall be subject to audit by Commission staff. Such records shall, at a minimum, include:

1. Course outline(s) and ~~or~~ schedule(s).
2. Course(s) name and contact person.
3. Date(s) of course(s).
 4. Full legal name of all attending students.
5. Test scores and test when tests are used. ~~Test~~ materials shall be made available for review by Commission staff upon request.
6. The number of course electives for all courses delivered using Commission-approved Specialized Goals and Objectives.
 7. Applicable proficiency checklists ~~checklist~~ and performance reports.
 8. List of course instructor(s) to include full name and Commission instructor certification expiration date, or completion of Instructor Exemption, form CJSTC-82, revised November 8, 2007, hereby incorporated by reference, if applicable.
 9. Student attendance records.
 10. Completed Training Report form CJSTC-67.
 11. Form CJSTC-67A for Basic recruit Training Programs pursuant to subsection 11B-35.001(15), F.A.C.
 12. ~~For~~ Basic Recruit Training Programs, proof of compliance with Sections 943.14(7) and 943.17(1)(g), F.S., and subsection 11B-35.0011(2), F.A.C., includes a completed Physical Fitness Assessment, form CJSTC-75B, created November 8, 2007, hereby incorporated by reference.
 13. ~~A~~ training school re-examination policy and documented justification for each student re-examination administered.
 14. ~~A~~ list of expenditures from the Criminal Justice Standards and Training Trust Fund Officer Training Monies for Commission-approved Advanced and Specialized Training Program Courses when Officer Training Monies are used to fund the course.
 - (12)(~~14~~) Student attendance requirements for Commission-approved Basic Recruit Training Programs outlined in paragraphs 11B-35.002(1)(a) ~~—(p)~~, 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(1)(b)(~~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 or course ~~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. Documentation of the student's make-up work shall be signed by the training center director and ~~Makeup work required of a student shall be maintained in the student or course student's file at the training school.~~
 - (c) The Commission approves ~~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."
 - (d) The Commission approves the delivery of courses within its Basic Recruit Training Programs in a delivery format that ensures the training school delivers all curriculum materials and adheres to the required program hours, however, basic recruit students shall participate in 100% of the required hours in the Criminal Justice Officer Physical Fitness Training course.
 - (13)(~~12~~) Student Re-examination Policy for Commission-approved Basic Recruit Training Program Courses.
 - (a) A student shall achieve a passing score, pursuant to subsection 11B-35.001(~~9~~)(~~7~~), F.A.C., on all end-of-course examinations in a Commission-approved Basic Recruit Training Program to successfully complete a program. A student who has failed a cognitive end-of-course examination may be granted a re-examination by the training center director if:
 1. – 3. No change.
 - (b) Exclusive of the Commission's high-liability training courses and re-examinations in paragraph (13)(~~12~~)(a) of this rule section, a student may be granted one course cognitive re-examination during a single Basic Recruit Training Program. Students, who have failed to successfully demonstrate the required cognitive knowledge after a second attempt, shall be deemed to have failed the course.
 - (c) No change.
 - (14)(~~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 Advanced or Specialized Training Program Course may be granted a re-examination of the course by the training center director as set forth in paragraph (13)(~~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 (13)(~~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.
 - (15) Basic Recruit Student Physical Fitness Program.
 - (a) Commission-certified training schools are responsible for developing a Physical Fitness Program and shall provide a copy to Commission staff. The Physical Fitness Program shall be designed to improve the student's overall

physical fitness, improve the student's performance on the second physical fitness test, and provide a foundation for lifelong fitness.

(b) Prior to beginning a Florida CMS Law Enforcement, Traditional Correctional, or Florida Correctional Probation Basic Recruit Training Program, a student shall complete the Physical Fitness Assessment, form CJSTC-75B,

(c) A student shall complete the Physical Fitness Program to successfully complete a Basic Recruit training Program. The student shall complete the physical fitness test within the first two weeks of beginning a basic recruit training program and complete a second physical fitness test within the final two weeks of the basic recruit training program.

(16)(14) Proof of course completion. The training center director shall, within thirty days following the completion of a Commission-approved Basic Recruit, Advanced, or Specialized Training Program Course, provide to a student who has successfully completed the program, a certificate, which shall contain at a minimum, the name of the training school, the student's name, the dates of the program or course, the number of program or course contact hours, the title of the Basic Recruit, Advanced, or Specialized Training Program Course, and the current training center director's signature. Basic Recruit Training Completion Certificates shall contain the Curriculum Version Number for the course taught. In addition to a certificate, the training school shall provide to a student, who has successfully completed a Commission-approved Basic Recruit Training Program and will be required to pass the State Officer Certification Examination, an Examination Admission Voucher form CJSTC-517, revised November 8, 2007 August 3, 2006, hereby incorporated by reference.

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

Specific Authority 943.03(4), 943.12(1), (2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History—New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, _____.

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

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

~~(a)(1) The applicant shall not take a specific provider's BAT the Basic Abilities Test (BAT) more than three total times in each discipline during any twelve-month period. Any subsequent results on the provider's test in each discipline within this twelve-month period will be invalid.~~

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

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

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

~~(c)(3) 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:~~

~~1.(a) Removing BAT materials from the examination room.~~

~~2.(b) Reproducing or reconstructing any portion of the BAT.~~

~~3.(c) Aiding by any means in the reproduction of any portion of the BAT.~~

~~4.(d) Selling, distributing, buying, receiving, or having unauthorized possession of any portion of a past, current, or future BAT.~~

~~5.(e) Revealing test questions or other information that would compromise the integrity of the BAT.~~

~~6.(f) Possession of altered BAT official documents including student performance reports.~~

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

~~1.(a) Communication with any other applicant during the administration of the BAT.~~

~~2.(b) Copying answers from another applicant or intentionally allowing one's answers to be copied by another applicant during the administration of the BAT.~~

~~3.(c) Having in one's possession during the administration of the BAT, any books, notes, written, or printed materials or data of any kind.~~

~~4.(d) Failing to comply with the BAT administrator's instructions.~~

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

~~1.(a) Falsifying or misrepresenting information required for admission to the BAT.~~

~~2.(b)~~ Impersonating an applicant.

~~3.(e)~~ Having an impersonator take the BAT on one's behalf.

~~4.(d)~~ Disrupting the test administration.

~~(f)(6)~~ 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~~(17)(15)~~, F.A.C.

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

~~1.(a)~~ Declare the applicant has failed the BAT;

~~2.(b)~~ Require the applicant to forfeit the application fee;

~~3.(e)~~ Declare the applicant ineligible to apply to take the BAT in any discipline for a period of five years;

~~4.(d)~~ Deny certification by the Commission pursuant to Rule 11B-27.007, F.A.C.;

~~5.(e)~~ Take action against any currently held Commission certification pursuant to sections 11B-27.0011 and 11B-27.005(5), F.A.C.

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

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

(2) Basic Recruit Student Physical Fitness Test and Chemical Agent Exposure. Prior to beginning a Florida CMS Law Enforcement, Traditional Correctional, or Florida Correctional Probation Basic Recruit Training Program, a student shall receive a physical examination and complete the Physical Fitness Assessment form CJSTC-75B, which shall be maintained in the student or course file at the training school.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.17 FS. History–New 7-29-01. Amended 11-5-02, 11-30-04, 3-21-07, _____.

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

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

(a)	Law Enforcement Discipline			
	Program Number	Basic Recruit Training Programs	Program Hours	Retired (R) Effective(E)
1.	002	Traditional Law Enforcement BRTP	672	R-6/30/04
2.	224	CMS Application-Based Law Enforcement BRTP	770	R-3/31/08
3.	1177	Florida CMS Law Enforcement BRTP	770	E-4/1/08
4.	222	Traditional Correctional Cross-Over to Traditional Law Enforcement BRTP	172	R-3/31/05
5.	1143	Traditional Correctional Cross-Over to CMS Application-Based Law Enforcement BRTP	444	R-3/31/08
6.	1178	Correctional Officer Cross-Over Training to Florida CMS Law Enforcement BRTP	457	E-4/1/08
7.	223	Traditional Correctional Probation Cross-Over to Traditional Law Enforcement BRTP	412	R-3/31/06
8.	1157	Traditional Correctional Probation Cross-Over to CMS Application-Based Law Enforcement BRTP	554	R-3/31/08
9.	1179	Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement BRTP	529	E-4/1/08
10.	211	Law Enforcement Auxiliary Officer BRTP	317	R-3/31/08
11.	1180	CMS Law Enforcement Auxiliary Officer BRTP	319	E-4/1/08

(b)	Correctional Discipline			
	Program Number	Basic Recruit Training Programs	Program Hours	Retired (R) Effective(E)

1.	502	Traditional Correctional BRTP	552	E 4/1/08
2.	555	Traditional Law Enforcement Cross-Over to Traditional Correctional BRTP	156	R-3/31/06
3.	556	Traditional Correctional Probation Cross-Over to Traditional Correctional BRTP	256	R-3/31/08
4.	1155	CMS Application-Based Law Enforcement Cross-Over to Traditional Correctional BRTP	199	R-3/31/08
5.	1181	Law Enforcement Officer Cross-Over Training to Traditional Correctional BRTP	199	E-4/1/08
6.	1182	Correctional Probation Officer Cross-Over Training to Traditional Correctional BRTP	256	E-4/1/08
7.	501	Correctional Auxiliary Officer BRTP	254	E-1/1/1997

(c) Correctional Probation Discipline				
	Program Number	Basic Recruit Training Programs	Program Hours	Retired (R) Effective(E)
1.	602	Traditional Correctional Probation BRTP	412	R-8/31/07
2.	1176	Florida Correctional Probation BRTP	465	E-4/1/08
3.	667	Traditional Correctional Cross-Over to Traditional Correctional Probation BRTP	172	R-3/31/08
4.	660	Traditional Law Enforcement Cross-Over to Traditional Correctional Probation BRTP	134	R-3/31/06
5.	1156	CMS Application-Based Law Enforcement Cross-Over to Traditional Correctional Probation BRTP	112	R-3/31/08
6.	1183	Correctional Officer Cross-Over Training to Florida Correctional Probation BRTP	172	E-4/1/08
7.	1184	Law Enforcement Officer Cross-Over Training to Florida Correctional Probation BRTP	112	E-4/1/08
8.	NA	Correctional Probation Auxiliary BRTP; there is no course. 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 BRTP, pursuant to paragraph (8)(c) of this rule section.	NA	NA

	Course Number	Course Name	Course Hours
(a)	NA	Traditional Law Enforcement Basic Recruit Training Program (Retired June 30, 2004)	672.0
(b)	502	Traditional Correctional Basic Recruit Training Program	532.0
(c)	602	Traditional Correctional Probation Basic Recruit Training Program	412.0
(d)	224	CMS Application-Based Law Enforcement Basic Recruit Training Program	770.0
(e)	1155	CMS Law Enforcement to Traditional Correctional Basic Recruit Cross-Over Training Program	499.0
(f)	1156	CMS Law Enforcement to Traditional Correctional Probation Basic Recruit Cross-Over Training Program	412.0
(g)	555	Traditional Law Enforcement to Traditional Correctional Basic Recruit Cross-Over Training Program (Retired March 31, 2006)	456.0
(h)	660	Traditional Law Enforcement to Traditional Correctional Probation Basic Recruit Cross-Over Training Program (Retired March 31, 2006)	434.0
(i)	222	Traditional Correctional to Traditional Law Enforcement Basic Recruit Cross-Over Training Program (Retired March 31, 2005)	472.0
(j)	1143	Traditional Correctional to CMS Law Enforcement Basic Recruit Cross-Over Training Program	444.0
(k)	667	Traditional Correctional to Traditional Correctional Probation Basic Recruit Cross-Over Training Program	172.0
(l)	223	Traditional Correctional Probation to Traditional Law Enforcement Basic Recruit Cross-Over Training Program (Retired March 31, 2006)	412.0
(m)	1157	Traditional Correctional Probation to CMS Law Enforcement Basic Recruit Cross-Over Training Program	554.0
(n)	556	Traditional Correctional Probation to Traditional Correctional Basic Recruit Cross-Over Training Program	256.0
(o)	211	Law Enforcement Auxiliary Officer Basic Recruit Training Program	317.0
(p)	501	Correctional Auxiliary Officer Basic Recruit Training Program	254.0

(e)	NA	Correctional Probation Auxiliary Officer Basic Recruit Training Program; there is no course. 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.
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(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 State Officer Certification Examination (SOCE) pursuant to Rule 11B-30.0062, F.A.C., and gain employment as an officer. An individual who is not employed as an officer in the discipline for which training was completed, within four years of the date of beginning such training, shall, as a condition for obtaining employment, comply with the following:

(a) Successfully complete the applicable Commission-approved Basic Recruit Training Program pursuant to Rule 11B-35.002, F.A.C.; and

(b) Achieve a passing score on the applicable 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.~~

~~(4) Each training school that offers a Commission approved Traditional Basic Recruit Training Program, pursuant to paragraphs (1) (b), (c), (g) (n) of this rule section, shall deliver all courses 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.~~

~~(3)(5) Each training school that offers a Commission-approved the Commission's 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 program. Delivery and sequencing of the course materials shall comply with the requirements set forth in the Commission's approved Basic Recruit Training CMS Curriculum.~~

~~(4)(6) A basic recruit student shall successfully complete all courses in a Commission-approved Basic Recruit Training Program Courses to be eligible to take the applicable State Officer Certification Examination for the discipline.~~

~~(5)(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 Course(s) shall have completed the high-liability 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.~~

~~(6)(8) Commission-approved Basic Recruit Training Programs. Pursuant to Section 943.12, F.S., Commission-approved Basic Recruit Training Programs establish the minimum required entry-level training for law enforcement, correctional, and correctional probation officers. Individuals who are requesting employment as an officer, and have not had previous basic recruit training or have not been certified as an officer in the discipline for which certification is sought, and have met the requirements of Sections 943.13(1)-(8) and (11), 943.14(7), and 943.17(1)(g), F.S., shall successfully complete a Commission-approved Basic Recruit Training Program pursuant to this rule section. The Commission's Basic Recruit Training Programs are:~~

~~(a) Traditional Law Enforcement Basic Recruit Training Program number 002 (Retired June 30, 2004).~~

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

	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.	Interpersonal Skills 2	CJD_750	50.0
6.5.	CMS Criminal Justice Defensive Tactics	CJK_0051_0050	80.0
7.6.	CMS Criminal Justice Firearms	CJK_0040	80.0
8.7.	CMS First Aid for Criminal Justice Officers	CJK_0031	40.0
8.	Interpersonal Skills 2	CJD_750	50.0
9.	Emergency Preparedness	CJD_741	26.0
10.	Correctional Operations	CJD_752	64.0
11.	Criminal Justice Officer Physical Fitness Training CMS Criminal Justice Special Topics, Module 15	CJK_0280_0095	40.0 20.0
	Total		552.0 532.0

~~(c) Traditional Correctional Probation Basic Recruit Training Program course number 602 (Retired August 31, 2007):~~

	Course Name	Course Number	Course Hours
1.	Correctional Probation Legal	CJD_790	60.0

2.	Correctional Probation Interpersonal Skills	CJD_792	68.0
3.	Correctional Probation Communication Skills	CJD_793	70.0
4.	Correctional Probation Supervision	CJD_794	58.0
5.	CMS Criminal Justice Defensive Tactics	CJK_0050	80.0
6.	CMS Correctional Probation Firearms	CJK_0255	16.0
7.	CMS First Aid for Criminal Justice Officers	CJK_0031	40.0
8.	Criminal Justice Special Topics	CJK_0095	20.0
		Total	412.0

(d) CMS Application-Based Law Enforcement Basic Recruit Training Program course number 224 (Retired March 31, 2008):

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

(e) Florida CMS Law Enforcement Basic Recruit Training Program number 1177 (Effective April 1, 2008):

	Course Name	Course Number	Course Hours
1.	Introduction to Law Enforcement	CJK_0007	11.0
2.	Legal	CJK_0008	69.0
3.	Communications	CJK_0017	76.0
4.	Human Issues	CJK_0011	40.0
5.	Patrol I	CJK_0061	58.0
6.	Patrol II	CJK_0062	40.0
7.	Crime Scene Investigations	CJK_0076	24.0
8.	Criminal Investigations	CJK_0071	56.0
9.	Traffic Stops	CJK_0081	48.0
10.	Traffic Crash Investigations	CJK_0086	32.0
11.	CMS Law Enforcement Vehicle Operations	CJK_0020	48.0
12.	CMS First Aid for Criminal Justice Officers	CJK_0031	40.0
13.	CMS Criminal Justice Firearms	CJK_0040	80.0
14.	CMS Criminal Justice Defensive Tactics	CJK_0051	80.0
15.	Dart-Firing Stun Gun	CJK_0422	8.0
16.	Criminal Justice Officer Physical Fitness Training	CJK_0096	60.0
		Total	770.0

(f) Florida Correctional Probation Basic Recruit Training Program number (1176) (Effective April 1, 2008):

	Course Name	Course Number	Course Hours
1.	Correctional Probation Legal	CJK_0271	57.0
2.	Correctional Probation Interpersonal Communication Skills	CJK_0272	44.0
3.	Correctional Probation Caseload Management	CJK_0273	40.0
4.	Correctional Probation Supervision	CJK_0274	88.0
5.	Correctional Probation Investigations	CJK_0275	39.0
6.	Correctional Probation Management Information Systems	CJK_0276	27.0
7.	CMS Criminal Justice Defensive Tactics	CJK_0051	80.0
8.	CMS First Aid for Criminal Justice Officers	CJK_0031	40.0
9.	CMS Correctional Probation Firearms	CJK_0255	16.0

10.	Criminal Justice Officer Physical Fitness Training	CJK_0281	34.0
		Total	465.0

~~(7)~~(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) Law Enforcement Cross-Over Basic Recruit Training Programs.

1. Traditional Correctional Cross-Over to CMS Application-Based Law Enforcement Basic Recruit Training Program, course number 1143 (Retired March 31, 2008).

2. Traditional Correctional Probation Cross-Over to CMS Application-Based Law Enforcement Basic Recruit Training Program, Course Number 1157 (Retired March 31, 2008).

3. Correctional Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1178 (Effective April 1, 2008). An individual who has successfully completed the Correctional Officer Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a law enforcement officer:

	Course Name	Course Number	Course Hours
a.	Correctional Cross-Over to Law Enforcement Introduction and legal	TBA	47.0
b.	Correctional Cross-Over to Law Enforcement Communications	TBA	56.0
c.	Correctional Cross-Over to Law Enforcement Human Issues	TBA	32.0
d.	Patrol I	CJK_0061	58.0
e.	Patrol II	CJK_0062	40.0
f.	Crime Scene Investigations	CJK_0076	24.0
g.	Criminal Investigations	CJK_0071	56.0
h.	Traffic Stops	CJK_0081	48.0
i.	Traffic Crash Investigations	CJK_0086	32.0
j.	CMS Law Enforcement Vehicle Operations	CJK_0020	48.0
k.	Dart-Firing Stun Gun	CJK_0422	8.0
l.	Cross-Over Correctional to Law Enforcement CMS High-Liability. (End-of-course examination is not required for CJK_0212)	CJK_0212	8.0
	Total		457.0

4. Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1179 (Effective April 1, 2008). An individual who has successfully completed the Correctional Probation Officer Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a law enforcement officer:

	Course Name	Course Number	Course Hours
a.	Correctional Cross-Over to Law Enforcement Introduction and legal	TBA	47.0
b.	Correctional Cross-Over to Law Enforcement Communications	TBA	56.0
c.	Correctional Cross-Over to Law Enforcement Human Issues	TBA	32.0
d.	Patrol I	CJK_0061	58.0
e.	Patrol II	CJK_0062	40.0
f.	Crime Scene Investigations	CJK_0076	24.0
g.	Criminal Investigations	CJK_0071	56.0
h.	Traffic Stops	CJK_0081	48.0
i.	Traffic Crash Investigations	CJK_0086	32.0
j.	CMS Criminal Justice Vehicle Operations	CJK_0020	48.0
k.	Dart-Firing Stun Gun	CJK_0422	8.0
l.	CMS Criminal Justice Firearms	CJK_0040	80.0

	Total		529.0
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(e) Correctional Cross-Over Basic Recruit Training Programs.

1. CMS Application-Based Law Enforcement Cross-Over to Traditional Correctional Basic Recruit Training Program number 1155 (Retired March 31, 2008).

2. Traditional Correctional Probation Cross-Over to Traditional Correctional Basic Recruit Training Program number 556 (Retired March 31, 2008).

3. Law Enforcement Officer Cross-Over Training to Traditional Correctional Basic Recruit Training Program number 1181 (Effective April 1, 2008). An individual who has successfully completed the Law Enforcement Officer Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a correctional officer:

	Course Name	Course Number	Course Hours
a.	Law Enforcement Cross-Over to Correctional Introduction	CJK_TBA	59.0
b.	Interpersonal Skills 2	CJD_750	50.0
c.	Emergency Preparedness	CJD_741	26.0
d.	Correctional Operations	CJD_752	64.0
	Total		199.0

4. Correctional Probation Officer Cross-Over Training to Traditional Correctional Basic Recruit Training Program number 1182 (Effective April 1, 2008). An individual who has successfully completed the Law Enforcement Officer Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a correctional officer:

	Course Name	Course Number	Course Hours
a.	Correctional Probation Cross-Over to Correctional Legal and Communications	CJK_TBA	16.0
b.	Correctional Probation Cross-Over to Correctional Interpersonal Skills 1	CJK_TBA	35.0
c.	Correctional Probation Cross-Over to Correctional Interpersonal Skills 2	CJK_TBA	35.0
d.	Emergency Preparedness	CJD_741	26.0
e.	Correctional Operations	CJD_752	64.0
f.	CMS Criminal Justice Firearms	CJK_0040	80.0
	Total		256.0

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

1. Traditional Correctional Cross-Over to Traditional Correctional Probation Basic Recruit Training Program number 667 (Retired March 31, 2008).

2. CMS Application-Based Law Enforcement Cross-Over to Traditional Correctional Probation Basic Recruit Training Program Number 1156 (Retired March 31, 2008).

3. Law Enforcement Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program number 1184 (Effective April 1, 2008). An individual who has successfully completed the Law Enforcement Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a correctional probation officer:

	Course Name	Course Number	Course Hours
a.	Law Enforcement Cross-Over to Correctional Probation Legal and Investigations	CJK_TBA	18.0
b.	Law Enforcement Cross-Over to Correctional Probation Caseload Management	CJK_TBA	27.0
c.	Law Enforcement Cross-Over to Correctional Probation Supervision	CJK_TBA	40.0
d.	Correctional Probation Management Information Systems	CJK_0276	27.0
	Total		112.0

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

	Course Name	Course Number	Course Hours
a.	Correctional Cross-Over to Correctional Probation Legal and Communications	CJK_TBA	18.0
b.	Correctional Cross-Over to Correctional Probation Supervision	CJK_TBA	57.0

c.	Correctional Cross-Over to Correctional Probation Investigations	CJK_TBA	30.0
d.	Correctional Probation Management Information Systems	CJK_0276	27.0
e.	Correctional Probation Caseload Management	CJK_0273	40.0
	Total		172.0

(d) ~~Traditional Law Enforcement to Traditional Correctional Basic Recruit Cross Over Training Program course number 555 (Retired March 31, 2006).~~

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

(f) ~~Traditional Correctional to Traditional Law Enforcement Basic Recruit Cross Over Training Program (Retired March 31, 2005).~~

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

	Course Name	Course Number	Course Hours
1.	Cross Over Correctional to CMS Law Enforcement Introduction	CJK_0211	94.0
2.	Cross Over Correctional to Law Enforcement CMS High-Liability (End of course examination is not required for CJK_0212)	CJK_0212	8.0
3.	Dart Firing Stun Gun (End of course examination is only required for Dart Firing Stun Gun)	CJK_0421	6.0
4.	Cross Over Correctional to Law Enforcement Tactical Applications	CJK_0213	40.0
5.	CMS Law Enforcement Vehicle Operations	CJK_0020	48.0
6.	Patrol	CJK_0060	57.0
7.	Investigations	CJK_0070	53.0 57.0
8.	Investigating Offenses	CJK_0075	44.0 40.0
9.	Traffic Stops	CJK_0080	62.0
10.	Traffic Crash Investigations	CJK_0085	32.0
	Total		444.0

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

	Course Name	Course Number	Course Hours
1.	Cross Over Correctional Legal to Correctional Probation	CJD_774	30.0
2.	Cross Over Correctional to Correctional Probation	CJD_775	14.0
3.	Correctional Probation Communication Skills	CJD_793	70.0
4.	Correctional Probation Supervision	CJD_794	58.0
	Total		172.0

(i) ~~Traditional Correctional Probation to Traditional Law Enforcement Basic Recruit Cross Over Training Program course number 223 (Retired March 31, 2006).~~

(j) ~~Traditional Correctional Probation to Traditional Correctional Basic Recruit Cross Over Training Program course number 556. A correctional probation officer shall complete the following courses to cross over from the "Correctional Probation Discipline" to the "Correctional Discipline":~~

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

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

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

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

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

(m) Traditional Correctional Probation to CMS Law Enforcement Basic Recruit Cross Over Training Program Course Number 1157. A correctional probation officer shall complete the following courses to cross over from the "Correctional Probation Discipline" to the "CMS Law Enforcement Discipline":

	Course Name	Course Number	Course Hours
1.	Cross Over Traditional Correctional Probation to CMS Law Enforcement Introduction to Law	CJK_215	43.0*
2.	Cross Over Traditional Correctional Probation to CMS Law Enforcement Human Issues	CJK_216	36.0*
3.	Cross Over Traditional Correctional Probation to CMS Law Enforcement Communications	CJK_217	49.0*
4.	CMS Law Enforcement Vehicle Operations	CJK_0020	48.0
5.	CMS Criminal Justice Firearms	CJK_0040	80.0
6.	Dart Firing Stun Gun	CJK_0421	6.0
7.	Patrol	CJK_0060	57.0
8.	Investigations	CJK_0070	57.0
9.	Investigating Offenses	CJK_0075	40.0
10.	Traffic Stops	CJK_0080	62.0
11.	Traffic Crash Investigations	CJK_0085	32.0
12.	Tactical Applications	CJK_0090	44.0*
	*Instructors are authorized to facilitate instruction in a review format and place emphasis as needed.	Total	554.0

Specific Authority 943.03(4), 943.12(1), (2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History—New 12-13-92, Amended 1-10-94, 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, _____.

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

(1) Basic Recruit High-Liability Training Courses:

(a) CMS Criminal Justice Firearms Course.

(b) CMS Law Enforcement Vehicle Operations Course.

- (c) CMS Criminal Justice Defensive Tactics Course.
- (d) CMS First Aid for Criminal Justice Officers Course.
- (2) Instructor High-Liability Training Courses:
 - ~~(a) Firearms Instructor Course. (Retired June 30, 2004)~~
 - ~~(a)(b) CMS Firearms Instructor Course.~~
 - ~~(c) CMS Firearms Instructor Transition Course.~~
 - ~~(d) Vehicle Operations Instructor Course. (Retired June 30, 2004)~~
 - ~~(b)(e) CMS Vehicle Operations Instructor Course.~~
 - ~~(f) CMS Vehicle Operations Instructor Transition Course.~~
 - ~~(g) Defensive Tactics Instructor Course. (Retired June 30, 2004)~~
 - ~~(c)(h) CMS Defensive Tactics Instructor Course.~~
 - ~~(i) CMS Defensive Tactics Instructor Transition Course.~~
 - ~~(j) First Responder Instructor Course. (Retired June 30, 2004)~~
 - ~~(d)(k) CMS First Aid Instructor Course.~~
 - ~~(l) CMS First Aid Instructor Transition Course.~~

(3) Applicants shall complete the training requirements set forth in subsection 11B-20.0014(2), 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.

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

(a) For instruction of the CMS Criminal Justice Firearms Course or, CMS 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. One rangemaster shall supervise all range activity while training is actively engaged. The rangemaster shall be a Commission-certified firearms instructor and shall not be included as an instructor to comply with the instructor to student ratio requirements. Discretionary course of fire shall be conducted with a one-to-one instructor to student ratio. Actively engaged is defined as “a student on the firing range handling a weapon.”

(b) For instruction of the CMS Law Enforcement Vehicle Operations Course or, CMS Vehicle Operations Instructor Course, ~~or CMS Vehicle Operations Instructor Transition Course~~, there shall be at least one Commission-certified vehicle operations driving instructor for each vehicle actively engaged on a driving range. One rangemaster shall supervise all range activity while training is actively engaged. 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. The rangemaster shall be a Commission-certified vehicle operations instructor and shall not be included as an instructor to comply with the instructor to vehicle ratio requirements.

(c) For instruction of the CMS Criminal Justice Defensive Tactics Course or, CMS Defensive Tactics Instructor Course, ~~or CMS Defensive Tactics Instructor Transition Course~~, there shall be one lead defensive tactics instructor for each class plus one Commission-certified defensive tactics instructor for every ten students actively engaged in defensive tactics no more than ten students actively engaged in defensive tactics for each Commission-certified defensive tactics instructor. Actively engaged is defined as “a student engaged in the practical performance of any one of the approved defensive tactics techniques.”

~~(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, or CMS Vehicle Operations Instructor Course, or CMS Vehicle Operations Instructor Transition course, 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 ratio requirements.~~

~~(d)(e) For instruction of the CMS First Aid for Criminal Justice Officers Course and, CMS First Aid Instructor Course, or CMS First Aid Instructor Transition Course, at least one Commission-certified CMS First Aid Instructor shall be required for every ten students actively engaged in the practical and performance areas of the training. Actively engaged is defined as “a student involved in the practical performance of any first aid skills training.” CPR Instructors, who possess a valid CPR Instructor Certification from an entity referenced in Rule 64E-2.038, F.A.C., which is at minimum at the “Basic Life Support (BLS) Instructor” or “Heartsaver Instructor” level with the American Heart Association, “CPR/AED for the Professional Rescuer Instructor” or “First Aid/CPR/AED Instructor” or “Emergency Response Instructor” or “Lifeguarding Instructor” level with the American Red Cross, “First Aid/CPR/AED Instructor” or “BLS Instructor” level with the American Safety and~~

~~Health Institute, or “BLS Instructor” level with the National Safety Council, are permitted to instruct CPR in the CMS First Aid for Criminal Justice Officers Course and the CMS First Aid Instructor Transition Course, or the CMS First Aid Instructor Course, or be used to meet the required instructor to student ratio for demonstration of proficiency in these courses. The instructor to student ratio shall match the prerequisites set forth in the approved CPR course certification requirements. A copy of the Instructor Exemption Application form CJSTC-82, and a copy of the instructor’s valid CPR Instructor Certification shall be maintained in the instructor’s file.~~

~~Specific Authority 943.03(4), 943.12(1), (2), 943.14(3), 943.17 FS. Law Implemented 943.12(5), 943.17 FS. History–New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-21-07, _____.~~

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 the student has not been dismissed from ~~exited~~ the previous training school. Verification shall be made by reviewing the student’s course score in item number 12 of the Training Report form CJSTC-67 to determine if the student was dismissed from the previous 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) Courses completed in the Florida CMS Law Enforcement Basic Recruit Training Program shall be transferable to a Florida CMS Law Enforcement Basic Recruit Training Program in a different training school.

(d) Courses completed in the Florida Correctional Probation Basic Recruit Training Program shall be transferable to a Florida Correctional Probation Basic Recruit Training Program in a different training school.

~~(e)(e) High-Liability Basic Recruit Training Courses successfully completed shall be transferable provided the student requesting the transfer has successfully demonstrated the high-liability proficiency skills designated as “CMS New” in the high-liability basic recruit training course requested. 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, 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 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.~~

~~(5)(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. If the student began a Commission approved Traditional Basic Recruit Training Program, the student shall continue in the same program.~~

~~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, 11-30-04, _____.~~

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 skill(s) in the applicable High-Liability Basic Recruit Training Courses and instructor courses high-liability proficiency skill(s), and a written examination.

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

demonstrate the cognitive knowledge or the required demonstration of the high-liability proficiency skill(s) after a second attempt, shall be deemed to have failed the High-Liability Training Course.

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

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

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

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

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

(a) CMS Criminal Justice Defensive Tactics Course.

1. The CMS Criminal Justice Defensive Tactics Course shall be delivered to students enrolled in a Commission-approved Basic Recruit Training Program.

2. A 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, revised November 8, 2007 ~~created May 6, 2004~~, hereby incorporated by reference.

3. A basic recruit student shall be subject to chemical agent contamination as described in the CMS Criminal Justice Defensive Tactics Course. Prior to beginning a Florida CMS Law Enforcement, Traditional Correctional, or Florida Correctional Probation Basic Recruit Training Program, a student shall complete the Physical Fitness Assessment form CJSTC-75B. This form verifies that there are no known medical conditions that would prevent a student from participating in chemical agent contamination. A student who has provided the training school with documentation of prior chemical agent exposure that includes chemical agent contamination and working through the effects of chemical agent contamination in a training environment, shall be exempt from this requirement. 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.

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.~~

2. A defensive tactics instructor student shall demonstrate the required Defensive Tactics High-Liability Proficiency Skills at 100% for all proficiency skills, with the results recorded on the required CJSTC-6 CMS form, ~~and shall demonstrate the required Defensive Tactics High-Liability Proficiency Skills at 100% for all proficiency skills.~~

~~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 Course.

1. The CMS Criminal Justice Firearms Course shall be delivered to students enrolled in a Commission-approved Basic Recruit Training Program.

2. A basic recruit student shall demonstrate the required Firearms High-Liability Proficiency Skills, using the B-21 E Target or equivalent, at 80% or higher using a handgun (revolver or semi-automatic pistol for both daylight and night) and a long gun (shotgun or semiautomatic rifle/carbine); ~~The with the results shall be recorded on the required CMS Firearms Performance Evaluation form CJSTC-4 CMS, revised November 8, 2007~~ May 5, 2005, hereby incorporated by reference. The B-21E target is commercially available through retailers.

~~3. A basic recruit student shall complete instruction on the handling of a long gun (shotgun or rifle) and shall fire the long gun as prescribed in the course curriculum. There are no proficiency requirements for the long gun.~~

(d) CMS Firearms Instructor Courses

1. An instructor student shall complete the CMS Firearms Instructor 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.~~

2. A firearms instructor student shall demonstrate the required Firearms High-Liability Proficiency Skills, at 80% or higher using a handgun (revolver or semi-automatic pistol) and a long gun (shotgun or semiautomatic rifle/carbine) for daylight and night for all proficiency skills, with the results recorded on the required CJSTC-4 CMS form.

~~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.

1. The CMS First Aid for Criminal Justice Officers Course shall be delivered to students enrolled in a Commission-approved Basic Recruit Training Program.

2. A basic recruit student shall demonstrate the required First Aid High-Liability Proficiency Skills at 100% with the results recorded on the required CMS First Aid Performance Evaluation, form CJSTC-5 CMS, revised November 8, 2007 ~~August 3, 2006~~, hereby incorporated by reference.

(f) CMS First Aid Instructor Courses.

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.~~

2. An instructor student shall demonstrate the required First Aid High-Liability Proficiency Skills, at 100% for all proficiency skills, with the results recorded on the required CJSTC-5 CMS form.

~~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 delivered to students enrolled in a Commission-approved Basic Recruit Training Program.

2. A basic recruit student shall demonstrate the required Vehicle Operations High-Liability Proficiency Skills with four out of five runs (80%) for each exercise, with the results recorded on the required CMS Vehicle Operations Performance Evaluation, form CJSTC-7 CMS, revised November 8, 2007 ~~August 3, 2006~~, hereby incorporated by reference.

(h) CMS Vehicle Operations Instructor Courses.

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.~~

2. An instructor student shall demonstrate the required Vehicle Operations High-Liability Proficiency Skills with four out of five runs (80%) for each exercise with the results recorded on the required CJSTC-7 CMS 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.~~

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12, 943.17 FS. History—New 2-17-93, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, _____.

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.

(2) To become certified as an auxiliary officer, an applicant shall meet the requirements outlined in Sections 943.13(1) – (9), and (11), 943.14(7)(8), 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.

(3) A training school shall submit form CJSTC-67 to Commission staff upon an individual's successful completion of a CMS 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.

(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(5)(7), F.A.C.

(5) CMS Law Enforcement Auxiliary Officer Basic Recruit Training Program effective April 1, 2008 (Course Number 1180).

(a)	CMS Law Enforcement Auxiliary Officer Prerequisite Course	Course Number	Course Hours
1.	Law Enforcement Auxiliary Introduction	CJK TBA	27.0
2.	Law Enforcement Auxiliary Patrol and Traffic	CJK TBA	19.0
3.	Law Enforcement Auxiliary Investigations	CJK TBA	17.0
4.	Dart-Firing Stun Gun	CJK 0422	8.0
5.	CMS First Aid for Criminal Justice Officers	CJK 0031	40.0
	CMS Law Enforcement Auxiliary Officer Prerequisite Course	Sub-total	109.0
(b)	CMS Criminal Justice Firearms This course shall be taught by a Commission-certified high-liability instructor at a training school or agency.	CJK 0040	80.0
(c)	CMS Criminal Justice Defensive Tactics This course shall be taught by a Commission-certified high-liability instructor at a training school or agency.	CJK 0051	80.0
(d)	CMS Law Enforcement Vehicle Operations **CMS Law Enforcement Operations is optional and is based on employing agency requirements. If required, the course shall be taught by a Commission-certified high-liability instructor at a training school or agency. If CMS Law Enforcement Vehicle Operations is not instructed, the total program hours will be reduced to 271 hours.	CJK 0020	48.0
	CMS Law Enforcement Auxiliary Officer Program	Total	**319.0

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

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

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

(6) Correctional Auxiliary Officer Basic Recruit Training Program effective January 1, 1997, (Course Number 501) requirements.

(a) Correctional Auxiliary Officer Prerequisite Course effective January 1, 1997, (Course Number 501):			
(a)	Correctional Auxiliary Officer Prerequisite Course Topic Areas	Course Number	Minimum Hours
1.	Administration	NA	1
2.	Legal	NA	24
3.	Report Writing	NA	4
4.	Safety Issues	NA	4
5.	Interpersonal Skills	NA	5
6.	Security Procedures and Inmate Supervision	NA	4
7.	Equipment	NA	2
8.	Facility Movement	NA	4
9.	Correctional Operation and Intake Procedures	NA	1
10.	Inmate Property	NA	2
11.	Search Procedures	NA	3
12.	CMS First Aid for Criminal Justice Officers	CJK_0031	40
	Correctional Auxiliary Officer Prerequisite Course Total	Sub-total	94
	Correctional Auxiliary Officer Prerequisite Course Hours		
(b)	CMS Criminal Justice Firearms	CJK_0040	80
(c)	CMS Criminal Justice Defensive Tactics	CJK_0051 0050	80
	Total Correctional Auxiliary Officer Program Hours	Total	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(6)(c) (8)(e), 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, 11-30-04, 3-27-06, 3-21-07, _____.

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.

(a) 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.

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

	Course Number	Course Name	Course Hours
<u>1.</u>	006	Line Supervision	80 hours
	007	Middle Management	80 hours
<u>2.</u>	011	Developing and Maintaining a Sound Organization	40 hours
<u>3.</u>	012	Planning the Effective Use of Financial Resources	40 hours
<u>4.</u>	013	Building and Maintaining a Sound Behavioral Climate	40 hours
<u>5.</u>	016	Narcotics and Dangerous Drugs Investigations	40 hours
<u>6.</u>	019	Criminal Law	40 hours
<u>7.</u>	020	Case Preparation and Court Presentation	40 hours
<u>8.</u>	032	Special Tactical Problems	40 hours
<u>9.</u>	033	Sex Crimes Investigation	40 hours
<u>10.</u>	036	Injury and Death Investigation	40 hours
<u>11.</u>	047	Interviews and Interrogations	40 hours
<u>12.</u>	050	Stress Management Techniques	40 hours
<u>13.</u>	053	Crisis Intervention	40 hours
<u>14.</u>	054	Organized Crime	40 hours
	055	Radar Speed Measurement Training Course for Law Enforcement Officers (Retired 12/31/06)	40 hours
<u>15.</u>	057	Discipline and Special Confinement Techniques	40 hours
<u>16.</u>	058	Supervision of the Youthful Offender	40 hours
<u>17.</u>	068	Advanced Report Writing and Review	40 hours
<u>18.</u>	072	Firefighting for Correctional Officers	40 hours
<u>19.</u>	073	Community and Human Relations	40 hours
<u>20.</u>	074	Substance Abuse and Awareness Education	40 hours
<u>21.</u>	077	Underwater Police Science and Technology	80 hours
<u>22.</u>	080	Computers and Technology in Criminal Justice	40 hours

<u>23.</u>	085	Emergency Preparedness for Correctional Officers	40 hours
<u>24.</u>	087	Advanced Traffic Accident Investigations	80 hours
<u>25.</u>	088	Traffic Accident Reconstruction	80 hours
<u>26.</u>	090	School Resource Officer	40 hours
<u>27.</u>	091	Domestic Intervention	40 hours
<u>28.</u>	093	Hostage Negotiations	40 hours
<u>29.</u>	094	Drug Abuse Resistance Education (D.A.R.E.) – FDLE instructed only	80 hours
	095	Laser Speed Measurement Operators Course for Law Enforcement Officers (Retired 12/31/06)	40 hours
<u>30.</u>	096	Drug Abuse Resistance Education (D.A.R.E.)	40 hours
<u>31.</u>	094 & 097	Drug Abuse Resistance Education (D.A.R.E.)	40 hours
<u>32.</u>	098	Traffic Homicide Investigation	80 hours
<u>33.</u>	100	Crimes Against the Elderly	40 hours
<u>34.</u>	<u>107</u>	<u>Middle Management (Effective 10/1/06)</u>	<u>40</u>
<u>35.</u>	809	*CMS Field Training Officer Program Course (This course is not mandated for field training officers)	40 hours
<u>36.</u>	1100	*Field Training Officer Course for Correctional and Correctional Probation Officers	40 hours
<u>37.</u>	1151	Conducting Background Investigations	40 hours
<u>38.</u>	1152	Investigation and Supervision of Officer Involved Shootings	40 hours
<u>39.</u>	1153	Computer Crimes Investigations	40 hours
<u>40.</u>	1154	Financial Fraud Investigations	40 hours
<u>41.</u>	1158	Laser and Radar Speed Measurement Course (Effective 1/1/07)	40 hours
<u>42.</u>	1161	Managing and Communicating with Inmates and Offenders (Effective 11/16/06)	40 hours
<u>43.</u>	1164	Inmate Manipulation (Effective 11/16/06)	40 hours
<u>44.</u>	<u>1165</u>	<u>Spanish for Criminal Justice Professionals (Effective 2/1/07)</u>	<u>40</u>
<u>45.</u>	<u>1166</u>	<u>Advanced Investigative Techniques of Human Trafficking Offenses (Effective 5/10/07)</u>	<u>40</u>

*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.

(2)(~~3~~) 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.

(3)(~~4~~) Only officers and support personnel who have written approval from their respective agency administrator ~~head~~ or designee may attend Advanced Training Program Courses. Applicants shall submit evidence of their agency administrator's ~~head's~~ approval in a format established and agreed upon by the Local Regional Training Council and training school.

(4)(~~5~~) To successfully complete an Advanced Training Program Course, a student shall comply with student attendance, performance, and course documentation requirements pursuant to Rule 11B-35.001, F.A.C.

(a) A Radar Operator Performance Report, form CJSTC-8, revised ~~November 8, 2007~~ ~~May 6, 2004~~, hereby incorporated by reference, shall be completed for the Radar Speed Measurement Training Course for Law Enforcement Officers.

(b) A Speed Measurement ~~Laser and Radar~~ Operator Performance Report form CJSTC-11, revised November 8, 2007 ~~created August 3, 2006~~, hereby incorporated by reference, shall be completed for the Speed Measurement Course number 1158, and for the Laser Speed Measurement Operators Course for Law Enforcement Officers number 095 (Retired 12/31/06).

(c) Speed Measurement Device Operators are authorized to instruct the practical exercises in the Speed Measurement Course with a certified Speed Measurement Instructor. A copy of the Instructor Exemption form CJSTC-82 shall be maintained in the course file.

(5)(~~6~~) 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.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(5), 943.17(1) FS. History—New 12-13-92, Amended 1-10-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, _____.

11B-35.007 Specialized Training Program.

(1) No change.

(a) – (c) No change.

(2) Courses developed from the Specialized Goals and Objectives 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) No change.

1. – 10. No change.

(b) No change.

1. – 9. No change.

10. Document the training by completing a Specialized Training Documentation, form CJSTC-16, revised November 8, 2007 ~~February 7, 2002~~, hereby incorporated by reference, and when applicable complete a Specialized Training Documentation Supplemental, form CJSTC-16A, revised May 6, 2004, hereby incorporated by reference. A training school shall attach the goals and objectives provided by the instructor to form CJSTC-16 and complete “Section A” of the form. Forms CJSTC-16 and CJSTC-16A shall be maintained in the course student’s class file at the training school.

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

	Course Number	Course Names	Course Hours
(a)	1101	Traditional Instructor Techniques Course (Retired 6/30/04)	80
(a)(b)	1115	General Instructor Refresher Course	8
(b)(e)	1116	CMS Instructor Techniques Course	80
(c)(d)	803	CMS General Instructor Transition Course (Retired 3/31/08)	12
(d)	1167	CMS General Instructor Update Course	4
(e)	1102	Vehicle Operations Instructor Course (Retired 6/30/04)	40
(e)(f)	800	CMS Vehicle Operations Instructor Course	40
(f)(g)	805	CMS Vehicle Operations Instructor Transition Course (Retired 3/31/08)	16
(h)	1103	Firearms Instructor Course (Retired 6/30/04)	44
(g)(i)	801	CMS Firearms Instructor Course	44
(h)(j)	806	CMS Firearms Instructor Transition Course (Retired 3/31/08)	12
(k)	1104	Defensive Tactics Instructor Course (Retired 6/30/04)	80
(i)(l)	802	CMS Defensive Tactics Instructor Course	80
(j)(m)	807	CMS Defensive Tactics Instructor Transition Course (Retired 3/31/08)	32
(n)	1105	First Responder Instructor Course (Retired 6/30/04)	48
(k)	1169	CMS Defensive Tactics and Firearms Instructor Update Course	6
(l)(o)	1114	CMS First Aid-Instructor Course	40
(m)(p)	804	CMS First Aid Instructor Transition Course (Retired 3/31/08)	8
(n)(q)	1107	Canine Team Instructor Course	40
(r)	1108	Radar Speed Measurement Instructor Course for Law Enforcement Officers (Retired 12/31/06)	40
(o)(s)	1109	Laser Speed Measurement Device (LSMD) Instructor Transition Course for Radar Instructors (To be retired 12/31/08)	24
(p)(t)	1110	Breath Test Instructor Course	40
(q)(u)	1111	Breath Test Instructor Renewal Course	8
(r)(v)	1159	Laser and Radar Speed Measurement Instructor Course for Law Enforcement Officers (Effective 1/1/07)	40

(4) Commission-approved Specialized Training Program Courses developed and approved by the Commission that have not been designated as Commission-approved Advanced Training Program Courses:

	Course Number	Course Names	Course Hours
(a)	1125	Contraband Forfeiture	40
(b)	1126	Human Diversity In-service Training for Professionalism and Ethics	4
(c)	1127	Human Diversity In-service Training for Interdependent Relationships	8
(d)	1128	Human Diversity In-service Training for Reducing Inter-group Conflict	4
(e)	1129	Human Diversity In-service Training for Sexual Harassment in the Workplace	4
(f)	1130	Human Diversity In-service Training for Specialized Topics in Diversity	4
(g)	1144	CMS Human Interaction Course	16
(h)	1131	Human Diversity In-service Training for Discriminatory Profiling and Professional Traffic Stops	4
(i)	1112	Canine Team Training Course	400
(j)	1113	Laser Speed Measurement Device (LSMD) Transition Operators Course for Radar Operators (To be retired 12/31/08)	12
(k)	1132	Parking Enforcement Specialist for Civilians	16
(l)	1133	Selective Traffic Enforcement Program for Civilians	80
(m)	732	Traffic Control Officer for Civilians	8
(n)	851	Breath Test Operator Course	24
(o)	951	Breath Test Operator Renewal Course	6
(p)	850	Agency Inspector Course	24
(q)	950	Agency Inspector Renewal Course	6
(r)	1134	Criminal Justice Officer Ethics Course	8
(s)	1135	Crimes Against Children	24

(t)	1136	Domestic Violence	8
(u)	1137	Violent Crime Investigator Training Course	40
(v)	808	CMS Field Training Officer Transition Course	8
(w)	1140	Basic Incident Command System (ICS) Course	6
(x)	1141	Intermediate Incident Command System (ICS) Course	21
(y)	1142	Advanced Incident Command System (ICS) Course	16
(z)	1145	Mental Retardation Course	1
(aa)	1146	Mental Illness Course	1
(bb)	1147	Alcohol and Substance Abuse Course	1
(cc)	1148	Physical Disabilities Course	1
(z) (dd)	1149	CMS Special Populations Course	32
(aa) (ee)	1150	CMS Problem-Solving Model: SECURE Specialized Training Course	6
(bb) (ff)	1160	Dart-Firing Stun Gun	6

(5) No change.

(6) Training schools shall report the satisfactory completion of training pursuant to paragraph 11B-35.001(11)(b) ~~(10)(b)~~, F.A.C., by transmitting a completed Training Report form CJSTC-67 within 30 days of course completion through the Commission's ATMS.

(7) Criminal Justice Standards and Training Trust Fund Officer Training Monies may be expended to conduct Commission-approved Specialized Training Program Courses pursuant to subsection (1) of this rule section. ~~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. Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.175, 943.25 FS. History—New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, _____.

11B-35.009 Exemption from Basic Recruit Training.

(1) No change.

(a) – (h) No change.

(2) No change.

(a) – (b) No change.

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

(a) Verify that the applicant's law enforcement training is comparable to the Commission's Florida CMS ~~Application Based~~ Law Enforcement 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, Defensive Tactics, First Aid or equivalent, Vehicle Operations, Law Enforcement Patrol, Criminal Investigations, Traffic Crash Investigations, ~~and~~ Traffic Control and Stops, and Crisis Intervention.

(b) Verify that the applicant's correctional officer training is comparable to the Commission's Traditional Correctional 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, Defensive Tactics, First Aid or equivalent, and Correctional ~~Facility~~ Operations.

(c) Verify that the applicant's correctional probation officer training is comparable to the Commission's Florida ~~Traditional~~ Correctional Probation 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, Defensive Tactics, First Aid or equivalent, Probationer Supervision, Caseload Management, Information Systems Management, and Firearms Familiarization ~~firearms~~.

(d) - (e) No change.

1. – 4. No change.

(4) No change.

(a) – (b) No change.

(5) Documentation requirements for out-of-state, federal, and inactive Florida Officers. Upon verification of an individual's request for exemption of training, pursuant to this rule section, an employing agency or Criminal Justice Selection Center shall submit to Commission staff a completed Equivalency-of-Training, form CJSTC-76, revised November 8, 2007 ~~May 6, 2004~~, hereby incorporated by reference, for out-of-state, federal, and inactive Florida Officers. Supporting documentation verifying the individual's compliance with comparable basic recruit training and sworn criminal justice experience pursuant to this rule section shall be maintained on file by the employing agency or Criminal Justice Selection Center and submitted to Commission staff for review. The agency shall be notified of the approval or denial of the requested exemption of certification in writing within 30 working days. Any appeal of denial of exemption is governed by Section 120.57, F.S.

(6) High-Liability Basic Recruit Training proficiency skills requirements for out-of-state, federal, or inactive Florida officers. Prior to applying for certification, an out-of-state or federal officer, or inactive Florida officer, who is exempt from completing a Commission-approved Basic Recruit Training Program, pursuant to Section 943.131(2), F.S., shall demonstrate proficiency in the required High-Liability Basic Recruit Training Proficiency Skills of vehicle operations, firearms, defensive tactics, and first aid, pursuant to Rule 11B-35.0024, F.A.C., for the discipline for which certification is sought. Such officers shall achieve a passing score on the State Officer Certification Examination, pursuant to paragraphs 11B-30.0062 and 11B-30.008(2)(c), F.A.C. Demonstration of proficiency in the required High-Liability Basic Recruit Training Proficiency Skills and passing the State Officer Certification Examination shall be completed within one year after receiving exemption. Upon demonstration of proficiency in the required High-Liability Basic Recruit Training Proficiency Skills, the training school shall complete an Equivalency-of-Training Proficiency Demonstration, form CJSTC-76A, revised November 8, 2007 ~~May 5, 2005~~, hereby incorporated by reference, and provide a copy to the officer of both form CJSTC-76A and the Commission-approved Examination Admission Voucher, form CJSTC-517. 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 from ~~of~~ the beginning date the required proficiency demonstration as entered on the Training Report form CJSTC-67 ~~the exemption from basic recruit training was approved.~~

(8) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.131(2) FS. History—New 1-2-97, Amended 7-7-99, 11-5-02, 11-30-04, 3-27-06, 3-21-07, _____.

STATE OF FLORIDA
FLORIDA DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11C-4 FLORIDA ADMINISTRATIVE CODE
AMENDING SECTION 11C-4.003 and 11C-4.006, F.A.C.
CRIME INFORMATION BUREAU; CRIMINAL HISTORY
RECORDS; FINGERPRINTING AND REPORTS

SUMMARY OF PROPOSED RULE

Rule 11C-4.003, F.A.C. – updates bureau name change and deletes references to an obsolete manual. Rule 11C-4.006, F.A.C. – updates procedures for clerk of courts regarding disposition submissions.

JUSTIFICATION OF PROPOSED RULE

The proposed rules update procedures for clerk of courts regarding disposition submissions.

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 March 7, 2008 for a hearing to be held on April 2, 2008, if requested. FDLE received no requests for a public hearing and no written comments were submitted.

11C-4.003 Arrest Fingerprint Card Submission.

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

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

(2) – (3) No change.

Specific Authority 943.03(4), 943.05(2)(d), 943.051(2) FS. Law Implemented 943.05, 943.051 FS. History–New 6-24-76, Amended 6-27-78, Formerly 11C-4.03, Amended 7-7-99, 3-21-07, _____.

11C-4.006 Final Disposition Reporting.

(1) – (2) No Change.

(3) Agencies, and clerks of the court possessing the technical requirements to collect, process, store, and disseminate disposition data in an automated information management system shall ~~may~~ submit disposition information to the Department in an automated format as approved by the Director of the Criminal Justice Information Services.

~~(4) If within 180 days after an arrest no disposition report to the Department has been made, the Department shall notify the arresting agency and request a disposition report. The arresting agency may forward the notice to the agency responsible for responding to the Department's request according to arrangements agreed upon by authorities within each county or municipality. Thereafter the responsible agency shall provide such disposition report within 30 days.~~

Specific Authority 943.03(4), 943.052 FS. Law Implemented 943.052 FS. History–New 6-24-76, Amended 11-12-81, Formerly 11C-4.06, Amended 7-7-99, _____.

STATE OF FLORIDA
FLORIDA DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11C-6 FLORIDA ADMINISTRATIVE CODE
AMENDING SECTIONS 11C-6.004 and 11C-6.010, FAC.
CRIMINAL HISTORY RECORDS DISSEMINATION POLICY

SUMMARY OF PROPOSED RULE

Rule 11C-6.004, F.A.C. – Updates procedures for electronic submission of fingerprint cards. Rule 11C-6.010, F.A.C.
– Updates procedures for retention of applicant fingerprint information to FDLE.

JUSTIFICATION OF PROPOSED RULE

Updates procedures for submission of criminal history records and fingerprints.

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 March 7, 2008 for a hearing to be held on April 2, 2008, if requested. FDLE received no requests for a public hearing and no written comments were submitted.

11C-6.004 Procedures for Requesting Criminal History Records.

(1) – (3) No change.

(4) Entities applying to the Florida Department of Law Enforcement to be qualified to receive criminal history records under the National Child Protection Act of 1993, as amended, must first complete and submit the following documents to the Florida Department of Law Enforcement, in accordance with the instructions provided: VECHS Qualified Entity Application – Volunteer & Employee Criminal History System (NCPA 1; Rev. January 1, 2001); and VECHS User Agreement – Volunteer & Employee Criminal History System (NCPA 2; Rev. January 1, 2001). Entities that are qualified through the Florida Department of Law Enforcement to receive criminal history records under the National Child Protection Act must complete an FBI authorized fingerprint card or electronic fingerprint submission for each person and submit ~~it the following documents~~ to the Florida Department of Law Enforcement ~~with for~~ each request for a criminal history record, ~~in accordance with the instructions provided: An authorized fingerprint card for each person whose criminal history record is requested; and a VECHS Waiver Agreement and Statement – Volunteer & Employee Criminal History System (NCPA 3; Rev. January 1, 2001).~~ Qualified entities that release to another qualified entity any criminal history record information received pursuant to the National Child Protection Act must complete and maintain the following document, in accordance with the instructions provided: VECHS Dissemination Log – Volunteer & Employee Criminal History System (NCPA 4, Rev. January 1, 2001). These forms are incorporated by reference.

Specific Authority 943.03(4), 943.053(3), 943.0542, 943.056 FS. Law Implemented 943.053(3), 943.0542, 943.056 FS. History–New 12-30-76, Amended 11-7-83, Formerly 11C-6.04, Amended 9-1-88, 4-1-93, 7-7-99, 8-22-00, 7-29-01, 12-3-03, _____.

11C-6.010 Retention of Applicant Fingerprints.

(1) – (6) No change.

(7) Noninstructional contractors who are subject to criminal history checks and whose fingerprints are retained in the AFRNP for five years under Section 1012.467, F.S., shall pay the prescribed fee for the five year retention period at initial submission of fingerprints. All other submissions which are retained Governmental agencies will be charged this fee annually in advance on the anniversary of the individual applicant's initial entry into the program. ~~in one of two ways according to the agency's preference:~~

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

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

(8) As a condition of participation in the AFRNP, the agency must inform the Department in writing and receive written confirmation from the Department of all persons with retained fingerprints who are no longer employed, licensed, certified, or otherwise associated with the agency in order that such persons may be removed from the AFRNP database. Without regard to whether an applicant fingerprint entry is retained in the AFRNP database, data from an applicant fingerprint entry which would improve the quality or clarity of an arrest fingerprint entry will be merged with the arrest fingerprints, and the applicant print will be retained as part of the criminal history record database. An applicant fingerprint entry which is found to match a latent fingerprint taken from a crime scene will be retained as part of the criminal history database unless an arrest fingerprint offers a match that is at least as demonstrable. 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 subsection (7), or by two days prior to the anniversary date in the case of the second billing option, the annual fee must be paid.

Specific Authority 943.05(2)(g) and (h), 987.407(4), 1012.32(3), 1012.465, 1012.56 FS. Law Implemented 987.407, 1012.32(3), 1012.465, 1012.56 FS. History–New 11-30-04, _____.

STATE OF FLORIDA
FLORIDA DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11C-7 FLORIDA ADMINISTRATIVE CODE
AMENDING SECTIONS 11C-8.001, F.A.C.
CRIMINAL HISTORY RECORDS; REVIEW AND CORRECTION

SUMMARY OF PROPOSED RULE

The proposed revision deletes the reference to an obsolete manual.

JUSTIFICATION OF PROPOSED RULE

The proposed revision is necessary to update information and procedures pertaining to the personal review of a criminal history record.

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 March 7, 2008 for a hearing to be held on April 2, 2008, if requested. FDLE received no requests for a public hearing and no written comments were submitted.

11C-7.006 Procedures on Court-Ordered Expunctions.

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

(a) No change.

(b) A completed Application for Certification of Eligibility. The subject must complete section A of the application. The Application for Certification of Eligibility (form number FDLE 40-021, rev. July 2006 ~~September, 1998~~), incorporated here by reference, may be obtained from:

1. The Clerk of the Court, or
2. Florida Department of Law Enforcement
Expunge Section
Post Office Box 1489
Tallahassee, Florida 32302-1489
Telephone Number: (850) 410-7870
Website: <http://www.fdle.state.fl.us/expunge>

~~(c) A written, certified statement from the appropriate state attorney or statewide prosecutor which meets the requirements set forth in Sections 943.0585(2)(a), F.S.~~ The appropriate state attorney or statewide prosecutor should complete section B of the Application for Certification of Eligibility and have it certified.

(d) A legible set of fingerprints recorded on an FBI Applicant Fingerprint Card (FD-258) or Fingerprint form 40-024, (rev. February 2008) and incorporated here by reference. The fingerprinting must be done by a law enforcement agency. The law enforcement agency fingerprinting the subject should place the following statement in the "Reason Fingerprinted" section on the card or Fingerprint form "Application For Certification Of Eligibility For Expunction." The subject must pay any fees required by the law enforcement agency for providing this service. If a copy of the Applicant Fingerprint Card is needed, it may be obtained from:

1. The Clerk of the Court, or
2. Florida Department of Law Enforcement
Expunge Section
Post Office Box 1489
Tallahassee, Florida 32302-1489
Telephone Number: (850) 410-78703-
Website: <http://www.fdle.state.fl.us/expunge>

(e) No Change.

(2) The complete application packet should be mailed or delivered to ~~Accounting and Budgeting~~, Florida Department of Law Enforcement, ATTN: Expunge/Seal Section, Post Office Box 1489, Tallahassee, Florida 32302-1489. ~~The following notation should be placed on the envelope: "ATTENTION EXPUNGE SECTION."~~

(3) – (4) No change.

(5) The Department will send the subject a Certificate of Eligibility (form number FDLE 40-022, rev. July 2006 ~~September, 1998~~), incorporated here by reference, if the specified criminal history record meets the requirements for expunction. If the specified criminal history record does not meet the requirements for expunction, the Department will send the subject a letter stating the reason for ineligibility with an explanation of appeal rights.

(6) No Change.

Specific Authority 943.03(4), 943.058(2) FS. Law Implemented 943.0585 FS. History–New 8-5-92, Amended 7-7-99, 8-22-00,

11C-7.007 Procedures on Court-Ordered Sealings.

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

(a) No Change.

(b) A completed Application for Certification of Eligibility. The subject should complete section A of the application. The Application for Certification of Eligibility (form number FDLE 40-021 rev. July 2006 ~~10/01~~ and incorporated by reference), may be obtained from:

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

Expunge Section

Post Office Box 1489

Tallahassee, Florida 32302-1489

Telephone Number: (850) 410-7870

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

(c) A legible set of fingerprints recorded on an FBI Applicant Fingerprint Card (FD-258) or Fingerprint form (40-024, rev. February 2008). The fingerprinting must be done by a law enforcement agency. The law enforcement agency fingerprinting the subject should place the following statement in the "Reason Fingerprinted" section on the card or Fingerprint form: "Application For Certification Of Eligibility For Sealing." The subject must pay any fees required by the law enforcement agency for providing this service. If a copy of the Applicant Fingerprint Card is needed, it may be obtained from:

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

Expunge Section

Post Office Box 1489

Tallahassee, Florida 32302-1489

Telephone Number: (850) 410-7870

Website: www.fdle.state.fl.us/expunge/

(d) No Change.

(2) The complete application packet should be mailed or delivered to ~~Accounting and Budgeting~~, Florida Department of Law Enforcement, ATTN: Expunge/Seal Section, Post Office Box 1489, Tallahassee, Florida 32302-1489. ~~The following notation should be placed on the envelope: "ATTENTION EXPUNGE SECTION."~~

(3) - (4) No Change.

(5) The Department will send the subject a Certificate of Eligibility (form number FDLE 40-022, rev. July 2006 ~~September, 1998~~), if the specified criminal history record meets the requirements for sealing. If the specified criminal history record does not meet the requirements for sealing, the Department will send the subject a letter stating the reason for ineligibility with an explanation of appeal rights.

(6) No Change.

Specific Authority 943.03(4), 943.059(2) FS. Law Implemented 943.059 FS. History—New 8-5-92, Amended 7-7-99, 8-22-00,

_____.

11C-7.009 Procedures on Juvenile Diversion Expunctions.

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

(a) No Change.

(b) A completed Application for Juvenile Diversion Expunction. The subject must complete section A of the application. The Application for Juvenile Diversion Expunction, form number FDLE ~~40-025~~ ~~40-022~~ (rev February 2008 40/04), incorporated here by reference, may be obtained from:

1. The Clerk of the Court, or
2. Florida Department of Law Enforcement
Expunge Section
Post Office Box 1489
Tallahassee, Florida 32302-1489
Telephone Number: (850) 410-7870

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

(c) ~~A written, certified statement from the state attorney for the county in which the arrest occurred, which meets the requirements set forth in Section 943.0582(3)(c), F.S.~~ The state attorney should complete section B of the Application for Juvenile Diversion Expunction and have it certified.

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

1. The Clerk of the Court, or
2. Florida Department of Law Enforcement
Expunge Section
Post Office Box 1489
Tallahassee, Florida 32302-1489
Telephone Number: (850) 410-7870

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

(2) The complete application packet should be mailed or delivered, within the time limits prescribed by Section 943.0582, F.S., to ~~Accounting and Budgeting~~, Florida Department of Law Enforcement, ATT: Expunge/Seal Section, Post Office Box 1489, Tallahassee, Florida 32302-1489. ~~The following notation should be placed on the envelope: "ATTENTION EXPUNGE SECTION."~~

(3) – (6) No Change.

Specific Authority 943.0582 FS. Law Implemented 943.0582 FS. History–New 11-5-02, Amended _____.

STATE OF FLORIDA
FLORIDA DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11C-8 FLORIDA ADMINISTRATIVE CODE
AMENDING SECTIONS 11C-8.001, F.A.C.
CRIMINAL HISTORY RECORDS; REVIEW AND CORRECTION

SUMMARY OF PROPOSED RULE

The proposed revision deletes the reference to an obsolete manual.

JUSTIFICATION OF PROPOSED RULE

The proposed revision is necessary to update information and procedures pertaining to the personal review of a criminal history record.

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 March 7, 2008 for a hearing to be held on April 2, 2008, if requested. FDLE received no requests for a public hearing and no written comments were submitted.

11C-8.001 Review Procedures.

(1) No Change.

(2) The individual must then be fingerprinted by a local law enforcement agency or by FDLE for identification purposes. The fingerprint card must contain all required identifying data ~~as outlined in the Criminal Justice Procedural Manual~~, and a conspicuous notation that the card is submitted in order to provide positive identification for a personal record review.

(3) - (9) No Change.

Specific Authority 943.03(4), 943.05(2)(d), 943.056 FS. Law Implemented 943.056 FS. History—New 6-24-76, Amended 11-12-81, Formerly 11C-8.01, Amended 7-7-99, _____.

STATE OF FLORIDA

FLORIDA DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11D-8, FLORIDA ADMINISTRATIVE CODE

AMENDING SECTIONS 11D-8.002, 8.003, 8.0035, 8.004, 8.006, 8.007,

8.0075, 8.008, 8.011, 8.012, 8.013, 8.014, 8.015, 8.017

GENERAL INFORMATION

SUMMARY OF PROPOSED RULE

Proposed revisions to Chapter 11D-8, F.A.C., pertain to the regulation and implementation of Florida's implied consent and alcohol testing program. The proposed revisions govern definitions of terminology; regulation of and qualifications for alcohol test permit holders; and use and maintenance of breath test instruments.

JUSTIFICATION OF PROPOSED RULE

The proposed revisions are necessary to evaluate and maintain breath test instruments approved for use in the State of Florida employing expanded capabilities, and to provide for efficient certification of breath test operators, agency inspectors, and blood analysts.

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 March 7, 2008 for a hearing to be held on April 2, 2008, if requested. FDLE received no requests for a public hearing and no written comments were submitted.

Chapter 11D-8, IMPLIED CONSENT AND ALCOHOL TESTING PROGRAM

11D-8.002 Definitions.

(1) through (4) No change.

(5) Agency Inspection – the periodic testing of the calibration and operation of an evidentiary breath test instrument, including all required preventive maintenance, in accordance with Rule 11D-8.006, F.A.C., and performed by ~~a person~~ authorized by the Department an Agency Inspector.

(6) through (8) No change.

(9) Alcohol Reference Solution – a standard ~~used to verify the calibration of a breath test instrument~~ consisting of a mixture of alcohol and distilled or deionized water that will produce a known alcohol vapor concentration at a specific temperature, used to verify the accuracy of an evidentiary breath test instrument.

(10) No change.

(11) Approved Blood Alcohol Test – the analyses of two separate portions of the same blood sample using a Department-approved blood alcohol test method and a Department-approved analytical procedure, with results within 0.010 grams of alcohol per 100 milliliters of blood (g/100mL), and reported as the blood alcohol level.

(12) Approved Breath Alcohol Test – conducted in accordance with Operational Procedures – Intoxilyzer 8000 FDLE/ATP Form 37, Rev. October 2007, a minimum of two evidentiary breath samples, as defined in paragraph (18) of this section, ~~of breath~~ collected within fifteen minutes of each other, analyzed using an approved evidentiary breath test instrument, producing two results within 0.020 g/210L, and reported as the breath alcohol level. If the results of the first and second evidentiary breath samples are more than 0.020 g/210L apart, a third evidentiary breath sample shall be analyzed. Refusal or failure to provide the required number of valid breath samples constitutes a refusal to submit to the breath test. Notwithstanding the foregoing sentence, the result(s) obtained, if proved to be reliable, shall be acceptable as a valid breath alcohol level.

(13) Authorized Repair Facility – the Department, the breath test instrument manufacturer, or an entity authorized by the breath test instrument manufacturer to service and repair such breath test instrument.

(14) through (15) No change.

(16) Blood Alcohol Testing Reference Laboratory – a laboratory which conducts blood alcohol analyses, and participates in a proficiency test cycle for their quality control purposes. To become qualified, the blood alcohol testing reference laboratory's analytical procedure must meet the requirements of Rule 11D-8.013(3) F.A.C. before the Department will use their proficiency test results for a blood alcohol proficiency test cycle.

(17) ~~(16)~~ Breath Alcohol Level – the alcohol concentration by weight in a person's breath based upon grams of alcohol per 210 liters of breath (g/210L).

(18) ~~(17)~~ Breath Test Instructor – a person who has been issued a Breath Test Instructor Certification by the Criminal Justice Standards and Training Commission.

(19) ~~(18)~~ Breath Test Operator – a person who has been issued a Breath Test Operator permit by the Department.

(20) Commission – Criminal Justice Standards and Training Commission

(21) Control Test – when conducted during a breath test, the verification of the accuracy of an evidentiary breath test instrument through the analysis of a 0.08 g/210L dry gas standard.

(22) ~~(19)~~ Department – the Florida Department of Law Enforcement.

(23) Diagnostic Check – an internal systems analyses conducted by an evidentiary breath test instrument to ensure operational requirements are met for functionality and performance.

(24) ~~(20)~~ Dry Gas Standard – a standard consisting of a mixture of alcohol and gas which produces a known alcohol vapor concentration, used to verify the calibration accuracy of a breath test instrument.

(25) Evidentiary Breath Sample – air expelled from the lung(s) in a single exhalation achieving slope as indicated by the instrument. Commonly referred to as "deep lung air" or "end expiratory air".

(26) ~~(21)~~ Evidentiary Breath Test Instrument – a breath test instrument approved by the Department under Rule 11D-8.003, F.A.C., registered by the Department under Rule 11D-8.004, F.A.C., and used primarily to conduct breath alcohol ~~breath~~ tests pursuant to Florida law.

(27) ~~(22)~~ Methods – types of alcohol analyses approved by the Department to conduct chemical or physical tests of blood or breath.

(28) ~~(23)~~ Mouth Alcohol Solution – a mixture of alcohol and distilled or deionized water provided by the Department.

(29) ~~(24)~~ Permit – when issued by the Department, certifies that the holder has met all necessary qualifications, remains in full compliance with these rules and is authorized to perform all related duties. A permit is issued only to a qualified applicant and remains valid and in full effect until determined otherwise by the Department.

(30) Precision – the nearness of measurements to each other; expressed as a standard deviation.

(31) ~~(25)~~ Reference Sample Device – a device, also known as a simulator, that produces a known vapor concentration by the passage of air through a liquid.

(32) ~~(26)~~ Target Concentration – a gas chromatographic result equivalent to the following known alcohol vapor concentrations of alcohol reference solution: for 0.05 g/210L the target concentration is 0.0605 g/100mL; for 0.08 g/210L the target concentration is 0.0968 g/100mL; for 0.20 g/210L the target concentration is 0.2420 g/100mL.

Implemented 316.1932(1)(b)2., 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-6-99, 7-29-01, 11-5-02, 12-9-04, 3-27-06, _____.

11D-8.003 Approval of Breath Test Methods and Instruments.

(1) No change.

(2) The Department approves breath test methods and new instrumentation to ensure the accuracy and reliability of breath test results. An evaluation for approval of a new instrument shall be conducted by the Department in accordance with and meet the requirements of Instrument Evaluation Procedures FDLE/ATP Form 34 – Rev. October 2007. The Department has approved the following breath test instrumentation for evidentiary use: CMI, Inc. Intoxilyzer 5000 Series – including any or all instruments using one of the following programs: 5000 Basic Software Program; Florida Software Program; R-Software Program; and CMI, Inc. Intoxilyzer 8000 using software evaluated by the Department in accordance with Instrument Evaluation Procedures FDLE/ATP Form 34 – Rev. March 2004.

~~(3) The Department has approved the following options for use with Intoxilyzer 5000 Series instruments: keyboard; simulator recirculation; sample capture; pressure switch setting at no less than two inches and no more than six inches of water. The Department has approved the following breath test instrument for evidentiary use: CMI, Inc. Intoxilyzer 8000 using software evaluated by the Department.~~

~~(4) Evaluation(s) of software intended for evidentiary use and of approved breath test instrument(s) listed in subsection (3) shall be conducted in accordance with Instrument Evaluation Procedures FDLE/ATP Form 34 – Rev. October 2007. Evaluation(s) that meet the requirements of Instrument Evaluation Procedures FDLE/ATP Form 34 – Rev. October 2007 validate the approval, accuracy, precision and reliability of an evidentiary breath test instrument.~~

~~(5) (4) A Department inspection that complies performed in accordance with Rule 11D-8.004, F.A.C., validates the approval, calibration, accuracy, precision and reliability of an evidentiary breath test instrument.~~

~~(5) The Department shall conduct evaluations for approval of new instrumentation under subsection (2) in accordance with Instrument Evaluation Procedures FDLE/ATP Form 34 – Rev. March 2004.~~

~~(6) The availability or approval of new instruments, software, options or modifications does not negate the approval status of previously currently approved instruments, software, options or modifications. The evaluation of new software, options or modifications does not negate the use of previously evaluated software, options or modifications.~~

SPECIFIC AUTHORITY 316.1932(1)(a)2., (f)1., 322.63(3)(a), (b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04, _____.

11D-8.0035 Approval of Alcohol Reference Solution and Sources.

(1) The Department shall approve a source of alcohol reference solution for use by agencies in the State of Florida. The source approved by the Department shall be an entity that manufactures alcohol reference solutions and meets the following requirements:

(a) through (b) No change.

(c) The source must produce alcohol reference solution lots which are traceable to the National Institute of Standards and Technology.

(d) Each alcohol reference solution lot produced by the source must be certified by the source as to its contents and alcohol vapor concentration.

(2) The Department shall approve each lot of alcohol reference solution prior to distribution for use in Florida.

(a) The Department shall determine the alcohol concentration in a minimum of ten (10) sample bottles of each lot of alcohol reference solution using gas chromatography or other scientifically accepted method. ~~Duplicate~~ The analyses will be performed on two separate samples from each sample bottle of alcohol reference solution. All analysis results shall fall within the alcohol reference solution acceptable range.

(b) No change.

(3) through (4) No change.

SPECIFIC AUTHORITY 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3., (d) FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 7-6-99, Amended 7-29-01, 12-9-04, _____.

11D-8.004 Department Inspection and Registration of Breath Test Instruments.

(1) The Department shall register and inspect a breath test instrument prior to such instrument being initially placed into evidentiary use by an agency. The inspection which complies with Department Inspection Procedures – Intoxilyzer 8000 – FDLE/ATP Form 36 – Revised October 2007, validates the instrument's approval for evidentiary use, and the registration denotes an evidentiary breath test instrument approved pursuant to these rules and shall reflect the registration date, the owner of the instrument, the instrument serial number, the manufacturer, and the model designation.

(2) ~~Registered~~ Evidentiary breath test instruments shall be inspected by the Department at least once each calendar year, and must be accessible to the Department for inspection. Any evidentiary breath test instrument returned from an authorized repair facility shall be inspected by the Department prior to being placed in evidentiary use. The Department inspection which complies with Department Inspection Procedures – Intoxilyzer 8000 – FDLE/ATP Form 36 – Revised October 2007, validates

the instrument's approval, calibration, accuracy, precision, and reliability of an evidentiary breath test instrument, for evidentiary use.

(3) Department inspections shall be conducted in accordance with ~~Department Inspection Procedures FDLE/ATP Form 35 – Rev. August 2005 for the Intoxilyzer 5000 Series, or Department Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 36 – Rev. October 2007 August 2005 for the Intoxilyzer 8000~~; and the results reported on ~~FDLE/ATP Form 26 – Department Inspection Report – Rev. March 2004 for the Intoxilyzer 5000 Series, or FDLE/ATP Form 41 – Department Inspection Report – Intoxilyzer 8000 – Rev. August 2005 for the Intoxilyzer 8000~~.

(4) As of January 2, 2009, an evidentiary breath test instrument owned by the Department must be calibrated by an authorized repair facility, as defined in paragraph (13) of this section, at least once every two (2) calendar years. Compliance with this section can be established by the Certificate of Calibration issued by the authorized repair facility.

~~(5) (4) Department Inspectors shall be employed by the Department to register evidentiary breath test instruments, to conduct inspections and maintenance of breath test instruments and related equipment and facilities, to conduct and monitor training classes, and to otherwise ensure compliance with Chapter 11D-8, F.A.C.~~

SPECIFIC AUTHORITY 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04, 3-27-06, _____.

11D-8.006 Agency Inspection of Breath Test Instruments.

(1) Evidentiary breath test instruments shall be inspected by an agency inspector at least once each calendar month. The agency inspection shall be conducted in accordance with ~~Agency Inspection Procedures FDLE/ATP Form 16 – Rev. March 2004 for the Intoxilyzer 5000 Series, or Agency Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 39 – Rev. October 2007 August 2005 for the Intoxilyzer 8000~~; and the results reported on ~~FDLE/ATP Form 24 – Agency Inspection Report – Rev. March 2001 for the Intoxilyzer 5000 Series, or FDLE/ATP Form 40 – Agency Inspection Report – Intoxilyzer 8000 – March 2004 for the Intoxilyzer 8000~~.

~~(2) Whenever an agency relocates an Intoxilyzer 5000 evidentiary breath test instrument for use at another facility, an agency inspection shall be conducted prior to the instrument's removal, and another inspection shall be conducted prior to the instrument's use for evidentiary breath testing at the new facility. A mobile testing unit is considered an agency facility.~~

~~(2) (3) Whenever an instrument is taken out of evidentiary use, the agency shall conduct an agency inspection. The agency shall also conduct an agency inspection prior to returning an instrument to evidentiary use.~~

(3) As of January 2, 2009, an evidentiary breath test instrument must be calibrated by an authorized repair facility, as defined in paragraph (13) of this section, at least once every two (2) calendar years. Compliance with this section can be established by the Certificate of Calibration issued by the authorized repair facility.

(4) Agency Inspectors are responsible for compliance with Chapter 11D-8, F.A.C., rules governing agency custody, care, and inspection of breath test instruments and records as defined in Rule 11D-8.0075, F.A.C.

SPECIFIC AUTHORITY 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04, 3-27-06, _____.

11D-8.007 Approved Breath Test Instruments - Access, Facility Requirements, Observation Period, and Operational Procedures.

(1) Evidentiary breath test instruments shall only be accessible to a person issued a valid permit by the Department and to persons authorized by a permit holder. This section does not prohibit agencies from sending an evidentiary breath test instrument to an authorized repair facility. Only authorized repair facilities are authorized to remove the top cover of an ~~Intoxilyzer 8000~~ evidentiary breath test instrument.

(2) through (3) No change.

~~(4) When operating an Intoxilyzer 5000 Series instrument, a breath test operator shall conduct a breath test in accordance with, and shall record the results on, the Breath Test Results Affidavit FDLE/ATP Form 14 – Rev. March 2002. When operating an Intoxilyzer 8000 instrument, a breath test operator shall conduct a breath test in accordance with Operational Procedures – Intoxilyzer 8000 FDLE/ATP Form 37 – Rev. October 2007 August 2005, and the results of the test shall be recorded on the Breath Alcohol Test Affidavit – Intoxilyzer 8000 FDLE/ATP Form 38 – October, 2007 March 2004.~~

~~(5) Each agency shall record all breath tests conducted on a particular Intoxilyzer 5000 Series evidentiary breath test instrument on the Breath Test Log FDLE/ATP Form 13 – Effective January 1997. The breath test log shall be reviewed each calendar month by an agency inspector to ensure that the information is properly recorded and that all necessary corrections are made. The agency inspector's signature on the breath test log shall signify compliance with this section.~~

SPECIFIC AUTHORITY 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04, 3-27-06, _____.

11D-8.0075 Agency Retention of Records.

(1) Each agency shall maintain the following records for at least three years from the last entry date: agency inspection reports, ~~and agency inspection print cards, breath test logs~~ copies of department inspection reports, evidentiary breath test

instrument certificate(s) of calibration, and evidentiary breath test instrument repair records. The evidentiary breath test instrument registration shall be retained by an agency for at least three years after the instrument is removed from evidentiary use. Dry gas standard certificates of analysis shall be retained by an agency for at least three years after ~~receipt~~ the expiration date.

(2) through (3) No change.

SPECIFIC AUTHORITY 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 322.63(3), 327.354(3) FS. History—New 7-29-01, Amended 11-5-02, 12-9-04, _____.

11D-8.008 Breath Test Operator and Agency Inspector.

(1) through (2) No change.

(3) Breath Test Operators and Agency Inspectors must satisfy continuing education requirements in order to maintain valid permits. Continuing education requires successful completion of the applicable Commission-approved basic or renewal course by June 30 following the fourth permit anniversary date, and during each subsequent four-year cycle. Successful completion of the Commission-approved Agency Inspector Course or Agency Inspector Renewal Course also satisfies an Agency Inspector's breath test operator continuing education requirements.

(4) Any Breath Test Operator or Agency Inspector who fails to satisfy the continuing education requirements shall not perform any duties authorized by the permit until successful completion of the applicable Commission-approved basic or renewal course.

~~(5) Permits to conduct breath tests and inspect breath test instruments issued pursuant to former Rule 11D 8.008, F.A.C., shall remain valid until such permits expire or otherwise become invalid in accordance with those rules. A Breath Test Operator or Agency Inspector must be employed by an Agency in order to perform the duties authorized by the permit.~~

~~(6) Agency Inspectors are responsible for compliance with Chapter 11D 8, F.A.C., rules governing agency custody, care, and inspection of breath test instruments and related records.~~

~~(6) (7) Any Bbreath Ttest Ooperator or Aagency Iinspector who fails to successfully complete the Commission-approved renewal course shall not perform any duties authorized by the permit until successful completion of the Commission-approved basic course.~~

~~(7) (8) Members of the Department's Alcohol Testing Program who instruct Commission-approved breath test courses may use such course instruction to satisfy their continuing education requirements under this section.~~

SPECIFIC AUTHORITY 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1934(3), 322.63(3)(b), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04, 3-27-06, _____.

11D-8.011 Approval of Blood Alcohol Test Methods.

The Department approves the following test methods for determining a blood alcohol level:

~~(1) Alcohol Dehydrogenase (Enzymatic).~~

~~(2) (1) Gas Chromatography.~~

SPECIFIC AUTHORITY 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3., (d) FS. Law Implemented 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2), 327.354(3) FS. History—New 10-31-93, _____.

11D-8.012 Blood Samples - Labeling and Collection.

(1) Before collecting a sample of blood, the skin puncture area must be cleansed with an antiseptic, such as povidone-iodine or benzalkonium chloride, that does not contain alcohol. Compliance with this section can be established by the information on the packaging of the antiseptic.

(2) Blood samples must be collected in an glass evacuated or blood collection tube that is not expired and contains at least 2 mg/mL of the preservative such as sodium fluoride (NaF) and an at least 2 mg/mL of the anticoagulant such as potassium oxalate or at least 1 mg/mL of the anticoagulant EDTA (ethylenediaminetetraacetic acid). ~~Compliance with this section can be established by as listed on the stopper or label on~~ of the collection tube, documentation from the manufacturer or distributor, or by other evidence. Compliance with this section can be established by dividing the amount (in mg) of the preservative or anticoagulant by the volume (in mL) of the collection tube.

(3) Immediately after collection, the tube must be inverted ~~several~~ a minimum of two times to mix the blood with the preservative and anticoagulant.

(4) No change.

~~(5) Compliance with the collection and labeling requirements of paragraphs (1) through (4) shall be documented by the person observing collection and receiving the blood sample on Certification of Blood Collection and Labeling FDLE/ATP Form 42 – New October 2007.~~

~~(6) (5) Blood samples need not be refrigerated if submitted for analysis within for up to seven (7) days of after collection, or during transportation, examination or analysis. Blood samples must be otherwise refrigerated, except that refrigeration is not required subsequent to the initial analysis.~~

~~(7) (6) Blood samples must be hand-delivered or mailed for initial analysis within thirty days of collection, and must be initially analyzed within sixty days of receipt by the facility conducting the analysis. Blood samples which are not hand-delivered must be sent by priority mail, overnight delivery service, or other equivalent delivery service.~~

~~(8)~~ (7) Notwithstanding any requirements in Chapter 11D-8, F.A.C., any blood analysis results obtained, if proved to be reliable, shall be acceptable as a valid blood alcohol level.

SPECIFIC AUTHORITY 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3., (d) FS. Law Implemented 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2), 327.354(3) FS. History—New 10-31-93, Amended 7-29-01,

11D-8.013 Blood Alcohol Permit - Analyst.

(1) ~~The~~ An application for a permit to determine the alcohol level of a blood sample shall be ~~made on a form~~ provided by to the Department and shall include the following information:

(a) through (d) No change.

(e) A completed description of proposed Blood Alcohol Analyses Analytical Procedures FDLE/ATP Form 43 – New October 2007.

(2) Qualifications for blood analyst permit – To qualify, the applicant must meet all of the following requirements:

(a) Department approval of analytical procedure(s). The Department shall approve analytical procedure(s) described in the Blood Alcohol Analyses Analytical Procedures FDLE/ATP Form 43 – New October 2007 which meet the requirements of subsection (3); All proposed analytical procedures will be reviewed and a determination of approval will be made by the Department;

(b) Satisfactory determination of the blood alcohol level in five (5) proficiency test samples ~~provided by the Department using the proposed analytical procedure. Satisfactory determination shall be made by reporting results for blood alcohol proficiency samples within the acceptable range for the samples. For blood alcohol testing, acceptable ranges shall mean the calculated proficiency sample mean + or – 3 standard deviations, iterated twice. The mean and standard deviations will be calculated using the results reported by the analysts and reference laboratories. Satisfactory determination shall be made by reporting results for the analyses of two separate samples of each proficiency test blood tube within its acceptable range. The Department will provide the proficiency test samples and use the results reported by the analysts and participating blood alcohol testing reference laboratories to calculate each sample level mean and standard deviation to attain the acceptable ranges for the proficiency test cycle. For blood alcohol proficiency testing, the procedure to determine acceptable ranges shall be the following:~~

1. Calculate the mean plus or minus three (3) standard deviations of the results submitted for all five (5) sample levels of the proficiency test cycle.

2. Remove any results that fall outside this initial range.

3. Calculate the new mean plus or minus three (3) standard deviations of the remaining results for all five (5) sample levels of the proficiency test cycle.

These final calculations become the acceptable ranges for the proficiency test cycle.

(c) No change.

(d) Meet one of the following:

1. through 2. No change.

3. Complete with a C- or better a minimum of 60 ~~semester~~ credit hours or equivalent of college, at least 15 ~~semester credit~~ hours of which must be in college chemistry.

(3) The department shall approve gas chromatographic analytical procedures ~~and enzymatic analytical procedures based on alcohol dehydrogenase~~ which meet the following requirements as described on Blood Alcohol Analyses Analytical Procedures FDLE/ATP Form 43 – New October 2007:

(a) No change.

(b) Uses commercially-prepared standards and controls ~~certified by the manufacturer,~~ or laboratory-prepared standards and controls. Standards and controls must either be certified by the manufacturer or verified using gas chromatography against certified standards. For commercially-prepared standards and controls, the manufacturer, lot number and expiration date must be documented for each sample or group of samples being analyzed. For laboratory-prepared standards and controls, the preparation date, person preparing the solution, method of preparation and verification must be documented;

(c) No change.

(d) Uses a new or existing calibration curve. The new calibration curve must be generated using at least three (3) standards: one at 0.05 g/100mL or less, one between 0.05 and 0.20 g/100mL ~~(inclusive)~~ and one at 0.20 g/100mL or higher, and must be verified using a minimum of two (2) controls, one at 0.05 g/100mL or less and one at 0.20g/100mL or higher. The existing calibration curve must be verified using a minimum of two (2) controls, one at 0.05 g/100mL or less and one at 0.20g/100mL or higher. All standards and controls analyzed must produce results within 0.005 g/100mL or 5%, whichever is greater, from the known standard or control value;

(e) No change.

(f) ~~The A-gas chromatographic~~ analytical procedure must discriminate between methanol, ethanol, acetone and isopropanol and employ an internal standard technique;

~~(g) An enzymatic analytical procedure based on alcohol dehydrogenase must use the procedure recommended by the instrument manufacturer/test kit vendor for whole blood alcohol analysis, and the enzyme used must have sufficient selectivity to provide negligible cross reactivity towards methanol, acetone and isopropanol. The analytical procedure must require the analyses of two separate samples from a blood tube, submitted by an agency, producing results within 0.010 grams of alcohol per 100 milliliters of blood (g/100mL) of each other.~~

(4) The permit shall be issued by the Department for a specific method and analytical procedure. An analyst shall only use a Department-approved analytical procedure to determine the blood alcohol level of samples submitted by an agency. Approval of blood alcohol analysis methods and analytical procedures shall be based on rule requirements in effect at the time they were submitted for approval. Any substantial change to the method, analytical procedure, or laboratory facility must receive prior approval by the Department before being used to determine the blood alcohol level of a sample submitted by an agency. The Department shall determine what constitutes a substantial change.

(5) Any change to the method or analytical procedure must receive approval by the Department prior to being used to determine the blood alcohol level of a sample submitted by an agency. The analyst shall complete and submit an updated Blood Alcohol Analyses Analytical Procedures FDLE/ATP Form 43 – October 2007 and the Department shall ensure that the change(s) comply with all requirements of subsection (3). An analyst shall only use a Department approved procedure to determine the blood alcohol level of samples submitted by an agency. Approval of blood alcohol analysis methods and procedures shall be based on rule requirements in effect at the time they were submitted for approval.

SPECIFIC AUTHORITY 316.1932(1)(a)2., (f)1., 316.1933(2)(b), 316.1934(3) 322.63(3)(b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(b), (e), 327.353(2), 327.354(3) FS. History–New 10-31-93, Amended 4-1-94, 2-1-95, 1-1-97, 11-5-02, 12-9-04, _____.

11D-8.014 Blood Alcohol Permit - Analyst: Renewal.

(1) Permits to conduct blood alcohol analyses shall remain valid until otherwise suspended or revoked by the Department. In order to remain qualified for such permit, an analyst must satisfactorily determine the blood alcohol level of at least two (2) proficiency test samples provided by the Department each annual quarter semi-annually. Satisfactory determination shall be made by reporting results for blood alcohol proficiency samples within the acceptable range for the samples. For blood alcohol testing acceptable ranges shall mean the calculated proficiency sample mean + or – 3 standard deviations iterated twice. The mean and standard deviations will be calculated using the results reported by the analysts and reference laboratories. Satisfactory determination shall be made by reporting results for the analyses of two separate samples from each proficiency test blood tube within its acceptable range. The Department will use the results reported by the analysts and participating blood alcohol testing reference laboratories to calculate each sample level mean and standard deviation to attain the acceptable ranges for the proficiency test cycle. For blood alcohol proficiency testing, the procedure to determine acceptable ranges shall be the following:

1. Calculate the mean plus or minus three (3) standard deviations of the results submitted for all five (5) sample levels of the proficiency test cycle.
 2. Remove any results that fall outside this initial range.
 3. Calculate the new mean plus or minus three (3) standard deviations of the remaining results for all five (5) sample levels of the proficiency test cycle.
- These final calculations become the acceptable ranges for the proficiency test cycle.

~~(2) An analyst, who is in good standing, may elect to not participate in one proficiency test cycle each calendar year. The analyst must notify the Department in writing, of his/her election prior to the date the proficiency test results must be reported to the Department.~~

~~(2) (3) Upon notification by the Department that an analyst has failed to satisfactorily determine the blood alcohol level on any the set of two (2) proficiency samples, the analyst shall be required to not conduct the duties authorized by the permit. Before resuming the duties authorized by the permit, the analyst must satisfactorily determine the blood alcohol level of an additional second set of five (5) proficiency test samples provided by the Department in the current proficiency test cycle. Satisfactory determination of the blood alcohol level of the additional set of five (5) samples constitutes satisfactory determination for the proficiency test cycle.~~

~~(3) (4) Upon notification by the Department that an analyst has failed to satisfactorily determine the blood alcohol level on a second the additional set of five (5) proficiency samples, the analyst shall not perform any duties authorized by the analyst's permit until the analyst satisfactorily determines the blood alcohol level of a subsequent set of proficiency samples provided by the Department in the next scheduled proficiency test cycle referenced above. This section shall not preclude the Department from taking further action in accordance with Rule 11D-8.015, F.A.C.~~

~~(4) (5) Failure to satisfactorily determine the blood alcohol level of any six (6) four (4) sets of proficiency test samples provided by the Department within a twelve (12) month period shall result in revocation of the blood analyst permit.~~

~~(5) An analyst may elect to not participate in one proficiency test cycle within a twelve month period. The analyst must notify the Department in writing, of his/her election prior to the date the proficiency test results are due. An analyst electing this option shall not perform the duties authorized by the permit until the analyst satisfactorily completes the renewal requirements of the permit. An analyst may either request samples for the current proficiency test cycle or wait until the next cycle. The Department will provide samples in the next proficiency test cycle, failure to participate in this proficiency test cycle will result in the Department taking action in accordance with Rule 11D-8.015, F.A.C.~~

SPECIFIC AUTHORITY 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 11-5-02, _____.

11D-8.015 Denial, Revocation, and Suspension of Permits.

(1) Notwithstanding an applicant's qualifications, the Department shall deny an application for an original permit where the applicant:

(a) No change.

(b) Has been convicted of any of the following offenses in any federal or state court:

1. through 2. No change.

3. Criminal conviction for any violation of controlled substance statutes found in Chapter 893, F.S., or violation of any federal controlled substance statute or violation of any other state's controlled substance statutes;

4. through 5. No change.

(c) through (d) No change.

(2) No change.

(3) The Department is authorized to revoke any permit for any of the following reasons:

(a) through (b) No change.

(c) Being convicted after issuance of the permit of any of the following offenses in any federal or state court:

1. through 4. No change.

5. Any criminal violation of controlled substance statutes found in Chapter 893, F.S., or federal controlled substance statute or violation of any other state's controlled substance statutes;

(d) through (e) No change.

(4) No change.

(5) The Department is authorized to invalidate the registration of any ~~evidential~~ evidentiary breath test instrument for a violation of any rule relating to the use, custody and care of such instrument.

(6) No change.

SPECIFIC AUTHORITY 316.1932(1)(a)2., (f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a), (b), 327.352(1)(b)3. FS. Law Implemented 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.353(2), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04, 3-27-06.

11D-8.017 Forms.

The following forms referenced in these rules are hereby incorporated by reference:

~~FDLE/ATP Form 13—Breath Test Log—Effective January 1997.~~

~~FDLE/ATP Form 14—Breath Test Result Affidavit—Revised March 2002.~~

~~FDLE/ATP Form 16—Agency Inspection Procedures—Revised March 2004.~~

~~FDLE/ATP Form 24—Agency Inspection Report—Revised March 2001.~~

~~FDLE/ATP Form 26—Department Inspection Report—Revised March 2004.~~

FDLE/ATP Form 32—Certificate of Assurance—Revised March 2001.

FDLE/ATP Form 34—Instrument Evaluation Procedures—Revised ~~October 2007~~ March 2004.

~~FDLE/ATP Form 35—Department Inspection Procedures—Revised August 2005.~~

FDLE/ATP Form 36—Department Inspection Procedures—Intoxilyzer 8000—~~Revised October 2007~~ August 2005.

FDLE/ATP Form 37—Operational Procedures—Intoxilyzer 8000—~~Revised October 2007~~ August 2005.

FDLE/ATP Form 38—Breath Alcohol Test Affidavit—Intoxilyzer 8000—~~Revised October 2007~~ March 2004.

FDLE/ATP Form 39—Agency Inspection Procedures—Intoxilyzer 8000—Revised October 2007 ~~August 2005~~.

FDLE/ATP Form 40—Agency Inspection Report—Intoxilyzer 8000—March 2004.

FDLE/ATP Form 41—Department Inspection Report—Intoxilyzer 8000—Revised October 2007 ~~August 2005~~.

FDLE/ATP Form 42—Certification of Blood Collection and Labeling—New October 2007.

FDLE/ATP Form 43—Blood Alcohol Analyses Analytical Procedures—New October 2007.

These forms may be obtained by contacting the Florida Department of Law Enforcement, Alcohol Testing Program, P. O. Box 1489, Tallahassee, Florida 32302. Agencies will be provided blank forms upon request and without cost for their alcohol testing program use.

SPECIFIC AUTHORITY 316.1932(1)(a)2., (f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a), (b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2)(b), 327.354(3) FS. History—New 10-31-93, Amended 2-1-95, 1-1-97, 7-29-01, 11-5-02, 12-9-04, 3-27-06, _____.

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11G-2, FLORIDA ADMINISTRATIVE CODE
AMENDING RULE 11G-2.001, F.A.C.

DETERMINATION OF JURISDICTION; PRELIMINARY PROCEDURES [MEDICAL EXAMINERS]

SUMMARY OF PROPOSED RULE

Revisions to this rule section create procedures when medical examiner districts enter into a cooperative agreement for the performance of an autopsy and define requirements for autopsy record keeping and reporting.

JUSTIFICATION OF PROPOSED RULE

To develop procedures for cooperative agreements, associate medical examiner appointment, record keeping duties, and workload reporting duties involving autopsies.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

The proposed rule was noticed in the Florida Administrative Weekly on March 7, 2008 for a hearing to be held on April 2, 2008, if requested. FDLE received no requests for a public hearing and no written comments were submitted.

11G-2.001 Determination of Jurisdiction, Preliminary Procedures.

(1) – (5) No change.

(6) Section 406.05, F.S., provides for cooperative arrangements among the several districts and s. 406.08(2), F.S., provides for fee payment when an autopsy is performed on a body when the death occurred outside the district. When such a cooperative arrangement is for the purpose of transporting the body of a person who dies in one medical examiner district (hereafter, district of jurisdiction) to another for autopsy or examination (hereafter, district of examination):

(a) The physician performing the examination must have a statutory appointment as an associate medical examiner in the district of jurisdiction per the provisions of Rule 11G-1.002.

(b) For each transfer of a body the medical examiner in the district of jurisdiction shall maintain in his or her files documentation of the agreement for the transfer; shall assign a case number from the district of jurisdiction; and shall maintain copies of any reports of examination or opinion by the appointed associate medical examiner, records of identification of the body, and records of the transfer and release of the body to the next of kin.

(c) The medical examiner of the district of examination shall maintain in his or her files documentation of the agreement for the transfer and shall include the case number of the district of jurisdiction on all signed reports.

(d) For Annual Workload reporting purposes for creation of the Annual Report per Section 406.02, F.S., statistics that are required to be sent to the Medical Examiners Commission staff shall be reported by the district of examination.

Specific Authority 406.04, 406.05, 406.08 FS. Law Implemented 406.02, 406.04, 406.05, 406.08, 406.11, 406.13 FS. History–
New 10-18-81, Amended 7-10-85, Formerly 11G-2.01,
Amended 8-27-87, 11-24-87, 10-14-96, 7-6-99, _____

STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11N, FLORIDA ADMINISTRATIVE CODE
CERTIFICATION AND EMPLOYMENT OR APPOINTMENT

SUMMARY OF PROPOSED RULE

Rule 11N, F.A.C., complies with the mandate of the Florida Violent Crime Act of 1993 regarding the Florida Violent Crime and Drug Control Council (VCDCC). The rule requires clarification of language for the Council as well as the Council chair, Regional Teams, and Regional Team chairs; revises forms to capture more accurate and complete information from agencies receiving funding from the Violent Crime and Drug Control Strategy Implementation Account; require agencies to submit written bi-annual updates rather than quarterly updates for match funding; simplify calculating the amount provided by a requesting agency for which matching Council funds may be provided; and clarify which forms must be sent to FDLE/VCDCC personnel in a timely manner.

JUSTIFICATION OF PROPOSED RULE

Proposed revisions to Chapter 11N-1, F.A.C., are necessary to update program procedures and forms.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on March 7, 2008 for a hearing to be held on April 2, 2008, if requested. FDLE received no requests for a public hearing and no written comments were submitted.

11N - OFFICE OF INSPECTOR GENERAL

CHAPTER 11N-1 VIOLENT CRIME INVESTIGATIVE EMERGENCY AND DRUG CONTROL STRATEGY IMPLEMENTATION ACCOUNT

11N-1.002 Criteria.

The Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall be used:

(1) – (2) No change.

(3) Application information, funding criteria, and dates of scheduled Violent Crime & Drug Control Council (Council) ~~VCDCC~~ meetings can be found at <http://www.fdle.state.fl.us/vcdcc/VCDCC.htm>

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History–New 3-10-94, Amended 10-10-95, 10-25-01, 11-5-02, 3-21-07, _____

11N-1.004 Procedures for Emergency Violent Crime Investigative Funding.

(1) Requests for violent crime investigative emergency funding up to the maximum of \$25,000 shall be made by a detailed written request demonstrating how emergency funding criteria established in this rule are satisfied and certifying that the requesting agency cannot initiate or continue the investigation without immediate supplemental funding. The request shall be accompanied by ~~F~~form FDLE/IFS-001, Violent Crime Investigative Reimbursement Application, revised ~~08/01/06~~ 08/01/07, hereby incorporated by reference, ~~and FDLE/IFS-006, State Financial Assistance Form, revised 08/01/07,~~ hereby incorporated by reference, and shall be mailed to the ~~C~~hairperson of the Florida Violent Crime ~~& and~~ Drug Control Council, c/o Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302-1489, ~~Attn.:~~ Investigations and Forensic Science Program. This form can be obtained by written request to the above address.

(2) The ~~C~~hairperson of the ~~Council Florida Violent Crime and Drug Control Council,~~ as authorized by the Council, shall review all requests for emergency funding, and approve or disapprove each request based upon the criteria specified in this rule chapter, the needs outlined by the requesting agency, and funds available in the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account. In the event the ~~C~~hairperson determines a conflict of interest or becomes unavailable, the ~~V~~ice ~~C~~hairperson shall make the decision.

(3) Agencies receiving emergency violent crime investigative funding from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall provide a written ~~bi-annual quarterly~~ report to the ~~C~~hairperson of the Florida Violent Crime and Drug Control Council of all expenditures from the Account funds. The report shall be accompanied by ~~F~~form FDLE/IFS-002, Violent Crime Investigative ~~Bi-Annual Quarterly~~ Report, revised ~~08/01/07~~ 08/01/06, hereby incorporated by reference, and shall be mailed to the ~~C~~hairperson of the Florida Violent Crime ~~& and~~ Drug Control Council, c/o Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302-1489, ~~Attn.:~~ Investigations and Forensic Science Program. This form can be obtained by written request to the above address. Requesting agencies shall retain documentation supporting expenditures from the Account and make these available during the annual evaluation and audit of the trust fund.

(4) Within 60 days of the conclusion of the violent crime investigation or 180 days after disbursement of the emergency funding, whichever is sooner, the receiving agency shall return any unexpended funds to the Department of Law Enforcement for deposit back into the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account, unless the ~~Council Florida Violent Crime Drug Control Council~~ authorizes an extension of the funding based upon a determination that the receiving agency is continuing in good faith to utilize such funds or upon a request of the receiving agency that additional time is needed to prepare and submit a final reconciliation and report to the Council.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History–New 3-10-94, Amended 10-10-95, 8-22-00, 10-25-01, 12-3-03, 3-21-07.

11N-1.005 Procedures for Formal Funding Requests for Violent Crime Investigative Reimbursement Funding.

(1) The Department of Law Enforcement has established in each area of the state served by a Department regional office a Regional Violent Crime Investigative Coordinating Team (~~RCT Team~~). All formal funding requests for violent crime investigation or violent crime trial expense reimbursement funding must be submitted to the ~~RCT Team~~ in the region from which the request is made. Upon receipt, the ~~RCT Team~~ shall review the request to determine whether it appears to conform with the requirements of rule and statute. If the request is determined to not conform with such requirements, it shall be returned to the submitting agency, with the deficiencies specifically noted along with suggestions on how the request may be revised to bring it into conformance with requirements. If the request is determined to conform with such requirements, the ~~Chairperson (Chair) head of the RCT Regional Violent Crime Investigative Coordinating Team~~ shall signify in writing the

~~RCT's Team's~~ review and endorsement for Council consideration, and forward the request to the Council as noted below.

(2) In order to assure careful consideration of requests before presentation to the Council, written requests for funding shall be submitted by the Chair head of the ~~RCT Regional Violent Crime Investigative Coordinating Team~~ so that they are received at least 30 days prior to the next scheduled Violent Crime and Drug Control Council meeting. Requests shall be mailed to: Florida Violent Crime and Drug Control Council, c/o Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302-1489, Attn.: Investigations and Forensic Science Program.

(3) Agencies making formal funding requests under this section, shall submit to the Council via the ~~RCT Regional Violent Crime Investigative Coordinating Team~~ a detailed and itemized written request and the head of the requesting agency shall certify in writing that the request complies with the requirements established by this rule for funding. The request shall be accompanied by ~~F~~forms FDLE/IFS-001 and FDLE/IFS-006. The request shall describe the violent crime case in relation to the criteria established in this rule chapter and shall state details and specifics demonstrating that the resources of each requesting agency are insufficient to meet the investigative or trial expenses in the agency's current fiscal year.

(4) The ~~Florida Violent Crime and Drug Control~~ Council shall review all formal funding requests and approve or disapprove all or part of each request based upon the criteria specified in this rule chapter, the needs outlined by the requesting agency, and funds available in the Violent Crime Emergency Account.

(5) No change.

(6) Agencies receiving advance funding under this section from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall provide a written bi-annual quarterly report to the Chairperson of the ~~Florida Violent Crime and Drug Control~~ Council of all expenditures from the Account funds. The report for such advance funding shall be accompanied by form FDLE/IFS-002. Requesting agencies shall retain documentation supporting expenditures from the Account and make these available during the annual evaluation and audit of the trust fund.

(7) Within 60 days of the conclusion of the violent crime investigation or trial, or 180 days after disbursement of the advance funding, whichever is sooner, the receiving agency shall return any unexpended funds to the Department of Law Enforcement for re-deposit in the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account, unless the ~~Florida Violent Crime and Drug Control~~ Council authorizes an extension of the funding based upon a determination that the receiving agency is continuing in good faith to utilize such funds or upon a request of the receiving agency that additional time is needed to prepare and submit a final reconciliation and report to the Council.

(8) - (9) No change.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History—New 3-10-94, Amended 10-10-95, 10-25-01, 12-3-03, 3-27-06, 3-21-07, _____.

11N-1.0051 Procedures for Funding Requests for Drug Control Investigative Funding.

(1) The Department of Law Enforcement has established in each area of the state served by a Department regional office a Regional Drug Enforcement Coordinating Team (~~RCT Team~~) to coordinate the identification and development of multi-agency or statewide drug control or illicit money laundering investigative or task force efforts that significantly contribute to achieving the state's goal of reducing drug-related crime as articulated by the Office of Drug Control, that represent a significant illicit money laundering investigative effort, or that otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under Section 397.333, F.S. Each ~~RCT Team~~ will be under the direction of the Florida Department of Law Enforcement Special Agent in Charge for the area of the Sstate in which the ~~RCT Team~~ operates. The ~~RCT Team~~ should be made up of representatives of state, local, and federal law enforcement and prosecuting entities working within the area.

(2) All requests for drug control investigative effort funds from the ~~Violent Crime and Drug Control~~ Council must be developed in conjunction with, and approved by, the ~~RCT Team~~ in the region from in which the lead requesting agency is located. No request submitted without the endorsement of the ~~RCT Team~~ will be considered by the Council.

(3) Prior to submitting a request for drug control funds to the Department of Law Enforcement for review and consideration for Council funding, the ~~RCT Team~~ shall assure that the various requirements of this rule have been satisfied. The ~~RCT Team~~ shall discuss each mandatory criteria element stated in this rule, explaining in detail how the criteria is met. In addition, the ~~RCT Team~~ shall identify and discuss each non-mandatory criteria identified in this rule reasonably applicable to the request. The ~~RCT Team~~ shall assure that the funding proposal has been explained in sufficient detail to promote a fair review and evaluation of the request by the Department and the Council.

(4) All submissions to the Department from a ~~RCT Regional Drug Enforcement Coordinating Team~~ must be approved by the ~~RCT Team~~ and deemed complete, as indicated by the written certification of the Chair head of the ~~RCT Team~~.

(5) Submissions from a ~~RCT Regional Drug Enforcement Coordinating Team~~ shall be made to the Department of Law Enforcement's Investigations and Forensic Science Program (IFS). Materials being submitted shall be secured and transmitted in a manner to assure that the criminal investigative and criminal intelligence information contained is not compromised.

(6) The IFS will receive and review all submissions from the various RCTs ~~Regional Drug Enforcement Coordinating Teams~~ utilizing the criteria of this rule, and shall prioritize from the pending submissions those proposals that best meet the criteria of this rule and are determined to be multi-agency or statewide drug control or illicit money laundering investigative or task force efforts that are most likely to significantly contribute to achieving the state's goal of reducing drug-related crime as articulated by the Office of Drug Control, that represent the most significant of proposed illicit money laundering investigative efforts, or are cases that are best believed to otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under Section 397.333, F.S.

(7) The IFS shall present to the Council all cases forwarded to it by the RCTs ~~regional Teams~~, indicating its prioritization determinations at a meeting of the Council. The presentation must include a recommendation of which cases IFS believes should receive funding priority and the amount of drug control funding recommended and may identify the relative strengths and weaknesses of the cases under consideration in meeting the underlying goals of Council funding.

(8) No change.

(9) Denial of all or a part of a request shall not disqualify the request from future consideration by the Council. However, any such request will be considered a new funding request and must be evaluated and approved through the process set forth in this rule, beginning with consideration and approval by the RCT ~~Regional Drug Enforcement Coordinating Team~~.

(10) No change.

(11) If after receipt of funds, it appears that a funded investigative effort will substantially depart from the focus and effort originally approved by the Council, the agencies receiving Council funds shall suspend use of such funds and shall contact the Chair of the RCT ~~Regional Drug Enforcement Coordinating Team leader~~ and describe the change of focus and effort.

(a) If the new focus and effort is of a type that could be considered for Council funding, the RCT ~~Team~~ and the participating agencies shall secure Council approval for the continued use of Council funds by the funded agencies. Any such request shall be evaluated and approved through the process set forth in this rule, beginning with consideration and approval by the RCT ~~Regional Drug Enforcement Coordinating Team~~, but shall be expedited to minimize any negative effect the suspension of spending of Council funds may have on the ongoing investigation.

(b) No change.

(c) The Council may endorse changes of focus or efforts and authorize the continued use of Council funds when receiving progress reports during regularly scheduled meetings provided that the RCT ~~Team~~ and the IFS endorse the new focus or efforts for such continued funding.

(12) In order to assure careful consideration of original requests for drug control funding and resubmitted requests for funding that have been previously denied, the written requests and approvals shall be submitted by the Chair ~~head~~ of the RCT ~~Team~~ to the IFS no later than 30 days prior to the meeting of the Council in which the request for funding might be considered.

(13) Agencies seeking drug control funding under this section shall cooperate with the RCT ~~Team~~ in the agencies' area, and provide all information as requested by the RCT ~~Team~~ to assist in the preparation of a funding request, including information to identify the amounts of agency funds being committed by each participating agency to be matched by Council drug control funds. The head of each requesting agency that seeks to receive Council drug control funds shall include in the submission to the RCT ~~Team~~ a certification in writing that to the agency head's best knowledge and belief, the request complies with the requirements established by law and this rule for funding. The agency head shall also agree to provide requested information to the Council to assist the Council in its performance-monitoring obligations and shall agree to retain proof and documentation as may be required by the Council and to submit to any audits or reviews of agency utilization of Council funds or funds derived from any Council-funded investigative effort as may be performed. The request shall be accompanied by Form FDLE/IFS-003 Drug Control & Money Laundering Application, and FDLE/IFS-006, the State Financial Assistance Form, both revised 08/01/07 ~~08/01/06~~, incorporated by reference.

(14) - (15) No change.

(16) Council Funding Documentation.

(a) Agencies receiving drug control funding under this section shall provide a written bi-annual ~~quarterly~~ report of expenditures of Council funds and of the progress of the investigative effort. The report shall be prepared in consultation with the RCT ~~Regional Drug Enforcement Coordinating Team~~ and submitted by the RCT ~~that Team~~ through the IFS for compilation and presentation at a scheduled ~~to the~~ Council at a quarterly ~~meeting~~. Form FDLE/IFS-004A, the Drug Control Bi-Annual Quarterly Report, revised 08/01/07 ~~08/01/06~~, incorporated by reference, shall be utilized to make the report. In addition, the Council may require oral progress reports to be made at Council meetings by a representative of the RCT ~~Regional Drug Enforcement Coordinating Team~~ or a designee of the lead investigative agency in a funded investigative effort. Agencies receiving Drug Control funding after September 1, 2005, shall utilize FDLE/IFS-004B, Drug Control Bi-Annual Report, revised 08/01/06, hereby incorporated by reference.

(b) Agencies receiving Council funding shall retain documentation supporting the amounts and purposes of expenditures

made from Council funds, the amounts and purposes of expenditure of agency match funds, the performance and accomplishments of the investigative efforts, and shall make these available to the Council upon request. With regard to agency personnel assigned to investigative efforts receiving Council funds, each agency shall retain, and make available to the Council as requested, each employee's official time and leave records and such other documentation demonstrating the time devoted by the employee to the funded investigative effort, but these records shall not be submitted with ~~either Form FDLE/IFS-004A or FDLE/IFS-004B.~~

(c) No change.

(17) – (18) No change.

(19) If agencies receiving Council funding fail to submit the required ~~F~~forms, ~~FDLE/IFS-004A or FDLE/IFS-004B~~, by the stated deadline, the Council Chair~~person~~ in consultation with ~~FDLE/IFS~~ ~~are~~ ~~staff~~ ~~is~~ authorized to request that all unexpended funds be returned within 30 days. Upon such a finding, the Agency Head of ~~each~~ ~~the~~ funded agency~~ies~~ will be notified in writing as to the manner in which such funds must be returned. Any agency that is delinquent in submitting ~~either~~ ~~F~~form ~~FDLE/IFS-004A or FDLE/IFS-004B~~ by 90 or more days shall be subject to this provision.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History–New 10-25-01, Amended 12-3-03, 3-27-06, 3-21-07, _____.

11N-1.007 Annual Audit.

(1) No change.

(2) ~~Prior to the receipt of~~ ~~Upon the lead agency's receipt of the~~ Council awarded funds, the lead Agency Head and the Chief Financial Officer (CFO) will be required to sign, date, and return the State Financial Assistance ~~F~~form ~~FDLE/IFS-006~~, ~~revised~~ ~~created~~ ~~08/01/07~~ ~~08/01/06~~ and incorporated by reference, indicating agreement to maintain the requested documentation detailing the actual funds expended during the investigations, and to provide documentation to an auditor upon request.

(3) ~~Within 30 days of receipt of the award, the lead agency shall mail the signed State Financial Assistance form to: Florida Violent Crime and Drug Control Council, c/o Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302-1489.~~

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History–New 3-10-94, Amended 10-10-95, 10-25-01, 3-21-07, _____.

11N-1.009 Victim/Witness Protection Program.

(1) Requests for Victim/Witness Protection funding, pursuant to Section 943.031(6), F.S., must be made using the ~~Form~~ ~~FDLE/IFS-005~~, Victim/Witness Protection Program Application, revised ~~08/01/07~~ ~~08/01/06~~ and incorporated by reference, ~~and~~ ~~FDLE/IFS-006~~, ~~State Financial Assistance Form~~, revised ~~08/01/07~~, and incorporated by reference.

(2) In order to be considered for funding, completed applications shall be submitted to FDLE/IFS, at least 30 days prior to the next scheduled ~~Violent Crime and Drug Control Council (VCDCC)~~ meeting.

(3) Completed forms shall be mailed to: ~~Chairperson of the~~ Florida Violent Crime & Drug Control Council, c/o Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attn.: Investigations and Forensic Science Program.

Specific Authority 943.03(4) FS. Law Implemented 943.031(6), 914.25 FS. History–New 12-3-03, Amended 3-27-06, 3-21-07, _____.