

**AGENDA
FLORIDA DEPARTMENT OF LAW ENFORCEMENT
AUGUST 25, 2009**

- ITEM 1. Respectfully submit the **Minutes of the June 9, 2009 Cabinet Meeting**.
- (See Attachment 1)
RECOMMEND APPROVAL
- ITEM 2. Respectfully submit the **Florida Department of Law Enforcement's FY 2008-09 Annual Performance Report, with Contracts, Agreements and Purchases over \$100,000 for April 1 through June 30, 2009**.
- (See Attachment 2)
RECOMMEND APPROVAL
- ITEM 3. Respectfully submit for final adoption the **Proposed Rules** as listed below:
- 11B-18 - Criminal Justice Standards and Training Trust Fund** - updates Commission-approved training school names and agency names.
- 11B-20 - Certification of Criminal Justice Training Instructors** - revises requirements for obtaining general, specialized, or high-liability instructor certification; changes affiliation reporting requirements; revises corresponding forms.
- 11B-21 - Certification of Criminal Justice Training Schools** - revises Commission-certified training school staffing and equipment requirements; revises corresponding forms.
- 11B-27 - Certification and Employment or Appointment** - revises requirements for complying with the Commission's Firearms Qualification Standard, Firearms performance evaluation, equivalent canine team training evaluations, and agency or training school affiliation reporting requirements for canine team evaluators; revises corresponding forms.
- 11B-30 - State Officer Certification Examination** - allows applicant to reschedule State Officer Certification Examination if injured in a basic recruit training program and the injury prevents applicant from taking the scheduled examination.
- 11B-35 - Training Programs** - revises requirements and specifications for competency-based training; revises required demonstration of proficiency skills in basic recruit training programs for students transferring from another training school; revises performance requirements for basic recruit training courses and instructor training courses; revises required demonstration of proficiency skills and ratio requirements for certain training courses; revises/creates performance evaluation forms.
- 11C-6.010 - Retention Of Applicant Fingerprints** - deletes a reference to an invoicing option that was previously deleted.
- (See Attachment 3)
RECOMMEND APPROVAL
- ITEM 4. Respectfully submit the **FY 2009-10 Annual Performance Contract**.
- (See Attachment 4)
RECOMMEND APPROVAL

**MINUTES
FLORIDA DEPARTMENT OF LAW ENFORCEMENT**

June 9, 2009

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

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

ITEM 1. Respectfully submit the **Minutes of the March 10, 2009 Cabinet Meeting**.

Motion to approve by Commissioner Bronson. Seconded by Attorney General McCollum.
Minutes approved without objection.

ITEM 2. Respectfully submit the **Florida Department of Law Enforcement Fiscal Year 2008-09, 3rd Quarter Performance Report with Contracts, Agreements and Purchases over \$100,000 for January 1 through March 31, 2009**.

Motion to approve by Attorney General McCollum. Seconded by Commissioner Bronson.
Report approved without objection.

ITEM 3. Respectfully submit **Notice of Proposed Rules** for the following:

11B-18 - Criminal Justice Standards and Training Trust Fund - updates Commission-approved training school names and agency names.

11B-20 - Certification of Criminal Justice Training Instructors - revises requirements for obtaining general, specialized, or high-liability instructor certification; changes affiliation reporting requirements; revises corresponding forms.

11B-21 - Certification of Criminal Justice Training Schools - revises Commission-certified training school staffing and equipment requirements; revises corresponding forms.

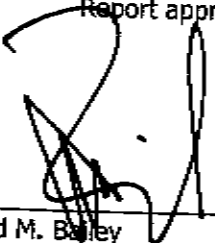
11B-27 - Certification and Employment or Appointment - revises requirements for complying with the Commission's Firearms Qualification Standard, Firearms performance evaluation, equivalent canine team training evaluations, and agency or training school affiliation reporting requirements for canine team evaluators; revises corresponding forms.

11B-30 - State Officer Certification Examination - allows applicant to reschedule State Officer Certification Examination if injured in a basic recruit training program and the injury prevents applicant from taking the scheduled examination.

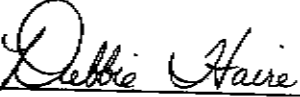
11B-35 - Training Programs - revises requirements and specifications for competency-based training; revises required demonstration of proficiency skills in basic recruit training programs for students transferring from another training school; revises performance requirements for basic recruit training courses and instructor training courses; revises required demonstration of proficiency skills and ratio requirements for certain training courses; revises/creates performance evaluation forms.

11C-6.010 - Retention Of Applicant Fingerprints - deletes a reference to an invoicing option that was previously deleted.

Motion to approve by Commissioner Bronson. Seconded by Attorney General McCollum.
Report approved without objection.



Gerald M. Bailey
Commissioner



Debbie Haire
Executive Assistant



Annual Performance Report

Fiscal Year 2008 - 2009

Gerald M. Bailey, Commissioner

Actual	Standard
FY 08-09	FY 08-09

Executive Direction and Support Program

Executive Direction and Support Services

• Administrative support costs as a percent of total agency costs	3.7%	4%
• Number of grants disbursed	497 ¹	575
• Total number of agencies and jails accredited	165	156
• Number of cases awarded emergency violent crime funds	13 ²	73

Investigations and Forensic Science Program

Crime Laboratory Services

• Number / percent of lab service requests completed	83,019 / 99.97%	78,000 / 95%
• Average number of days to complete lab service requests		
1. AFIS (Automated Fingerprint Identification System)	31	45
2. CER (Computer Evidence Recovery)	90 ³	70
3. Chemistry	16	30
4. Crime Scene	22	30
5. Firearms	76	80
6. Latents	37	60
7. Microanalysis	149 ³	115
8. Serology / DNA	73	111
9. Toxicology	36	40
• Number of DNA samples added to the DNA Database	119,430 ⁴	36,000
• Number of crime scene service requests completed	582	600

Investigative Services

• Number of criminal investigations worked	1,708 ⁵	2,500
• Number / percent of criminal investigations closed	662 ⁵ / 39% ⁵	900 / 46%
• Number / percent of closed criminal investigations resolved	576 ⁵ / 87%	702 / 78%
• Number / percent of criminal investigations closed resulting in arrest	418 ⁵ / 63%	585 / 65%
• Number of short-term investigative assists worked	8,991 ⁶	3,678
• Number of domestic security concerns reported and responded to by Regional Domestic Security Task Forces	1,325	1,000

Mutual Aid and Prevention Services

• Number of dignitaries provided with FDLE protective services	95	52
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Public Assistance Fraud Investigative Services

• Amount of fraudulent benefits withheld as a result of public assistance fraud investigations	\$14.2M ⁷	\$20.1 M
• Number of public assistance fraud investigations conducted	2,648 ⁷	5,625

Florida Capitol Police Program

Capitol Police Services

• Number of criminal incidents per 1,000 employees	7.29	9.38
• Number of officer patrol hours	104,520	96,432
• Number of calls for service	4,542 ⁸	8,000

	Actual FY 08-09	Standard FY 08-09
<u>Information Program</u>		
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	99.97%	99.50%
• Percentage response to criminal history record check customers within defined timeframes	98%	94%
• Percentage of criminal arrest records received electronically (through AFIS) for entry into the criminal history system	92.4%	90%
• Number of certified operators	65,894	56,177
Prevention and Crime Information Services		
• Percentage of criminal history information records compiled accurately	96%	93%
• Number of responses to requests for criminal history record checks	2,745,231	2,000,000
• Number of registered sexual predators / offenders identified	52,152	37,865
• Number of missing children cases worked through MCIC	4,152	4,000
• Number of arrest records created and maintained	20,942,650	17,686,354
• Number of disposition records added to the criminal history file	929,304	750,000
<u>Professionalism Program</u>		
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	6,465 / 79%	6,400 / 80%
• Number of course curricula and examinations developed / revised	205	135
• Number of examinations administered	8,238	8,000
• Number of individuals trained by the FCJEI	3,015 ⁹	840
• Number of law enforcement officers trained by D.A.R.E.	85 ¹⁰	160
• Number of professional law enforcement certificates issued	21,841 ¹¹	25,000
• Number of domestic security training courses delivered	0 ¹²	120
Law Enforcement Standards Compliance Services		
• Percentage of training schools in compliance with standards	83%	80%
• Number of breath-testing instruments inspected	651	491
• Number of discipline referrals processed for state and local LEOs, COs, and CPOs pursuant to Chapter 120, F.S.	1,476	1,500
• Number of criminal justice officer disciplinary actions	703	452
• Number of program and financial compliance audits performed	2,257	2,000
• Number of records audited to validate the accuracy and completeness of ATMS2 record information	9,407	8,000



Justifications

¹ **Number of grants disbursed** – Congress reduced Justice Assistance Grant (JAG) by approximately 70% for the fiscal year, resulting in a significant decrease in the number of grants disbursed.

² **Number of cases awarded emergency violent crime funds** – This standard was established when funding was available for violent crime, drugs, and victim/witness protection cases. In FY 08-09, funding was provided for victim/witness protection cases only. Consequently, fewer cases can be funded and the measure is not expected to meet the established standard.

³ **Average number of days to complete lab service requests** – The Department is focusing efforts on backlog reduction. The turnaround time for various disciplines is expected to gradually decline as the number of pending cases decreases. In CER, this involves completing older cases that are pending. Microanalysis services are not initiated until other examinations are completed. Thus, performance of this discipline is heavily dependent upon processing time of other disciplines.

⁴ **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, 2007. This significantly increased the number of incoming samples. The Department anticipates this performance to continue.

⁵ **Investigative Services measures** – The Department 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.

⁶ **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 the Department 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.

⁷ **Public Assistance Fraud (PAF) Investigative Services measures** – In FY 08-09, funding for the program was substantially decreased. Additionally, the program is engaged in more complex criminal investigations which require more time and effort to investigate, resulting in fewer case closures.

⁸ **Number of calls for service** – Due to a more proactive approach by Capitol Police officers, the number of calls for service has decreased.

⁹ **Number of individuals trained by the FCJEI** – FDLE recently initiated the development of several online training courses available to law enforcement officers; four of which satisfy mandatory retraining requirements. The online courses require no travel and are offered at no cost to the agencies resulting in a high amount of individuals completing training.

¹⁰ **Number of law enforcement officers trained by DARE** – Due to budget reduction restrictions facing local law enforcement agencies, non-required training opportunities for officers such as DARE were significantly reduced, resulting in fewer officers receiving training and certification.

¹¹ **Number of professional law enforcement certificates issued** – Certificates are issued to individuals meeting training requirements for basic and post-basic programs offered at Criminal Justice Standards and Training Commission certified training schools. FDLE issued certificates for all individuals meeting requirements.

¹² **Number of domestic security training courses delivered** – Between 2002 and 2004, emphasis was placed on FDLE delivering domestic security training. As a result, most existing law enforcement personnel have received required training. Only new law enforcement officers and first responders now require training. Additionally, domestic security training courses are available online and at the local level. This has resulted in a decrease in the number of training courses provided through certified training schools.

A complete version of the Annual Performance Report, containing performance data, program highlights, and noteworthy accomplishments is available in the publications section of the Department's website located at www.fdle.state.fl.us



CONTRACTS, AGREEMENTS AND PURCHASES
OVER \$100,000 FOR APRIL 1ST THROUGH JUNE 30TH 2009

<u>P.O.#</u>	<u>VENDOR/SERVICE</u>	<u>AMOUNT</u>
DO954673	Ricoh Americas Corporation Four year lease of digital imaging system for use by Office of General Services Term period: 7/1/08 through 6/30/12 State Term Contract	\$172,473
DO1382451*	Classic Chevrolet Six 2009 Chevrolet Impalas for use by Investigative Services and Capitol Police No Term State Term Contract	\$105,198
DO1388239	Gartner, Inc. Information Technology consulting services for the Regional Law Enforcement Exchange (RLEX) system project Term period: 4/1/09 through 6/30/09 Alternate Contract Source	\$165,000
DO1398509*	Hub City Ford, Inc. Ten 2009 Ford Explorers for use by Investigative Services No Term State Term Contract	\$192,770
DO1473566	Leeds Instruments Precision, Inc. Two Leeds firearms comparison microscopes for Tampa Bay and Orlando Regional laboratories No Term Single Source	\$126,000

*Minority Vendor

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-18, FLORIDA ADMINISTRATIVE CODE

AMENDING RULE(s) 11B-18.004

CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND

SUMMARY OF THE RULE

Housekeeping and updating rules pursuant to Chapter 120, F.S.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Updated the names of Commission-certified training schools.

FEDERAL STANDARDS STATEMENT, IF APPLICABLE

There are no federal requirements dealing with this topic.

STATEMENT OF ESTIMATED REGULATORY COSTS (SERC), IF REQUIRED

There are no regulatory costs dealing with this topic.

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on June 26, 2009, for a hearing, if requested, to be held July 21, 2009. No requests for hearing or written comments were received.

NOTICE OF PROPOSED RULE

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

NAME OF AGENCY: Florida Department of Law Enforcement
Division or Board: Criminal Justice Standards and Training Commission

RULE NO.: 11B-18.004
RULE TITLE: Regional Training Areas

PURPOSE AND EFFECT: Housekeeping and updating rules pursuant to Chapter 120, F.S.

SUMMARY: To update the names of Commission-certified training schools.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will or will not have an impact on small business.

A SERC has or has not been prepared by the agency. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

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

LAW IMPLEMENTED: 943.25(5) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

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

DATE AND TIME: Tuesday, July 21, 2009 at 1:00 PM

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

(or)

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

(or)

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW:

PURSUANT TO THE PROVISIONS OF THE AMERICAN WITH DISABILITIES ACT, ANY PERSON REQUIRING SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS WORKSHOP/MEETING IS ASKED TO ADVISE THE AGENCY AT LEAST 5 days BEFORE THE WORKSHOP/MEETING BY CONTACTING: Donna Hunt at 850-410-8615 or donnahunt@fldle.state.fl.us.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donna Hunt at 850-410-8615

THE FULL TEXT OF THE PROPOSED RULE IS: see separate word file for the text.

THE FOLLOWING INFORMATION IS INSERTED ON THE NEXT PAGE AFTER THE RULE TEXT.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 17, 2009

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-18.004 Regional Training Areas. For the purposes of Officer Training Monies activities, there are established the following sixteen regional training areas:

(1) Region I.

(a) No change.

(b) Commission-certified training schools within Region I: George Stone Vo-Tech Criminal Justice Training Center and Northwest Florida State College Criminal Justice Training Center ~~Okaloosa-Walton College Criminal Justice Training Center.~~

(2) No change.

(a) through (b) No change.

(3) No change.

(a) through (b) No change.

(4) Region IV.

(a) No change.

(b) Commission-certified training schools within Region IV: Lake City Community College Criminal Justice Center, North Florida Community College Criminal Justice Academy, and Santa Fe Community College Institute of Public Safety.

(5) No change.

(a) through (b) No change.

(6) No change.

(a) through (b) No change.

(7) Region VII.

(a) No change.

(b) Commission-certified training schools within Region VII: Brevard Community College Criminal Justice Division, Criminal Justice Institute at Valencia Community College, School of Emergency Services Institute at Daytona State College ~~Daytona Beach Community College Emergency Services Institute~~, Criminal Justice Academy of Osceola, Lake Technical Center Institute of Public Safety, and Seminole Community College Criminal Justice Institute.

(8) No change.

(a) through (b) No change.

(9) Region IX.

(a) No change.

(b) Commission-certified training schools within Region IX: Hillsborough Community College Yabor City Campus Criminal Justice Institute, Manatee Technical Law Enforcement Institute ~~Criminal Justice Academy~~, Manatee Sheriff's Office Training Center, Pasco-Hernando Community College Public Service Technology Center, and St. Petersburg Junior College Southeastern Public Safety Institute.

(10) Region X.

(a) No change.

(b) Commission-certified training schools within Region X: Sarasota County Technical Institute/Sarasota Criminal Justice Academy and Southwest Florida Public Service Academy ~~Lee County Vo-Tech Center (Central)/Southwest Florida Criminal Justice Academy.~~

(11) Region XI.

(a) No change.

(b) Commission-certified training school within Region XI: Indian River State ~~Community~~ College Criminal Justice Institute.

(12) No change.

(a) through (b) No change.

(13) Region XIII.

(a) No change.

(b) Commission-certified training school within Region XIII: Broward ~~Community~~ College Criminal Justice Institute of Public Safety and Broward County Sheriff's Office Institute for Criminal Justice Studies.

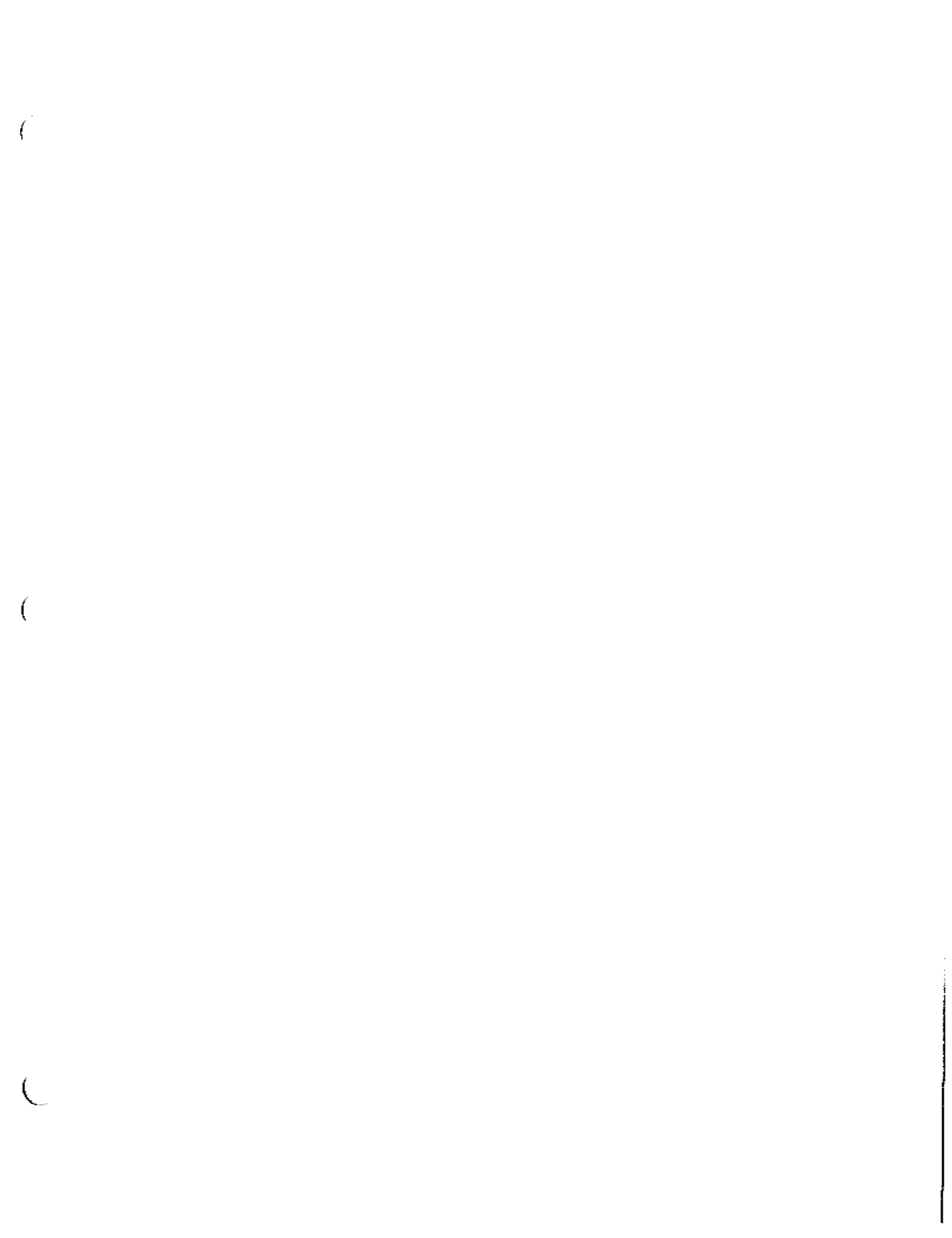
(14) No change.

(a) through (b) No change.

(15) No change.

(a) through (b) No change.

(16) No change.



STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11B-20, FLORIDA ADMINISTRATIVE CODE
AMENDING RULE 11B-20.001 and 11B-20.0014
CERTIFICATION OF CRIMINAL JUSTICE TRAINING INSTRUCTORS

SUMMARY OF THE RULE

To revise the requirements for obtaining a general, specialized, or high-liability instructor certification and changed the affiliation reporting requirements, and to revise forms CJSTC-10, CJSTC-61, CJSTC-71, and CJSTC-81 to correspond with the proposed rule revisions.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Rule 11B-20.001: To revise the Speed Measurement Device Instructor Field Evaluation form CJSTC-10, Instructor Certification Application form CJSTC-71, and the Instructor Competency Checklist form CJSTC-81 to correspond with the proposed rule revisions. To revise the Speed Measurement Device Instructor Field Evaluation form CJSTC-10, Instructor Certification Application form CJSTC-71, and the Instructor Competency Checklist form CJSTC-81 to correspond with the proposed rule revisions. To retire the CMS Instructor Techniques Course number 1116 and replace it with the Florida General Instructor Techniques Course number 1186. To revise this rule section to require that an instructor report any change in his or her affiliation with a training school or criminal justice agency. To clarify existing rule language for equivalent instructor training. To retire and add a new specialized instructor course. To retire the CMS Instructor Techniques Course number 1116 and replaced it with the Florida General Instructor Techniques Course number 1186. To revise to this rule section to require that an instructor report any change in his or her affiliation with a training school or criminal justice agency and revise form CJSTC-61. To revise this rule section to require a training center director or agency administrators to report an instructor's change in affiliation by submitting a completed Affidavit of Separation form CJSTC-61 to Commission staff. Housekeeping revisions. Clarified existing rule language for equivalent instructor training.

Rule 11B-20.0014: To revise the application requirements to apply for specialized instructor certifications. To clarify that the timeline of four years is required to apply for a specialized instructor certification after completion of a specialized instructor course. To clarify the required training and internship requirements for instructors who do

not comply with the four-year time line. Clarified Existing Rule language. To clarify existing rule language for obtaining a Law Topics, Speed Measurement, Canine Team, and Breath Test specialized instructor certification.

FEDERAL STANDARDS STATEMENT, IF APPLICABLE

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on June 26, 2009, for a hearing, if requested, to be held July 21, 2009. No requests for hearing or written comments were received.

NOTICE OF PROPOSED RULE

11B-20: Certification of Criminal Justice Training Instructors

NAME OF AGENCY: Florida Department of Law Enforcement
Division or Board: Criminal Justice Standards and Training Commission

<u>RULE NO.:</u>	<u>RULE TITLE:</u>
1 1B20.001	Definitions and Minimum Requirements for General Certification of Instructors
1 1B20.0014	Minimum Requirements for High-Liability and Specialized Topics Instructor Certification

PURPOSE AND EFFECT: To revise the requirements for obtaining a general, specialized, or high-liability instructor certification and changed the affiliation reporting requirements, and to revise forms CJSTC-10, CJSTC-61, CJSTC-71, and CJSTC-81 to correspond with the proposed rule revisions.

SUMMARY:

11B-20.001: To revise the Speed Measurement Device Instructor Field Evaluation form CJSTC-10, Instructor Certification Application form CJSTC-71, and the Instructor Competency Checklist form CJSTC-81 to correspond with the proposed rule revisions. To retire the CMS Instructor Techniques Course number 1116 and replace it with the Florida General Instructor Techniques Course number 1186. To revise this rule section to require a training center director or agency administrators to report an instructor's change in affiliation by submitting a completed Affidavit of Separation form CJSTC-61 to Commission staff. To remove the permissive word "authorize," and restructure the sentence with more appropriate rule language.

11B-20.0014: To clarify that the timeline of four years is required to apply for a specialized instructor certification after completion of a specialized instructor course. To clarify the required training and internship requirements for instructors who do not comply with the four-year time line. To clarify existing rule language for obtaining a Law Topics, Speed Measurement, Canine Team, and Breath Test specialized instructor certification.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will or will not have an impact on small business.

A SERC has or has not been prepared by the agency. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

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

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

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

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

DATE AND TIME: July 21, 2009 at 1:00 PM

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308
(or)

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

(or)

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW:

PURSUANT TO THE PROVISIONS OF THE AMERICAN WITH DISABILITIES ACT, ANY PERSON REQUIRING SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS WORKSHOP/MEETING IS ASKED TO ADVISE THE AGENCY AT LEAST 5 days BEFORE THE WORKSHOP/MEETING BY CONTACTING: Donna Hunt at 850-410-8615 or donnahunt@fdle.state.fl.us.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donna Hunt at 850-410-8615

THE FULL TEXT OF THE PROPOSED RULE IS: see separate word file for the text.

THE FOLLOWING INFORMATION IS INSERTED ON THE NEXT PAGE AFTER THE RULE TEXT.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 17, 2009

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) No change.

(a) through (i) No change.

(2) Instructor applicants applying for instructor certification shall:

(a) Complete the Instructor Certification Application, form CJSTC-71, revised October 30, 2008 ~~November 8, 2007~~, hereby incorporated by reference;

(b) through (c) No change.

1. through 3. No change.

(3) General Instructor Certification.

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

1. Instructor applicants shall successfully complete the Traditional Instructor Techniques Course (Retired 6/30/2004), or CMS Instructor Techniques Course (Retired 11/14/08), or Florida General 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 Instructor Techniques Course for which the instructor applicant is deficient.

2. Instructor applicants who apply for 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.

a. 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 shall complete the Instructor Competency Checklist, form CJSTC-81, revised October 30, 2008 ~~November 8, 2007~~, hereby incorporated by reference.

b. 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. 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 transmit ~~transmitted~~ through the Commission's ATMS. Form CJSTC-71 and supporting documentation on each ~~all~~ affiliated instructor ~~instructors~~ shall be maintained in the instructor's file.

5. Instructor Separation ~~or Change of~~ 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 submit ~~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 for administrative purposes, the training center director, agency administrator, or designee shall notify the instructor of the separation and submit form CJSTC-61 to Commission staff or transmit through the Commission's ATMS. A copy of form CJSTC-61 shall be maintained in the instructor's file.

c. 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 and submit to Commission staff.

(b) Equivalent Instructor Training.

1. Instructor applicants who request an exemption from the required instructor training 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 Florida

General Instructor Techniques Course ~~CMS Instructor Techniques Course~~ for which the instructor applicant is deficient:

- a. Training liability.
 - b. Ethics.
 - c. Human diversity training required by Section 943.1758, F.S.
 - d. Adult learning theory.
 - e. Communication skills.
 - f. Instructional aids ~~Learning aids~~.
 - g. Principles of instruction.
 - h. Lesson plan preparation.
 - i. Evaluation, measurement, and simulation ~~and measurement~~.
 - j. Demonstration of instructional ability.
 - k. Group management.
 - l. Facilitation skills.
 - m. Applied Learning Concepts.
2. Instructor applicants shall complete an internship.

a. 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, shall complete the Instructor Competency Checklist form CJSTC-81.

b. 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. 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 is required to submit form CJSTC-71 to Commission staff or electronically transmit through the Commission's ATMS. Form CJSTC-71 and supporting documentation on each affiliated instructor shall be maintained in the instructor's file. ~~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.

1. Instructor applicants are exempt from the Florida General Instructor Techniques Traditional General Instructor Techniques Course (Retired 6/30/2004) or CMS General Instructor Techniques Course when 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 full-time status and identify the name and location of the vocational technical institution, ~~college~~, community college, ~~college~~, or university.

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

3. Instructor applicants shall complete the Instructor Certification Application form CJSTC-71 and attach all required documentation prior to submitting the application for approval.

(4) through (6) No change.

Rulemaking 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, 6-9-08, _____.

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

(1) No change.

(a) through (b) No change.

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

(d) through (f) No change.

(2) No change.

(a) No change.

1. through 3. No change.

(b) No change.

1. through 3. No change.

(c) No change.

1. through 3. No change.

(d) No change.

1. through 6. No change.

a. through h. No change.

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

(a) Law Topics Instructor Certification. Instructor applicants ~~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:

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. Successfully complete a Law Topics internship supervised by a certified instructor and document on the Instructor Competency Checklist form CJSTC-81. 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. ~~Be~~ 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.

6. No change.

a. through f. No change.

7. No change.

a. through e. No change.

8. No change.

a. through g. No change.

(b) Speed Measurement Instructor Certification. Instructor applicants who request certification To be certified to instruct speed measurement training courses an instructor applicant shall:

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

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

3. Successfully complete at a training school, the Speed Measurement Instructor Course for Law Enforcement Officers, course number 1159 or the Radar Speed Measurement Instructor Course for Law Enforcement Officers, course number 1108, retired December 31, 2006, and the Laser Speed Measurement Device (LSMD) Instructor Transition Course for Radar Instructors, course number 1109, to be retired December 31, 2008; and

4. Complete the Speed Measurement Device Instructor Field Evaluation, form CJSTC-10, revised October 30, 2008 November 8, 2007, hereby incorporated by reference.

5. Successfully complete a speed measurement internship supervised by a certified Speed Measurement Instructor and document on the Instructor Competency Checklist form CJSTC-81. 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. ~~Be 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.~~

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

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 requests Canine Team Instructor Certification.
2. Possess a minimum of three years criminal justice canine team experience documented in the instructor applicant's file at the training school or agency.
3. Successfully complete ~~Successful completion of the Canine Team Training Course number 1112 or an equivalent course pursuant to subsection 11B-27.013(4), F.A.C.~~
4. Successfully complete the Canine Team Training Instructor Course through a training school.
5. Successfully complete a Canine Team internship supervised by a certified Canine Team Instructor and document on the Instructor Competency form CJSTC-81. ~~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 Training 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 form CJSTC-81.
7. Provide 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 command, at the agency(s) where the instructor applicant obtained experience as a canine officer. The verification shall be documented on agency letterhead and signed by the agency administrator or designee.

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

~~1. Breath test instructor applicants shall:~~

- ~~1.a. 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.~~
- ~~2.b. Successfully complete the Breath Test Instructor Course through a training school and complete the required Alcohol Testing Program proficiencies.~~
- ~~3.e. Have a minimum of three years experience as a certified breath test operator and agency inspector.~~
- ~~4.d. Possess a valid Breath Test Operator Permit and a valid Agency Inspector Permit at the time the application for breath test instructor certification is submitted.~~
- ~~5.e. Successfully complete a Breath Test internship supervised by a certified Breath Test Instructor and document on the Instructor Competency Checklist form CJSTC-81. 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.~~

~~6.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.~~

~~7.2. Alcohol Testing Program staff shall possess a General Instructor Certification pursuant to sub-subparagraph (3)(d)1.a. of this rule section, and shall be exempt from the requirements of sub-subparagraph (3)(d)1.b.-f. of this rule section.~~

Rulemaking 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, 6-9-08.



STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11B-21, FLORIDA ADMINISTRATIVE CODE
AMENDING RULE(S) 11B-21.002 and 11B-21.005
CERTIFICATION OF CRIMINAL JUSTICE TRAINING SCHOOLS
SUMMARY OF THE RULE

To revise the Commission-certified training school staffing and equipment requirements in rule and to revise forms CJSTC-29, CJSTC-203, CJSTC-204, and CJSTC-205 to correspond with the proposed rule revisions.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-21.002: To revise this rule section and form CJSTC-29. To revise the Criminal Justice Training School Certification and Re-certification Application form CJSTC-29 to require at least one full-time instructor or instructor coordinator that reports solely to the training center director for training schools with a Type "B" or "C" certification. To make housekeeping revisions. To revise the reference to "Medical First Responder" to "First Aid" to correspond with the current course name.

11B-21.005: To revise this rule section and forms CJSTC 203, 204, and 205. To revise the Defensive Tactics Facility and Equipment Requirements form CJSTC-203 to allow outdoor chemical agent exposure. To revise the Staffing Requirements form CJSTC-204 to reflect the new staffing requirements for training schools with a Type "B" or "C" certification required in Rule 11B-21.002, F.A.C. To revise the Training School Classroom Facility and Equipment Requirements form CJSTC-205 to update the required instructional aid equipment.

FEDERAL STANDARDS STATEMENT, IF APPLICABLE

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on June 26, 2009, for a hearing, if requested, to be held July 21, 2009. No requests for hearing or written comments were received.

NOTICE OF PROPOSED RULE
11B-21: Certification of Criminal Justice Training Schools

NAME OF AGENCY: Florida Department of Law Enforcement
Division or Board: Criminal Justice Standards and Training Commission

<u>RULE NO.:</u>	<u>RULE TITLE:</u>
11B-21.002	Criminal Justice Training Schools' Request for Certification, Expansion of Certification, and Re-certification
11B-21.005	Criminal Justice Training School Requirements for Certification and Re-certification

PURPOSE AND EFFECT: To revise the Commission-certified training school staffing and equipment requirements in rule and to revise forms CJSTC-29, CJSTC-203, CJSTC-204, and CJSTC-205 to correspond with the proposed rule revisions.

SUMMARY:

11B-21.002: To revise the Criminal Justice Training School Certification and Re-certification Application form CJSTC-29 to require at least one full-time instructor or instructor coordinator that reports solely to the training center director for training schools with a Type "B" or "C" certification. To revise the reference to "Medical First Responder" to "First Aid" to correspond with the current course name.

11B-21.005: To revise the Defensive Tactics Facility and Equipment Requirements form CJSTC-203 to allow outdoor chemical agent exposure. To revise the Staffing Requirements form CJSTC-204 to reflect the new staffing requirements for training schools with a Type "B" or "C" certification required in Rule 11B-21.002, F.A.C. To revise the Training School Classroom Facility and Equipment Requirements form CJSTC-205 to update the required instructional aid equipment.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will or will not have an impact on small business.

A SERC has or has not been prepared by the agency. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

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

LAW IMPLEMENTED: 943.12(3), (7), 943.14, 943.17(1)(g) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

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

(or)

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, July 21, 2009 at 1:00 PM

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

(or)

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW:

PURSUANT TO THE PROVISIONS OF THE AMERICAN WITH DISABILITIES ACT, ANY PERSON REQUIRING SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS WORKSHOP/MEETING IS ASKED TO ADVISE THE AGENCY AT LEAST 5 days BEFORE THE WORKSHOP/MEETING BY CONTACTING: Donna Hunt at 850-410-8615 or donnahunt@flde.state.fl.us.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donna Hunt at 850-410-8615

THE FULL TEXT OF THE PROPOSED RULE IS: see separate word file for the text.

THE FOLLOWING INFORMATION IS INSERTED ON THE NEXT PAGE AFTER THE RULE TEXT.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 17, 2009

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) Training organizations requesting Commission certification, re-certification, or expansion of a current certification shall apply to the Commission by submitting to Commission staff a completed Training School Certification, Re-certification, or Expansion of Certification Application, form CJSTC-29, revised October 30, 2008 February 7, 2002, hereby incorporated by reference. Form CJSTC-29 shall reflect that certification is for the training organization requesting the certification, re-certification, or expansion of a current certification.

(2) No change.

(a) through (c) No change.

(3) No change.

(a) through (d) No change.

(4) through (5) No change.

(a) through (d) No change.

(6) No change.

Rulemaking 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, 6-9-08,_____.

11B-21.005 Criminal Justice Training School Requirements for Certification and Re-certification. Training Schools certified by the Commission shall comply with the following requirements:

(1) through (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 October 30, 2008 May 6, 2004, hereby incorporated by reference.

(4) No change.

(a) through (b) No change.

(5) Defensive Tactics Facility, Equipment, and Instructor to Student Ratio Requirements. When conducting Commission-approved defensive tactics training, comply with the defensive tactics equipment, facility, and instructor to student ratio requirements set forth in subsection 11B-35.0021(4), F.A.C., and in the Defensive Tactics Facility and Equipment Requirements, form CJSTC-203, revised October 30, 2008 November 8, 2007, hereby incorporated by reference.

(6) through (7) No change.

(8) Staffing Requirements. Comply with the personnel requirements set forth in the Staffing Requirements, form CJSTC-204, revised October 30, 2008 May 6, 2004, hereby incorporated by reference. The following specifications shall be met:

(a) through (c) No change.

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

(10) No change.

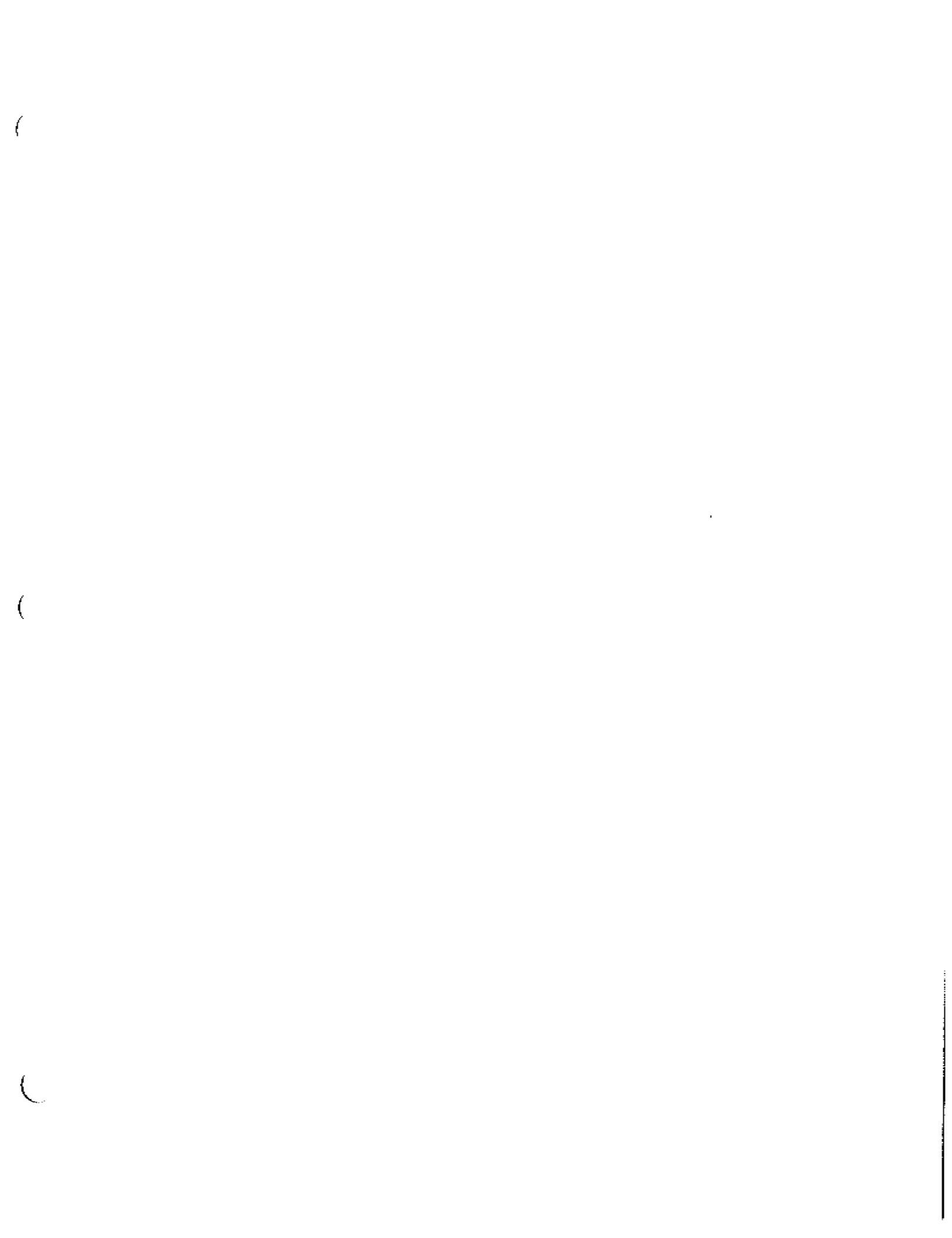
(a) through (c) No change.

(11) No change.

(a) through (b) No change.

1. through 2. No change.

Rulemaking 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, 6-9-08,_____.



JEFF A. TWATER
President



Senator Arlene L. Joyner, Chair
Representative Bryan Nelson, Vice-Chair
Senator Charles S. "Charlie" Dean, Sr.
Senator J. Alex Villalobos
Representative Audrey Gibson
Representative H. Marlene O'Toole

LARRY CRETUL
Speaker



F. SCOTT BOYD
EXECUTIVE DIRECTOR
AND GENERAL COUNSEL
Room 120, Holland Building
Tallahassee, Florida 32399-1300
Telephone (850) 488-9110

THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

July 20, 2009

Ms. Grace A. Jaye
Assistant General Counsel
Department of Law Enforcement
2331 Phillips Road
Tallahassee, Florida 32308

**RE: Department of Law Enforcement
Rule Chapter 11B-27, F.A.C.**

Dear Ms. Jaye:

I have reviewed the referenced rules and, as we discussed, I have the following comments:

11B-27.00212(14) provides the firearms qualification standard. Paragraph (b) requires officers to report compliance every two years and paragraph (c) provides that failure to meet the standard by June 30 of each reporting year will result in the officer's certificate becoming inactive until documentation is provided establishing that the standard has been met.

Section 943.135, F.S., states in part that continuing training or education shall be required at the rate of 40 hours every 4 years. Therefore, it appears that the rule provision requiring compliance reporting every 2 years, and placing an officer's certificate on inactive status for failure to comply, modifies the statute. Please advise if there is another statutory provision that authorizes the 2-year requirement.

In addition, paragraph (e) provides an exception to the rule's reporting requirement for officers injured in the line of duty. Although this may be a worthy policy decision, "[t]he necessity for, or the desirability of, an administrative rule does not, of itself, bring into existence authority to promulgate such rule." *4245 Corp. v. Division of Beverage*, 371 So.2d 1032, 1033 (Fla. 1st DCA 1978). In the absence of authority in the statute, the Commission cannot create an exception to the statutory training requirements. Therefore, to the extent that this rule could result in the granting of an exception to the 40-hour, 4-year training requirement, the rule appears to conflict with the statute.

Ms. Grace A. Jaye

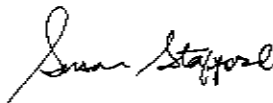
July 20, 2009

Page 2

In addition, in Rule 11B-27.00213(2) the word "officers" should be "officer's."

Please do not hesitate to call if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Susan Stafford".

Susan Stafford
Chief Attorney

MCH:SA WORD/SUSAN/11B_27.00212LS072009_145106_145108.DOCX

FDLE

Florida Department of
Law Enforcement

Gerald M. Bailey
Commissioner

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

July 23, 2009

Ms. Susan Stafford, Esq.
The Florida Legislature
Joint Administrative Procedures Committee
Room 120
Holland Building
600 S. Calhoun St.
Tallahassee, FL 32399-1300

Re: Your letter dated July 20, 2009

Dear Ms. Stafford:

I am writing to you regarding your concerns with Rule 11B-27.00212(14), stated in your July 20, 2009, letter. I have placed your concerns in bold type with Roman numeral headings for ease of discussion.

I. **Section 943.135, F.S., states in part that continuing training or education shall be required at the rate of 40 hours every 4 years. Therefore, it appears that the rule provision requiring compliance reporting every 2 years, and placing an officer's certificate on inactive status for failure to comply, modifies the statute. Please advise if there is another statutory provision that authorizes the 2-year requirement.**

FDLE's response:

As we discussed in our telephone conversation on July 20, 2009, Section 943.12(16), F.S., provides the Criminal Justice Standards and Training Commission (CJSTC) rulemaking authority over all aspects of the high liability disciplines for criminal justice professionals. This section reads as follows:

The Commission shall: {p}romulgate rules for the certification and discipline of officers who engage in those specialized areas found to present a high risk of harm to the officer or the public at large and which would in turn increase the potential liability of an employing agency.

The CJSTC has two types of reporting that are at issue in this matter. Officers are required to report the officer's proficiency with a firearm every two years. Officers are required to report that they have completed 40 hours of mandatory retraining every four years. Section 943.135(f), F.S., speaks only to mandatory retraining, which is defined in the statute as "training or education." The CJSTC understands its statutes to read that "training and education" are separate from the demonstration of proficiency in high liability skills such as the use of firearms. The CJSTC permits officers to use the time they spend at the range demonstrating proficiency with their firearm to count toward the 40 hours every 4 years of mandatory retraining, if the

officer and his or her agency wish to do so. However, the CJSTC regulates officer proficiency with a firearm separately from mandatory retraining under the authority granted to the CJSTC by Section 943.12(16), F.S. Demonstrating proficiency with a firearm does not entail any class time spent in education or training. The officer is required to complete the statewide minimum standard course of fire. An officer either passes or fails the proficiency. Mandatory retraining, on the other hand, has a "classroom" component which requires instruction on various topics related to criminal justice at the rate of 40 hours every four years.

The CJSTC is authorized under Section 943.12(16), F.S., to promulgate rules for the certification and discipline of officers in all aspects of the high liability disciplines. The CJSTC understands this statute grants it the authority *at the minimum* to: create a standard proficiency in the high liability areas, including firearms; promulgate rules regulating the reporting showing officers have successfully completed the proficiency; and, promulgate rules to discipline officers who fail to show minimum proficiency.

In closing, Section 943.132(1), F.S., requires officers to use the "minimum firearms proficiency course applicable to active law enforcement officers." If CJSTC is to hold retirees to the same course of fire to which it holds active duty officers, the CJSTC must be permitted to hold active duty officers to a "minimum firearms proficiency course." The CJSTC would submit that Section 943.12(16), F.S., is a clear grant of legislative authority to create and maintain such a minimum course of fire standard.

ii. In addition, paragraph (e) provides an exception to the rule's reporting requirement for officers injured in the line of duty. Although this may be a worthy policy decision, "[t]he necessity for, or the desirability of, an administrative rule does not, of itself, bring into existence authority to promulgate such rule." *4245 Corp. v. Division of Beverage*, 371 So.2d 1032, 1033 (Fla. 1st DCA 1978). In the absence of authority in the statute, the Commission cannot create an exception to the statutory training requirements. Therefore, to the extent that this rule could result in the granting of an exception to the 40-hour, 4-year training requirement, the rule appears to conflict with the statute.

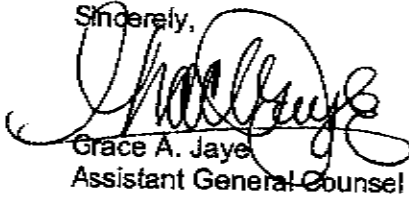
FDLE's response:

As we discussed in our telephone conversation, Section 943.12(16), F.S., contains the legislative authority for the CJSTC to promulgate rules regulating high liability disciplines. In this aspect, much of what was cited in the CJSTC's response to your first finding applies here as well. The demonstrating of proficiency in the high liability disciplines is regulated under Section 943.12(16), F.S., rather than Section 943.135(1), F.S. The four year requirement does not apply to the high liability disciplines. However, the CJSTC permits agencies and officers to use the time spent on the firing range demonstrating proficiency under Rule 11B-27.00212(14), F.S., to count toward the 40 hour, 4 year reporting requirement for mandatory retraining even though a demonstration of proficiency is not "training or education" as contemplated by Section 943.135, F.S. This new rule language permits the officer injured in the line of duty whose injuries prevent him or her from meeting the two year reporting deadline to obtain extra time for reporting firearms proficiency. The rule language only contemplates additional time up to the officer's second reporting cycle, which would, at most, be a grant of two more years from the date the officer would have reported, if he or she could physically have done so. This will ensure that officers using this provision do not go over four years for reporting firearms proficiency if they are injured in the line of duty. Again, the CJSTC asserts that Section 943.12(16), F.S., gives it the authority to "promulgate rules for the certification . . . of officers who engage in those specialized areas found to present a high risk of harm to the officer or the

public at large. . . ." Promulgating rules to certify that officers have obtained a proficiency in firearms is part of the authority granted to the CJSTC by this statute. The CJSTC is attempting to promulgate a rule to certify officers engaging in a high liability discipline, the use of firearms. As we discussed on the telephone, the CJSTC has been given a broad authority over the high liability areas by the legislature and the CJSTC is exercising that authority by promulgating rules to administer the "certification . . . of officers" engaged in the use of firearms, a high liability discipline.

In conclusion, I appreciate you taking your time to discuss with me your concerns about these provisions of Rule 11B-27.00212(14), F.A.C., and to listen to the CJSTC's statutory justification for these rule provisions. I am happy that we came to the conclusion that Section 943.12(16), F.S., gives the CJSTC the legislative authority to promulgate these rule provisions. Thank you again for your time, consideration, and help.

Sincerely,

A handwritten signature in black ink, appearing to read "Grace A. Jaye", written over a horizontal line.

Grace A. Jaye
Assistant General Counsel

/gaj

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-27, FLORIDA ADMINISTRATIVE CODE

AMENDING RULE(S) 11B-27.00212, 11B-27.00213, and 11B-27.013

CERTIFICATION AND EMPLOYMENT OR APPOINTMENT

SUMMARY OF THE RULE

To revise the requirements for complying with the Commission's Firearms Qualification Standard, Firearms performance evaluation, equivalent canine team training evaluations, and agency or training school affiliation reporting requirements for canine team evaluators, and to revise forms CJSTC-86A, CJSTC-70, and CJSTC-4 CMS to correspond with the proposed rule revisions.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

11B-27.00212: To revise form CJSTC-86A. To revise the Law Enforcement Officer Firearms Qualification Standard form CJSTC-86A to permit the use of a reduced sized target to demonstrate proficiency (with a handgun only) on the Commission's Firearms Qualification Standard Course of Fire pursuant to Rule 11B-27.014, F.A.C. To revise the Commission's Firearms Qualification Standard Course of Fire for officers injured in the line of duty. To revise the to grant a two-year extension, to officers who have been injured in the line of duty, to satisfy the Commission's Firearms Qualification Standard Course of Fire pursuant to Rule 11B-27.014, F.A.C.

11B-27.00213: To revise form CJSTC-4 CMS. To revise the CMS Firearms Performance Evaluation form CJSTC-4 CMS to remove the proficiency skills designated as "CMS New" pursuant to the revisions in Rule 11B-35.0023.

11B-27.013: To clarify the process for canine team evaluators to evaluate canine team equivalent training. To require that Equivalent training shall be reviewed and approved by a Commission-approved evaluator, however, a canine team evaluator shall not approve equivalent canine team training for they delivered. To revise form CJSTC-70. To revise the Patrol Canine Team Certification Application form CJSTC-70 to require the first and second canine team evaluator to include their agency or training school affiliation.

FEDERAL STANDARDS STATEMENT, IF APPLICABLE

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on June 26, 2009, for a hearing, if requested, to be held July 21, 2009. No requests for hearing or written comments were received.

NOTICE OF PROPOSED RULE

11B-27: Certification and Employment or Appointment

NAME OF AGENCY: Florida Department of Law Enforcement
Division or Board: Criminal Justice Standards and Training Commission

<u>RULE NO.:</u>	<u>RULE TITLE:</u>
11B-27.00212	Maintenance of Officer Certification
11B-27.00213	Temporary Employment Authorization
11B-27.013	Canine Team Certification

PURPOSE AND EFFECT: To revise the requirements for complying with the Commission's Firearms Qualification Standard, Firearms performance evaluation, equivalent canine team training evaluations, and agency or training school affiliation reporting requirements for canine team evaluators, and to revise forms CJSTC-86A, CJSTC-70, and CJSTC-4 CMS to correspond with the proposed rule revisions.

SUMMARY:

11B-27.00212: To revise form CJSTC-86A. To revise the Law Enforcement Officer Firearms Qualification Standard form CJSTC-86A to permit the use of a reduced sized target to demonstrate proficiency (with a handgun only) on the Commission's Firearms Qualification Standard Course of Fire pursuant to Rule 11B-27.014, F.A.C. To revise the Commission's Firearms Qualification Standard Course of Fire for officers injured in the line of duty. To revise the to grant a two-year extension, to officers who have been injured in the line of duty, to satisfy the Commission's Firearms Qualification Standard Course of Fire pursuant to Rule 11B-27.014, F.A.C.

11B-27.00213: To revise form CJSTC-4 CMS. To revise the CMS Firearms Performance Evaluation form CJSTC-4 CMS to remove the proficiency skills designated as "CMS New" pursuant to the revisions in Rule 11B-35.0023. To clarify rule language.

11B-27.013: To clarify the process for canine team evaluators to evaluate canine team equivalent training. To require that Equivalent training shall be reviewed and approved by a Commission-approved evaluator, however, a canine team evaluator shall not approve equivalent canine team training for they delivered. To revise form CJSTC-70. To revise the Patrol Canine Team Certification Application form CJSTC-70 to require the first and second canine team evaluator to include their agency or training school affiliation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will or will not have an impact on small business.

A SERC has or has not been prepared by the agency. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

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

LAW IMPLEMENTED: 943.11, 943.12, 943.12(3), 943.12(17), 943.13, 943.13(11), 943.131, 943.133, 943.135, 943.139, 943.1395, 943.1395(3), 943.17(1)(a), 943.1701, 943.1715, 943.1716, and 943.253 FS.

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

(or)

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, July 21, 2009 at 1:00 PM

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

(or)

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW:

PURSUANT TO THE PROVISIONS OF THE AMERICAN WITH DISABILITIES ACT, ANY PERSON REQUIRING SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS WORKSHOP/MEETING IS ASKED TO ADVISE THE AGENCY AT LEAST 5 days BEFORE THE WORKSHOP/MEETING BY CONTACTING: Donna Hunt at 850-410-8615 or donnahunt@fdle.state.fl.us.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donna Hunt at 850-410-8615

THE FULL TEXT OF THE PROPOSED RULE IS: see separate word file for the text.

THE FOLLOWING INFORMATION IS INSERTED ON THE NEXT PAGE AFTER THE RULE TEXT.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 17, 2009

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-27.00212 Maintenance of Officer Certification.

(1) through (5) No change.

(a) through (d) No change.

(6) through (12) No change.

(a) No change.

1. through 3. No change.

(b) No change.

1. through 3. No change.

(13) No change.

(a) No change.

1. through 5. No change.

(b) through (e) 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 January 29, 2009 ~~November 8, 2007~~, hereby incorporated by reference, and maintained in the officer's employment file.

(a) A certified law enforcement officer who fails to demonstrate proficiency skills on the required firearms qualification standard shall not perform the duties of a sworn officer.

(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, hereby incorporated by reference, and maintained in the officer's file. The employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, the date of completion.

(c) In the event a certified law enforcement officer fails to meet this standard by June 30 of each reporting year, the officer's certificate shall become inactive until the employing agency provides documentation to Commission staff establishing that the firearms qualification standard has been satisfied.

(d) The certificate of a law enforcement officer shall become inactive if the officer has separated from employment or appointment and is not reemployed or reappointed within the two-year reporting cycle. The officer will be required to comply with the firearms qualification standard upon employment or appointment.

(e) In the event a certified law enforcement officer is injured in the line of duty and fails to meet this standard by June 30 of a reporting year, the agency administrator or designee shall complete the Injury in the Line of Duty form CJSTC-86B, created January 29, 2009, hereby incorporated by reference. The agency shall submit form CJSTC-86B and the supporting documentation to Commission staff prior to the June 30 deadline to ensure the officer's certificate does not become inactive on the reporting deadline for that two-year reporting cycle.

(15) No change.

(a) through (c) No change.

1. through 10. No change.

(d) through (e) No change.

Rulemaking 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, 6-9-08.

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. through 5. No change.

(b) No change.

1. through 2. No change.

(c) No change.

1. through 2. No change.

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

(a) No change.

1. through 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 October 30, 2008 November 8, 2007, 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) through (4) No change.

(a) through (b) No change.

(5) No change.

Rulemaking 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, 6-9-08, _____.

11B-27.013 Canine Team Certification.

(1) No change.

(a) through (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 October 30, 2008 November 8, 2007, 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) No change.

(a) through (c) No change.

1. through 2. No change.

(4) Equivalent Training. Equivalent training shall be reviewed and approved by a Commission-approved evaluator. Equivalent training for a canine team, with a handler who has never been certified, shall comply with the objectives of the Canine Team Training Course, which is a minimum of 400 hours. Equivalent training for a previously certified handler, who is assigned a new canine, shall comply with the objectives of the Canine Team Training Course with the exception of the administrative block of instruction. It is the responsibility of the employing agency submitting the Patrol Canine Team Certification Application form CJSTC-70, to provide documentation of training to the Commission-approved evaluator for review and approval as equivalent training. A Commission-approved evaluator shall not approve equivalent training that the evaluator delivered.

(5) No change.

(a) through (c) No change.

(6) No change.

(a) through (c) No change.

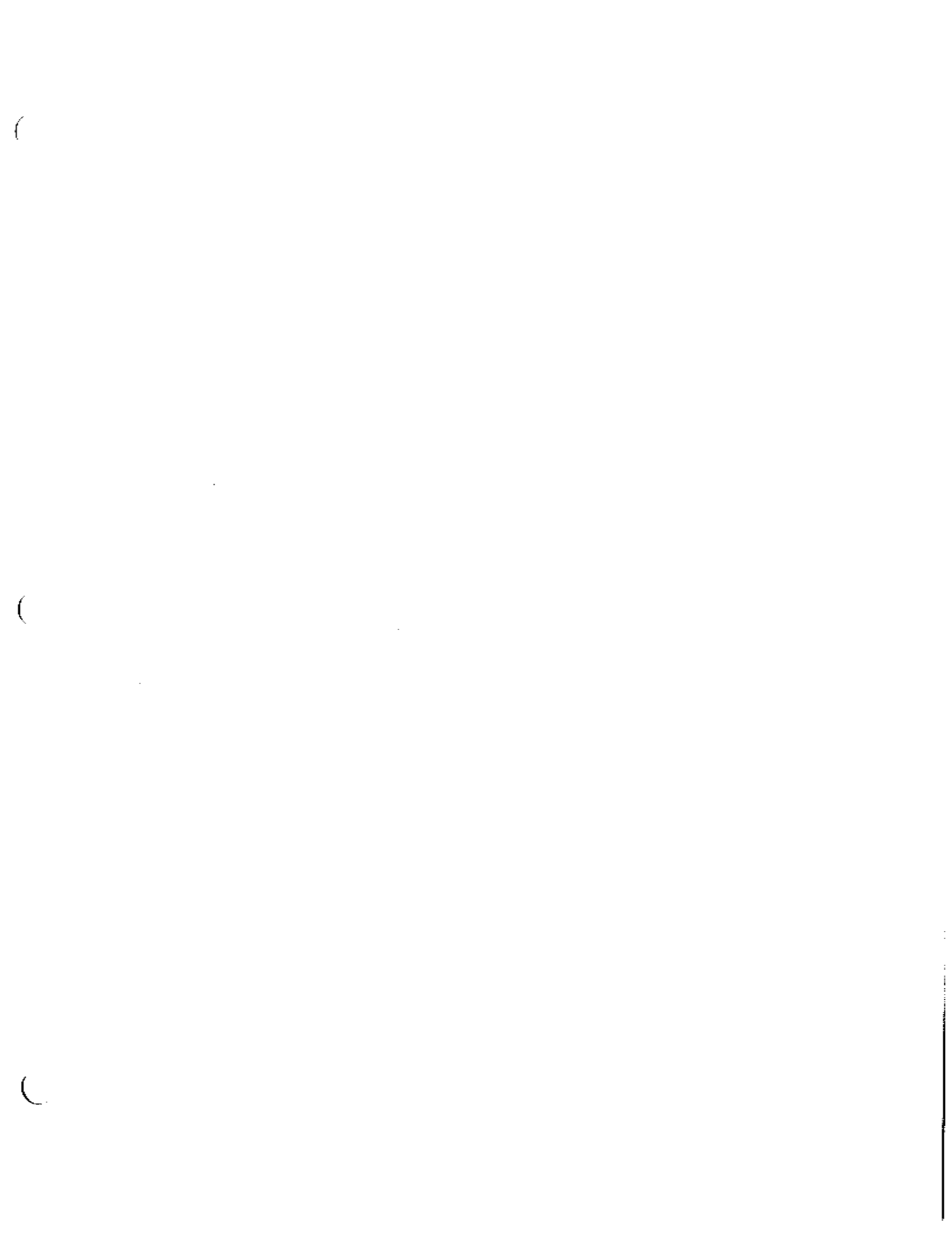
(7) No change.

(a) through (c) No change.

(8) No change.

(a) through (f) No change.

Rulemaking 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, 6-9-08, _____.



STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11B-30, FLORIDA ADMINISTRATIVE CODE
AMENDING RULE(S) 11B-30.007
STATE OFFICER CERTIFICATION EXAMINATION

SUMMARY OF THE RULE

Currently an injured applicant must request a rule waiver in order to obtain a refund of the \$100 examination fee. This change will refund the injured applicant's \$100 examination fee without the need to go through the rule waiver process.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

To allow an applicant to reschedule the State Officer Certification Examination if injured in a basic recruit training program and the injury prevents the applicant from taking the scheduled examination.

FEDERAL STANDARDS STATEMENT, IF APPLICABLE

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on June 26, 2009, for a hearing, if requested, to be held July 21, 2009. No requests for hearing or written comments were received.

NOTICE OF PROPOSED RULE

11B-30: State Officer Certification Examination

NAME OF AGENCY: Florida Department of Law Enforcement
Division or Board: Criminal Justice Standards and Training Commission

RULE NO.: 11B30.007 **RULE TITLE:** Application for the State Officer Certification Examination and Notification Process

PURPOSE AND EFFECT: Currently an injured applicant must request a rule waiver in order to obtain a refund of the \$100 examination fee. This change will refund the injured applicant's \$100 examination fee without the need to go through the rule waiver process.

SUMMARY: To allow an applicant to reschedule the State Officer Certification Examination if injured in a basic recruit training program and the injury prevents the applicant from taking the scheduled examination.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will or will not have an impact on small business.

A SERC has or has not been prepared by the agency. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

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

LAW IMPLEMENTED: 943.12(17), 943.1397(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

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

(or)

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, July 21, 2009 at 1:00 PM

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

(or)

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW:

PURSUANT TO THE PROVISIONS OF THE AMERICAN WITH DISABILITIES ACT, ANY PERSON REQUIRING SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS WORKSHOP/MEETING IS ASKED TO ADVISE THE AGENCY AT LEAST 5 days BEFORE THE WORKSHOP/MEETING BY CONTACTING: Donna Hunt at 850-410-8615 or donnahunt@fdle.state.fl.us.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donna Hunt at 850-410-8615

THE FULL TEXT OF THE PROPOSED RULE IS: see separate word file for the text.

THE FOLLOWING INFORMATION IS INSERTED ON THE NEXT PAGE AFTER THE RULE TEXT.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 17, 2009

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) No change.

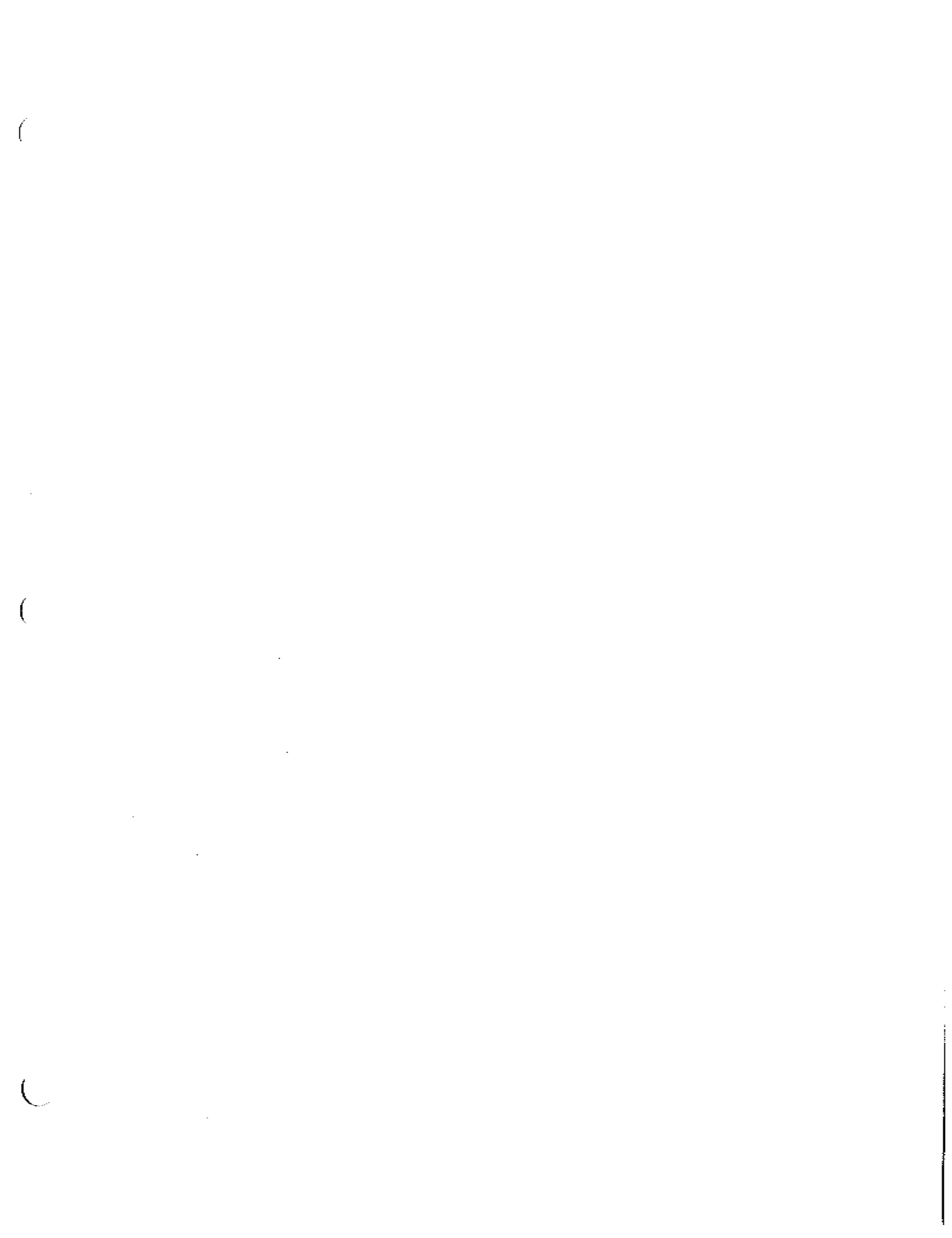
(a) through (c) No change.

(2) through (5) No change.

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

(a) through (e) No change.

(f) Injury During Training. An applicant shall be permitted to reschedule an SOCE if the applicant is injured while in an academy and the injury prevents the applicant from completing the basic recruit training program prior to the scheduled SOCE examination date. The applicant's injury must occur as a result of participating in activities required in a basic recruit training program. Documentation of the applicant's injury and how the injury occurred shall be submitted to Commission staff on training school letterhead and signed by the training center director.
Rulemaking 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, 6-9-08, _____.



STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-35, FLORIDA ADMINISTRATIVE CODE

AMENDING RULE(S) 11B-35.001, 11B-35.002, 11B-35.0021; 11B-35.0023,

11B-35.0024, 11B-35.003, 11B-35.006, and 11B-35.007

STATE OFFICER CERTIFICATION EXAMINATION

SUMMARY OF THE RULE

To revise the general training requirements and specifications for competency-based training. To revise the required demonstration of proficiency skills in basic recruit training programs for students transferring from one training school to another. To revise the performance requirements for basic recruit training courses and instructor training courses. To revise the required demonstration of proficiency skills and student to instructor ratio requirements for basic recruit training, specialized instructor training, and specialized training courses. To revise basic recruit training program courses, specialized training program courses, specialized instructor training courses. To revise/create performance evaluation forms CJSTC-3, CJSTC-4 CMS, CJSTC-5 CMS, CJSTC-6 CMS, CJSTC-7 CMS, CJSTC-10, CJSTC-13, and to revise form CJSTC-70.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Rule 11B-35.001: To increase the written end-of-course examination passing scores and clarify the requirements to retake an academy examination. To increase the written end-of-course examination passing score for Advanced and Specialized Training Courses from 75% to 80%. To increase the written end-of-course examination passing score for Specialized Instructor Training Courses from 75% to 85%. To clarify the process for granting a "first attempt" and "second attempt" for passing a written end-of-course examination and demonstration of proficiency skills in the high-liability topics. To clarify the use of "competency-based instruction" for basic recruit training programs and Commission-approved specialized instructor training program courses. To clarify the use of "competency-based instruction" for basic recruit training programs and Commission-approved specialized instructor training program courses. To revise form CJSTC-3. To revise the Role-Play Practicum Check Sheet form CJSTC-3 and add the Dart-Firing Stun Gun course # CJK_0422 and the role-play practicum scenarios, to add the Department of Education's common course numbers to each of the role-play course names, and to update the instructions on the form.

Rule 11B-35.002 and 11B-35.0023: To revise the process for a student who transfers to another training school. To revise the CMS Firearm's Performance Evaluation form CJSTC-4 CMS and Rule 11B-27.0023, F.A.C., to remove the requirement that an individual complete the proficiency skills designated as "CMS New," and requires that the student demonstrate the required proficiency skills at the time of the requested transfer. The training center director shall evaluate the student's completed performance evaluation form(s) and ensure the student meets the current proficiency standards. This will ensure that a student completes the most current proficiency skills prior to transferring to a different training school. To add a new basic recruit training course and course number. To add the new DUI Traffic Stops course number CJK_0083 in the Florida CMS Law Enforcement Basic Recruit Training Program number 1177, and to the Florida CMS Law Enforcement Basic Recruit Training Program cross-over courses, numbers 1178 and 1179. To add new CJK numbers required by the Department of Education. To add a new CJK number, required by the Department of Education, for Criminal Justice Legal 1, Criminal Justice Legal 2, Criminal Justice Communications, Interpersonal Skills 1, Interpersonal Skills 2, Emergency Preparedness, and Correctional Operations, in the Traditional Correctional Basic Recruit Training Program number 502.

Rule 11B-35.0021: To revise the title of Rule 11B-35.0021. To add the new DUI Traffic Stops course to the Law Enforcement Basic Recruit Training Programs. To add the new DUI Traffic Stops course number CJK_0083 to the Florida CMS Law Enforcement Basic Recruit Training Program number 1177, and add the Florida CMS Law Enforcement Basic Recruit Training Program cross-over courses numbers 1178 and 1179. Housekeeping revisions. To add course numbers to existing course names for ease of finding the correct course. To add the new category of "Specialized Instructor Courses." To add the required demonstration of proficiency requirements for the Speed Measurement Instructor Course number 1159. To revise the student to instructor ratio for defensive tactics and to add a student to instructor ratio for instruction of the Speed Measurement Instructor Course. To revise the student to instructor ratio for instruction of defensive tactics from 10 to 8 with the lead instructor included in the ratio. To add a student to instructor ratio for instruction of the Speed Measurement Instructor Course number 1159.

FEDERAL STANDARDS STATEMENT, IF APPLICABLE

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on June 26, 2009, for a hearing, if requested, to be held July 21, 2009. No requests for hearing or written comments were received.

NOTICE OF PROPOSED RULE

11B-35; Training Programs

NAME OF AGENCY: Florida Department of Law Enforcement
Division or Board: Criminal Justice Standards and Training Commission

<u>RULE NO.:</u>	<u>RULE TITLE:</u>
11B-35.001	General Training Programs; Requirements and Specifications
11B-35.002	Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation
11B-35.0021	Courses for Basic Recruit Training and Instructor Training Requiring Proficiency Demonstration. (Renamed the Rule Name)
11B-35.0023	Student Transfers within Basic Recruit Training Programs
11B-35.0024	Student Performance in Commission-approved High-Liability Basic Recruit Training Courses and Instructor Training Courses Requiring Proficiency Demonstration (Renamed the Rule Name)
11B-35.003	Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation Auxiliary Training
11B-35.006	Advanced Training Programs
11B-35.007	Specialized Training Programs

PURPOSE AND EFFECT: To revise the general training requirements and specifications for competency-based training. To revise the required demonstration of proficiency skills in basic recruit training programs for students transferring from one training school to another. To revise the performance requirements for basic recruit training courses and instructor training courses. To revise the required demonstration of proficiency skills and student to instructor ratio requirements for basic recruit training, specialized instructor training, and specialized training courses. To revise basic recruit training program courses, specialized training program courses, specialized instructor training courses. To revise/create performance evaluation forms CJSTC-3, CJSTC-4 CMS, CJSTC-5 CMS, CJSTC-6 CMS, CJSTC-7 CMS, CJSTC-10, CJSTC-13, and to revise form CJSTC-70.

SUMMARY:

11B-35.001: To increase the written end-of-course examination passing scores and clarify the requirements to retake an academy examination. To increase the written end-of-course examination passing score for Advanced and Specialized Training Courses from 75% to 80%. To increase the written end-of-course examination passing score for Specialized Instructor Training Courses from 75% to 85%. To clarify the process for granting a "first attempt" and "second attempt" for passing a written end-of-course examination and demonstration of proficiency skills in the high-liability topics. To clarify the use of "competency-based instruction" for basic recruit training programs and Commission-approved specialized instructor training program courses. To clarify the use of "competency-based instruction" for basic recruit training programs and Commission-approved specialized instructor training program courses. To revise form CJSTC-3. To revise the Role-Play Practicum Check Sheet form CJSTC-3 and add the Dart-Firing Stun Gun course # CJK_0422 and the role-play practicum scenarios, to add the Department of Education's common course numbers to each of the role-play course names, and to update the instructions on the form.

11B-35.002 and 11B-35.0023: To revise the process for a student who transfers to another training school. To revise the CMS Firearms Performance Evaluation form CJSTC-4 CMS and Rule 11B-27.0023, F.A.C., to remove the requirement that an individual complete the proficiency skills designated as "CMS New," and requires that the student demonstrate the required proficiency skills at the time of the requested transfer. The training center director shall evaluate the student's completed performance evaluation form(s) and ensure the student meets the current proficiency standards. This will ensure that a student completes the most current proficiency skills prior to transferring to a different training school. To add a new basic recruit training course and course number. To add the

new DUI Traffic Stops course number CJK_0083 in the Florida CMS Law Enforcement Basic Recruit Training Program number 1177, and to the Florida CMS Law Enforcement Basic Recruit Training Program cross-over courses, numbers 1178 and 1179. To add new CJK numbers required by the Department of Education. To add a new CJK number, required by the Department of Education, for Criminal Justice Legal 1, Criminal Justice Legal 2, Criminal Justice Communications, Interpersonal Skills 1, Interpersonal Skills 2, Emergency Preparedness, and Correctional Operations, in the Traditional Correctional Basic Recruit Training Program number 502.

11B-35.0021: To revise the title of Rule 11B-35.0021 to better describe the rule language contained in that rule section. To add the new DUI Traffic Stops course to the Law Enforcement Basic Recruit Training Programs. To add the new DUI Traffic Stops course number CJK_0083 to the Florida CMS Law Enforcement Basic Recruit Training Program number 1177, and add the Florida CMS Law Enforcement Basic Recruit Training Program cross-over courses numbers 1178 and 1179. Housekeeping revisions. To add course numbers to existing course names for ease of finding the correct course. To add the new category of "Specialized Instructor Courses." To add the required demonstration of proficiency requirements for the Speed Measurement Instructor Course number 1159. To revise the student to instructor ratio for defensive tactics and to add a student to instructor ratio for instruction of the Speed Measurement Instructor Course. To revise the student to instructor ratio for instruction of defensive tactics from 10 to 8 with the lead instructor included in the ratio. To add a student to instructor ratio for instruction of the Speed Measurement Instructor Course number 1159.

11B-35.0024: To revise the rule section title. To revise the title of the Rule 11B-35.0024 to better describe the rule language contained in that rule section. To clarify existing rule language. To change "cognitive knowledge" to "written end-of-course examination," throughout all rules sections for consistency with terminology used by the training schools. To change "demonstration of high-liability proficiency skills" to "demonstration of proficiency skills" throughout all rule sections to clarify the proficiency skills process, i.e., "demonstration of proficiency skills in the high-liability topics of vehicle operations, defensive tactics, first aid, and firearms." To increase the written end-of-course examination passing score for specialized instructor training courses and the passing score for demonstration of proficiency skills. To increase the written end-of-course examination for Specialized Instructor Training Courses listed in Rule 11B-35.007, F.A.C., from 75% to 85%. To increase the proficiency demonstration for firearms instructors from 80% to 85%. To clarify the process for granting a "first attempt" and "second attempt" for successfully passing a written end-of-course examination and demonstration of proficiency skills in the high-liability topics. To add proficiency demonstrations for the DUI Traffic Stops course number CJK_0083 in a basic recruit training program and for the Speed Measurement Instructor course number 1159 (specialized instructor course). To add rule language to require that a basic recruit student achieve a score of no less than 80% on the required written end-of-course examination and demonstrate the required proficiency skills at 100% for the DUI Traffic Stops course number CJK_0083. To add rule language to require that an instructor student achieve a score of no less than 85% on the required written end-of-course examination and demonstrate the required proficiency skills at 100% for the Speed Measurement Instructor course number 1159. To revise and add CJSTC forms. To revise the CMS Firearms Performance Evaluation form CJSTC-4 CMS; CMS First Aid Performance Evaluation form CJSTC-5 CMS; CMS Defensive Tactics Performance Evaluation form CJSTC-6 CMS; CMS Vehicle Operations Performance Evaluation form CJSTC-7 CMS; Speed Measurement Device Instructor Field Evaluation form CJSTC-10; and to create the DUI Traffic Stops Performance Evaluation form CJSTC-13.

11B-35.003: To clarify the curriculum and high-liability training requirements for completing Auxiliary Officer Basic Recruit Training. To add detailed curriculum and high-liability training requirements for becoming a certified auxiliary officer. To clarify that the Auxiliary Officer Prerequisite Course shall be taught at a Commission-certified training school. Housekeeping revisions. To update rule references.

11B-35.006: Housekeeping revisions. To retire the Laser Speed Measurement Operators Course for Law Enforcement. To remove redundant rule language. To repeal form CJSTC-8. To repeal the Radar Operator Performance Report form CJSTC-8 because the form is no longer needed.

11B-35.007: To update the Specialized Instructor Training Program Course list and the Specialized Training Program Course list. To transfer the CMS General Instructor Update Course and the CMS Defensive Tactics and Firearms Instructor Update Course from the Specialized Instructor Training Courses list to the Specialized Training Program Course list. The transferred courses are Commission-approved Specialized Training Program Courses developed and approved by the Commission that have not been designated as Commission-approved Advanced Training Program Courses. To change the name of the Speed Measurement Instructor Course for Law Enforcement

Officers number 1159 to Speed Measurement Instructor Course number 1159. To add the new Florida General Instructor Techniques Course number 1186 (specialized instructor training course). To update the Specialized Training Program Course List. To add the Elder Abuse Investigations number 1185 (specialized training program course) to the Specialized Training Program Course List. To reduce the required hours in the Breath Test Operator Course from 24 to 16 hours and reduce the Breath Test Operator Renewal Course from 6 to 4 hours.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will or will not have an impact on small business.

A SERC has or has not been prepared by the agency. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

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

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

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

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

(or)

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, July 21, 2009 at 1:00 PM

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

(or)

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW:

PURSUANT TO THE PROVISIONS OF THE AMERICAN WITH DISABILITIES ACT, ANY PERSON REQUIRING SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS WORKSHOP/MEETING IS ASKED TO ADVISE THE AGENCY AT LEAST 5 days BEFORE THE WORKSHOP/MEETING BY CONTACTING: Donna Hunt at 850-410-8615 or donnahunt@fdle.state.fl.us.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donna Hunt at 850-410-8615

THE FULL TEXT OF THE PROPOSED RULE IS: see separate word file for the text.

THE FOLLOWING INFORMATION IS INSERTED ON THE NEXT PAGE AFTER THE RULE TEXT.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 17, 2009

THE FULL TEXT OF THE PROPOSED RULE IS:

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

- (1) No change.
- (a) through (c) No change.
- (2) No change.
- (a) through (d) No change.
- (3) No change.
- (a) through (b) No change.
- (4) No change.
- (a) through (c) No change.
- (5) No change.
- (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) No change.
 - (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, revised October 30, 2008 ~~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) through (8) No change.
 - (9) Student academic performance in courses.
 - (a) Each training center director 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 written 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 pursuant to subparagraph (d) 1.-13. of this rule section shall achieve a score of no less than ~~80%~~ 75% on the written cognitive end-of-course examination, exclusive of demonstration of proficiency skills. A student enrolled in a Specialized Instructor Training Course shall achieve a score of no less than 85% on the written end-of-course examination, exclusive of demonstration of any 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, Specialized Instructor Training, and Specified Specialized Training Program Courses, pursuant to subparagraph (d) 1.-13. of this rule section and 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 an end-of-course examination:

	Course Number	Course Title	Course Hours
1.	1112	Canine Team Training Course	400
2.	1113	Laser Speed Measurement Device (LSMD) Transition Operators Course for Radar Operators (Retired To be retired 12/31/08)	12
3.	1132	Parking Enforcement Specialist for Civilians	16
4.	1133	Selective Traffic Enforcement Program for Civilians	80
5.	732	Traffic Control Officer for Civilians	8
6.	851	Breath Test Operator Course	24
7.	951	Breath Test Operator Renewal Course	6
8.	850	Agency Inspector Course	24
9.	950	Agency Inspector Renewal Course	6
10.	1134	Criminal Justice Officer Ethics Course	8
11.	1135	Crimes Against Children	24
12.	1136	Domestic Violence	8

13.	1137	Violent Crime Investigator Training Course	40
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(e) End-of-course examinations shall be developed and administered for each course in a basic recruit training program based on the learning objectives in each course.

(10) No change.

(a) No change.

1. through 6. No change.

(b) through (d) No change.

1. through 4. No change.

(11) No change.

(a) through (b) No change.

1. through 6. No change.

(c) No change.

1. through 14. No change.

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

(a) 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 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 maintained in the student or course file at the training school.

(c) The Commission approves competency-based instruction in the delivery of basic recruit training and instructor training courses defined in subparagraph (12)(c)1. of this rule section. ~~the delivery of High-Liability Basic Recruit Training High-Liability Courses and CMS Instructor 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."

1. 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" in a delivery format that ensures that the training school delivers all curriculum materials.

2. Training schools are permitted to use competency-based instruction for courses within the basic recruit training programs except the Criminal Justice Officer Physical Fitness Training Course. Basic recruit students shall participate in 100% of the required hours in the Criminal Justice Officer Physical Fitness Course. The delivery of basic recruit training programs shall adhere to total program hours.

3. Training schools are permitted to use competency-based instruction for Commission-approved Instructor Courses.

~~(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) 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), F.A.C., on all end-of-course examinations in a Commission-approved Basic Recruit Training Program to successfully complete a program. A student who has failed a written cognitive end-of-course examination may be granted a re-examination by the training center director if

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

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

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

(b) Exclusive of the Commission's Basic Recruit Training Courses requiring proficiency demonstration high-liability training courses and re-examinations in paragraph (13)(a) of this rule section, a student may be granted one written end-of-course course cognitive re-examination during a single Basic Recruit Training Program. Students,

who have failed the written end-of-course examination to successfully demonstrate the required cognitive knowledge after a second attempt, shall be deemed to have failed the course.

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

(14) Student re-examination policy for Commission-approved Advanced and Specialized Training Program Courses. A student who has failed a written 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)(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) 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) No change.

(a) through (c) No change.

(16) No change.

(17) No change.

Rulemaking 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, 6-9-08.

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-1/1/97

(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

(2) No change.

(a) through (b) No change.

(3) through (4) No change.

(5) ~~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 designated as "CMS New in the High Liability Basic Recruit Training Course for which the training is requested.~~

(5)(6) 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) No change.

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

	Course Name	Course Number	Course Hours
1.	Criminal Justice Legal 1	CJK 0270 CJD 770	46.0
2.	Criminal Justice Legal 2	CJK 0271 CJD 771	22.0
3.	Criminal Justice Communications	CJK 0272 CJD 772	42.0
4.	Interpersonal Skills 1	CJK 0283 CJD 773	62.0
5.	Interpersonal Skills 2	CJK 0101 CJD 750	50.0
6.	CMS Criminal Justice Defensive Tactics	CJK 0051	80.0
7.	CMS Criminal Justice Firearms	CJK 0040	80.0
8.	CMS First Aid for Criminal Justice Officers	CJK 0031	40.0
9.	Emergency Preparedness	CJK 0480 CJD 741	26.0
10.	Correctional Operations	CJK 0102 CJD 752	64.0
11.	Criminal Justice Officer Physical Fitness Training	CJK 0280	40.0
		Total	552.0

(c) through (d) No change.

(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 1	CJK 0061	58.0
6.	Patrol 2	CJK 0062	40.0
7.	Crime Scene Investigations	CJK 0076	24.0
8.	Criminal Investigations	CJK 0071	56.0
9.	Traffic Stops	CJK 0082 CJK 0081	24.0 48.0
10.	DUI Traffic Stops	CJK 0083	24.0
11.10.	Traffic Crash Investigations	CJK 0086	32.0
12.11.	CMS Law Enforcement Vehicle Operations	CJK 0020	48.0
13.12.	CMS First Aid for Criminal Justice Officers	CJK 0031	40.0
14.13.	CMS Criminal Justice Firearms	CJK 0040	80.0
15.14.	CMS Criminal Justice Defensive Tactics	CJK 0051	80.0
16.15.	Dart-Firing Stun Gun	CJK 0422	8.0
17.16.	Criminal Justice Officer Physical Fitness Training	CJK 0096	60.0
		Total	770.0

(f) No change.

1. through 10. No change.

(7) No change.

(a) through (b) No change.

1. through 2. No change.

(c) No change.

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

1. through 2. No change.

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	CJK_0221	47.0
b.	Correctional Cross-Over to Law Enforcement Communications	CJK_0222	56.0
c.	Correctional Cross-Over to Law Enforcement Human Issues	CJK_0223	32.0
d.	Patrol 1	CJK_0061	58.0
e.	Patrol 2	CJK_0062	40.0
f.	Crime Scene Investigations	CJK_0076	24.0
g.	Criminal Investigations	CJK_0071	56.0
h.	Traffic Stops	CJK_0082	24.0
		CJK_0081	48.0
i.	DUI Traffic Stops	CJK_0083	24.0
j.	Traffic Crash Investigations	CJK_0086	32.0
k.	CMS Law Enforcement Vehicle Operations	CJK_0020	48.0
l.	Dart-Firing Stun Gun	CJK_0422	8.0
m.	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	CJK_0221	47.0
b.	Correctional Cross-Over to Law Enforcement Communications	CJK_0222	56.0
c.	Correctional Cross-Over to Law Enforcement Human Issues	CJK_0223	32.0
d.	Patrol 1	CJK_0061	58.0
e.	Patrol 2	CJK_0062	40.0
f.	Crime Scene Investigations	CJK_0076	24.0
g.	Criminal Investigations	CJK_0071	56.0
h.	Traffic Stops	CJK_0082	24.0
		CJK_0081	48.0
i.	DUI Traffic Stops	CJK_0083	24.0
j.	Traffic Crash Investigations	CJK_0086	32.0
k.	CMS Criminal Justice Vehicle Operations	CJK_0020	48.0
l.	Dart-Firing Stun Gun	CJK_0422	8.0
m.	CMS Criminal Justice Firearms	CJK_0040	80.0
	Total		529.0

- (e) No change.
- 1. through 3. No change.
- a. through d. No change.
- 4. No change.
- a. through f. No change.
- (f) No change.
- 1. through 3. No change.
- a. through d. No change.
- 4. No change.
- a. through e. No change.

Rulemaking 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, 6-9-08.

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

- (1) ~~High-Liability~~ Basic Recruit ~~High-Liability~~ Training Courses:
 - (a) CMS Criminal Justice Firearms, course number CJK 0040 Course.
 - (b) CMS Law Enforcement Vehicle Operations, course number CJK 0020 Course.
 - (c) CMS Criminal Justice Defensive Tactics, course number CJK 0051 Course.
 - (d) CMS First Aid for Criminal Justice Officers, course number CJK 0031 Course.
- (2) ~~DUI Traffic Stops~~, course number CJK 0083
- (3) ~~(2) High-Liability~~ Instructor ~~High-Liability~~ Training Courses:
 - (a) CMS Firearms Instructor Course, number 801.
 - (b) CMS Vehicle Operations Instructor Course, number 800.
 - (c) CMS Defensive Tactics Instructor Course, number 802.
 - (d) CMS First Aid Instructor Course, number 1114.
- (4) ~~Specialized Instructor Training Courses: Speed Measurement Instructor Course, number 1159.~~
- (5) ~~(3) Applicants shall complete the training requirements set forth in subsections subsection 11B-20.0014~~
- (2) ~~(3), 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, and speed measurement.~~
- (6) ~~(4) Instructor to student ratios for instruction of proficiency skills in High-Liability Basic Recruit Training Courses and Instructor Training Courses requiring proficiency demonstration courses.~~
 - (a) For instruction of the CMS Criminal Justice Firearms Course or CMS Firearms Instructor 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, there shall be at least one Commission-certified vehicle operations 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, there shall be one lead defensive tactics instructor that shall be counted in the instructor to student ratio of for each class plus one Commission-certified defensive tactics instructor for every eight ten students actively engaged in defensive tactics. Actively engaged is defined as "a student engaged in the practical performance of any one of the approved defensive tactics techniques."
 - (d) For instruction of the CMS First Aid for Criminal Justice Officers Course and CMS First Aid Instructor 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 64J-1.022, F.A.C., are permitted to instruct CPR in the CMS First

Aid for Criminal Justice Officers Course and 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.

(e) For instruction of the Speed Measurement Instructor Course, there shall be one Commission-certified Speed Measurement Instructor for each class. Speed Measurement Device Operators are authorized to instruct the practical exercises in the Speed Measurement Instructor Course under the supervision of a certified Speed Measurement Instructor, pursuant to Rule 11B-35.006, F.A.C. A copy of the Instructor Exemption form CJSTC-82 shall be maintained in the course file.

Rulemaking 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, 6-9-08.

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

(1) No change.

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

(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) Nothing in this rule section shall be construed to prevent a training school from admitting a student for the limited purpose of completing a course(s) required for completion of a Commission-approved Basic Recruit Training Program at another training school where the student is enrolled.

Rulemaking 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, 6-9-08.

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

(1) Students enrolled in a Commission-approved Basic Recruit Training Program or and a High-Liability Instructor Training Course, shall qualify through demonstration of proficiency skill(s) in the applicable course(s) and pass a written end-of-course examination 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 written end-of-course examination in DUI Traffic Stops and each 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 pass the written end-of-course examination 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 training course High-Liability Training Course.

(b) An instructor student shall pass a written end-of-course examination and demonstrate proficiency skill(s) during the first attempt. An instructor student, who has failed to pass the written end-of-course examination or successfully demonstrate the proficiency skill(s) during the first attempt, shall be deemed to have failed the instructor training course. An instructor student who has failed a written end-of-course examination or the proficiency skill(s) during the first attempt, shall be granted a re-examination by the training center director if. 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 or 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; or
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; or
3. The end-of-course testing instrument is determined to be invalid by the training school.

(3) Successful completion and demonstration of proficiency skills. Completion of a high-liability course and demonstration of proficiency in the high-liability topics is required for each of the following high-liability 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 achieve a score of no less than 80% on the required written end-of-course examination and demonstrate at 100% proficiency, defensive tactics skills taught by a training school, with the results recorded on the required CMS Defensive Tactics Performance Evaluation, form CJSTC-6 CMS, revised October 30, 2008 November 8, 2007, hereby incorporated by reference. Form CJSTC-6 CMS shall be maintained in the student or course file.

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.

(b) CMS Defensive Tactics Instructor Course.

1. An instructor student shall complete the CMS Defensive Tactics Instructor requirements 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.

2. A defensive tactics instructor student shall achieve a score of no less than 85% on the required written end-of-course examination and demonstrate all 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. A copy of the completed form CJSTC-6 CMS shall be provided to the student and the original form CJSTC-6 CMS shall be maintained in the student or course file.

(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 achieve a score of 80% on the required written end-of-course examination and demonstrate the required Firearms High-Liability Proficiency Skills, using the B-21E 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 results shall be recorded on the required CMS Firearms Performance Evaluation form CJSTC-4 CMS, revised October 30, 2008 November 8, 2007, hereby incorporated by reference. The B-21E target is commercially available through retailers. Form CJSTC-4 CMS shall be maintained in the student or course file.

(d) CMS Firearms Instructor Course.

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

2. A firearms instructor student shall achieve a score of no less than 85% on the required written end-of-course examination and demonstrate the required Firearms High-Liability Proficiency Skills, using the B-21E Target or equivalent, at 85% 80% or higher using a handgun (revolver or semi-automatic pistol for both daylight and night) and a long gun (shotgun or semi-automatic rifle/carbine) for daylight and night for all proficiency skills, with the results recorded on the required CJSTC-4 CMS form. A copy of the completed form CJSTC-4 CMS shall be provided to the student and the original form CJSTC-4 CMS shall be maintained in the student or course file.

(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 achieve a score of no less than 80% on the required written end-of-course examination and demonstrate the required First Aid High-Liability Proficiency Skills at 100%, with the results recorded on the required CMS First Aid Performance Evaluation, form CJSTC-5 CMS, revised October 30, 2008 November 8, 2007, hereby incorporated by reference. Form CJSTC-5 CMS shall be maintained in the student or course file.

(f) CMS First Aid Instructor Course.

1. An instructor student shall complete the CMS First Aid Instructor 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.

2. An instructor student shall achieve a score of no less than 85% on the required written end-of-course examination and 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 copy of the completed form CJSTC-5 CMS shall be provided to the student and the original form CJSTC-5 CMS shall be maintained in the student or course file.

(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 achieve a score of no less than 80% on the required written end-of-course examination and demonstrate the required Vehicle Operations High-Liability Proficiency Skills, with four out of five runs (80%) for each exercise, with the results recorded on the required CMS Vehicle Operations Performance Evaluation, form CJSTC-7 CMS, revised October 30, 2008 November 8, 2007, hereby incorporated by reference. Form CJSTC-7 CMS shall be maintained in the student or course file.

(h) CMS Vehicle Operations Instructor Course.

1. An instructor student shall complete the CMS Vehicle Operations Instructor requirements 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.

2. An instructor student shall achieve a score of no less than 85% on the required written end-of-course examination and demonstrate the required Vehicle Operations High-Liability Proficiency Skills, with four out of five runs (80%) for each exercise, with the results recorded on the required CJSTC-7 CMS form. A copy of the completed form CJSTC-7 CMS shall be provided to the student and the original form CJSTC-7 CMS shall be maintained in the student or course file.

(4) Successful completion and demonstration of proficiency skills is required for each of the following basic recruit or specialized training courses:

(a) DUI Traffic Stops Course, number CJK 0083.

1. The DUI Traffic Stops Course shall be delivered to students enrolled in a Commission-approved Law Enforcement Basic Recruit Training Program.

2. A basic recruit student shall achieve a score of no less than 80% on the required written end-of-course examination and demonstrate the required DUI Traffic Stops proficiency skills at 100% proficiency, with the results recorded on the required DUI Traffic Stops Performance Evaluation, form CJSTC-13 CMS, created October 30, 2008, hereby incorporated by reference. Form CJSTC-13 CMS shall be maintained in the student or course file.

(b) Speed Measurement Instructor Course, number 1159.

1. An instructor student shall complete the Speed Measurement instructor requirements, pursuant to Rule 11B-20.0014, F.A.C., to instruct speed measurement courses and the speed measurement instructor course.

2. An instructor student shall achieve a score of no less than 85% on the required written end-of-course examination and demonstrate the required proficiency skills at 100%, with the results recorded on the required Speed Measurement Device Instructor Field Evaluation form CJSTC-10, revised October 30, 2008, hereby incorporated by reference. A copy of the completed form CJSTC-10 shall be provided to the student and the original form CJSTC-10 shall be maintained in the student or course file.

Rulemaking 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, 6-9-08.

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

(1) No change.

(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), and 943.17(1)(g), F.S., and successfully complete the following 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.~~

(a) Auxiliary Officer Prerequisite Course taught at a Commission-certified training school using Commission-certified instructors; and

(b) High-liability Training Courses for vehicle operations, defensive tactics, and firearms, taught by a Commission-certified instructor and applicable to the discipline for which certification is sought. The vehicle operations, defensive tactics, and firearms courses shall be taught at a Commission-certified training school or criminal justice agency.

(c) Instruction of the CMS Law Enforcement Vehicle Operations Course is based on employing agency requirements. Auxiliary officers operating an agency vehicle are required to complete this training.

(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 Basic Recruit Training High-Liability Basic Recruit Training Courses, pursuant to subsection 11B-35.0024(3), F.A.C. Regardless of where the Basic Recruit Training High-Liability Basic Recruit Training Course is completed, the employing agency shall maintain the training documentation in the officer's file.

(4) Commission-approved Basic Recruit Training 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 the 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 Basic Recruit Training High-Liability Courses ~~high-liability courses~~ shall comply with paragraph 11B-35.0023(2)(e), F.A.C. subsection 11B-35.002(5), F.A.C.

(5) CMS Law Enforcement Auxiliary Officer Basic Recruit Training Program number 1180 (Effective April 1, 2008).

(a) CMS Law Enforcement Auxiliary Officer Prerequisite Course		Course Number	Course Hours
1.	Law Enforcement Auxiliary Introduction	CJK 0240	27.0
2.	Law Enforcement Auxiliary Patrol and Traffic	CJK 0241	19.0
3.	Law Enforcement Auxiliary Investigations	CJK 0242	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	111.0 109.0
(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 Vehicle 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	**3 19.0

(6) Correctional Auxiliary Officer Basic Recruit Training Program number 501 (Effective January 1, 1997).

(a) Correctional Auxiliary Officer Prerequisite Course		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		Sub-total	94
(b)	CMS Criminal Justice Firearms	CJK 0040	80
(c)	CMS Criminal Justice Defensive Tactics	CJK 0051	80
Correctional Auxiliary Officer Program		Total	254

(7) No change.

Rulemaking 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, 6-9-08.

11B-35.006 Advanced Training Program.

(1) No change.

(a) No change.

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

	Course Number	Course Name	Course Hours
1.	006	Line Supervision	80
2.	011	Developing and Maintaining a Sound Organization	40
3.	012	Planning the Effective Use of Financial Resources	40
4.	013	Building and Maintaining a Sound Behavioral Climate	40
5.	016	Narcotics and Dangerous Drugs Investigations	40
6.	019	Criminal Law	40
7.	020	Case Preparation and Court Presentation	40
8.	032	Special Tactical Problems	40
9.	033	Sex Crimes Investigation	40
10.	036	Injury and Death Investigation	40
11.	047	Interviews and Interrogations	40
12.	050	Stress Management Techniques	40
13.	053	Crisis Intervention	40
14.	054	Organized Crime	40
15.	057	Discipline and Special Confinement Techniques	40
16.	058	Supervision of the Youthful Offender	40
17.	068	Advanced Report Writing and Review	40
18.	072	Firefighting for Correctional Officers	40
19.	073	Community and Human Relations	40
20.	074	Substance Abuse and Awareness Education	40
21.	077	Underwater Police Science and Technology	80
22.	080	Computers and Technology in Criminal Justice	40
23.	085	Emergency Preparedness for Correctional Officers	40
24.	087	Advanced Traffic Accident Investigations	80
25.	088	Traffic Accident Reconstruction	80
26.	090	School Resource Officer	40
27.	091	Domestic Intervention	40
28.	093	Hostage Negotiations	40
29.	094	Drug Abuse Resistance Education (D.A.R.E.) - FDLE instructed only	80
30.	096	Drug Abuse Resistance Education (D.A.R.E.)	40
31.	094 & 097	Drug Abuse Resistance Education (D.A.R.E.)	40
32.	098	Traffic Homicide Investigation	80
33.	100	Crimes Against the Elderly	40
34.	107	Middle Management (Effective 10/1/06)	40
35.	809	*CMS Field Training Officer Program Course (This course is not mandated for field training officers)	40
36.	1100	*Field Training Officer Course for Correctional and Probation Officers	40
37.	1151	Conducting Background Investigations	40
38.	1152	Investigation and Supervision of Officer Involved Shootings	40
39.	1153	Computer Crimes Investigations	40
40.	1154	Financial Fraud Investigations	40

41.	1158	Speed Measurement Course (Effective 1/1/07)	40
42.	1161	Managing and Communicating with Inmates and Offenders (Effective 11/16/06)	40
43.	1163	Gangs and Security Threat Groups	40
44.43.	1164	Inmate Manipulation (Effective 11/16/06)	40
45.44.	1165	Spanish for Criminal Justice Professionals (Effective 2/1/07)	40
45.45.	1166	Advanced Investigative Techniques of Human Trafficking Offenses (Effective 5/10/07)	40

*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.

Officers who are currently receiving salary incentive payment for completion of the Radar Speed Measurement Training Course for Law Enforcement Officers number 055 and Laser Speed Measurement Operators Course for Law Enforcement Officers number 095 are not eligible to receive additional salary incentive credit for course number 1158.

(2) through (3) No change.

(4) 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, hereby incorporated by reference, shall be completed for the Radar Speed Measurement Training Course for Law Enforcement Officers.~~

(a)(b) A Speed Measurement Operator Performance Report form CJSTC-11, revised November 8, 2007, 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).

(b)(e) 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) No change.

Rulemaking 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, 6-9-08

11B-35.007 Specialized Training Program.

(1) No change.

(a) through (c) No change.

(2) No change.

(a) No change.

1. through 10. No change.

(b) through No change.

1. through 10. No change.

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

	Course Number	Course Names	Course Hours
(a)	1115	General Instructor Refresher Course	8
(b)	1116	CMS Instructor Techniques Course (Retired 11/14/08)	80
(c)	803	CMS General Instructor Transition Course (Retired 3/31/08)	12
(d)	1167	CMS General Instructor Update Course	4
(d)(e)	800	CMS Vehicle Operations Instructor Course	40
(e)(f)	805	CMS Vehicle Operations Instructor Transition Course (Retired 3/31/08)	16
(f)(g)	801	CMS Firearms Instructor Course	44
(g)(h)	806	CMS Firearms Instructor Transition Course (Retired 3/31/08)	12
(h)(i)	802	CMS Defensive Tactics Instructor Course	80
(i)(j)	807	CMS Defensive Tactics Instructor Transition Course (Retired 3/31/08)	32

(k)	1169	CMS Defensive Tactics and Firearms Instructor Update Course	6
(j)(l)	1114	CMS First Aid Instructor Course	40
(k)(m)	804	CMS First Aid Instructor Transition Course (Retired 3/31/08)	8
(l)(n)	1107	Canine Team Training Instructor Course	40
(m)(o)	1109	Laser Speed Measurement Device (LSMD) Instructor Transition Course for Radar Instructors (Retired To be retired 12/31/08)	24
(n)(p)	1110	Breath Test Instructor Course	40
(o)(q)	1111	Breath Test Instructor Renewal Course	8
(p)(r)	1159	Speed Measurement Instructor Course for Law Enforcement Officers (Effective 1/1/07)	40
(g)	1186	Florida General Instructor Techniques Course	64

(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 (Retired 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	16 24
(o)	951	Breath Test Operator Renewal Course	4 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)	1149	CMS Special Populations Course	32
(aa)	1150	CMS Problem-Solving Model: SECURE Specialized Training Course	6
(bb)	1160	Dart-Firing Stun Gun	86
(cc)	1167	CMS General Instructor Update Course	4
(dd)	1169	CMS Defensive Tactics and Firearms Instructor Update Course	6
(ee)	1185	Elder Abuse Investigations	No Mandate

(5) No change.

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

~~(6)~~(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. Officer Training Monies shall be expended pursuant to the requirements of Rule Chapter 11B-18, F.A.C.
Rulemaking 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, 6-9-08, _____.

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STATE OF FLORIDA
DEPARTMENT OF LAW ENFORCEMENT
CHAPTER 11C-6, FLORIDA ADMINISTRATIVE CODE
AMENDING RULE 11C-6.010
RETENTION OF APPLICANT FINGERPRINTS

SUMMARY OF THE RULE

Removes a reference to an outdated alternative invoicing method.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

To update rule language pursuant to Chapter 120, F.S.

FEDERAL STANDARDS STATEMENT, IF APPLICABLE

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

The proposed rules were noticed in the Florida Administrative Weekly on June 26, 2009, for a hearing, if requested, to be held July 21, 2009. No requests for hearing or written comments were received.

NOTICE OF PROPOSED RULE

11C-6.010: Retention of Applicant Fingerprints

NAME OF AGENCY: Florida Department of Law Enforcement
Division or Board: Division of Criminal Justice Information Systems

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

PURPOSE AND EFFECT: To update rule language pursuant to Chapter 120, F.S.

SUMMARY: Removes a reference to an outdated alternative invoicing method.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will or will not have an impact on small business.

A SERC has or has not been prepared by the agency. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 943.05(2)(g), (h), 1012.32(3), 1012.465, 1012.56 FS.

LAW IMPLEMENTED: 220.187(6)(b), 551.107 (7)(c), 744.3135(4)(b), 943.13(5), 985.644(5)(b), 1002.421(3)(a) 1012.32(3), 1012.465, 1012.56 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

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

(or)

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: July 21, 2009 at 10:00 AM

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

(or)

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW:

PURSUANT TO THE PROVISIONS OF THE AMERICAN WITH DISABILITIES ACT, ANY PERSON REQUIRING SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS WORKSHOP/MEETING IS ASKED TO ADVISE THE AGENCY AT LEAST 5 days BEFORE THE WORKSHOP/MEETING BY CONTACTING: Martha Wright at 850-410-8113 or marthawright@fdle.state.fl.us.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Martha Wright at 850-410-8113.

THE FULL TEXT OF THE PROPOSED RULE IS: see separate word file for the text.

THE FOLLOWING INFORMATION IS INSERTED ON THE NEXT PAGE AFTER THE RULE TEXT.

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha Wright at 850-410-8113

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 17, 2009

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-6.010 Retention of Applicant Fingerprints.

(1) No change.

(2) No change.

(3) No change.

(4) No change.

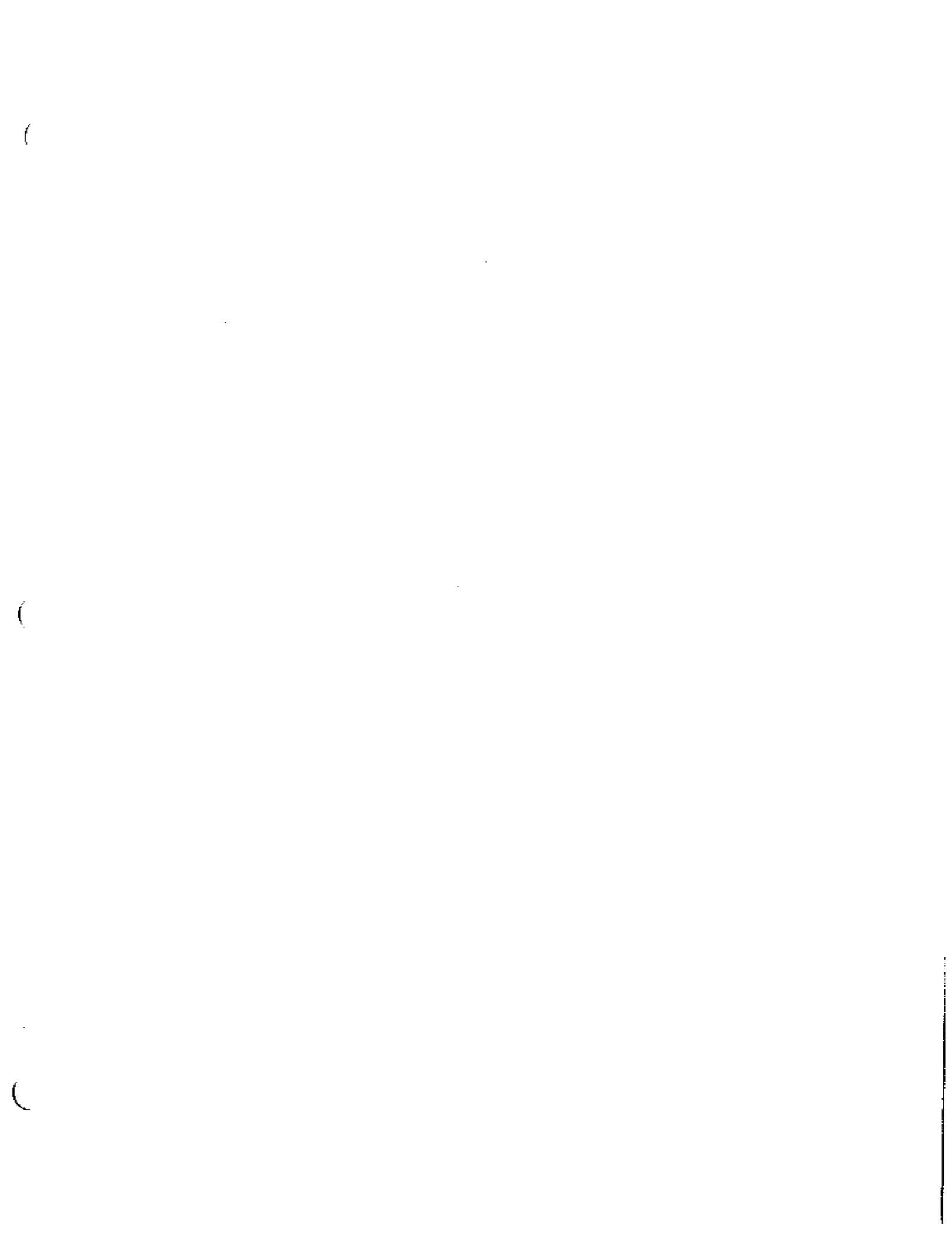
(5) No change.

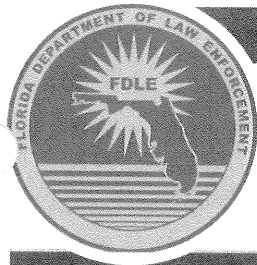
(6) No change.

(7) No change.

(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.~~

Rulemaking Specific Authority 943.05(2)(g), (h), 987.407(4), 1012.32(3), 1012.465, 1012.56 FS. Law Implemented 220.187(6)(b), 551.107 (7)(c), 744.3135(4)(b), 943.13(5), 985.644(5)(b), 1002.421(3)(a) 987.407, 1012.32(3), 1012.465, 1012.56 FS. History—New 11-30-04, Amended 6-9-08.





ANNUAL PERFORMANCE CONTRACT

Number / percent of lab service requests completed	78,000 95%
Average number of days to complete lab service requests	
AFIS (Automated Fingerprint Identification System)	45
CER (Computer Evidence Recovery)	70
Chemistry	30
Crime Scene	30
Firearms	80
Latents	60
Trace Evidence	115
Serology / DNA	111
Toxicology	40
Number of hits, samples added and total samples in DNA Database	2,000 90,000 700,000
Number of criminal investigations	3,862
Number of domestic security cases	30
Number of intelligence initiatives	490
Number of calls for Capitol Police service	8,000
Percent of time FCIC is accessible	99.50%
Number of criminal history record checks processed	2,000,000
Number of registered sexual predators / offenders added and total identified to the public	3,000 52,516
Number of missing persons cases	4,000
Missing Child Alerts activated	6
Amber Alerts activated	5
Silver Alerts activated	24
Number of arrest records created and maintained	17,686,354
Number / percent of individuals who pass the basic professional certification examination	6,400 80%
Number of professional law enforcement certificates issued	25,000
Number of criminal justice officer disciplinary actions	452

The Government Performance and Accountability Act of 1994 requires that agencies meet performance standards as specified in the annual General Appropriations Act. This "contract" contains the performance expectations for each of the Florida Department of Law Enforcement's programs for fiscal year 2009-2010. These performance issues will be complemented by a variety of other Cabinet, Legislative, and criminal justice mandated responsibilities and services.