

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Banking**

RULE TITLE: Subsidiaries Holding Institution-Authorized Assets  
 RULE NO.: 3C-100.067

PURPOSE AND EFFECT: This rule is being formulated to permit Florida-chartered banks, associations, savings banks and international agencies to place assets they may acquire or invest in directly in subsidiary corporations without regard to subsidiary investment limits of Section 658.67(6), Florida Statutes. Any such assets placed in subsidiaries shall remain subject to the investment or lending limits of other provisions of the Florida Financial Institutions Codes.

SUBJECT AREA TO BE ADDRESSED: Subsidiaries Holding Institution-authorized Assets.

SPECIFIC AUTHORITY: 655.012(3), 658.67(11) FS.

LAW IMPLEMENTED: 658.67(11) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., April 10, 2000

PLACE: Division of Banking Conference Room, 6th Floor, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Linda Charity, Chief, Bureau of Research, Planning and Staff Development, Division of Banking, Room 614, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9111

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3C-100.067 Subsidiaries Holding Institution-Authorized Assets.

Investments by a state-chartered bank, association, savings bank or international agency in subsidiary corporations that do not conduct active operations directly with the public and that only hold assets the institution may acquire or invest in directly, except for other subsidiary organizations, shall not be limited. However, individual investments, loans or assets owned by such a subsidiary corporation, when combined with other investments, loans and assets of the same issuer, obligor, entity, person or source owned by the institution and its other subsidiary corporations, shall not exceed the applicable limitations of law on investments in or loans to the same issuer, obligor, entity, person or asset. To be eligible for the

exemption of this rule, any such subsidiary corporation must be wholly owned by the state financial institution, except in the case of a subsidiary that qualifies as a real estate investment trust under the Internal Revenue Code of the United States of America, in which case the subsidiary may have such additional shareholders as are needed to qualify for such status, provided none of the additional shareholders has control of the subsidiary.

Specific Authority 655.012(3), 658.67(11) FS. Law Implemented 658.67(11) FS. History-New \_\_\_\_\_

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Modification of the State Student Assessment Test Instruments and Procedures for Exceptional Students and Other Eligible Handicapped Students  
 RULE NO.: 6A-1.0943

PURPOSE AND EFFECT: The purpose of this rule development is to authorize accommodations for statewide assessment tests for students with disabilities and other eligible handicapped students. The effect is to enable the reporting of the performance of these students in terms clearly defined.

SUBJECT AREA TO BE ADDRESSED: This rule establishes procedures whereby appropriate accommodations may be made for students with disabilities and other eligible handicapped students who are participating in statewide assessment testing programs. The procedures define the type of accommodations that may be provided to such students.

SPECIFIC AUTHORITY: 229.57(14), 232.246(8) FS.

LAW IMPLEMENTED: 229.57, 232.246(8) FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 12:00 noon, April 13, 2000

PLACE: Department of Education, 325 West Gaines Street, Room 1703, Tallahassee, Florida

TIME AND DATE: 1:00 p.m. – 4:00 p.m., April 18, 2000

PLACE: School Board Meeting Room, School Board of Orange County, 445 West Amelia Street, Orlando, Florida

TIME AND DATE: 9:00 a.m. – 12:00 noon, April 26, 2000

PLACE: School Board Meeting Room, Broward County School Board, First Floor, Kathleen C. Wright Building, 600 Southeast 3rd Avenue, Ft. Lauderdale, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Thomas H. Fisher, Administrator, Student Assessment Services Section, Department of Education, 325 West Gaines Street, Room 414, Tallahassee, Florida 32399-0400, (850)488-8198

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.0943 ~~Modification of the State Student Assessment Test Instruments and Procedures for Exceptional Students with Disabilities and Other Eligible Handicapped Students.~~

(1) The Division of Public Schools shall assure the inclusion of students with disabilities and other eligible handicapped students in the statewide assessment program and develop the ~~modified~~ test instruments required herein and provide technical assistance to school districts in the implementation of the accommodated ~~modified~~ test instruments and procedures administered pursuant to Section 229.57, Florida Statutes.

(a) The decision to exclude any student with a disability from statewide or district assessment programs is made by the Individual Educational Plan (IEP) team and recorded on the IEP. Students may be excluded from statewide or district assessment programs if the following criteria are met:

1. The student's demonstrated cognitive ability prevents the student from completing required coursework and achieving the Sunshine State Standards even with appropriate and allowable course modifications, and

2. The student requires extensive direct instruction to accomplish the application and transfer of skills and competencies needed for domestic, community living, leisure, and vocational activities.

(b) Students who are excluded from statewide or district assessment will be assessed through an alternate assessment procedure identified by the IEP team. The alternative assessment procedure shall be recorded on the student's IEP.

(c) Students who are excluded from the state required graduation test using the criteria in paragraphs (1)(a) and (b) of this rule will not be eligible for a standard high school diploma.

(2) Each school board shall utilize ~~implement~~ appropriate accommodations to ~~modifications of the test instruments and statewide assessment test procedures established for issuance of a standard or special high school diploma, pursuant to Rules 6A-1.0942, 6A-1.095, and 6A-1.0995, FAC., within the limits prescribed herein. Accommodations shall be identified for each eligible student by the IEP team and recorded on the student's IEP. Accommodations identified for testing situations should be those identified as allowable in the test administration manual and those that have been used by the student in classroom instruction, and ~~Such modifications~~ shall include:~~

(a) Presentation. The student may be administered any statewide assessment through the following presentations:

1. Regular print versions of the test may be enlarged through mechanical or electronic means.

2. The district test coordinator may request large print versions.

3. Braille versions may be requested for students who use Braille materials. Some test items may be altered in format for braille versions of the test as authorized by the Department. Test items that have no application for the Braille reader will be deleted as authorized by the Department. Student performance standards that cannot be assessed in the Braille format will be deleted from the requirements of Chapter 229.57, Florida Statutes.

4. Signed or oral presentation may be provided for all directions and items other than reading items. Reading items must be read by the student through visual or tactile means.

5. The student may use means to maintain or enhance visual attention to test items.

(b) Responding. The student may use varied methods to respond to the test, including written, signed, and verbal response. Written responses may include the use of mechanical and electronic devices. A test administrator or proctor may transcribe student responses to the format required by the test. Transcribed responses must accurately reflect the response of the student, without addition or edification by the test administrator or proctor.

~~(c)(a) Flexible Scheduling.~~ The student may be administered a test during several brief sessions, allowing frequent breaks during the testing sessions, within specifications of the test administration manual. Students may be provided additional time for the administration of the test so long as all testing is completed by the final allowed test date specified by the Commissioner.

~~(d)(b) Flexible Ssetting.~~ The student may be administered a test individually or in a small group setting by a proctor rather than in a classroom or auditorium setting. The student may be provided with adaptive or special furniture and special lighting or acoustics.

(e) Assistive devices. The student may use the following assistive devices typically used in classroom instruction.

1. If the purpose of the assessment requires complex computation, calculators may be used as authorized in the test administration manual. A calculator may not be used on assessments of basic computation as specified in the test administration manual.

2. Visual magnification and auditory amplification devices may be used. For students with visual impairments, an abacus may be used.

3. Word processors may be used without accessing spelling or grammar checking applications.

~~(e) Recording of answers.~~ The student may mark answers in a test booklet, type the answers by machine, or indicate the selected answers to a test proctor. The proctor may then transcribe the student's responses onto a machine-scorable answer sheet.

~~(d) Mechanical aids.~~ The student may use a magnifying device, a pointer, a noncalibrated rule or template or other similar devices to assist in maintaining visual attention to the

test booklet. An abacus and a braille writer may be used. Use of electronic calculators, including talking calculators, is prohibited.

(e) Revised format. The student may be tested by one or more of the following three (3) methods specifically developed by the Department:

1. Visual reading. The student may be tested with materials which are enlarged print or may be tested with regular print materials enlarged through mechanical or electronic means. Enlarged materials shall be provided only for students who meet the eligibility criteria for visually impaired programs specified in Rule 6A-6.03014, FAC.

2. Tactile reading. The student may be tested with materials which have been transformed to braille code or tested by using devices which permit optical to tactile transformations. Test items which have no application for the nonsighted person will be deleted from the tactile forms authorized or provided by the Department and shall be deleted from the requirements of Rules 6A-1.0941 and 6A-1.0942, FAC.

3. Auditory or sign language presentation. The test administrator may sign, provide oral interpretation or read to the student the following portions of the test: all mathematics items, all writing items, all oral reading items, and all directions. The reading items shall be read by the student using visual or tactile means.

(3) The need for any unique accommodations for use on state assessments not outlined in this rule must be authorized by the Department.

(4) District personnel are required to implement the accommodations in a manner that ensures the test responses are the independent work of the student. Personnel are prohibited from assisting a student in determining how the student will respond or directing or leading the student to a particular response.

(5)(3) The preceding accommodations modifications are authorized, when determined appropriate by the school district superintendent or designee, for any student who has been determined to be an eligible exceptional student with disabilities pursuant to Section 228.041(18), Florida Statutes, and Rules 6A-6.0301 and 6A-6.0331, FAC., and has a current individual educational plan, or who has been determined to be a handicapped person pursuant to Rule 6A-19.001(6), FAC. Students classified solely as gifted shall not receive any special test modifications. Satisfaction of the requirements of Rule 6A-1.0942, FAC., by any of the above accommodations modifications shall have no bearing upon the type of diploma or certificate issued to the student for completing school.

(6)(4) In no case shall the accommodations modifications authorized herein be interpreted or construed as an authorization to provide a student with assistance in determining the answer to any test item.

(7) The test scores of students with disabilities will be included in the state's accountability system as determined by the Commissioner.

(8) Procedures for exemption from the assessment required for graduation with a standard high school diploma due to extraordinary circumstances of a student with disabilities are specified in Rule 6A-6.03312.

(5) Upon receipt of a written request from the district school superintendent, the Commissioner may exempt an exceptional student, or one who has been determined to be a handicapped person pursuant to Rule 6A-19.001(6), FAC., from meeting specific requirements for graduation, due to extraordinary circumstances which would cause the results of the testing to not represent the student's achievement, but rather, reflect the student's impaired sensory, manual, speaking, or psychological process skills. The written request must document the specific extraordinary circumstances which prevent the student from meeting the requirements of Rules 6A-1.0942 and 6A-1.095(4), FAC.

Specific Authority 229.57(3)(11), 232.246(8)(9) 420.53(1)(b), 229.053(1), 232.246(9) FS. Law Implemented 229.57(3)(11), 232.246(8)(9) 420.53(1)(b), 228.2001, 232.246(9) FS. History—New 9-12-78, Amended 3-4-84, Formerly 6A-1.943, Amended 6-12-90,\_\_\_\_\_.

## DEPARTMENT OF EDUCATION

### State Board of Education

RULE TITLE:

RULE NO.:

Florida Educational Leadership Examination 6A-4.00821

PURPOSE AND EFFECT: The purpose of this rule development is to review and update the Florida Educational Leadership Examination application forms. The effect will be to have available to applicants updated application forms.

SUBJECT AREA TO BE ADDRESSED: Application forms for the Florida Educational Leadership Examination.

SPECIFIC AUTHORITY: 231.0861(3), 231.17(8),(11) FS.

LAW IMPLEMENTED: 231.0861, 231.17 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Requests for the rule development workshop should be addressed to: Wayne V. Pierson, Agency Clerk, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tom Fisher, Bureau of Curriculum, Instruction and Assessment, 325 West Gaines Street, Room 414, Tallahassee, Florida 32399-0400, (850)488-8198

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Special Request Procedure for Exemption from Graduation Test Requirement

RULE NO.: 6A-6.03312

**PURPOSE AND EFFECT:** The purpose of this rule development is to specify the procedures under which a student with disabilities can apply for and be given a waiver from the high school graduation testing requirements specified in statute. The effect will be to permit certain students with disabilities to be granted a waiver from the testing requirements thus allowing them to receive a regular high school diploma.

**SUBJECT AREA TO BE ADDRESSED:** This rule establishes procedures whereby a qualified student with disabilities may apply for and be granted a waiver from the high school graduation testing requirements specified in statute.

**SPECIFIC AUTHORITY:** 229.57(14), 232.246(8) FS.

**LAW IMPLEMENTED:** 229.57(3), 232.246(8) FS.

**RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:**

**TIME AND DATE:** 9:00 a.m. – 12:00 noon, April 13, 2000

**PLACE:** Department of Education, 325 West Gaines Street, Room 1703, Tallahassee, Florida

**TIME AND DATE:** 1:00 p.m. – 4:00 p.m., April 18, 2000

**PLACE:** School Board Meeting Room, School Board of Orange County, 445 West Amelia Street, Orlando, Florida

**TIME AND DATE:** 9:00 a.m. – 12:00 noon, April 26, 2000

**PLACE:** School Board Meeting Room, Broward County School Board, First Floor, Kathleen C. Wright Building, 600 Southeast 3rd Avenue, Ft. Lauderdale, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Thomas H. Fisher, Administrator, Student Assessment Services Section, Department of Education, 325 West Gaines Street, Room 414, Tallahassee, Florida 32399-0400, (850)488-8198

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

6A-6.03312 Special Request Procedure for Exemption from Graduation Test Requirement.

(1) Upon receipt of a written request from the district school superintendent at least one semester before the anticipated graduation date, the Commissioner may exempt a student with a disability or a student who has been determined to be a handicapped person pursuant to Rule 6A-19.001(6), FAC., from meeting the testing requirement for high school graduation with a standard diploma, as specified in Section 229.57(3)(c), Florida Statutes. This request must be due to extraordinary circumstances which would cause the results of the testing to reflect the student's impaired sensory, manual, or speaking skills rather than the student's achievement. The

Commissioner shall determine whether the exemption shall be granted based upon the documentation provided by the district school superintendent and shall be based on the criteria below:

(a) A request may be made for an exemption from any or all sections of the test required for high school graduation.

(b) Any request for an exemption must include the following documentation:

1. Description of the student's disabling condition, including a specific description of the student's impaired sensory, manual, or speaking skills, the disability's effect on the student's achievement, and a description of accommodations or modifications provided in the student's course of study. Such documentation must include the most recent and other available re-evaluation or psychological reports.

2. Description of the extraordinary circumstances which cause or would cause the results of the testing to not represent the student's achievement and mastery of skills. Extraordinary circumstances are events or conditions that prevent the student from physically demonstrating mastery of skills that have been acquired and are measured by the test.

3. Evidence that the student has the cognitive ability to mastery skills required for the test, has had the opportunity to learn the skills being tested, has been prepared to participate in the testing program, and has been provided appropriate accommodations as defined in Rule 6A-1.0943, FAC.

4. Evidence that the manifestation of the student's disability prohibits the student from responding to the written test even when appropriate accommodations are provided so that the result of the testing reflects the student's impaired sensory, manual, or speaking-skills rather than the student's behavior.

(2) Upon receipt of the request for exemption, the Commissioner shall determine whether sufficient documentation has been provided, and, if not, may request additional information.

(3) If the Commissioner determines that the criteria for an exemption have been met, the request for a waiver from one or both parts of the test will be granted.

(4) Students who are not granted an exemption under this rule and who have not demonstrated mastery of the skills measured by the test for graduation may elect to remain for a thirteenth year of public education as provided in Section 232.246(9), Florida Statutes, or be provided with a free appropriate public education through the student's twenty-second birthday.

Specific Authority 229.57(3)(c), 232.246(9) FS. Law Implemented 229.57, 232.246(9) FS. History—New

**DEPARTMENT OF EDUCATION****State Board of Education**

RULE TITLE:

Accommodations of the Statewide  
Assessment Program Instruments  
and Procedures for Limited English  
Proficient Students

RULE NO.:

6A-6.09091

**PURPOSE AND EFFECT:** The purpose of this rule development is to authorize accommodations for statewide assessment tests for limited English students. The effect is to enable the reporting of limited English student academic performance against clearly defined expectations.

**SUBJECT AREA TO BE ADDRESSED:** This rule establishes procedures whereby appropriate accommodations may be made for limited English proficient students who are participating in statewide assessment testing programs. The procedures define the type of accommodations that may be provided to such students.

**SPECIFIC AUTHORITY:** 229.57(14) FS.

**LAW IMPLEMENTED:** 229.57(3), 232.246(8) FS.

**RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:**

**TIME AND DATE:** 9:00 a.m. – 12:00 noon, April 13, 2000

**PLACE:** Department of Education, 325 West Gaines Street, Room 1703, Tallahassee, Florida

**TIME AND DATE:** 1:00 a.m. – 4:00 p.m., April 18, 2000

**PLACE:** School Board Meeting Room, School Board of Orange County, 445 West Amelia Street, Orlando, Florida

**TIME AND DATE:** 9:00 a.m. – 12:00 noon, April 26, 2000

**PLACE:** School Board Meeting Room, Broward County School Board, First Floor, Kathleen C. Wright Building, 600 Southeast 3rd Avenue, Ft. Lauderdale, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Thomas H. Fisher, Administrator, Student Assessment Services Section, Department of Education, 325 West Gaines Street, Room 414, Tallahassee, Florida 32399-0400, (850)488-8198

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

6A-6.09091 Accommodations of the Statewide Assessment Program Instruments and Procedures for Limited English Proficient Students.

(1) The Department of Education shall provide accommodations for limited English proficient (LEP) students to enable them to fully participate in the statewide assessment program as defined in Section 229.57, Florida Statutes.

(2) Each school board shall utilize appropriate test accommodations within the limits prescribed herein. School district personnel are required to implement the accommodations in a manner that ensures the test responses are the independent work of the student. Personnel are

prohibited from assisting a student in determining how the student will respond or directing or leading the student to a particular response.

(3) School districts shall offer test accommodations to LEP students who currently are receiving services in a program operated in accordance with an approved district LEP plan. The assessment tests may be administered with any one or a combination of the accommodations authorized herein that are determined to be appropriate for the individual student. Accommodations for statewide assessment tests shall include:

(a) High School Competency Test and Florida Comprehensive Assessment Test.

1. Students may be given additional time to complete each test section, and the entire test may be administered over one or more days. Students who begin any individual section of the test shall complete it in the same school day.

2. Students may be given access to English-to-heritage language/heritage language-to-English dictionaries such as those made available to LEP students in an instructional setting. A dictionary written exclusively in the heritage language or in English shall not be provided.

3. Students may be given the opportunity to be tested in a separate room with the English for Speakers of Other Languages (ESOL) or heritage language teacher serving as test administrator. If the student is not of legal age, the parents of said student shall be informed of this particular accommodation and shall be given the opportunity to select the preferred method of test administration.

4. Students taking the mathematics test section may be provided limited assistance by the ESOL or heritage language teacher using the student's heritage language. This assistance shall be as follows:

a. The teacher may answer student inquiries related to any of the test directions.

b. The teacher may answer specific inquiries concerning a word or phrase in a particular test question that is confusing the student because of limited English proficiency. In no case shall assistance be given the student in actually solving the mathematics questions.

c. Questions for clarification posed by individual students must be answered on an individual basis by the test administrator to prevent interference with another student's ability to concentrate.

5. Students taking the communications or reading test sections may be provided limited assistance by the ESOL or heritage language teacher using the student's heritage language. This assistance shall be as follows:

a. The teacher may answer student inquiries related to any of the general test directions as long as the student is not unmistakably led to infer the correct answer to any of the questions.

b. The teacher shall not answer students' inquiries about the reading passages, the question stems, or answer alternatives.

c. The students may have access to the dictionary specified in subparagraph (3)(a)2., of this rule, but the student is expected to read the reading passage, the question stems, and the answer alternatives in English.

(b) Writing Assessment Test.

1. Flexible setting. Students may be given the opportunity to be tested in a separate room with the ESOL or heritage language teacher serving as test administrator. If the student is not of legal age, the parents of said student shall be informed of this particular accommodation and shall be given the opportunity to select the preferred method of test administration.

2. Assistance in the heritage language. The ESOL or heritage language teacher may answer student questions about the general test directions in their heritage language, but the teacher is prohibited from answering questions about the writing prompt.

3. Flexible scheduling. Students may take the test during several brief sessions within one school day. All testing must be completed within the prescribed testing period shown in the test administration manual.

4. Flexible timing. Students may be provided additional time beyond the time limit specified in the test administration manual for administration of the test to non-LEP students.

5. Dictionary. LEP students may have access to English-to-heritage language/heritage language-to-English dictionaries, such as those made available to LEP students in an instructional setting. A dictionary written exclusively in the heritage language or in English shall not be provided.

(4) Each school board shall establish procedures whereby training shall be provided to the ESOL or heritage language teacher who is administering any of the statewide assessment tests. The training shall be designed to teach the teacher how to administer the statewide assessment tests within the limits prescribed in this rule.

(5) Limited English proficient students who otherwise are classified as exceptional education or handicapped students shall be afforded the additional test accommodations specified in Rule 6A-1.0943, FAC.

Specific Authority 229.57(14) FS. Law Implemented 229.57(3), 232.246(8) FS. History--New

**DEPARTMENT OF EDUCATION**

**Board of Regents**

RULE TITLE: \_\_\_\_\_ RULE NO.: \_\_\_\_\_  
General Description and Address of Agency 6C-1.0001  
PURPOSE AND EFFECT: To establish the rule describing the location and organization of the Board of Regents, as required by the Uniform Rules.

SUBJECT AREA TO BE ADDRESSED: Statement of organization and address of the Board of Regents.

SPECIFIC AUTHORITY: 240.209(1) FS.

LAW IMPLEMENTED: 120.54(5)(b)5. FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ANNOUNCED IN THE FUTURE.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, Tallahassee, Florida 32399-1950

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6C-1.0001 General Description and Address of Agency.

(1) The Statement of Organization and Operation of the Board of Regents may be obtained upon request from the Office of the Chancellor, Florida Education Center, 325 W. Gaines Street, Tallahassee, Florida 32399-1950.

(2) The public may obtain information or make submissions or requests regarding the Board of Regents by calling the Office of the Chancellor (850)201-7100, or by writing: Office of the Chancellor, Florida Education Center, 325 W. Gaines Street, Tallahassee, Florida 32399-1950.

(3) Service of process on the Board is made by serving the General Counsel, State University System of Florida, Florida Education Center, 325 W. Gaines Street, Tallahassee, Florida 32399-1950.

Specific Authority 240.209(1) FS. Law Implemented 120.54(5)(b)5. FS. History--New

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Manufactured Buildings	9B-1
RULE TITLES:	RULE NOS.:
Department Activities	9B-1.003
Manufacturer Requirements	9B-1.007
Quality Control Procedures	9B-1.010
Multiple Site Manufacturing	9B-1.015
Insignia Denial	9B-1.018

PURPOSE AND EFFECT: The purpose of the amendment of the above-listed rules is to repeal 9B-1.003(1) and the last phrase of 9B-1.018 as an unnecessary recitation of statute, repeal 9B-1.015, which implements no specific law, repeal 9B-1.007(1)(c), which refers to a previously repealed rule, and amend 9B-1.010, making grammatical changes to improve readability of the rule.

SUBJECT AREA TO BE ADDRESSED: Multiple editorial changes made to rules pertaining to Manufactured Buildings, and repealing the rule pertaining to the manufacture of manufactured buildings at multiple sites.

SPECIFIC AUTHORITY: 553.37(1), 553.38(1), 553.381 FS.

LAW IMPLEMENTED: 553.37(1),(2),(8), 553.38, 553.381 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 11:00 a.m., April 13, 2000

PLACE: The Randall Kelley Training Center, Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Mo Madani, Planning Manager, Codes & Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9B-1.003 Department Activities.

~~(1) The Department shall interpret and clarify the various aspects of the Manufactured Building Act of 1979 and will promulgate such regulations and rules as will from time to time be deemed necessary to carry out its purpose.~~

~~(1)(2)~~ The inspection agency shall approve the manufacturer's quality control manuals, model design plans and changes as they occur prior to filing them with the Department.

~~(2)(3)~~ Plans and manuals shall be submitted to the Department by an approved inspection agency, on behalf of their client, for final approval based upon compliance with the standards set forth in Rule 9B-1.004.

~~(3)(4)~~ Manufacturer certification – The manufacturer shall submit evidence to the Department that it has product liability insurance in an amount of not less than \$250,000 to continue manufacturing and/or modifying buildings for installation in Florida.

~~(4)(5)~~ Testing and Evaluations of Products – A recognized testing organization must comply with the ISO/IEC Guide 25:990 General Requirements for the Competency of Calibration and Testing Agencies; ISO/IEC Guide 38:1983 Acceptance of Testing Agencies; 40:1983 ISO/IEC Guide for the Acceptance of Certification Bodies.

~~(5)(6)~~ Program Forms – The following forms are hereby adopted by reference into this chapter.

TITLE	NUMBER
a. Three Dimensional or Component Application	Mfg Bldg 001
Annual Renewal Application	Mfg Bldg 002
Commercial/Residential Insignia Request	Mfg Bldg 003
Component System Insignia Request	Mfg Bldg 004
Room Addition Component Insignia Request	Mfg Bldg 005
Acknowledgment of Receipt Disposition Report	Mfg Bldg 006
Monitoring Checklist	Mfg Bldg 007
Invoice for Plans	Mfg Bldg 008

Specific Authority 553.37(1) FS. Law Implemented 553.37(1),(2), 553.81 FS. History–New 1-17-72, Amended 2-23-75, 3-1-80, 11-1-84, Formerly 9B-1.03, Amended 1-1-87, 1-1-89, 3-1-92, 3-1-95,\_\_\_\_\_.

9B-1.007 Manufacturer Requirements.

(1) In order to be approved to construct or modify manufactured buildings for sale or installation in Florida a manufacturer shall:

(a) Adopt and maintain quality control procedures in accordance with Rule 9B-1.010; and,

(b) Submit to the Department evidence of product liability insurance coverage in an amount of not less than \$250,000; and

~~(c) Ensure that inspections are carried out in accordance with Rule 9B-1.008.~~

(2) through (3) No change.

Specific Authority 553.37(1), 553.38(1), 553.381 FS. Law Implemented 553.37(8), 553.38(1) FS. History–New 1-17-72, Amended 2-23-75, 11-14-76, 3-1-80, 11-4-84, Formerly 9B-1.07, Amended 1-1-87, 1-1-89, 3-1-95,\_\_\_\_\_.

9B-1.010 Quality Control Procedures.

(1) Quality Control Manual (QCM). Since manufactured buildings ~~cannot are not~~ normally be inspected ~~inspectable~~ in the field, it will be necessary that they be manufactured in accordance with the Quality Control procedures established by the manufacturer and approved by the agency and the department.

(2) through (3) No change.

Specific Authority 553.37(1) FS. Law Implemented 553.37(1),(8) FS. History–New 1-17-72, Amended 2-23-75, 3-1-80, 9-29-82, Formerly 9B-1.10, Amended 1-1-89, 3-1-92, 3-1-95,\_\_\_\_\_.

9B-1.015 Multiple Site Manufacturing.

Specific Authority 553.37(1) FS. Law Implemented 553.37 FS. History–New 1-17-72, Amended 2-23-75, 3-1-80, Formerly 9B-1.15, Amended 3-1-92, 3-1-95, Repealed\_\_\_\_\_.

9B-1.018 Insignia Denial.

Should inspection reveal that a manufacturer is not manufacturing components or systems according to plans as approved by the Department and such manufacturer, after having been served with a notice setting forth the provisions of the plan approval which have been violated, continues to manufacture units in violation of the plan approval, applications for new insignia shall be denied and the insignia previously issued for units in violation of the plan approval shall be confiscated. Upon satisfactory proof of compliance such manufacturer may resubmit a request for an insignia. ~~This action shall be reviewable by hearing in accordance with Section 120.57, Florida Statutes.~~

Specific Authority 553.37(1) FS. Law Implemented 553.37(1), 553.38 FS. History—New 1-17-72, Amended 2-23-75, Formerly 9B-1.18, Amended 3-1-92, 3-1-95,\_\_\_\_\_.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE CHAPTER TITLE: Florida Building Commission –  
 RULE CHAPTER NO.: 9B-3

Operational Procedures  
 RULE TITLES: 9B-3

Commission Organization and Operation  
 RULE NOS.: 9B-3.004

Procedures for Testing Materials, Devices  
 and Method of Construction 9B-3.042

Qualification Program for Special Inspectors  
 of Threshold Buildings 9B-3.043

State Minimum Building Codes Adopted 9B-3.047

PURPOSE AND EFFECT: The purpose of the amendment of the above-listed rules is to repeal 9B-3.047 as an unnecessary recitation of statute; repeal 9B-3.042, which is not authorized by specific statute, amend 9B-3.004(1) to reflect statutory changes, and amend 9B-3.043(b),(c) clarifying that experience is to be measured in calendar years.

SUBJECT AREA TO BE ADDRESSED: Appointment of the Chair of the Commission, experience of special inspectors of threshold buildings, procedures for testing of construction materials, methods and devices and local adoption of state minimum building codes.

SPECIFIC AUTHORITY: 553.73(3), 553.76(1), 553.77(1)(a), 553.79(5)(c) FS.

LAW IMPLEMENTED: 553.73(3), 553.73(9), 553.74, 553.75, 553.79(5)-(8), inclusive FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 11:00 a.m., April 13, 2000

PLACE: The Randall Kelley Training Center, Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Mo Madani, Planning Manager, Codes & Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9B-3.004 Commission Organization and Operations.

(1) The Commission is headed by a Chairman who is ~~appointed by the Governor elected by the Commission membership, annually for a one-year term.~~

(2) through (10) No change.

Specific Authority 553.76(1), 553.77(1)(a) FS. Law Implemented Ch. 553.74, 553.75 FS. History—New 5-15-75, Amended 4-18-78, Formerly 9B-3.04, Amended.

9B-3.042 Procedures for Testing of Materials, Devices, and Method of Construction.

Specific Authority 553.77(1)(a) FS. Law Implemented Ch. 553, Part VI FS. History—New 4-18-78, Formerly 9B-3.42, Repealed.

9B-3.043 Qualification Program for Special Inspectors of Threshold Buildings.

(1) The minimum qualifying criteria for Special Inspectors of Threshold Buildings, also referred to as Threshold Inspectors, established by the Commission shall be as follows:

(a) Proof of current registration in good standing as a registered architect or professional engineer whose principal practice is structural engineering in the State of Florida.

(b) Three calendar years of experience in performing structural field inspections on threshold type buildings.

(c) Two calendar years of experience in the structural design of threshold type buildings. For the purpose of these criteria, structural design shall mean the design of all structural components of the building and shall not be limited to specific structural components only, such as foundations, prestressed or post-tensioned concrete, etc.

(d) through (e) No change.

(2) through (7) No change.

Specific Authority 553.79(5)(c) FS. Law Implemented 553.79(5)-(8) FS. History—New 10-3-84, Amended 2-24-85, Formerly 9B-3.43, Amended 4-9-87, 6-8-94, 2-27-96,\_\_\_\_\_.



9B-3.047 State Minimum Building Codes Adopted.

(1) No change.

~~(2) Application. The construction provisions contained within these referenced codes shall apply as required by Part VII, Chapter 553, Florida Statutes. Each local government and state agency with building construction regulation responsibilities shall adopt one of the state minimum building codes as its building code, which shall govern the construction, erection, alteration, repair or demolition of any building for which the local government or state agency has responsibility. If the One and Two Family Dwelling Code is adopted for residential construction, then one of the other recognized model codes must be adopted for the regulation of other residential and nonresidential structures.~~

Specific Authority 553.73(3) FS. Law Implemented 553.73(3),(9) FS. History—New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97,\_\_\_\_\_.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE CHAPTER TITLE: Florida Building Commission –  
 RULE CHAPTER NO.: 9B-7

RULE TITLE: Handicapped Accessibility Standards  
 RULE NO.: 9B-7.003

PURPOSE AND EFFECT: The purpose of the amendment of the above-listed rules is to repeal 9B-7.003 pursuant to the decision rendered in Department of Corrections v. Saulter, 24 FLW D1951, (Fla 1st DCA, 1999) repealing the provisions pertaining to rehearing of accessibility waiver petition.

SUBJECT AREA TO BE ADDRESSED: Procedural matters pertaining to Handicapped Accessibility Standards.

SPECIFIC AUTHORITY: 553.512(1) FS.

LAW IMPLEMENTED: 553.512(1) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 11:00 a.m., April 13, 2000

PLACE: The Randall Kelley Training Center, Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Mo Madani, Planning Manager, Codes & Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired,

please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9B-7.003 Procedures.

(1) through (7) No change.

~~(8) Any person with a substantial interest in a Final Order may move the Commission for a rehearing of the same in accordance with the requirements of this paragraph.~~

~~(a) A motion for rehearing shall be filed not later than fifteen (15) days from the date of the Final Order to which it is addressed. Only one motion for rehearing by any one party shall be allowed for any Final Order.~~

~~(b) The motion for rehearing shall not reargue matters considered by the Commission, but shall present matters which the Commission may have overlooked, or shall be based on new information which the Commission did not have at the time of its earlier action.~~

~~(c) A timely motion for rehearing shall suspend the rendition of the Final Order for the purpose of appealing the Final Order to a District Court of Appeal. The rendition shall be deemed to have occurred on the date of the Order which determines the last timely motion for rehearing address to any one Final Order. The time for appealing the Final Order to a District Court of Appeal shall commence running from that date.~~

Specific Authority 553.512(1) FS. Law Implemented 553.512(1) FS. History—New 1-31-79, Formerly 9B-7.03, Amended 10-1-96, 9-14-97,\_\_\_\_\_.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE CHAPTER TITLE: Thermal Efficiency Standards  
 RULE CHAPTER NO.: 9B-13

RULE TITLES: Thermal Efficiency Standards Adopted  
 RULE NOS.: 9B-13.0041  
 Effective Date 9B-13.0061

PURPOSE AND EFFECT: The purpose of the amendment of the above-listed rules is to repeal 9B-13.0061(1) and the language in 9B-13.0041(1) referring to the repealed portion of 9B-13.0061 as unnecessary.

SUBJECT AREA TO BE ADDRESSED: Effective dates pertaining to Thermal Efficiency Standards.

SPECIFIC AUTHORITY: 553.901 FS.

LAW IMPLEMENTED: 553.901, 553.903 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 11:00 a.m., April 13, 2000

PLACE: The Randall Kelley Training Center, Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Mo Madani, Planning Manager, Codes & Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9B-13.0041 Thermal Efficiency Standards Adopted.

(1) The design and fabrication of all new and renovated buildings, except as exempted herein, shall comply with the requirements of the Florida Energy Efficiency Code For Building Construction (the Code), promulgated by the State of Florida. The Department shall revise, update and maintain the Code. ~~After the effective dates specified in 9B-13.0061~~ All all new and renovated buildings, except as exempted herein, shall comply with the requirements of the 1997 Edition of the Code and the 1998 revisions, Form 600A-97 (Revised 1998), the FLA/RES-97 (Revised 1998) computer program, Form 600B-97 (Revised 1998) and Form 600C-97 (Revised 1998), herein incorporated into this rule by reference.

(2) No change.

Specific Authority 553.901 FS. Law Implemented 553.901, 553.903 FS. History--New 12-10-96, Amended 10-19-97, 1-19-98, 12-27-98,\_\_\_\_\_.

9B-13.0061 Effective Date.

~~(1) After October 15, 1980, no building except those exempted from the requirements of the Florida Energy Efficiency Code For Building Construction shall be constructed, installed or renovated unless such building complies with the standards and rules adopted in Rule 9B-13.0041.~~

~~(2) Revised pages of the 1997 Edition of the Code, Form 600A-97 (Revised 1998), the FLA/RES-97 (Revised 1998) computer program, Form 600B-97 (Revised 1998), and Form 600C-97 (Revised 1998) shall take effect on the effective date of this rule. Changes to Rule Chapter 9B-13 shall take effect as of the effective date of this rule.~~

Specific Authority 553.901 FS. Law Implemented 553.901 FS. History--New 12-10-96, Amended 10-19-97, 1-19-98, 12-27-98,\_\_\_\_\_.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE CHAPTER TITLE: Florida Energy Conservation Standards  
RULE CHAPTER NO.: 9B-44

RULE TITLES: Products, Standards and Test Methods  
RULE NOS.: 9B-44.003  
Certification 9B-44.004

PURPOSE AND EFFECT: The purpose of the amendment of the above-listed rules is to repeal 9B-44.003(1)(a), 9B-44.003(2)(a), 9B-44.003(3)(a) and portions of 9B-44.004 as unnecessary repetition of statutory provisions; and updating the standards and testing methods in 9B-44.003.

SUBJECT AREA TO BE ADDRESSED: Certification statements by manufacturers and standards pertaining to refrigerator-freezers and freezers, flourescent lamp ballasts and showerheads.

SPECIFIC AUTHORITY: 553.954, 553.961 FS.

LAW IMPLEMENTED: 553.955(8)(c), 553.957, 553.961, 553.963, 553.971 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 11:00 a.m., April 13, 2000

PLACE: The Randall Kelley Training Center, Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100.

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Mo Madani, Planning Manager, Codes & Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9B-44.003 Products, Standards and Test Methods.

The standards and test methods as required herein pertain to specific covered products.

(1) Refrigerators, Refrigerator-Freezers, and Freezers.

~~(a) Standards. Refrigerators, refrigerator freezers and freezers, except as exempted by sections 553.957(1)(a) and 553.963(1)(b), F.S., manufactured on or after January 1, 1993, shall meet the applicable standards listed in section 553.963(1)(a), F.S.~~

(b) Test Methods. Manufacturers of any refrigerator, refrigerator-freezer or freezer to be sold or installed in Florida that is covered by this rule shall cause the testing of one randomly selected sample of each model of covered product by a test laboratory accredited under the National Voluntary Laboratory Accreditation Program (NVLAP) or, where no laboratory accreditation program category exists under this program for a covered product, testing shall be conducted by an independent test laboratory. Testing shall be conducted according to the following test methods.

1. Fresh food refrigerated volume, freezer refrigerated volume, and total refrigerated volume shall be determined using the standard ANSI/AHAM HRF-1 – ~~1988~~ 1979 which is incorporated by reference herein.

2. The energy consumption shall be determined using the test procedure for refrigerators and freezers in 10 Code of Federal Regulations (CFR), section 430.22(a) and (b) (~~1999~~ 1986) which is incorporated by reference herein.

(2) Fluorescent Lamp Ballasts for Lighting Equipment.

~~(a) Standards. Fluorescent lamp ballasts and luminaires incorporating ballasts manufactured on or after January 1, 1989, except equipment exempted by section 553.963(2)(b), F.S., or preempted by section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297), shall meet the applicable standards listed in section 553.963(2)(a), F.S.~~

(b) Test Methods. Manufacturers of lamp ballasts for fluorescent lighting equipment to be sold or installed in Florida that is covered by this rule shall cause the testing of samples of each model of fluorescent lamp ballast by a test laboratory accredited under the National Voluntary Laboratory Accreditation Program (NVLAP) or, where no laboratory accreditation category exists under this program for a covered product, testing shall be conducted by an independent test laboratory.

1. Sample ballasts shall be tested to insure that the Ballast Efficacy Factor certified under the provisions of rule 9B-44.004 shall be no greater than the mean of the sample or the lower 97 1/2 percent confidence limit of the true mean divided by 0.95. A minimum of four ballasts of each model shall be randomly selected and tested.

2. The power input, and relative light output shall be determined in accordance with the standard, ANSI C82.2-1984 which is incorporated by reference herein.

(3) Showerheads.

~~(a) Standards. Showerheads manufactured on or after January 1, 1988, except those exempted by section 553.963(3)(b), F.S., shall meet the standard described in section 553.963(3), F.S.~~

(b) Test Method. Manufacturers of showerheads to be sold or installed in Florida that are covered by this rule shall cause the testing of samples of each model. Initial certification of showerheads mandated to occur by January 1, 1988, may contain testing reports developed by the manufacturers' test

laboratory and certified by the manufacturer to be true and accurate. Certifications of showerheads made after January 1, 1990, shall contain results of testing reports conducted by a test laboratory accredited under the National Voluntary Laboratory Accreditation Program (NVLAP) or, where no laboratory accreditation category exists under this program for a covered product, testing shall be conducted by an independent test laboratory. The method of testing shall be in accordance with standard ANSI A112.18.1M – ~~1996~~ 1979 which is incorporated by reference herein. Showerheads shall be tested in the assembled configuration in which they are packaged and sold. Showerheads in which a flow restricting mechanism is not mechanically retained, as defined below, when packaged and sold shall be tested with the flow restricting mechanism removed. Mechanically retained shall mean that the insert cannot be shaken out of the showerhead, but would require a force of at least eight pounds to remove the insert. All showerheads with the flow restrictors mechanically retained at the point of manufacture shall be tested with the flow restrictor mechanism in place. Showerheads with a radially drilled hole which is sealed when the flow restricting mechanism is in position, but which sprays water out of the side of the showerhead when the flow restricting mechanism is removed shall also be tested with the flow restricting mechanism in place.

Specific Authority 553.954, 553.961 FS. Law Implemented 553.955(8)(c), 553.957, 553.961, 553.963 FS. History—New 12-31-87, Amended 10-12-89,

9B-44.004 Certification.

~~Manufacturers of a covered product that was manufactured on or after the effective date for that product as specified in rule 9B-44.007 shall certify such product to be in compliance with these regulations in accordance with the provisions of section 553.971, F.S.~~

(1) ~~Test reports submitted with certification statements by manufacturers shall be based Section 553.971(2), F.S., requires certain information to be included in certification statements. Certification statement submittals to the Department for each model of covered product shall include a test report on testing performed not earlier than two years prior to the certification submittal, except as exempted by section 553.971(3), F.S., and a declaration of compliance with the Florida standards. The test report shall be a copy of the report produced by the testing laboratory and shall be consistent with the presentation of information required by the test standard applicable to the covered product and for showerheads shall indicate whether they are tested with or without inserts where applicable.~~

Certification statements for luminaires and showerhead assemblies that contain a ballast or showerhead manufactured and certified by others shall identify both ballast or showerhead and luminaire or assembly model numbers. A list of ballasts or showerheads officially certified in Florida that will be included as part of the product must be contained in the

certification package. However, no test report is required where the ballast or showerhead referenced has been certified by its manufacturer. Where a company utilizes one showerhead in a number of assemblies, one showerhead certification submittal may be made that includes a list of that company's assembly models containing that showerhead. ~~The certification statement shall contain the information required by section 553.971(2)(a), (b), (c), (d), (e), (f), (g) and (h), F.S.~~ The certification for showerheads shall certify that the showerhead is packaged and shipped with or without removable inserts as applicable. The declaration of compliance shall be provided on Form 971-87, which is incorporated by reference herein, effective 12/31/87.

~~(2) Certification statements not complete and accurate shall be returned to the manufacturer by the Department within 45 days after receipt with a description of incomplete or inaccurate information for correction. The date a corrected certification statement is received shall begin a new 45 day response cycle. Section 553.971(2)(k), F.S., requires the Department to forward to the manufacturer an acknowledgement that the statement has been received and that it is complete and accurate on its face within 45 days after receipt of a certification statement. Where additional information is required, the manufacturer shall be notified. An acknowledgment of certification shall be sent to the manufacturer once all provisions of section 553.971(2), F.S., have been met.~~

(3) through (4) No change.

Specific Authority 553.954 FS. Law Implemented 553.971 FS. History--New 12-31-87, Amended 10-12-89, \_\_\_\_\_.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE CHAPTER TITLE: Public Restrooms – Ratio of Facilities for Men and Women  
RULE CHAPTER NO.: 9B-56

RULE TITLES: Definitions  
Implementation  
RULE NOS.: 9B-56.002  
9B-56.003

PURPOSE AND EFFECT: The purpose of the amendment of the above-listed rules is to change the reference from the Florida Board of Building Codes and Standards to the Florida Building Commission.

SUBJECT AREA TO BE ADDRESSED: Public Restrooms.  
SPECIFIC AUTHORITY: 553.141(3), 553.141(4) FS.  
LAW IMPLEMENTED: 553.141(1), 553.141(2), 553.141(3) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
TIME AND DATE: 9:00 a.m. – 11:00 a.m., April 13, 2000  
PLACE: The Randall Kelley Training Center, Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Mo Madani, Planning Manager, Codes & Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9B-56.002 Definitions.

For the purpose of this rule chapter, the following, unless the context does not permit such meaning, shall have the meanings indicated:

- (1) Department – The Department of Community Affairs.
- (2) Board – The Florida Building Code Commission ~~Board of Building Codes and Standards.~~
- (3) through (9) No change.

Specific Authority 553.141(4) FS. Law Implemented 553.141(1),(2) FS. History--New 6-8-94, Amended.

9B-56.003 Implementation.

(1) The Commission Board may interpret and clarify various aspects of the requirements for a specific ratio of facilities for men and women in public restrooms, and will promulgate such rules and regulations as will from time to time be deemed necessary to carry out its purpose.

(2) through (5) No change.

Specific Authority 553.141(3),(4) FS. Law Implemented 553.141(1),(2),(3) FS. History--New 6-8-94, Amended.

**DEPARTMENT OF LAW ENFORCEMENT**

RULE CHAPTER TITLE: General Information  
RULE CHAPTER NO.: 11-1

RULE TITLE: Confirmation and Delegation of Authority  
RULE NO.: 11-1.0041

PURPOSE AND EFFECT: Proposed revisions to Rule 11-1.0041, FAC., provide for the delegation of authority by the Governor and Cabinet, as Head of the Florida Department of Law Enforcement, to the Executive Director or the Director's designee, to implement the provisions of the Administrative Procedure Act, Chapter 120, F.S. regarding final agency action. Clarifies that the compromise and settlement of claims, actions and other legal proceedings are subject to s. 45.062, F.S.

**SUBJECT AREA TO BE ADDRESSED:** The Department’s rule chapter concerning the delegation of authority of the agency head to the executive director or designee in the areas pertaining to final agency action pursuant to Chapter 120 and compromise and settlement of all actions brought against the Department or any of its employees acting within the scope of their employment.

**SPECIFIC AUTHORITY:** 943.03(4) FS.

**LAW IMPLEMENTED:** 20.05(1)(b), 20.201, 112.061, 120.63(1), 216.345, Chapter 943 FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**

**TIME AND DATE:** 10:00 a.m., Tuesday, April 11, 2000

**PLACE:** Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 3rd Floor, Quad C, Tallahassee, Florida

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:** Persons needing an accommodation to participate in any proceeding should call (850)410-7900 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Fern Rosenwasser, Assistant General Counsel, Office of General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

11-1.0041 Confirmation and Delegation of Authority.

(1) In accordance with Paragraph 20.05(1)(b), F.S., the Executive Director and other officials of the Department of Law Enforcement are hereby authorized to perform or exercise the following statutory powers and duties of the Agency, Department, or Department Head:

(a) The Executive Director or, his designee shall:

1. through 10. No change.

11. Compromise and settle, in the best interest of the Department, subject to s. 45.062, F.S., all claims, actions, causes of action and legal proceedings, whether sounding in tort or contract, that are brought against the Department or any of its employees acting within the scope of their employment. Such compromises and settlements shall be limited to cases where the total amount paid is less than \$100,000.00, and shall be reported to the Governor and Cabinet on at least a quarterly basis.

12. Initiate rulemaking and respond to petitions for declaratory statements, hearings, and departmental rulemaking under Chapter 120; provided, however, the Governor and

Cabinet shall approve all Department administrative rules and reserves the prerogative to act as hearing officer in Section 120.57 proceedings involving great public interest or other public agencies. Examples of rulemaking include the following:

a. through g. No change.

h. To take final agency action in any proceeding or matter within the scope of the Department’s authority.

(b) through (f) No change.

(2) No change.

Specific Authority 943.03(4) FS. Law Implemented 20.05(1)(b), 20.201, 112.061, ~~120.54, 120.565, 120.569(2), 120.57(1)-(3), 120.63(1), 120.74(2), 216.345, 216.262~~; Chapter 943 FS. History—New 1-31-80, Amended 6-29-80, 7-5-81, Formerly 11-1.041, Amended 7-6-99.

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

**RULE CHAPTER TITLE:** Salary Incentive Program **RULE CHAPTER NO.:** 11B-14

**RULE TITLES:** General Program Provisions **RULE NOS.:** 11B-14.002

Authorized Payments 11B-14.003

**PURPOSE AND EFFECT:** 11B-14.002: To revise rule language to reflect that courses shall be verified, NOT CERTIFIED, by training center directors; to reflect when a student is dismissed from a training program by adding “dismiss” in column 11 of form CJSTC-67; to change ATMS2 to ATMS because the systems have been merged. 11B-14.002:

To add “eligible” and clarify existing rule language by making grammatical revisions; and to delete unnecessary rule language. 11B-14.002: To revise rule language to reflect that salary incentive documents are not verified by the Criminal Justice Professionalism Program Records Section. 11B-14.002: To make grammatical revisions. 11B-14.003: To revise statutory references.

**SUBJECT AREA TO BE ADDRESSED:** Salary Incentive Program provisions, form revisions, and statutory revisions.

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

**LAW IMPLEMENTED:** 943.22 FS.

**IF REQUESTED, IN WRITING, AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**

**TIME AND DATE:** 1:00 p.m., April 11, 2000

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 2 weeks prior to the workshop by contacting Donna Hunt at TDD#: (850)656-9597.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-14.002 General Program Provisions.

(1) The Salary Incentive Program shall not be used to circumvent any current or planned annual base salary increases, pursuant to Section 943.22(2)(g), F.S. Additionally, agency financial records shall be maintained to separately identify gross salary and salary incentive payments.

(2) No change.

(3) All Commission-approved Career Development Training Courses, effective on or after July 1, 1985, that are Commission-approved Advanced Training Courses, pursuant to Section 943.17 or 943.25, F.S., and have been successfully completed by eligible officers, shall be verified ~~certified~~ by the training center director for submission to Commission staff by completing a Training Report form CJSTC-67, revised ~~September 1, 1999, February 18, 1998~~, hereby incorporated by reference, pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures Manual, revised ~~October 13, 1999 January 1999~~, hereby incorporated by reference. Effective September 1, 1998, the information on the CJSTC-67 form is required to be electronically transmitted via the Commission's Automated Training Management System (ATMS) ~~(ATMS2)~~. A copy of the Training Report form showing successful completion of an approved course may be used as the verifying document to authorize payment of appropriate training salary incentive monies.

(4) To avoid redundant training and to acknowledge training that is equal to training programs established pursuant to Section 943.17, F.S., Commission staff shall award 40 hours of advanced training credit for each 40-hour week of criminal justice executive or management training successfully completed and approved by the Commission, for programs conducted at the Federal Bureau of Investigation's National Academy, the Federal Bureau of Investigation's National Executive Institute, the Southern Police Institute, the National Institute of Corrections, the Police Executive Institute, the National Sheriffs Institute, the Northwestern Traffic Institute (long course), the Federal Bureau of Prisons, the Institute for Police Technology Management, the Florida Criminal Justice Executive Institute (FDLE Senior Leadership Program), and the Senior Management Institute for Police. Eligible officers who request to receive salary incentive credit for a program listed herein, shall submit to Commission staff a written request ~~make their request to Commission staff in writing, accompanied by a written request~~ for salary incentive credit

from the officer's agency administrator and a copy of the officer's certificate of course completion. Commission staff shall evaluate the request and determine whether the program in question qualifies for training salary incentive monies.

(5) All claimed eligibility for educational salary incentives shall be reported to Commission staff by the employing agency by submitting an official Higher Education Report form CJSTC-63, revised October 27, 1998, hereby incorporated by reference. The information on the CJSTC-63 form may be electronically submitted via the Commission's Automated Training Management System (ATMS) ~~(ATMS2)~~. The employing agency shall obtain an official sealed transcript directly from the educational institution conferring the degree, or providing the academic credit for successful completion of courses. The employing agency shall not forward the transcript to Commission staff.

(6) through (11) No change.

(12) The officer's training record maintained by Commission staff shall reflect the officer's eligibility for salary incentive monies. Eligibility for educational salary incentive monies, ~~for those officers whose class specifications do not require a minimum of a 4 year degree or higher~~, shall be transferable regardless of the discipline in which the officer obtains employment. Salary incentive monies for Advanced Training Courses are transferable from one discipline to another.

(13) ~~At the request of an employing agency, Commission staff shall verify documents an officer submits for training salary incentive monies and the amount of training salary incentive monies the officer is eligible to receive.~~ The employing agency is responsible for ensuring that the documents submitted for educational salary incentive monies are authentic and accurately reflect the credit given for academic courses successfully completed by the officer.

(14) No change.

(15) Sheriffs eligible to qualify for special qualification salary, pursuant to Section 943.253, F.S., and Section 145.071, F.S., may ~~can~~ request salary incentive payment pursuant to Section 943.22(2)(d), F.S., and shall be entitled to salary incentive credits under the programs provided in paragraph (4) of this rule section. However, any executive or management courses completed to satisfy the requirements of Section 145.071, F.S., regarding special qualification salary for sheriffs, shall not be credited for salary incentive payments. Commission staff shall provide sheriffs with documentation that verifies the number of hours credited for salary incentive payments pursuant to Section 943.22(2)(d), F.S., and the number of hours credited toward continuing education pursuant to Section 145.071(2)(c), F.S.

(16) No change.

Specific Authority 943.03(4), 943.12(1), 943.22(2)(h) FS. Law Implemented 943.22 FS. History—New 10-16-78, Amended 9-11-79, 1-13-81, 5-16-83, 1-7-85, Formerly 11B-14.02, Amended 7-13-87, 9-3-87, 5-23-88, 5-14-92, 12-13-92, 1-2-97, 7-7-99, \_\_\_\_\_.

11B-14.003 Authorized Payments.

Full-time law enforcement, correctional, and correctional probation officers satisfying the certification requirements of Chapter 943, F.S., who are not excluded from eligibility pursuant to Section 943.22(4), F.S., shall be eligible to participate in the Salary Incentive Program.

(1) through (4) No change.

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

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE CHAPTER TITLE:                      RULE CHAPTER NO.:

Criminal Justice Standards and Training Trust Fund	11B-18
RULE TITLES:	RULE NOS.:
Operational Definitions	11B-18.003
Regional Training Areas	11B-18.004
Establishment of Regional Training Councils	11B-18.005
Regional Training Council Meetings	11B-18.0051
Development of Budgets	11B-18.0052
Expenditure of Funds	11B-18.007
Reports	11B-18.0071
Areas of Responsibility	11B-18.008
Applicability, Contractual Obligations	11B-18.009

PURPOSE AND EFFECT: 11B-18.003: To revise the definition of "Fiscal Agent," which currently states that a training school appoints a fiscal agent, because a Regional Training Council appoints fiscal agents not a training school; to add and delete statutory references to the "Specific Authority" and "Laws Implemented" of this rule section and to revise the definition of "Commission-approved expenditure formula." 11B-18.004: To revise the names of training schools." 11B-18.005: To revise the name of a state law enforcement agency in Region XV; to revise the number of correctional officers the Local Regional Training Council is comprised of; to add "public county" to "correctional institution to differentiate between a state correctional institution and county institution." 11B-18.0051: To add a new statutory reference to the "Specific Authority" of this rule section. 11B-18.0052: To remove unnecessary rule language; to describe the specific type of operating budget required, i.e. "projected annual operating budget" to be consistent with existing rule language; to add a new statutory reference to the "Specific Authority" and "Laws Implemented" of this rule section and to state that the Commission may approve "the" disposition of funds, not only "any equitable" disposition of funds. 11B-18.007: To revise rule language to reflect that a Regional Training Council is not responsible for studying the Commission's priority issues, but rather is responsible for including priority issues in its approved budget; to implement by rule the Commission's current policy regarding

"unexpended interest." (Unexpended interest shall be remitted to the trust fund within 90 days following the close of the fiscal year); to add a new statutory reference to the "Specific Authority" and "Laws Implemented" of this rule section; and to add "training" before the word "region" to be consistent with existing rule language. 11B-18.0071: To make grammatical revisions for clarification purposes and to add a new statutory reference to the "Specific Authority" and "Laws Implemented" of this rule section. 11B-18.008: To designate the requirement of a specific trust fund budget, i.e. "annual operating" budget; to clarify existing rule language; to revise the name of the required trust fund report; to add a new statutory reference to the "Specific Authority" of this rule section; and to delete the reference of "school" before the words "fiscal agent" - there is only a "regional fiscal agent." 11B-18.009: To make grammatical revisions and to add a new statutory reference to the "Specific Authority" and "Laws Implemented" of this rule section.

SUBJECT AREA TO BE ADDRESSED: Operational definitions, regional training areas, Regional Training Councils, development of budgets, expenditure of trust funds, grammatical revisions, agency responsibilities with regard to the Criminal Justice Standards and Training Trust Fund, and contractual obligations.

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

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

IF REQUESTED, IN WRITING, AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m., April 11, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 2 weeks prior to the workshop by contacting Donna Hunt at TDD#: (850)656-9597.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-18.003 Operational Definitions.

For the purpose of this rule chapter, the definitions of "Auxiliary Law Enforcement Officer," "Auxiliary Correctional Officer," "Auxiliary Correctional Probation Officer," "Commission," "Correctional Officer," "Criminal Justice

Training School," "Commission staff," "Program," "Employing Agency," "Law Enforcement Officer," "Officer," "Part-time Law Enforcement Officer," "Part-time Correctional Officer," "Part-time Correctional Probation Officer," "Private Criminal Justice Training School," "Public Criminal Justice Training School," "Support Personnel," and "Training Center Director," pursuant to Section 943.10, F.S., shall be deemed controlling. The operational definitions are as follows:

(1) through (15) No change.

(16) "Fiscal Agent" means the person(s) appointed by a Regional Training Council ~~Commission-certified criminal justice training school~~, who is responsible for providing fiscal assistance and expertise to the Regional Training Council(s) and school(s). The fiscal agent is responsible for all records, accountings, and other materials or information regarding trust fund expenditures.

(17) through (19) No change.

(20) "Commission-approved expenditure formula" means the formula established by the Commission specifying ~~for~~ the expenditure of a training region's budget.

(21) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.25(4), 943.12(5), 943.10, 943.25(2) FS. (Supp. 1998). History—New 1-13-81, Amended 7-28-82, 1-26-83, 1-7-85, 1-28-86, Formerly 11B-18.03, Amended 7-13-87, 5-23-88, 12-13-92, 1-2-97, 7-7-99, \_\_\_\_\_.

11B-18.004 Regional Training Areas.

For the purposes of Criminal Justice Standards and Training Trust Fund activities, there are established the following sixteen (16) regional training areas:

(1) Region I.

(a) No change.

(b) Commission-certified public criminal justice training schools within Region I: George Stone Area Vo-Tech Center, Criminal Justice Training Center and Okaloosa-Walton Community College Criminal Justice Training Center.

(2) No change.

(3) Region III.

(a) No change.

(b) ~~Commission-certified p~~Public criminal justice training school within Region III: Tallahassee Community College/Lively Area Vo-Tech School/Pat Thomas Law Enforcement Academy.

(4) No change.

(5) Region V.

(a) No change.

(b) Commission-certified public criminal justice training schools within Region V: Florida Community College at Jacksonville/Northeast Florida Criminal Justice Training and Education Center, St. Johns River Community College/Criminal Justice Training Program, and St. Augustine Technical Center/Criminal Justice Training Academy.

(6) No change.

(7) Region VII.

(a) No change.

(b) Commission-certified public criminal justice training schools within Region VII: Brevard Community College Criminal Justice Division, Criminal Justice Institute at Valencia Community College, Daytona Beach Community College Criminal Justice Training Center, Criminal Justice Academy of Osceola, Lake Technical Center Institute of Public Safety, ~~Kenneth A. Bragg Regional Public Safety Training Complex at Tavares~~, and Seminole Community College Criminal Justice Institute.

(8) No change.

(a) through (b) No change.

(9) through (13) No change.

(14) Region XIV.

(a) No change.

(b) Commission-certified public criminal justice training schools within Region XIV: Florida Keys Community College Institute of Criminal Justice ~~Program~~, Miami Police Department/Miami Police Training Center Academy, Miami-Dade Police Department Metropolitan Police Institute, and Miami-Dade Community College School of Justice.

(15) Region XV.

(a) No change.

(b) Commission-certified public criminal justice training schools within Region XV: Florida Department of Law Enforcement/Florida Law Enforcement Academy, Florida Department of Highway Safety and Motor Vehicles/Florida Highway Patrol Training Academy, Florida Department of Environmental Protection Law Enforcement Training Center, and Florida Wildlife Conservation Commission/Florida State Wildlife Officer Training Academy ~~Florida Game and Fresh Water Fish Commission~~.

(16) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.25(5) FS. (Supp. 1998). History—New 1-13-81, Amended 7-28-82, 1-7-85, Formerly 11B-18.04, Amended 7-13-87, 1-2-97, 7-7-99, \_\_\_\_\_.

11B-18.005 Establishment of Regional Training Councils.

(1) through (2) No change.

(3) The State Regional Law Enforcement Officer Training Council XV, shall be comprised of one representative from each of the following state law enforcement agencies:

(a) through (d) No change.

(e) Florida Wildlife Conservation Commission ~~Game and Fresh Water Fish Commission~~.

(f) through (k) No change.

(4) No change.

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

(a) No change



(b) Not less than two (2) correctional officers, and one (1) individual of which one (1) employee is a public agency who is in charge of a public county correctional institution within the region; and

(c) Not more than three (3) members representing a Commission-certified public criminal justice training schools.

(d) through (g) No change.

(6) through (7) No change.

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

#### 11B-18.0051 Regional Training Council Meetings.

(1) through (4) No change.

Specific Authority 943.03(4), 943.12(1), (2), 943.25(5)(b) FS. Law Implemented 943.25(5) FS. (Supp. 1998). History—New 1-7-85, (1), (4), Formerly 11B-18.05(8), (7), 11B-18.051, Amended 7-13-87, 1-2-97, 7-7-99.

#### 11B-18.0052 Development of Budgets.

(1) through (2) No change.

(3) Monies collected pursuant to Section 943.25, F.S., and appropriated to implement training programs and Commission-certified public criminal justice training school enhancements, are public funds. Each Regional Training Council shall submit to Commission staff for approval, a projected annual operating budget that identifies proposed trust fund expenditures, ~~for submission to Commission staff~~ by February 1 of each year.

(4) Preparation of the annual operating budget shall be completed pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures Manual, revised October 13, 1999 ~~January 1999~~, hereby incorporated by reference, and shall be completed on the forms provided by Commission staff pursuant to paragraph (8) of this rule section.

(5) A Regional Training Council that fails to submit a projected annual ~~an~~ operating budget on or before February 1, which shall be prepared on a Criminal Justice Standards and Training Trust Fund Operating Budget form CJSTC-310, revised August 5, 1998, hereby incorporated by reference, or fails to receive an extension of time for its budget submission, shall forfeit its opportunity to propose an operating budget for the region. Thereafter, the Commission may approve the any ~~equitable~~ disposition of the funds previously available to the region.

(6) The projected annual operating budget shall list items in order of priority within each budget category, and shall be completed using the required format outlined in the Criminal Justice Standards and Training Commission Policies and Procedures Manual.

(7) through (8) No change.

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

#### 11B-18.007 Expenditure of Funds.

(1) Funding Allocation.

(a) No change.

(b) Each Regional Training Council is responsible for ~~studying and including when possible~~ in its approved budget, the Commission's priority issues as they relate to the training region's needs for distribution of training funds.

(c) through (d) No change.

(2) through (3) No change.

(4) A Commission-certified public criminal justice training school may place Criminal Justice Standards and Training Trust Fund monies separately, on temporary deposit, in interest bearing accounts. Interest earned may be expended on trust fund-related needs subject to the following conditions:

(a) No change.

(b) A separate operating budget for accrued interest shall ~~must~~ be submitted by the Regional Training Councils for Commission-staff's approval. Expenditure of interest is restricted to training costs and purchase of operating capital outlay items. Interest earned shall be identified for the year earned and submitted on a Criminal Justice Standards and Training Trust Fund Year-End Fiscal Report form CJSTC-301. Such interest shall be expended by June 30 of the subsequent fiscal year. Any unexpended interest shall be remitted to the Criminal Justice Standards and Training Trust Fund within 90 days following the close of the fiscal year for which the interest expenditure was approved by the Commission.

(5) Administrative expenditures approved by a Regional Training Council shall not exceed five (5) percent of the total allocation to each Commission-certified public criminal justice training school or training region. Travel costs and per diem expenditures for the Regional Training Councils' chairpersons, training center directors, and fiscal agents, may be budgeted in addition to the five (5) percent of the total monies allocated for administrative expenditures to attend Commission trust fund-related workshops. In addition, training center directors, not designees, may submit travel expenses to Commission staff to attend regularly scheduled Commission meetings, upon obtaining prior budget approval pursuant to Section 112.061, F.S., and pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures Manual. The request for budget approval shall be submitted to Commission staff by completing and submitting a Criminal Justice Standards and Training Trust Fund Programmatic Change and Budget Amendment form CJSTC-302, revised June 17, 1998, hereby incorporated by reference, or a Criminal Justice Standards and Training Trust Fund Operating Budget form CJSTC-310.

(6) No change.

(7) Regions shall make provisions in their operating budget(s) for the reciprocal payment of training provided to officers and support personnel who attend training programs offered in other training regions pursuant to Section

943.10(11), F.S. Each training region's fiscal agent(s) shall be responsible and accountable for receipt and disbursement of the region's specified reciprocal funds.

(8) Each training region shall offer all courses funded by Criminal Justice Standards and Training Trust Fund monies, first, to the officers within its respective region. If space is still available, officers from other regions may attend trust fund courses after obtaining prior approval of the regions involved and after obtaining proper budget approval. The region offering the training is authorized to require reciprocal payment from the region in which the officer is employed, pursuant to Section 943.25(6)(a), (b), F.S., and paragraph (10) of this rule section. Support personnel as defined in Section 943.10(11), F.S., may attend trust-funded courses on a space available basis, provided a certified Florida officer is not displaced.

(9) through (10) No change.

Specific Authority 943.03(4), 943.12(1), ~~(2)~~, 943.25(4), ~~(5)~~ FS. Law Implemented 943.25 FS. History—New 1-13-81, Amended 7-28-82, 1-7-85, 1-28-86, Formerly 11B-18.07, Amended 7-13-87, 5-23-88, 12-13-92, 5-25-94, 1-2-97, 7-7-99, \_\_\_\_\_.

11B-18.0071 Reports.

(1) through (2) No change.

(3) Allocated funds within the operating budget that have not been expended or encumbered as of June 30, and those encumbered funds that have not been expended by December 31 of the following fiscal year, shall be submitted to Commission staff, ~~by completing a~~ final Criminal Justice Standards and Training Trust Fund Year-End Fiscal Report form CJSTC-301, shall be submitted by January 31 of the subsequent calendar year.

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

11B-18.008 Areas of Responsibility.

With regard to the Criminal Justice Standards and Training Trust Fund, the following entities shall have responsibilities as outlined in subparagraphs (1)-(4) of this rule section.

(1) The responsibilities of Commission staff are to:

(a) through (c) No change.

(d) Notify training regions of their approved annual ~~projected~~ operating budget for the next fiscal year.

(e) No change.

(f) ~~Authorize Approve~~ requests for budget amendments approved submitted by the Regional Training Councils that do ~~for the transfer of funds between budget categories of their approved operating budget, provided the budget amendment~~ does not alter the Commission-approved trust fund formula.

(g) through (k) No change.

(1) Review the Criminal Justice Standards and Training Trust Fund Year-End Fiscal Reports submitted by the regional chairperson or designee, and notify the Commission, regional chairpersons, fiscal agents, and training center directors of the results of the Year-End Fiscal Report.

(m) through (n) No change.

(o) Use the Regional Training Councils as an extension of the Commission's administrative arm to establish channels of administrative communication. Commission staff shall advise regional chairpersons, fiscal agents, and criminal justice training center directors of trust fund activity in their respective training regions.

(2) The responsibilities of the Regional Training Councils are to:

(a) No change.

(b) Determine the distribution of Criminal Justice Standards and Training Trust Funds for allocation to the individual Commission-certified public criminal justice training schools in the respective training regions.

(c) through (e) No change.

(f) Appoint a regional ~~or school~~ fiscal agent.

(3) The responsibilities of the regional fiscal agents are to:

(a) through (c) No change.

(4) The responsibilities of the Commission-certified public criminal justice training schools are to:

(a) No change.

(b) Be responsible for the receipt and payment of Criminal Justice Standards and Training Trust Fund monies authorized by approved annual operating budgets pursuant to applicable laws, rules, contracts, budgets, and local policies and procedures.

(c) through (g) No change.

Specific Authority 943.03(4), 943.12(1), ~~(2)~~, 943.25(5) FS. Law Implemented 943.25 FS. History—New 1-13-81, Amended 7-1-81, 7-28-82, 1-7-85, 1-28-86, Formerly 11B-18.08, Amended 7-13-87, 5-23-88, 10-17-90, 12-13-92, 1-2-97, 7-7-99, \_\_\_\_\_.

11B-18.009 Applicability, Contractual Obligations.

(1) through (2) No change.

(3) Receipt of any Criminal Justice Standards and Training Trust Fund monies shall be deemed an acceptance of the terms, conditions, and limitations contained in the approved budget under which they are received. Regional Training Councils or Commission-certified public criminal justice training schools accepting Criminal Justice Standards and Training Trust Fund support, on or after the effective date of this rule chapter, shall be deemed to have:

(a) No change.

(b) Agreed to surrender to the Commission all ~~personal~~ property purchased ~~to the Commission~~ acquired with Criminal Justice Standards and Training Trust Fund monies upon loss of a Commission-certified public criminal justice training school's certification.

(c) No change.

(4) No change.

Specific Authority 943.03(4), 943.12(1)(2), 943.25(4)(5) FS. Law Implemented 943.25 FS. History—New 1-13-81, Amended 7-28-82, 1-7-85, 1-28-86, Formerly 11B-18.09, Amended 7-13-87, 12-13-92, 1-2-97, 7-7-99,

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE CHAPTER TITLE: Certification of Criminal Justice      RULE CHAPTER NO.: 11B-20

Training Instructors      RULE NOS.: 11B-20.001

Minimum Requirements for Certification of Instructors      11B-20.002

Revocation of Certification      11B-20.0012

PURPOSE AND EFFECT: 11B-20.001: To delete unnecessary rule language; to add a timeframe for completion of the Commission-approved 80-hour Instructor Techniques Course; to delete rule language that states “the training center director shall determine an applicants previously completed training,” because a training center director shall “evaluate” not “determine” an applicants previously completed training, to define the type of application, i.e., Instructor Certification Application form CJSTC-71, to delete the obsolete instructor application renewal period of January 1, 1994; to renumber Rule 11B-20.001(2)(d) to (2)(c), FAC; to add topic introduction sentences to the paragraphs in Rule 11B-20.001(3)(a) and (3)(b), F.A.C.; to specify what kind of specialized topic, i.e. “specialized topic of instruction”; to add rule language the current course names for Radar Speed Measurement Training Course for Law Enforcement Officers and the Laser Speed Measurement Operators Training Course for Law Enforcement Officers; to delete the unnecessary reference to the Criminal Justice Standards and Training Commission Policies and Procedures Manual (CJS&TC P&P manual), because the instructions on the form are duplicative of the instructions on forms CJSTC-271 and 71; to delete a statutory reference to the “Law Implemented” of this rule section; and to delete the reference to “Field Specialist” and add in its place “Commission staff.” 11B-20.0012: To delete a statutory reference to the “Law Implemented” of this rule section.”

SUBJECT AREA TO BE ADDRESSED: Minimum requirements for certification of instructors and revocation of certification.

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

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

IF REQUESTED, IN WRITING, AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m., April 11, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 2 weeks prior to the workshop by contacting Donna Hunt at TDD#: (850)656-9597.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-20.001 Minimum Requirements for Certification of Instructors.

(1) Except as otherwise provided in this rule or by law, individuals who instruct Commission-approved training courses, pursuant to Rule 11B-35.001(2), FAC., at or through a Commission-certified criminal justice training school, shall be certified by the Commission. ~~To certify that an applicant is eligible for Commission certification, A~~ training school shall submit to Commission staff a completed Instructor Certification Application form CJSTC-71, revised June 12, 1998, hereby incorporated by reference, for those applicants who have not been previously certified, and who have met all certification requirements pursuant to Section 943.12(9), F.S. The training center director shall maintain in the instructors file all documentation that verifies the instructor's qualifications, which shall be made available for review by Commission staff. The applicant shall comply with the following certification requirements:

(a) No change.

(b) The applicant shall have completed the Commission-approved 80-hour Instructor Techniques course through a Commission-certified criminal justice training school within four (4) years of the date of application. The training center director shall evaluate determine if a course is comparable in content for each topic. The training center director shall, upon evaluation of an applicant's previously completed training other than the Commission-approved 80-hour Instructor Techniques course, provided that the previous training occurred within the last four (4) years, but partially completed comparable course, The training center director shall authorize the applicant to complete only those portions of the current Commission-approved Instructor Techniques course in which the applicant is deficient.

(c) through (g) No change.

(2) Duration and Renewal of Instructor Certification:

(a) The renewal application shall be considered for renewal based on the submission of an updated Instructor Certification Application form CJSTC-71, ~~application~~, and shall be submitted to Commission staff within six months prior to the instructor's certification expiration date. The date of submission shall be construed as the verified or documented date the Commission-certified criminal justice training school received the updated application, including all necessary supporting documentation, provided the submission date is prior to the date of expiration. The documented date shall be permanently validated on the face of the renewal application.

(b) The certification expiration date shall be four (4) years following the date of the training center director's signature on the Instructor Certification Application form CJSTC-71. If the instructor's certification expires, the instructor shall make application for a new certification and shall meet the following guidelines:

1. The training center director or designee shall evaluate the applicant's proficiency as an instructor by completing the Instructor Competency Checklist form CJSTC-81, prior to signing the Instructor Certification Application form CJSTC-71 for certification ~~instructor's application~~. The new Instructor Competency Checklist shall be maintained in the instructor's file.

2. through 4. No change.

~~(c) Instructors requesting renewal of certification after January 1, 1994, shall complete the Commission-approved 20-hour Human Diversity Train-the-Trainer course, or the 8-hour Instructor Awareness of Human Diversity Concepts Program. The requirements shall be completed for re-certification only once during the instructor's career.~~

~~(c)~~(d) If a Commission-certified criminal justice training school instructor adds a specialized topic of instruction to the current instructor certification, the expiration date shall be the same as the current instructor certification expiration date.

(3) Exemption from general instructor certification. An instructor shall be exempt from a Criminal Justice Standards and Training Commission general instructor certification under the following circumstances:

(a) The instructor is a full-time instructor at an accredited community college, college, or university. The training center director shall document the instructor's full-time status and identify the name and location of the college, community college, or university, by completing an Instructor Exemption form CJSTC-82, October 1, 1993, hereby incorporated by reference, which shall be maintained on file in the instructor's file. The instructor shall have specific knowledge of the subject matter to be taught, which shall be determined by the training center director, and the confirming documentation shall be maintained in the instructor's file.

(b) The instructor is a full-time vocational-technical instructor. The training center director shall document the instructor's full-time status and identify the name and location

of the vocational-technical institution by completing an Instructor Exemption form CJSTC-82, and maintained in the instructor's file. The instructor shall be qualified in the specific subject matter to be taught, and the confirming documentation shall be maintained in the instructor's file.

(c) If an instructor holds a current and valid instructor certification from another state or the military, the applicant shall complete an internship. The training center director shall include a copy of the instructor's out-of-state or military certification, documentation describing the internship, completion of the Instructor Competency Checklist form CJSTC-81, and Instructor Exemption form CJSTC-82, and the confirming documentation shall be maintained in the instructor's file.

(d) through (e) No change.

(4) Specialized topics of instruction. Specific additional education or training beyond the general certification shall be required to obtain Criminal Justice Standards and Training Commission instructor certification for specialized topics of instruction. The applicant shall hold, or be eligible for a current and valid general Criminal Justice Standards and Training Commission instructor certification, pursuant to (1) herein, or maintain in the instructor's file, a completed Instructor Exemption form CJSTC-82, prior to applying for certification in a specialized topic of instruction. To be certified to instruct in a specialized topic, the applicant shall successfully complete the requirements for that topic in paragraph (4)(a)-(h) herein.

(a) Law Topics Instructor Certification. An applicant shall be a graduate of a law school and possess experience in criminal justice, or possess substantial law training and experience in the practical application of law, to be certified to instruct the specified law topics of probable cause, court structure, court rules, trial procedures, and burden of proof. The specific topics and course numbers are listed in the Criminal Justice Standards and Training Commission Policies and Procedures Manual, revised October 13, 1999, January 1999, hereby incorporated by reference.

(b) through (g) No change.

(h) Radar and Laser Instructor Certifications:

1. An applicant shall have successfully completed the Commission-approved Radar Instructor course through a Commission-certified criminal justice training school, to be certified to instruct the Radar Speed Measurement Training Course for Law Enforcement Officers ~~radar speed measurement training~~.

2. An applicant shall have successfully completed the Commission-approved Radar Instructor course and the Laser Instructor course through a Commission-certified criminal justice training school, to be certified to instruct the Laser Speed Measurement Operators Training Course for Law Enforcement Officers ~~in laser speed measurement training~~.

(5) An Application for Instructor Certification Deficiency Notification form CJSTC-271, January 21, 1999, hereby incorporated by reference, shall be completed by a Commission ~~staff~~ ~~Field Specialist~~ upon an unfavorable inspection of required documents. The CJSTC-271 form shall indicate any deficiencies in the Instructor Certification Application form CJSTC-71, including any missing or incorrect documentation required for instructor certification; ~~pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures Manual.~~

(6) through (7) No change.

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3),(9), 943.14(3),(8) 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.

11B-20.0012 Revocation of Certification.

No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3),(9); 943.14(3),(8) FS. History--New 10-26-88, Amended 1-2-97, 7-7-99.

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE CHAPTER TITLE:                      RULE CHAPTER NO.:

Certification of Criminal Justice	
Training Schools	11B-21
RULE TITLES:	RULE NOS.:
Advisement	11B-21.001
Request for Certification	11B-21.002
Certification Codes	11B-21.004
Criminal Justice Training School Requirements	
for Certification	11B-21.005
Denial of Certification or Renewal	
of Certification	11B-21.017
Revocation of Certification	11B-21.018

PURPOSE AND EFFECT: 11B-21.001: To add a new statutory reference to the "Specific Authority" of this rule section. 11B-21.002: To add "Commission-approved training courses" rule language and clarify existing rule language regarding training school certification renewal and to add a new statutory reference to the "Specific Authority" of this rule section. 11B-21.004: To add a new statutory reference to the "Specific Authority" of this rule section. 11B-21.005: To remove rule language in (1) of this rule section regarding "satellite sites" and create new rule language in (2) of this rule section that specifically addresses satellite training facilities and equipment requirements; to add new rule language regarding the usage of the following new forms and incorporate the forms into this rule section: Training School Classroom Facility Requirement form CJSTC-205, Training School Contact Report form CJSTC-200, Non-Compliance Follow-up form CJSTC-206, Driving Range Facility Requirements form CJSTC-202, Defensive Tactics Requirements form CJSTC-203, Firing Range Facility Requirements form CJSTC-201, and Staffing Requirements

form CJSTC-204; to delete dated rule language; to add a statutory reference to the "Specific Authority" and delete a statutory reference to the "Law Implemented" of this rule section; and to remove redundant rule language in (1)(c) of this rule section; to revise the course name of "criminal justice driving training" to "basic law enforcement driving training" to be consistent with existing rule language. 11B-21.017: To clarify existing rule language concerning denial of certification and denial to renew certification and to add a statutory reference to the "Specific Authority" of this rule section. 11B-21.018: To clarify existing rule language concerning failure to maintain compliance with training school certification requirements; to add a statutory reference to the "Specific Authority" of this rule section; and to delete the words "substantial violations" and add the word "violations" regarding finding of probable cause when a training school has violated Commission rules.

SUBJECT AREA TO BE ADDRESSED: Training school certification and renewal, criminal justice training school requirements for certification, grammatical revisions, clarification revisions, and revocation of training school certification.

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

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

IF REQUESTED, IN WRITING, AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m., April 11, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 2 weeks prior to the workshop by contacting Donna Hunt at TDD#: (850)656-9597.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 11B-21.001 Advisement.
- (1) through (2) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(5), 943.14 FS. History--New 7-21-82, Amended 1-26-83, 9-1-83, 1-28-86, Formerly 11B-21.01, Amended 1-2-97, 7-7-99.

11B-21.002 Request for Certification.

(1) No change.

(2) Each Florida 4-year accredited college or university that requests to offer Commission-approved training courses, shall request approval from the Commission. A College and University Program Approval form CJSTC-30, November 1, 1997, hereby incorporated by reference, shall be completed and submitted to Commission staff to request approval to offer Commission-approved training courses.

(3) through (5) No change.

(6) Certification shall continue in effect for five (5) years beginning with the award of a certificate. Within a five (5) year period after certification, each Commission-certified criminal justice training school shall be officially evaluated by a Commission-appointed certification team to determine continued compliance with the qualification requirements of Rule Section 11B-21.002, F.A.C., for the purpose of certificate renewal ~~The Commission shall award renewal certificates to Commission-certified criminal justice training schools that meet the qualification requirements for a training school.~~

(7) through (8) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(3), (7), 943.14 FS. History—New 7-21-82, Amended 1-28-86, Formerly 11B-21.02, Amended 12-13-92, 1-2-97, 7-7-99, \_\_\_\_\_.

11B-21.004 Certification Codes.

Each Commission-certified criminal justice training school's certification shall be categorized by the Commission as a type "A", "B", or "C" certification, and given a certification code. Certification codes are defined as follows:

(1) through (3) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(3),(7), 943.14 FS. History—New 7-21-82, Formerly 11B-21.04, Amended 1-28-86, 7-13-87, 6-2-91, 7-7-99.

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

All criminal justice training schools certified by the Commission on or after July 1, 1990, shall meet the following requirements:

(1) Training School Facilities and Equipment. All Commission-certified criminal justice training schools ~~and their satellite sites~~ shall meet Commission requirements. Commission staff shall document on the Training School Classroom Facility Requirement form CJSTC-205, 10/1/99, hereby incorporated by reference, compliance with the following or exceed the following facility and equipment specifications:

(a) ~~Compliance with~~ State Requirements for Educational Facilities (SREF), pursuant to Department of Education's Rule 6A-2.0111, F.A.C., effective April 28, 1997, for compliance with building codes for educational facilities, and with local and state regulations relating to fire, health, and building standards, as such standards are applicable to public access

facilities. Specific requirements relating to occupancy, lighting, floor space, equipment, and library access, are included in the Criminal Justice Standards and Training Commission Policies and Procedures Manual, revised October 13, 1999 ~~January 1999~~, hereby incorporated by reference. If a Commission-certified training school's facilities have been found non-compliant with the Commission's requirements, Commission staff shall document on the Training School Classroom Facility Requirements form CJSTC-205 specific areas of non-compliance. Within 30 days of the original notification, Commission staff shall conduct a re-inspection. Non-compliance issues that are unresolved shall be documented by Commission staff on a Non-Compliance Follow-up form CJSTC-206, October 1, 1999, hereby incorporated by reference. A training school shall correct all non-compliance issues, documented on a Training School Classroom Facility Requirements form CJSTC-205, within 30 days of notification by Commission staff or prior to the subsequent use of the training school's facility.

(b) If a Commission-certified criminal justice training school conducts training in law enforcement basic recruit driving, each driving range constructed after July 1, 1988, shall include the following specifications documented by Commission staff on the Driving Range Facility Requirements form CJSTC-202, 10/1/99, hereby incorporated: ~~If a Commission-certified criminal justice training school conducts training in basic law enforcement driving, at least one driving range shall be designated for criminal justice training, and shall be adequate in size and designed to safely conduct the Law Enforcement Basic Recruit Driving course effective, July 1, 1988.~~

~~(c) Each driving range constructed after July 1, 1998, shall include the following specifications:~~

1. through 2. No change.

3. Should any driving range proposed for construction after July 1, 1988, deviate from this standard, plans for such construction shall be submitted to Commission staff for initial review, and then to the Commission for final approval or disapproval. Justification for such construction shall include a statement of explanation and any supporting documentation justifying the need to deviate from the established standard. Such requests shall be evaluated by the Commission, only after determined by subject matter experts that all basic law enforcement driving exercises can be safely and effectively performed.

4. through 6. No change.

7. Each Commission-certified criminal justice training school shall use at least one (1) automobile for basic law enforcement ~~criminal justice~~ driving training.

~~8. No change.~~

~~(c)(d)~~ If a Commission-certified criminal justice training school conducts training in basic law enforcement, correctional, or correctional probation, there shall be a suitable

area designated for criminal justice defensive tactics instruction. A Defensive Tactics Requirements form CJSTC-203, 10/1/99, hereby incorporated, shall be completed by Commission staff specifying that each defensive tactics area shall include the following training equipment:

1. through 2. No change.

3. Each defensive tactics area shall also include at least one emergency first aid kit.

~~(d)(e)~~ If a Commission-certified criminal justice training school conducts training in basic law enforcement, correctional, or correctional probation, there shall be at least one (1) firearms firing range designed for criminal justice firearms instruction that shall meet Commission requirements documented by Commission staff on a Firing Range Facility Requirements form CJSTC-201, 10/1/99, hereby incorporated by reference, documenting the following as follows:

1. through 13. No change.

(2) Satellite Training School Facilities and Equipment. All Commission-certified criminal justice training school satellite sites shall meet specific Commission requirements outlined in paragraph (1) of this rule section. Satellite facilities approved to conduct Commission-approved high-liability courses shall be documented on the appropriate CJSTC high-liability forms pursuant to (1)(b),(c), and (d) of this rule section.

(a) Training schools shall notify Commission staff immediately of any new satellite sites and site compliance with Commission requirements prior to delivering Commission training.

(b) Training schools shall submit, at least once annually, a letter identifying the satellite facilities currently in use by the training schools, to certify to the Commission that these facilities meet Commission requirements.

~~(3)(2)~~ Employed Personnel. All Commission-certified criminal justice training schools shall employ personnel who meet Commission requirements documented on a Staffing Requirements form CJSTC-204, 10/1/99, hereby incorporated by reference. The following specifications shall be met:

(a) One full-time salaried criminal justice training center director designated by the Commission-certified criminal justice training school, and employed on a 12 month calendar with faculty or administrative status, whose responsibilities are the management and quality control of the criminal justice training school program, and do not include a teaching assignment. Any additional administrative responsibilities or any instructional responsibilities shall not be undertaken by the director, unless approved by the Commission, upon a finding that such additional responsibilities would not interfere with the director's effective management of the training school. A director initially employed on or after July 1, 1990, shall at minimum, hold a bachelor's degree from an accredited college or university, and possess no less than two (2) years experience in the criminal justice field. Training center directors shall be responsible for the scheduling, presentation, and general local

management of the criminal justice training programs, which shall include, ~~for example,~~ preparation of required reports and records, assuring quality of instruction, administration, and security of examinations.

(b) through (d) No change.

~~(4)(3)~~ Designated Personnel. The director at each Commission-certified criminal justice training school shall designate an individual responsible for coordination of courses, scheduling of instructors, facilities and materials, and for addressing student-related concerns in each of the following specified areas:

(a) through (e) No change.

~~(5)(4)~~ A Commission-certified criminal justice training school that intends to deliver Commission-approved courses at a satellite site outside its service area, shall obtain approval from the affected Regional Training Council(s), prior to delivery of such courses. In addition, the school shall comply with the public education requirements pursuant to applicable Florida Statutes and Criminal Justice Standards and Training Commission rules. Notification of such action shall be submitted to the Commission.

~~(6)(5)~~ A Commission-certified criminal justice training school shall maintain records that confirm compliance with this rule section.

~~(7)(6)~~ A Commission-certified criminal justice training school shall provide instruction to meet the training needs of the service area.

~~(8)(7)~~ A Commission-certified criminal justice training school shall abide by all of the requirements for administration and instruction of Commission-approved training courses. Commission staff shall document all course and instructor monitoring on the Training School Contact Report form CJSTC-200, 10/1/99, hereby incorporated by reference.

Specific Authority 943.03(4), 943.12(1)(2) FS. Law Implemented 943.12(3), ~~(5),(7)~~, 943.14 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, \_\_\_\_\_.

11B-21.017 Denial of Certification or Renewal of Certification.

(1) Application for certification or renewal of certification as a criminal justice training school, shall be denied by the Commission if the training school fails to meet the requirements in Rule 11B-21.005, F.A.C. Commission staff shall forward to the training school a notice of intent to deny certification or deny renewal of certification, which shall specify the grounds for denial ~~of the certification~~. The denial of application for certification or renewal of certification ~~process~~ shall be conducted pursuant to Chapter 120, F.S.

(2) No change.

Specific Authority 943.03(4), 943.12(1)(2) FS. Law Implemented 943.12(3), (7), 943.14 FS. History—New 9-17-89, Amended 1-2-97, 7-7-99, \_\_\_\_\_.

11B-21.018 Revocation of Certification.

(1) The certification of a Commission-certified criminal justice training school shall be revoked if the following violations occur:

(a) If a Commission-certified criminal justice training school fails to maintain compliance with the training school certification requirements pursuant to Rule 11B-21.005, F.A.C.

(b) through (e) No change.

(2) Information obtained from the written complaint or other documentation, shall be used by the Commission to determine whether probable cause exists to justify the initiation of administrative action against the Commission-certified criminal justice training school's certificate. Should a Probable Cause Hearing panel of Commission members find probable cause to believe that the training school has committed a violation ~~substantial violations~~ of Commission rules, the Commission shall:

(a) through (b) No change.

(3) through (4) No change.

Specific Authority 943.03(4), 943.12(1),~~(2)~~ FS. Law Implemented 943.12(3), 943.14 FS. History--New 10-17-90, Amended 12-13-92, 8-7-94, 1-2-97, 7-7-99.

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Certification and Employment or Appointment 11B-27

RULE TITLES: RULE NOS.:

Moral Character 11B-27.0011

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

Background Investigations 11B-27.0022

Controlled Substance Testing Procedures 11B-27.00225

Issuance and Maintenance of Certification 11B-27.0023

Duty to Report, Investigations, Procedures 11B-27.003

Probable Cause Determination 11B-27.004

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

Denial of Certification 11B-27.007

Default 11B-27.010

Recommended Order 11B-27.011

Canine Team Certification 11B-27.013

PURPOSE AND EFFECT: 11B-27.0011: To revise rule language to reflect that conduct subverting or attempting to subvert the Criminal Justice Standards and Training Commission-approved training examination process does not only apply to the State Officer Certification Examination, but also applies to the Commission-approved examination process for Commission-approved Advanced and Specialized training administered by training schools; to add rule language describing specific conduct that subverts or attempts to subvert

the examination process; to remove vague rule language, i.e., "but not limited to"; and to reformat paragraphs (a)-(c) of Rule 11B-27.0011(5), FAC., into one paragraph. 11B-27.002: To delete rule language in paragraph (1)(d) of Rule 11B-27.002, FAC. (this language is redundant to rule language in Rule 11B-27.002(1)(d)1., FAC.); to renumber Rule 11B-27.002(1)(e),(f),(g),(h),(i) to Rule 11B-27.002(1)(d),(e),(f),(g),(h), FAC.; to add paragraph (i) to Rule 11B-27.002(1), FAC., to incorporate into rule the Agency New Hire Report form CJSTC-207 to support the Commission's current policy "that employing agencies provide to Commission staff documentation verifying that an officer has met the requirements of Section 943.13, F.S."; to clarify rule language regarding the Physician's Assessment and Patient Information form CJSTC-75 and Medical History Questionnaire form CJSTC-75A; to revise the Affidavit of Applicant form CJSTC-68 by deleting the word "verifies" and replacing it with the word "attests" (this form is required to be notarized); to add and delete statutory references to the "Law Implemented" of this rule section; and to delete "(ATMS2)" and replace with "ATMS." 11B-27.0022: To unincorporate the Background Investigations Manual from the Criminal Justice Standards and Training Policies and Procedures Manual (the Background Investigations Manual procedures are not mandated by the Commission - they are only recommendations); to revise Rule. 11B-27.0022(2)(a)-(e), FAC., to reflect the statutory requirements for conducting Background Investigations; to add rule language allowing an applicant to submit to their employing agency evidence that he/she lawfully used or ingested a controlled substance; to delete a statutory reference to the "Law Implemented" of this rule section; and to move rule language in Rule 11B-27.0022(2)(f), FAC., to Rule 11B-27.0022(1)(d), FAC. for clarification; and to revise the Employment Background Investigative Report form CJSTC-77 effective 9/23/99. 11B-00225: To make grammatical revisions. 11B-27.0023: To change "(ATMS2)" to "ATMS"; to change "Field Specialist" to "Commission staff," to delete the unnecessary reference to the CJS&T P&P Manual; to add rule language allowing a certified officer who completes or instructs Juvenile Sexual Offender Investigations training to apply this training toward satisfying their mandatory retraining requirements; and to add and delete statutory references to the "Law Implemented" of this rule section; 11B-27.003: To clarify existing rule language; to reformat the existing paragraph in Rule 11B-27.003, FAC. into paragraphs (a), (b), and (c); to delete a statutory reference to the "Law Implemented" of this rule section; to correct the paragraph numbering by changing Rule 11B-27.003(2)(a)-(g), FAC., to 11B-27.003(2)(c)1.-7.; and to renumber paragraph (4) of Rule 11B-27.003, FAC. to paragraph (3) 11B-27.004: To reformat this rule section for clarification purposes and to delete unnecessary rule language. 11B-27.005: To delete unnecessary rule language; to delete vague rule language and replace with appropriate rule language; to revise the terms and



conditions of probation; to add and delete the statutory references to the "Law Implemented" of this rule section; and to renumber the paragraphs in this rule section accordingly." 11B-27.010 and 11B-27.011: To repeal Rules 11B-27.010 and .011, FAC. (These Rule Chapters contain language redundant to Chapter 120, F.S.) 11B-27.013: To specify that a General Duty K-9 Team Application form CJSTC-70 shall be submitted to Commission staff for those applicants who are requesting initial certification or recertification; to make grammatical revisions; to change the paragraph reference in 11B-27.013(3)(a)-(b) to (4)(a)-(b), FAC.; to change the paragraph reference in 11B-27.013(3)(b)-(4)(b); and to delete unnecessary rule language.

**SUBJECT AREA TO BE ADDRESSED:** Examination process for Commission-approved training at Commission-certified criminal justice training schools, background investigation procedures, fingerprint card process, applicant medical requirements, Agency New Hire Report, analysis of urine sample for controlled substances, Juvenile Sexual Offender Investigation training, Human Diversity Training, revised conditions to be satisfied as a precondition to processing probable cause determinations, correct violation for 790.10, F.S., regarding improper exhibition of a weapon, terms and conditions of probation, defaults, recommended orders, and canine team certification.

**SPECIFIC AUTHORITY:** 943.03(3), (4), 943.12(1), 943.133(3), 943.1395 FS.

**LAW IMPLEMENTED:** 120.54(5), 120.60, 120.62, 943.12, 943.12(3),(9),(17), 943.13, 943.13(7),(11), 943.133, 943.135, 943.139, 943.139(3), 943.1395, 943.1395(5),(7),(8), 943.14(1),(2),(3), 943.19, 943.1701, 943.1715, 943.1716, 943.253 FS.

IF REQUESTED, IN WRITING, AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

**TIME AND DATE:** 1:00 p.m., April 11, 2000

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:** Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 2 weeks prior to the workshop by contacting Donna Hunt at TDD: (850)656-9597.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-27.0011 Moral Character.

(1) through (2) No change.

(3) Upon written request and submission of all materials, as specified in the Criminal Justice Standards and Training Commission Policies and Procedures Manual, revised October 13, 1999, ~~January 1999~~, hereby incorporated by reference, the Commission shall evaluate the qualification of an applicant to determine compliance with "good moral character," pursuant to this rule section.

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

(a) through (b) No change.

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

1. through 7. No change.

8. Conduct that subverts or attempts to subvert the examination State Officer Certification Examination process, for Commission-approved training at a Commission-certified criminal justice training school or an employing agency promotional examination process which shall include the following: pursuant to Rule 11B-30.009(3), F.A.C.

a. Removing from the examination room any of the examination materials.

b. Reproducing or reconstructing any portion of the examination.

c. Aiding by any means in the reproduction of any portion of the examination.

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

e. Communication with any other examinee during the administration of the examination.

f. Copying answers from another examinee, or intentionally allowing one's answers to be copied by another examinee during the administration of the examination.

g. Having in one's possession during the administration of the examination, any books, notes, written, or printed materials or data of any kind, not supplied as part of, or required for, the test administration.

h. Falsifying or misrepresenting information required for admission to the examination.

i. Impersonating an examinee.

j. Having an impersonator sit for the examination on one's behalf.

k. Disrupting test administration.

(d) No change.

(5) ~~The employing agency shall forward to the Commission the agency's investigative report pursuant to procedures established in Rule 11B-27.003(2)(3), F.A.C., when an allegation has been made that an officer has failed to maintain good moral character, as defined in paragraph (4) of this rule, and has been sustained by the employing agency; or an act of conduct by the officer has resulted in the officer's arrest. The report shall be forwarded immediately upon separation of the officer from employment, or, if the officer is not separated from employment, within 45 days from the date an allegation has been sustained, as set forth in this rule section. An employing agency shall forward to Commission staff an investigation report pursuant with procedures established in Rule 11B-27.003(2)(4), F.A.C., when the following acts or allegations have occurred:~~

~~(a) An allegation has been made that an officer has failed to maintain good moral character defined in paragraph (4) of this rule section, and the allegation has been sustained by the employing agency; or~~

~~(b) If an act or conduct by the officer has resulted in the officer's arrest, the report shall be forwarded to Commission staff immediately upon the officer's separation from employment; or~~

~~(c) If the officer is not separated from employment within 45 days from the date the allegation is sustained pursuant to this rule section.~~

(6) Upon receipt of information pertaining to an officer's misconduct, including violations of (4)(b) or (4)(c) of this rule section, Commission staff shall review the information to determine whether to initiate a Commission probable cause review; based upon, ~~but not limited to,~~ the following conditions:

(a) The severity of the violation.

(b) The existence of any pecuniary benefit realized by the officer as a result of the misconduct.

(c) Evidence of any intent by the officer to harm, deceive, or defraud.

(d) In cases involving false statements the materiality of the false statements.

(e) The disciplinary action taken by the employing agency.

(f) Previous disciplinary action or acknowledgement taken by the Criminal Justice Standards and Training Commission.

(7) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.13(7), 943.1395(7) FS. History—New 1-7-85, Formerly 11B-27.011, Amended 7-13-87, 10-25-88, 12-13-92, 9-5-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, \_\_\_\_\_.

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

(1) Prior to submitting an application for certification or reactivation of certification, the employing agency shall collect, verify, and have on record, documents establishing that an applicant has met the requirements of Sections 943.13(1) through (10), F.S., to include the following requirements:

(a) through (b) No change.

(c) An Applicant Fingerprint Card, FBI form FD-258, January 1999, hereby incorporated by reference, that has been processed by the Florida Department of Law Enforcement and the Federal Bureau of Investigation, pursuant with the Criminal Justice Standards and Training Policies and Procedures Manual. An Applicant Fingerprint Card shall be processed in conjunction with an officer's employment or appointment, regardless of the existence of an officer's processed Applicant Fingerprint Card from a previous employment or appointment.

~~(d) Upon request by Commission staff, the employing agency administrator shall forward the required documentation to Commission staff verifying that appointed or employed officers have met the requirements of Section 943.13, F.S.~~

1. ~~If~~ In the event that a processed Applicant Fingerprint Card is not available at the time the Registration of Employment Affidavit of Compliance form CJSTC-60, revised January 21, 1999, hereby incorporated by reference, is completed, and the applicant meets the necessary qualifications established by statute or this rule section, the employing agency may employ or appoint the applicant as an officer, provided that a computerized Florida criminal history check has been made and the results are on file with the employing agency. Pursuant with Section 943.13(5), F.S., upon receipt of the processed Applicant Fingerprint Card, the employing agency shall notify the Commission by submitting a Fingerprint Notification form CJSTC-62, revised October 27, 1998, hereby incorporated by reference. The information on the CJSTC-62 form may be electronically transmitted via the Commission's Automated Training Management System (ATMS) (ATMS2).

2. through 3. No change.

~~(d)(e)~~ A Physician's Assessment and Patient Information form CJSTC-75 and Medical History Questionnaire form CJSTC-75A, revised June 19, 1997, hereby incorporated by reference, or an equivalent form signed by a physician licensed in the United States or its territories, showing that the applicant has met the appropriate medical standards required by the Commission. A Physician's Assessment and Patient Information form CJSTC-75 or equivalent, shall be signed by a physician licensed in the United States in conjunction with an officer's employment or appointment, regardless of the existence of a signed Physician's Assessment and Patient Information form CJSTC-75 or equivalent, from a previous employment or appointment of that officer.

~~(e)(f)~~ Evidence, by verification of military records, that the individual has not received a dishonorable discharge from any of the Armed Forces of the United States.

~~(f)(g)~~ An Affidavit of Applicant form CJSTC-68, revised January 21, 1999, hereby incorporated by reference, executed by the applicant that ~~attests~~ verifies the applicant meets the employment or appointment qualifications pursuant to Section 943.13(1) through (10), F.S.

~~(g)(h)~~ Evidence that a thorough background investigation was conducted pursuant to Rule 11B-27.0022, F.A.C. A thorough background investigation conducted pursuant to Rule 11B-27.0022, F.A.C., shall be conducted in conjunction with an officer's employment or appointment, regardless of existing evidence that a thorough background investigation of the officer was conducted for a previous employment or appointment.

~~(h)(i)~~ Evidence that the applicant has successfully completed the Basic Recruit Training Program in the discipline for which certification is being sought, pursuant to Section 943.17(1) and (3), F.S., or is being employed or appointed pursuant to Section 943.131, F.S., and the applicant has successfully passed the State Officer Certification Examination for the discipline for which certification is being sought pursuant to Rule 11B-35.002(2)(c), F.A.C. If the applicant is exempt from the Basic Recruit Training Program pursuant to Section 943.131(2), F.S., and Rule 11B-35.010, F.A.C., the employing agency who initially employed the applicant as an officer shall maintain on file a copy of a completed Equivalency-of-Training and Out-of-State and Federal Officers form CJSTC-76, revised September 2, 1998, hereby incorporated by reference, and additional documentation maintained on file pursuant to Rule 11B-35.010(2)(b) and (c), F.A.C.

1. through 4. No change.

(i) The employing agency administrator shall provide to Commission staff documentation that will allow verification that all appointed or employed officers have met the requirements of Section 943.13, F.S. Commission staff shall document compliance with employment requirements pursuant to Section 943.13, F.S., on an Agency New Hire Report form CJSTC-207, 10/1/99, hereby incorporated by reference.

(2) through (3) No change.

(4) Upon an officer's separation from employment or appointment, the agency shall immediately notify the Commission pursuant to Section 943.139, F.S. Notice shall be made by the employing or appointing agency to Commission staff by submitting an Affidavit of Separation form CJSTC-61, revised October 27, 1998, hereby incorporated by reference. The information on the CJSTC-61 form may be electronically submitted via the Commission's Automated Training Management System ~~(ATMS)~~ (ATMS2).

(5) An Affidavit of Separation form CJSTC-61A, revised December 17, 1997, hereby incorporated by reference, shall be completed and submitted with form CJSTC-61, or may be electronically submitted via the Commission's ~~ATMS~~ ATMS2, as follows:

(a) through (c) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, ~~943.133, 943.134~~, 943.139, 943.1395 FS. History--New 10-6-82, Amended 4-26-84, 1-7-85, Formerly 11B-27.02, Amended 9-3-87, 3-29-89, 5-14-92, 12-13-92, 9-5-93, 1-19-94, 1-2-97, 7-7-99, \_\_\_\_\_.

11B-27.0022 Background Investigations.

(1) The employing agency shall conduct a thorough background investigation of each applicant upon certification, employment, or appointment ~~pursuant to procedures for conducting background investigations, which are established in the Criminal Justice Standards and Training Commission Policies and Procedures Manual.~~ The agency shall have on record a summary of the findings signed and dated by the investigator and the chief administrator or designee that verifies the following information:

(a) through (c) No change.

(d) A urine sample furnished by the applicant was analyzed for the presence of controlled substances or evidence pursuant to Rule 11B-27.00225, F.A.C. In cases where an applicant's urine sample is found to contain a controlled substance or evidence thereof, upon the completion of the analysis procedures pursuant to Rule 11B-27.00225, F.A.C., the employing agency shall, if requested by the applicant, permit the applicant to provide to the employing agency evidence that the applicant lawfully used or ingested the said controlled substance.

(e) No change.

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

(a) Use Nneighborhood checks by attempting, where practical, to have a contact interview with at least (3) three neighbors of the applicant within the previous (3) three years. The content of the interview shall be the same regardless of the means of the neighborhood check. The interview shall be attempted in the following order of preference: in person, by telephone, or by mail.

(b) Use Pprevious employment data obtained from prior employers, law enforcement records, and military history checks.

(c) Local law enforcement records, Florida Criminal Information Center records, National Criminal Information Center records and military records.

~~(d)(e)~~ Questioning of the applicant regarding of any history of prior unlawful conduct.

~~(e)(d)~~ Questioning of the applicant regarding about any unlawful drug use pursuant to Rule 11B-27.0011(2), F.A.C.

~~(e) Use other means to complete its investigation, including a job-related psychological examination and a polygraph examination.~~

~~(f) In cases where an applicant's urine sample is found to contain a controlled substance or evidence thereof, upon the completion of the analysis procedures pursuant to Rule 11B-27.00225, F.A.C., the employing agency shall, if requested by the applicant, permit the applicant to provide to the employing agency evidence that the applicant lawfully used or ingested the said controlled substance.~~

(3) Upon the effective date of this rule section, the employing agency completing the background investigation shall submit to Commission staff a Registration of Employment Affidavit of Compliance form CJSTC-60. The information on the CJSTC-60 form may be electronically submitted via the Commission's Automated Training Management System (ATMS). ~~(ATMS2)~~, and the agency shall also submit a completed original of the Employment Background Investigative Report form CJSTC-77, revised September 23, 1999, ~~October 27, 1998~~, hereby incorporated by reference. The information on the CJSTC-77 form may be electronically submitted via the Commission's ATMS ~~ATMS2~~. The original form CJSTC-77 that has been signed and dated by the investigator and the chief administrator or designee, shall be retained in the applicant's file.

Specific Authority 943.03(4), 943.12(1), 943.133(3) FS. Law Implemented ~~943.13(7)~~, 943.133, 943.139(3) FS. History--New 10-6-82, Amended 1-7-85, Formerly 11B-27.022, Amended 7-13-87, 10-17-90, 5-13-92, 5-14-92, 12-13-92, 9-5-93, 8-7-94, 1-2-97, 7-7-99, \_\_\_\_\_.

11B-27.00225 Controlled Substance Testing Procedures.

(1) The employing agency is required to conduct a background investigation upon each applicant for ~~upon~~ certification, employment, or appointment and shall include the analysis of a urine sample furnished by the applicant for the presence of controlled substances or metabolites, which shall be consistent with the procedures for drug testing pursuant to Section 112.0455, F.S., Drug-Free Workplace Act, effective July 1, 1998, and Chapter 59A-24, F.A.C., Drug-Free Workplace Standards, effective March 11, 1998, which have been adopted by the Agency for Health Care Administration. The costs of urine sample collection and analysis, or any aggregate thereof, may be borne by the employing agency or the applicant at the discretion of the employing agency.

(2) through (4) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.13(7), 943.133, 943.139(3) FS. History--New 7-13-87, Amended 1-2-97, 7-7-99, \_\_\_\_\_.

11B-27.0023 Issuance and Maintenance of Certification.

(1) Issuance. For those applicants who have not been previously certified and who have met all certification requirements pursuant to Section 943.13(1) through (10), F.S., the employing agency shall submit to Commission staff an Application for Certification form CJSTC-59, January 21,

1999, hereby incorporated by reference, and shall certify that the applicant is eligible for certification by the Commission. The information on the CJSTC-59 form may be electronically transmitted via the Commission's Automated Training Management System (ATMS) ~~(ATMS2)~~. Effective April 1, 1999, upon receipt of the CJSTC-59, Commission staff shall review the application for compliance with the requirements of Section 120.60, F.S. Upon a determination that the applicant is eligible for certification, the Commission shall issue a Certificate of Compliance.

(a) Effective April 1, 1999, upon a determination that an Application for Certification form CJSTC-59 contains missing or deficient documentation, an Officer Certification Deficiency Notification form CJSTC-259, January 21, 1999, hereby incorporated by reference, shall be completed by a Commission ~~staff~~ Field Specialist to notify the applicant and employing agency of the deficient or missing documentation. The employing agency shall submit the missing or deficient documentation to Commission staff within 90 days of the date the CJSTC-259 form was issued. Failure to submit missing or deficient documentation within the required 90-days, shall result in a recommendation of denial of the applicant's request for certification.

(b) The certificate issued pursuant to paragraph (1) of this rule section, shall be issued in the name appearing on the Application for Certification form CJSTC-59, which shall coincide with the name appearing on the birth certificate, certificate of naturalization, or other documents providing evidence of a legal name change A Name Change form CJSTC-79, revised January 26, 1996, hereby incorporated by reference, shall be completed and submitted to Commission staff, ~~pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures Manual~~. A Certificate of Naturalization Application form G-639, March 21, 1994, hereby incorporated by reference, if required to prove U.S. citizenship, may be obtained from the Immigration and Naturalization Service to apply for a certificate of naturalization, ~~pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures Manual~~.

(2) Maintenance. On or after July 1, 1985, each certified officer shall be required to receive periodic Commission-approved continuing training or education, at the rate of 40-hours every four (4) years as specified in the following paragraphs:

(a) through (b) No change.

(c) Training used to satisfy the mandatory retraining requirement shall be submitted by the employing agency to Commission staff by completing a Mandatory Retraining Report form CJSTC-74, revised October 27, 1998, hereby incorporated by reference. The information on the form CJSTC-74 may be electronically transmitted via the Commission's Automated Training Management System (ATMS) ~~(ATMS2)~~.

(d) through (g) No change.

(h) With respect to officers completing continuing training or education on or after July 1, 1993, the following conditions shall be included as a part of the continuing training or education:

1. through 2. No change.

3. Pursuant to Sections 943.1715 and 943.1716, F.S., the Commission shall incorporate instruction for officers in the subject of interpersonal skills relating to diverse populations, with an emphasis on the awareness of cultural differences. Certified officers, who are Commission-certified Human Diversity Instructors and elect to instruct Human Diversity Training, All Commission-certified criminal justice instructors shall meet the requirements for Human Diversity Instructor Training pursuant to Rule 11B-20.001(4)(g), F.A.C. Certified Human Diversity Training Instructors may elect to substitute completion or instruction of the Commission-approved 20-hour Human Diversity Instructor Training course, or instruction of the 8-hour Human Diversity Training course, to satisfy human diversity requirements for mandatory retraining pursuant to paragraph (g) of this rule section.

4. Effective July 1, 1998, pursuant to 943.17295, F.S., the Commission shall incorporate instruction on Juvenile Sexual Offender Investigations training into the Basic Recruit Training Curriculum and mandatory retraining requirements. A law enforcement officer shall be required to complete training in the subjects of sexual abuse and assault investigation, with emphasis on cases involving child victims or juvenile offenders as part of the 40-hour mandatory retraining requirement. Certified officers who elect to instruct Juvenile Sexual Offender Investigation training, pursuant to the requirements of this rule section, may substitute completion or instruction of Juvenile Sexual Offender Investigation training to satisfy their mandatory retraining requirements.

(i) No change.

(j) An officer who has a lapse in service of under four (4) years, shall complete the mandatory retraining requirement prior to resuming active service with an agency. An officer who wishes to claim training as mandatory retraining, which was taken during a period when their certification was inactive, shall provide proof of the training to the prospective employing agency. The employing agency shall determine if the continuing training or education requirements have been satisfied, and shall ~~complete and~~ submit a completed Mandatory Retraining form CJSTC-74, and documents to Commission staff.

(k) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12, 943.13(11), 943.135, ~~943.1395~~, 943.1701, 943.1715, 943.1716, 943.253 FS. History—New 10-6-82, Amended 12-28-83, 1-7-85, 7-1-85, Formerly 11B-27.023, Amended 7-13-87, 5-23-88, 8-30-89, 5-13-92, 5-14-92, 12-13-92, 1-19-94, 8-7-94, 1-2-97, 7-7-99, \_\_\_\_\_.

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

(1) No change.

(2) Upon concluding the investigation;

~~(a) If the allegations are sustained, by the employing agency,~~ the employing agency shall complete an Internal Investigation Report form CJSTC-78, revised February 29, 1996, hereby incorporated by reference, regardless of whether any civil service appeal, arbitration, employment hearing, administrative, civil, or criminal action is pending or contemplated.

(b) ~~If the employing agency concludes that~~ the allegations are not sustained, unfounded, or the officer has been exonerated, or the allegations that are sustained are only violations of the employing agencies' policies, and are not violations of Sections 943.13(4) or (7), or Rule 11B-27.0011(4), F.A.C., the employing agency shall complete the Internal Investigation Report form CJSTC-78, and maintain the completed form on file at the agency.

(c) If the allegations are sustained, and are a violation of Sections 943.13(4) or (7), F.S., or Rule 11B-27.0011(4), F.A.C., the employing agency shall forward to Commission staff the complete investigative package, which shall include the following:

~~1.(a)~~ A completed Internal Investigation Report form CJSTC-78.

~~2.(b)~~ The allegations.

~~3.(c)~~ A summary of the facts.

~~4.(d)~~ Names of witnesses.

~~5.(e)~~ Witness statements and depositions.

~~6.(f)~~ Certified court documents.

~~7.(g)~~ Any other supportive documentation or information.

~~(d)(3)~~ If the officer is separated from employment, the employing agency shall provide an investigative package, however, the agency shall submit a completed Affidavit of Separation form CJSTC-61, and form CJSTC-61A, in the case of a separation of employment pursuant with Rule 11B-27.002(4)-(5), F.A.C.

~~(3)(4)~~ The investigative package and any subsequent report or investigation based on it, may provide evidence of probable cause to initiate proceedings for possible disciplinary action against the officer's certification. The employing agency shall make its report to Commission staff no later than 45 days after the allegations are sustained.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented ~~120.60~~, 943.1395(5) FS. History—New 10-6-82, Amended 1-7-85, Formerly 11B-27.03, Amended 12-13-92, 9-5-93, 7-7-99, \_\_\_\_\_.

11B-27.004 Probable Cause Determination.

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

(1) through (7) No change.

(8) In cases where Commission staff determines to initiate a Commission Probable Cause Panel review, ~~and the for the following reasons: The~~ respondent has been terminated by the employing agency; ~~the penalty guidelines of Rule 11B-27.005(5), F.A.C., specify probation or suspension as the maximum penalty for the offense; aggravating circumstances do not exist that may prompt the Commission to depart from the guidelines and consider revocation of certification; and~~ subject to the below listed conditions, Commission staff shall present the matters to a Probable Cause Panel on a consent agenda. The Probable Cause Panel shall issue a Letter of Acknowledgment of agency action in these cases; ~~The and the~~ following conditions shall be satisfied as a precondition to such processing by Commission staff and the Probable Cause Panel:

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

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

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

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

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

~~(f)(\*)~~ The respondent shall not be a "repeat offender". A "repeat offender" is defined as a respondent who is present before the Probable Cause Panel for the third sustained offense, for which suspension of certification may be imposed within a five (5) year period.

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

(9) through (12) No change.

(13) When the Probable Cause Panel has insufficient information to determine the existence of probable cause, but in good faith believes that Commission staff can obtain the information necessary to reach a decision, the panel shall enter a finding of "Insufficient information". The case shall be continued until reasonable efforts by Commission staff have been ~~initiated and~~ concluded to obtain the additional

information requested by the panel, at which time the case shall be scheduled before a Probable Cause Panel for further review.

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

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

(1) through (4) No change.

(5) An employing agency shall forward to Commission staff an investigation report pursuant with procedures established in Rule 11B-27.003(2)-(4), F.A.C., when the following act or allegations have occurred:

(a) No change.

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

<u>Violation</u>	<u>Recommended Penalty Range</u>
1. through 4. No change	
5. <del>Improper exhibition of a weapon</del> <del>Reckless display of firearm</del> (790.10, F.S.)	Probation of certification with training
6. through 12. No change.	

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

<u>Violation</u>	<u>Recommended Penalty Range</u>
1. through 8. No change.	

(d) No change.

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

(a) through (b) No change.

(7) No change.

(c) Placement on a probationary status for a period not to exceed 2 years and subject to the terms and conditions imposed by the Commission. The Commission may impose one or more of the following terms and conditions of probation shall include the following, but are not limited to:

1. Periodic reports from the officer, supervisor, or counselor; indirect or direct supervision by ~~Commission staff~~ or a Commission-approved supervisor.

2. Furnishing urine samples and consents to the release of analysis results of random or scheduled urine drug tests, at the officer's expense and personal appearance(s) before the Commission.

3. through 4. No change.

~~5. Maintaining employment.~~

~~5.6.~~ Refraining from violations of Sections 943.13(4) and (7), F.S.

~~6.7.~~ The payment of restitution for damages or loss created by the officer's misconduct.

~~8. Any other terms or conditions as appropriate.~~

~~7.9.~~ The effective date of any period of probation imposed on a respondent by the Commission shall begin fifteen days from the filing date of the Final Order, unless such probation is to follow a period of prospective suspension. Commission staff will monitor the probation status of each officer to ensure compliance with conditions of probation. Commission staff shall ~~also~~ report to the Commission satisfactory completion of probation, as well as any violations of the conditions of probation. If the officer violates any of the conditions of probation, Commission staff shall report the violations to the Commission for consideration of further disciplinary action, pursuant to paragraph (3) of this rule section, and Section 943.1395(7)(c), F.S.

(d) through (e) No change.

(8) through (9) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented ~~120.60(5), 120.62, 943.12(2), (3), 943.1395(8)(5)-(7)~~ FS. History—New 10-6-82, Amended 1-7-85, Formerly 11B-27.05, Amended 3-29-89, 12-13-92, 2-17-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, \_\_\_\_\_.

#### 11B-27.007 Denial of Certification.

Should the Commission find that an applicant for certification fails to meet the qualifications established pursuant to Section 943.13(1) through (10), F.S., or any rules promulgated thereunder, the Commission shall notify the applicant by forwarding ~~submitting~~ a statement of denial, and shall forward a copy to the agency that submitted the application for certification. The statement of denial shall specify the basis for Commission action, and shall be forwarded to the applicant pursuant to the procedures of Rule Chapter 120, F.S., Administrative Procedure Act, and the Uniform Rules of Procedure, Rule Chapter 28, F.A.C.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 120.60, 120.62, 943.1395 FS. History—New 10-6-82, Amended 1-7-85, Formerly 11B-27.07, Amended 7-7-99, \_\_\_\_\_.

#### 11B-27.010 Default.

~~In the event the respondent, who has been served with an Administrative Complaint, or an applicant, who has been served with a Statement of Denial, fails to respond within 30 calendar days from the date of service, as set forth in the Explanation of Rights, such failure shall be considered a waiver of the respondent's rights to a hearing pursuant to Section 120.569, F.S., and a default may be entered, but only after a prima facie case is presented against the respondent or applicant, regardless of whether or not the respondent is in attendance.~~

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 120.54(5), 120.60, 120.62, 943.12 (9), 943.13, 943.14(1),(2),(3), 943.19 FS. History—New 10-6-82, Amended 12-28-83, Formerly 11B-27.10, Amended 6-2-91, 1-2-97, 7-7-99, Repealed.

#### 11B-27.011 Recommended Order.

~~(1) Within 30 days of the Administrative Hearing, the Administrative Law Judge shall file a written report with the Commission containing a statement of issues, findings of fact, conclusions of law, and a recommended order.~~

~~(2) Unless a consent order between all parties and the Commission has been signed, the Commission shall issue a final order within ninety (90) days of receipt of the recommended order pursuant with Section 120.57(1)(h)-(i) and 120.569, F.S.~~

~~(3) The respondent shall be notified by the Commission, either personally, or by mail, of the recommended order constituting final agency action, and unless waived, a copy of the final order shall be delivered or mailed to the respondent or to the respondent's attorney of record.~~

Specific Authority 943.03(3),(4), 943.12(1) FS. Law Implemented 120.54(5), 120.60, 943.12 (9), 943.13, 943.14(1)-(3), 943.19 FS. History—New 10-6-82, Formerly 11B-27.11, Amended 7-7-99, Repealed.

#### 11B-27.013 Canine Team Certification.

(1) through (2) No change.

(3) For those applicants who are seeking initial certification or recertification, ~~have not been previously certified~~ and who have met all certification requirements pursuant to Section 943.12 (17), F.S., an employing agency shall file with Commission staff a General Duty K-9 Team Application form CJSTC-70, revised June 16, 1998, hereby incorporated by reference, which shall certify that the applicant is eligible for certification by the Commission.

(4) No change.

(a) through (b) No change.

(c) Documentation. Regardless of where the canine training takes place, records of training and certification, which shall include documents required pursuant to paragraph ~~(4)(3)~~(a)-(b) of this rule section, shall be maintained by the agency employing the canine team. If certification is based upon equivalent training, documentation of that training shall be included in the record.

(d) Certified canine team instructors may evaluate prior training and experience of a handler or team to determine equivalency-of-training and exempt the applicant team from some or all of the required training, based upon criteria specified in the Criminal Justice Standards and Training Commission Policies and Procedures Manual, provided that the applicant team complies with paragraph ~~(4)~~(3)(b) of this rule section.

(5) Each certification shall lapse if not renewed on December 31 of the year following the year of initial certification. ~~A canine team certification may be renewed by complying with paragraph (3)(b) of this rule section.~~ A canine team certification shall lapse should the specific handler and canine, as originally paired at the time of certification, cease to routinely perform canine team functions together.

(6) An Application for K-9 Team Certification Deficiency Notification form CJSTC-270, January 21, 1999, hereby incorporated by reference, shall be completed by a Commission ~~staff~~ Field Specialist upon an unfavorable inspection of required documents. The CJSTC-270 form shall indicate any deficiencies in the General Duty K-9 Team Application form CJSTC-70, and missing or incorrect documentation that is required for canine team certification, pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures Manual.

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, \_\_\_\_\_.

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Officer Certification Examination	11B-30
RULE TITLES:	RULE NOS.:
Application for State Officer Certification Examination, Eligibility Requirements	11B-30.006
Notification of Applicants Examination Administration	11B-30.007
Persons Charged with Violations – Right of Hearing	11B-30.008
Grade Notification	11B-30.010
Applicant Review of Examination Questions, Answers	11B-30.011
Challenge to Examination Results	11B-30.012
Application-Based Officer Certification Examination	11B-30.013
PURPOSE AND EFFECT:	11B-30.014

11B-30.006: To delete the unnecessary reference to “Florida Basic Recruit Training Program; to revise and move rule language in (a)-(d) of Rule 11B-30.006(3), FAC., to 11B-30.008, FAC., (The rule language in Rule 11B-30.006, FAC., concerns administration of the certification examination and is more appropriate language for Rule 11B-30.008, FAC.); to revise rule language regarding the deadline dates for receipt of initial applications by Commission staff which “shall not exceed 21 days”; to

make grammatical revisions consistent with existing rule language; to reformat and delete unnecessary rule language; to revise current rule language regarding “when an application shall be received by Commission staff”; to add new rule language concerning applicants requesting a second re-examination; to add new rule language to clarify “that subsequent and successful completion of the full Basic Recruit Training Program is required to pass the certification examination” after three unsuccessful attempts have been made; to renumber rule paragraphs; to delete a statutory reference to the “Law Implemented” of this rule section; and to correct Commission staff’s address. 11B-30.007: To add a new statutory reference to the “Laws Implemented” of this rule section; 11B-30.008: to revise and move rule language in (a)-(d) of Rule 11B-30.006(3), FAC., to 11B-30.008, FAC., (The rule language in 11B-30.006 concerns administration of the certification examination and is more appropriate language for Rule 11B-30.008, FAC.); to delete a statutory reference to the “Law Implemented”: of this rule section; and to renumber paragraphs (1)-(4) to (4)-(7) of Rule 11B-30.008, FAC. 11B-30.010 and 11B-30.011: Revise 30 days for hearing to 28 days to comply with Rule 28-106.111, F.A.C; to delete statutory references to the “Laws Implemented” of these rule sections; 11B-30.012: To revise rule language to allow an applicant to review their application without the review being the sole purpose for filing objections; and to add rule language to require that only materials provided by Commission staff are allowed during an examination review. 11B-30.013: To renumber rule paragraphs accordingly; and to delete a statutory reference to the “Law Implemented” of this rule section. 11B-30.014: To add rule language that requires an applicant who completes the Application-Based Training Model to successfully complete the Application-Based Officer Certification Examination to obtain certification; to require applicants to comply with the application procedures of Rule 11B-30.006(3), FAC., to be allowed to sit for the Application-Based Officer Certification Examination; to require that an applicant comply with the application procedures of Rule 11B-30.006(3), FAC., for eligibility to sit for a re-examination; and to require that an applicant re-enroll and successfully complete the Application-Based Training Model if three unsuccessful attempts have been made to pass the examination.

SUBJECT AREA TO BE ADDRESSED: Officer certification examination application eligibility requirements, examination administration, review of examination questions and answers, and Application-Based Officer Certification Examination process.

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

LAW IMPLEMENTED: 943.173, 943.1397, 943.12(18) FS.



IF REQUESTED, IN WRITING, AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m., April 11, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 2 weeks prior to the workshop by contacting Donna Hunt at TDD: (850)656-9597.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-30.006 Application for State Officer Certification Examination, Eligibility Requirements.

(1) The following individuals are eligible to sit for the Officer Certification Examination:

(a) through (b) No change.

(c) Individuals who have successfully completed ~~the Florida Basic Recruit Training Program, or~~ a comparable Basic Recruit Training Program in another state, or for the Federal Government, and have served as full-time sworn officers in another state or for the Federal Government for at least one (1) year, and are approved for an exemption from completing a Commission-approved Basic Recruit Training Program pursuant to Rule 11B-35.009 and .010, F.A.C. Prior to sitting for the State Officer Certification Examination, these individuals shall successfully complete the Officer Certification Examination Qualification Course, appropriate for the discipline for which the individual is seeking certification, at a Commission-certified criminal justice training school pursuant to Rule 11B-35.008, F.A.C.

(2) No change.

(3) Individuals ~~wishing to~~ applying for the initial State Officer Certification Examination shall use the Officer Certification Examination Application form CJSTC-500, April 1, 1994, hereby incorporated by reference. The application form CJSTC-500, may be obtained from a Commission-certified criminal justice training school or the Florida Department of Law Enforcement, Criminal Justice Professionalism Program. Applications to sit for the State Officer Certification Examination shall be received by Commission staff by the established deadline date, which shall not exceed ~~be at least~~ 21 days prior to the published scheduled examination date, pursuant to the Criminal Justice Standards

and Training Commission Policies and Procedures Manual, October 13, 1999 ~~January 1999~~, hereby incorporated by reference. The application shall be accompanied by a \$75 application fee that shall be a cashier's check, money order, or a public agency's instrument made payable to the Criminal Justice Standards and Training Trust Fund. ~~the following:~~

~~(a) Applicants who have completed a Basic Recruit or Cross Training Program, shall submit with the original application, a \$75 application fee, that shall be a cashier's check, money order, or a public agency's instrument made payable to the Criminal Justice Standards and Training Trust Fund.~~

~~(b) Applicants shall bring to the test administration site, proof of successful completion of a Commission-approved Basic Recruit Training Program or Officer Certification Examination Qualification Course appropriate for the discipline for which the individual is seeking certification. Training shall have been completed not more than four (4) years prior to the examination date. The following documentation shall be acceptable:~~

~~1. A Certificate of Completion, or duplicate, that shall contain the name of the Commission-certified criminal justice training school, applicant's name, discipline and training program completed, training completion date, number of hours completed, and signature of the training center director; or~~

~~2. A Letter of Completion submitted in lieu of a Certificate of Completion, which shall be an original letter, on the training school's center letterhead, and signed by the training center director. The letter of completion shall include the discipline and training program completed, the training completion date, and number of hours completed.~~

~~(c) Non active Florida certified officers who have a break in service of more than four (4) years shall submit with the original application, a \$75 application fee, which shall be a cashier's check, money order, or public agency's instrument, made payable to the Criminal Justice Standards and Training Trust Fund. Applicants shall bring to the test administration site:~~

~~1. Proof of graduation from a Commission-approved Officer Certification Examination Qualification Course, in the form of a copy of a Certificate of Completion form, or~~

~~2. A letter from the criminal justice training center director, pursuant to paragraph (2)(b)-(c) of this rule section.~~

~~(d) Individuals who have successfully completed the Florida Basic Recruit Training Program, or a comparable Basic Recruit Training Program in another state or for the Federal Government, and have served as full-time sworn officers in another state or for the Federal Government, for at least (1) one year, shall submit with the original application, a \$75 application fee, which shall be a cashier's check, money order, or public agency's instrument, made payable to the Criminal Justice Standards and Training Trust Fund. Applicants shall bring to the test administration site:~~

1. ~~Proof of graduation from a Commission-approved Officer Certification Examination Qualification Course, in the form of a copy of a Certificate of Completion, or~~

2. ~~A letter from the criminal justice training center director pursuant to paragraph (2)(b)-(e) of this rule section.~~

(4) ~~Should an applicant fail all or part of the examination, the applicant shall be allowed to make application for re-examination. Applications for a first re-examination shall be received by Commission staff by the established deadline date, which shall not exceed 21 days prior to the published scheduled examination date. The application shall be accompanied by a \$75 application fee that shall be a cashier's check, money order, or a public agency's instrument made payable to the Criminal Justice Standards and Training Trust Fund, upon meeting the following conditions:~~

~~(a) Applications for permission to sit for a first re-examination shall be received by Commission staff by the established deadline date, which shall 21 days prior to the published scheduled examination date.~~

~~(b) The items to be submitted with the application for re-examination are, a \$75 application fee, which shall be a cashier's check or a money order made payable to the Criminal Justice Standards and Training Trust Fund, and a copy of the applicant's grade sheet from the previous failed examination.~~

(5) ~~Should an applicant fail all or part of the first re-examination, the re-take applicant shall be allowed to make application for a second re-examination. Prior to sitting for the second re-examination making such application, the applicant shall re-take and successfully complete the Basic Recruit Training Course(s) Courses that correspond to the examination section(s) failed. Students re-taking the high-liability training courses are required to complete only the academic portions of the courses.~~

(6) ~~Applications for a second re-examination shall be received by Commission staff by the established deadline date, which shall not exceed 21 days prior to the published scheduled examination date. The application shall be accompanied by a \$75 application fee that shall be a cashier's check, money order, or a public agency's instrument made payable to the Criminal Justice Standards and Training Trust Fund. Additionally, applicants requesting a second re-examination shall submit one of the following with the completed application: Applications for permission to sit as an applicant for a second re-examination, shall be received by Commission staff by the established deadline date, which shall 21 days prior to the published scheduled examination date.~~

~~(a) A Certificate of Completion that includes the name of the Commission-certified criminal justice training school, the applicant's name, the discipline for which certification is being sought, the name(s) and common course number(s) of the remedial course(s) completed and completion date of each individual course, and the signature of the training center director; or~~

~~(b) If the remedial training has not been completed at the time of application, an original letter on the training school's letterhead signed by the training center director, which shall specifically identify the discipline and original training program completed, name(s) and common course number(s) of the remedial course(s) taken, and expected completion date of each individual course.~~

~~(7) The items to be submitted with the application are:~~

~~(a) A \$75 application fee, which shall be a cashier's check or money order made payable to the Criminal Justice Standards and Training Trust Fund, and~~

~~(b) A copy of the applicant's grade sheet from the last re-examination. Applicants shall bring to the administration site, documentation required by paragraph (2)(b) of this rule section.~~

~~(c) A Certificate of Completion or duplicate that provides the following information:~~

~~1. The name of the Commission-certified criminal justice training school.~~

~~2. The applicant's name.~~

~~3. The discipline for which certification is being sought.~~

~~4. Name(s) and CJD number(s) of the remedial course(s) completed and completion date of each individual course.~~

~~5. The signature of the training center director, or~~

~~6. A Letter of Completion, which shall be an original letter, on the training school's center letterhead signed by the training center director, and shall specifically identify the discipline and training program completed, name(s) and CJD number(s) of the remedial course(s) taken, and completion date of each individual course.~~

~~(7)(8) If an applicant fails to successfully pass the State Officer Certification Examination after three attempts, the applicant may not sit for the examination again until the applicant has re-enrolled in and successfully complete completed the full Basic Recruit Training Program, and satisfied all requirements for successful completion within the discipline for which the applicant is seeking certification.~~

~~(8)(9) The applicant may request rescheduling to sit for the examination if either of the following conditions exist:~~

~~(a) through (c) No change.~~

~~(9)(10) Any requests for applicant rescheduling authorized pursuant to paragraph (8)(6) of this rule section, shall be submitted in writing to Commission staff. Unless otherwise stated, rescheduling granted in this rule section remains subject to all requirements for eligibility, pursuant to paragraphs (1)-(6) of this rule section, however, no additional application fee shall be charged.~~

~~(10)(11) If a mechanical fault, natural event, or other problem associated with the administration or grading of the examination occurs, Commission staff shall permit rescheduling of all or part of the examination without further application by, or cost to the applicant. The applicant shall~~

receive a letter of rescheduling within 30 working days of discovery of the problem associated with the administration or grading of the examination. Re-scheduling of the examination, pursuant to this rule section, does not constitute a re-examination pursuant to Section 943.1397(2), F.S.

~~(11)~~(12) Commission-certified criminal justice training schools may order officer certification examination supplies by completing a Training School Examination Supplies Request form CJSTC-514, revised January 21, 1999, hereby incorporated by reference, and submit to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Certification Examination Section.

~~(12)~~(13) All forms and the Criminal Justice Standards and Training Commission Policies and Procedures Manual referenced in this rule chapter, may be obtained by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Director's Office, Forms and Manual Liaison.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(18), 943.1397, ~~943.173~~ FS. History—New 1-10-94, Amended 8-7-94, 1-2-97, 7-7-99.

#### 11B-30.007 Notification of Applicants.

(1) through (3) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented ~~943.173~~, 943.12(18) FS. History—New 1-10-94, Amended 1-2-97, 7-7-99.

#### 11B-30.008 Examination Administration.

(1) Commission staff shall refuse admission of applicants to sit for the examination for any individual who does not present a valid driver's license, a criminal justice agency photo I.D., or a Florida Identification Card issued by the Department of Highway Safety and Motor Vehicles.

(2) Applicants sitting for the initial examination shall bring to the test administration site proof of successful completion of a Commission-approved Basic Recruit Training Program or Officer Certification Examination Qualification Course appropriate for the discipline for which the individual is seeking certification. The following documentation shall be acceptable:

(a) A Certificate of Completion that shall contain the name of the Commission-certified criminal justice training school, applicant's name, discipline and training program completed, training completion date, number of hours completed, and signature of the training center director; or

(b) A Letter of Completion submitted in lieu of a Certificate of Completion, which shall be an original letter, on the training school's letterhead, signed by the training center director. The letter of completion shall include the discipline and training program completed, the completion date, and number of hours completed.

(3) Applicants sitting for the first re-examination are only required to show identification pursuant to paragraph (1) of this rule section.

(4) Applicants sitting for the second re-examination shall additionally show proof of successfully completing the required remedial course(s). One of the following may be accepted:

(a) A Certificate of Completion that includes the name of the Commission-certified criminal justice training school, the applicant's name, the discipline for which certification is being sought, the name(s) and common course number(s) of the remedial course(s) completed and completion date of each individual course, and the signature of the training center director; or

(b) An original letter on the training school's letterhead signed by the training center director, which shall specifically identify the discipline and training program completed, name(s) and common course number(s) of the remedial course(s) taken, and completion date of each individual course.

~~(5)~~(4) During all examinations, applicants shall follow the instructions of the examination administrator. Failure to comply with the administrator's instructions shall result in disqualification from the examination session, and forfeiture of the application fee.

~~(2) Commission staff shall refuse admission of applicants to sit for the examination for any individual who does not present a valid driver's license or a criminal justice agency photo I.D., or a Florida Identification Card issued by the Department of Highway Safety and Motor Vehicles.~~

~~(6)~~(3) An applicant shall not be admitted to the examination administration after the door to the examination site is closed. The applicant shall forfeit the examination fee and may re-apply to Commission staff to sit for the examination, and shall again have to comply with all of the provisions of Rule 11B-30.006, F.A.C.

~~(7)~~(4) All examination booklets, answer sheets, and other examination papers and materials are the sole property of Commission staff. An applicant shall not remove any of the examination booklets, answer sheets, or other examination papers or materials from the examination room, or retain or reproduce the materials in whole, or in part, by any means or method whatsoever.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(18); ~~943.173~~ FS. History—New 1-10-94, Amended 8-7-94, 1-2-97, 7-7-99.

#### 11B-30.010 Persons Charged with Violations – Right of Hearing.

(1) An applicant charged by Commission staff with a violation of Rule 11B-30.009(2) or (3), F.A.C., may, within ~~28~~ 30 days of receipt of notice of being charged with such violation, request a hearing by filing a written request with Commission staff.

(2) The applicant's request shall specify the nature of the dispute with Commission staff. Upon filing a timely request, the applicant shall be provided a hearing pursuant to Section 120.569, F.S.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(18), ~~943.173~~ FS. History--New 1-10-94, Amended 7-7-99,\_\_\_\_\_.

11B-30.011 Grade Notification.

(1) Commission staff shall notify the applicant of the examination results approximately 30 days after the examination date.

(2) Applicant(s) failing the State Officer Certification Examination shall be notified of the subject area(s) failed, along with the requirements for re-examination and the review procedures.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(18); ~~943.173~~ FS. History--New 1-10-94, Amended 1-2-97, 7-7-99,\_\_\_\_\_.

11B-30.012 Applicant Review of Examination Questions, Answers.

(1) through (2) No change.

(3) Applicants who have taken the State Officer Certification Examination may request and receive an appointment for review of their examination. Applicants may review their examination ~~for the purpose of filing objections to the examination;~~ subject to the following conditions:

(a) The Officer Certification Examination Grade Review Request form CJSTC-510, revised October 19, 1998, hereby incorporated by reference, shall be received by Commission staff within 45 calendar days from the applicant's examination date. The request shall include a copy of the applicant's grade notification. Applicants failing to meet the deadline shall be allowed to review their examination, but shall not be allowed to file objections.

(b) No change.

(c) At the examination review, the applicant shall be permitted to record on forms provided by Commission staff, all objections to the examination under review. Such forms shall remain in the custody of Commission staff, and shall be evaluated pursuant to the procedures outlined in paragraph (3)(h) of this rule section. No material of any kind shall be used during the review except those provided by Commission staff.

(d) through (i) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(18), 943.173 FS. History--New 1-10-94, Amended 1-2-97, 7-7-99,\_\_\_\_\_.

11B-30.013 Challenge to Examination Results.

(1) Pursuant to Section 120.57(1), F.S., an applicant may request a formal hearing before the Division of Administrative Hearings regarding a denial of credit for challenges to examination questions, under the following terms and conditions:

~~(a)(2)~~ The hearing request shall be filed with Commission staff no later than 45 calendar days after the examination administration date.

~~(b)(3)~~ If the applicant has elected to review the examination to submit objections pursuant to Rule 11B-30.012, F.A.C., the request for a hearing shall be filed by Commission staff no later than 30 calendar days after the date on the letter notifying the applicant of Commission staff's evaluation decision regarding the objections.

~~(c)(4)~~ The request shall state all disputed facts, procedural or substantive facts of the issue, and may include specific question numbers, only if written objections were submitted to those question numbers at the time of the initial review.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(18); ~~943.173~~ FS. History--New 1-10-94, Amended 1-2-97, 7-7-99,\_\_\_\_\_.

11B-30.014 Application-Based Officer Certification Examination.

(1) Any applicant successfully completing the Application-Based Training Model pursuant to Rule 11B-35.0022, F.A.C., shall be required to pass the Application-Based Officer Certification Examination for the discipline in which certification is being sought.

(2) Applicants shall comply with the provisions of Rule 11B-30.006(3), F.A.C., when applying for the Application-Based Officer Certification Examination.

(3) Applicants who fail the examination shall be permitted two re-examinations. When applying for the re-examination, applicants shall comply with the provisions of Rule 11B-30.006(3), F.A.C.

(4) If an applicant fails to pass the Application-Based Officer Certification Examination after three attempts, the applicant shall not sit for the examination again until re-enrolling in and successfully completing the Application-Based Training Model for the discipline in which certification is being sought.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.173, 943.12(18) FS. History--New \_\_\_\_\_.

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Training Programs	11B-35
RULE TITLES:	RULE NOS.:
General Training Programs and Requirements and Specifications	11B-35.001
Basic Recruit Training Programs; Law Enforcement, Correctional, and Correctional Probation	11B-35.002
Basic Recruit Training Programs; Student to Instructor Ratios and Minimum Requirements	11B-35.0021

Basic Recruit Training Programs; Student Performance in Comprehensive Examination or Examinations 11B-35.0022

Basic Recruit Training Programs; Student Transfer 11B-35.0023

Basic Recruit Training Programs; Student Performance in High-Liability Proficiency, Knowledge, Skills, and Abilities 11B-35.0024

Basic Recruit Training Programs; Law Enforcement and Correctional Auxiliary Training Program 11B-35.003

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

Career Development Training Program 11B-35.005

Advanced Training Program 11B-35.006

Specialized Training Program 11B-35.007

Officer Certification Examination Qualification Course Requirements 11B-35.008

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

Exemption from Basic Recruit Training for Out-of-State or Federal Officers, Definitions and Applicability 11B-35.009

Exemption from Basic Recruit Training for Out-of-State or Federal Officers; Policy and Exemption Application Procedures 11B-35.010

PURPOSE AND EFFECT: 11B-35.001: To delete the obsolete term “lecturers”; to add “dismissed” to form CJSTC-67 to reflect when a student has been dismissed from a training program; to remove the obsolete reference to “trust fund” (trust fund monies cannot be used to deliver basic recruit training); to add “proficiency checklist and performance reports” to the list of records that are to be audited, by adding (5) to Rule 11B-35.001(6)(d), FAC.; to renumber Rule 11B-35.001(6)(d)5.,6.,7.,8. to 11B-35.001(6)(d)6.,7.,8.,9.; to move rule language regarding radar and laser operator performance reports, which are Radar and Laser Advanced Training Programs, from Rule 11B-35.001(6)(d)9. and 10. to 11B-35.006(7), FAC., which pertains to Advanced Training Programs; to clarify rule language in Rule 11B-35.001(7), FAC., concerning “student attendance”; to remove the unnecessary reference to the Criminal Justice Standards and Training Commission Policies and Procedures; to delete the word “curriculum” and replace with the word “objectives”; and to add a new statutory reference to the “Specific Authority” of this rule section. 11B-35.002: To delete rule language regarding sequencing of the Commission’s Basic Recruit Training Courses pursuant to Section 120.536, F.S.; to revise the number of required course hours for the “Criminal Justice Legal 2 (CJD\_701) course; and to add a new statutory reference to the “Specific Authority” and “Law Implemented” of this rule section. 11B-35.0021: To clarify the phrase,

“conducting training on a firearm range; to add rule language that provides the instructor to student ratio requirement for instructing the new 38-Hour Preparation for Defensive Tactics Course; and to add a new statutory reference to the “Specific Authority” and “Law Implemented” of this rule section. 11B-35.0022: To require a student to achieve a score of at least 80% on the course’s comprehensive examination or examinations for the high-liability proficiency skills pursuant to 11B-35.0024, FAC.; to add a new statutory reference to the “Specific Authority” of this rule section; and to renumber paragraphs in this rule section accordingly. 11B-35.0023: To clarify that the training school SUBMITTING the Training Report form CJSTC-67 may require a student to DEMONSTRATE PROFICIENCY in any High-Liability Training Course that has not been completed at the training school submitting the Training Report form CJSTC-67 to Commission staff; and to add a new statutory reference to the “Specific Authority” of this rule section. 11B-35.0024: To make grammatical revisions and to add a new statutory reference to the “Specific Authority” and “Law Implemented” of this rule section. 11B-35.003: To make grammatical revisions and add descriptive rule language; to clarify that the Auxiliary Officer Prerequisite Course shall be completed at a Commission-certified criminal justice training school; to specify that the applicable High-Liability Training Courses shall be completed for certification as an auxiliary officer; and to delete the unnecessary asterisked rule language in 11B-35-003(5)(b), FAC., pertaining to removal of the hourly requirements for the Auxiliary Training Program; to remove the unnecessary reference to the Criminal Justice Standards and Training Policies and Procedures Manual; to remove the inapplicable hourly requirement for High-Liability Training courses for certification as an auxiliary officer; to add rule language to affirm that “proficiency demonstration in vehicle operations is an employing agency requirement for auxiliary training”; to add a new statutory reference to the “Specific Authority” and “Law Implemented” of this rule section; and to clarify existing rule language regarding the High-Liability Training Courses and documentation of such courses. 11B-35.004: To remove unnecessary rule language; to make grammatical revisions; and to add a new statutory reference to the “Specific Authority” and “Law Implemented” of this rule section. 11B-35.005: To add a new statutory reference to the “Specific Authority” of this rule section. 11B-35.006: To make grammatical revisions; to remove unnecessary rule language; to remove obsolete rule language regarding in-service training requirements; to correct Course Number 098’s title; to change the Program Area of where the DARE Training Center is currently housed; to delete Rule 11B-35.006(7), FAC., which refers to obsolete course approval procedures for Advanced Training Courses and to renumber paragraphs within this rule section accordingly; to add a new statutory reference to the “Specific Authority” of this rule section; to move the existing rule language regarding Radar and Laser Operator forms from

Rule 11B-35.001(6)(d)9. and 10., FAC. to Rule 11B-35.006(7)(a) and (b), FAC., because 11B-35.001(6), FAC., pertains to Basic Recruit Training Courses. 11B-35.007: To delete unnecessary rule language; to add a new statutory reference to the "Specific Authority" of this rule section; to delete the obsolete Tactical Policing course, and to renumber paragraphs accordingly. 11B-35.008: To change the reference to "corrections officer" to "correctional officer" pursuant to Chapter 943. 11B-35.0085: To add a new statutory reference to the "Specific Authority" of this rule section. 11B-35.009: To add a new statutory reference to the "Specific Authority" of this rule section. 11B-35.010: To clarify existing rule language regarding single or multiple employment; to add a new statutory reference to the "Specific Authority" of this rule section; and to make grammatical revisions.

**SUBJECT AREA TO BE ADDRESSED:** Form revisions, Criminal Justice Standards and Training Trust Fund regarding funding of Basic Recruit Training Courses, audit of training courses, grammatical revisions, sequencing of Basic Recruit Training Courses, correction of required course hours and course names, instructor to student ratio, 38-Hour Preparation for Defensive Tactics Course, score achievement of 80% for high-liability proficiency skills comprehensive examinations or examinations, High-Liability Training Courses for auxiliary officers, vehicle operations and documentation requirements for auxiliary officer training, in-service training requirements, DARE Training Center, procedures for advanced training courses, and single or multiple employment.

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

**LAW IMPLEMENTED:** 943.12(4),(5),(8), 943.13(2), 943.131(2), 943.1395(3), 943.17, 943.17(1)(a)(b)(c), 943.173, 943.175 FS.

**IF REQUESTED, IN WRITING, AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**

**TIME AND DATE:** 1:00 p.m., April 11, 2000

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:** Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 2 weeks prior to the workshop by contacting Donna Hunt at TDD#: (850)656-9597.

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

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

(1) through (2) No change.

(3) Instructors ~~and lecturers~~ who teach Commission-approved Basic Recruit, Career Development, Advanced, and Specialized Training Programs at a Commission-certified criminal justice training school, shall be certified by the Commission pursuant to Rule Chapter 11B-20, F.A.C.

(4) through (5) No change.

(6) Commission-approved training program reporting requirements for training center directors are as follows:

(a) through (b) No change.

(c) The training center director or designee shall forward a completed Training Report form CJSTC-67, revised February 18, 1998, hereby incorporated by reference, to the Criminal Justice Professionalism Program, Bureau of Standards, following the completion of a course. Effective September 1, 1999 ~~September 1, 1998~~, the information on a CJSTC-67 form shall be required to be electronically transmitted via the Commission's Automated Training Management System (ATMS) ~~(ATMS2)~~. Commission staff shall maintain student training files and verify all completed training courses.

(d) The training center director or designee shall ensure that records for all Commission-approved Basic Recruit, Advanced, and Specialized Training Courses are maintained within the Commission-certified criminal justice training school. Each course ~~funded by the Criminal Justice Standards and Training Trust Fund~~, shall be subject to audit by Commission staff. Such records shall include:

1. through 4. No change.

5. Applicable proficiency checklist and performance reports.

~~6.5.~~ A list of Commission-certified criminal justice training instructors, or instructors exempt from general instructor certification pursuant to Rule 11B-20.001(3)(a)-(e), F.A.C.

~~7.6.~~ Attendance records.

~~8.7.~~ Course outlines or schedules.

~~9.8.~~ Training Report form CJSTC-67.

~~9. Radar Operator Performance Report form CJSTC-8, July 1, 1995, hereby incorporated by reference.~~

~~10. Laser Operator Performance Report form CJSTC-9, July 1, 1995, hereby incorporated by reference.~~

(7) Attendance: A student shall not be considered to have successfully completed a Commission-approved training course, ~~from any session of such course~~, if there is an unexcused absence, from any session of such course, ~~has been documented in the student course file.~~

(8) Attendance Records Requirements:

(a) through (b) No change.

(c) The training center director shall maintain documentation in class files that specifies the reason for any excused student absence(s). Any make-up work required of a student as the result of an excused absence, shall be maintained in the student's file. ~~documented pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures Manual.~~

(d) No change.

(9) Florida 4-year accredited colleges and universities approved by the Commission to offer the Correctional Probation Officer Basic Recruit Training Program shall:

(a) Report to the Commission when a student has successfully completed the Commission-approved objectives curriculum for the Correctional Probation Officer Basic Recruit Training Program.

(b) through (c) No change.

(10) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.17 FS. History—New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99.

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

(1) There is established by the Criminal Justice Standards and Training Commission, Basic Recruit Training Programs, which are listed in the Criminal Justice Standards and Training Commission Policies and Procedures Manual, revised October 13, 1999, January 1999, hereby incorporated by reference. These programs provide the minimum required employment skills necessary for officer certification pursuant to Section 943.10(1)-(3), F.S.

(2) No change.

(3) Basic Recruit Training Program course requirements are as follows:

(a) through (d) No change.

~~(e) Institutional sequencing of Commission-approved Basic Recruit Training Courses shall be determined by Commission-certified criminal justice training schools in conjunction with their Regional Training Councils.~~

(4) Basic Recruit Training Programs. The Commission-approved curricula for courses in the Commission-approved Basic Recruit Training Programs shall be on file in the Criminal Justice Professionalism Program. Effective February 4, 1999, such programs shall include the following courses:

	Minimum Hours
(a) through (c) No change.	
(d) Associates of Science Criminal Justice Combination Academy Track	
Criminal Justice Legal 1	CJD_700 54.0
Criminal Justice Legal 2	CJD_701 <u>52.0</u>
53.0	
Criminal Justice Communications	CJD_702 62.0

Interpersonal Skills 1	CJD_703	66.0
*Criminal Justice Defensive Tactics	CJD_704	106.0
*Includes the 38-hour Preparation for Defensive Tactics Course, effective 7/1/98		
Criminal Justice Weapons	CJD_705	64.0
Medical First Responder	CJD_254	48.0
(Options: CJT_362 or EMS_1059)		
Law Enforcement Legal 3	CJD_720	32.0
Law Enforcement Patrol	CJD_721	64.0
Law Enforcement Traffic	CJD_722	46.0
Vehicle Operations	CJD_723	32.0
Law Enforcement Investigations	CJD_724	64.0
Interpersonal Skills 2	CJD_740	50.0
Emergency Preparedness	CJD_741	26.0
Correctional Operations	CJD_742	64.0
	Total	830.0

(e) through (h) No change.

(5) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.17 FS. History—New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99.

11B-35.0021 Basic Recruit Training Programs; Student to Instructor Ratios and Minimum Requirements.

Student to instructor ratios for a Commission-approved Basic Recruit Training Program are as follows:

(1) For instruction of criminal justice weapons, no more than six (6) students for each Commission-certified firearm instructor actively engaged in training on a firearms range. ~~conducting live firearm training.~~

(2) No change.

(3) For instruction of defensive tactics, no more than eight (8) students for each Commission-certified defensive tactics instructor while actively engaged in defensive tactics training or a performance evaluation. For instruction of the 38-Hour Preparation for Defensive Tactics Course, the student to instructor ratio shall be (2) two instructors for each class for the first (20) students actively engaged. Each additional 20 students, or any portion thereof, shall require an additional instructor.

(4) No change.

Specific Authority 943.03(4), 943.12(1),(2), 943.14(3) FS. Law Implemented 943.12(5), 943.17, 943.14(3) FS. History—New 12-13-92, Amended 1-2-97, 7-7-99.

11B-35.0022 Basic Recruit Training Programs; Student Performance in Comprehensive Examination or Examinations.

(1) To successfully complete a Commission-approved Basic Recruit Training Course, exclusive of the demonstration of high-liability proficiency skills other than a High-Liability Training Course, pursuant to 11B-35.0024, F.A.C., a student shall achieve a score of at least 80 percent on the course's

comprehensive examination or examinations, which is intended to measure the student's acquisition of knowledge, skills, and abilities.

(2) To successfully complete an Application-Based Training Model, pursuant to Rule 11B-35.002(4)(f), (4)(g), or (4)(h), F.A.C., a student shall, ~~in addition to passing the comprehensive examination or examinations,~~ demonstrate knowledge, skills, and abilities in all assessments included within the curriculum.

(3)(2) The training center director or designee is responsible for the development, maintenance, and administration of the comprehensive examination or examinations for each of the Commission-approved Basic Recruit Training Courses. The training center director may develop, maintain, and administer additional academic tests for any such courses, and is not limited to only the utilization of the comprehensive examination or examinations. Commission-certified criminal justice training schools shall maintain all academy basic recruit training course examinations in compliance with the administration, confidentiality, and security requirements, pursuant to Rule 11B-35.0085(2) and (3), F.A.C.

(4)(3) Training center directors may administer only one re-examination for each of the comprehensive examination or examinations for Commission-approved Basic Recruit Training Courses, if the training center director determines that one of the following conditions exists:

(5)(4) Each Commission-certified criminal justice training school shall develop its own re-examination policy that documents the justification for re-examination and is approved by the Regional Training Council. Such training school shall maintain its re-examination policy on file for Commission and student review.

(6)(5) The training center director shall approve all re-examinations and maintain appropriate documentation on file for Commission review.

(7)(6) A student may petition the training center director to request consideration for a re-examination.

(8)(7) If a student does not successfully pass either the comprehensive examination or examinations, or if necessary, its re-examination, the student shall be deemed to have failed that particular Basic Recruit Training Course.

Specific Authority 943.03(4), 943.12(1)(2) FS. Law Implemented 943.12(4), 943.17 FS. History—New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, \_\_\_\_\_.

11B-35.0023 Basic Recruit Training Programs; Student Transfer.

(1) through (3) No change.

(4) When a student has successfully completed courses included in a Commission-approved Basic Recruit Training Program at two or more Commission-certified criminal justice training schools, and has met all requirements for completion of such training program, 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 the Training Report form CJSTC-67, may require the student to demonstrate proficiency in any High-Liability Training Course, not completed at that school, pursuant to Rule 11B-35.0024(1), F.A.C. The training school submitting the Training Report form CJSTC-67, shall provide to the student written evidence of the student's successful completion of the Basic Recruit Training Program.

(5) through (6) No change.

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, \_\_\_\_\_.

11B-35.0024 Basic Recruit Training Programs; Student Performance in High-Liability Proficiency, Knowledge, Skills, and Abilities.

(1) through (2) No change.

(3) Proficiency skills and minimum student performance requirements have been established for each High-Liability Training Course. All performance requirements are available to interested and affected persons, and may be obtained by contacting Commission staff at the Florida Department of Law Enforcement, Criminal Justice Professionalism Program. Documentation shall be made available for inspection upon request by a Commission representative. ~~A Commission representative shall make available for inspection, documentation related to performance requirements.~~

(4) through (5) No change.

Specific Authority 943.03(4), 943.12(1)(2) FS. Law Implemented 943.12(4), (5), 943.17 FS. History—New 2-17-93, Amended 1-2-97, 7-7-99, \_\_\_\_\_.

11B-35.003 Basic Recruit Training Programs; Law Enforcement and Correctional Auxiliary Training Program.

(1) Law Enforcement and Correctional Auxiliary Basic Recruit Training Programs are created to train individuals who are applicants for employment or appointment by criminal justice agencies, with or without compensation, to assist or aid full-time or part-time officers.

(2) For certification as an auxiliary officer, an individual shall meet the requirements outlined in Section 943.13, ~~F.A.C.~~, successfully complete the Auxiliary Officer Prerequisite Course at a Commission-certified criminal justice training school, and complete the following applicable ~~high-liability proficiency skills in a Commission-approved high-liability training courses~~ Basic Recruit Training Program for which certification is being sought:

	<del>Total Hours</del>
(a) Criminal Justice Weapons	64.0
(b) *Criminal Justice Defensive Tactics	106.0
(c) Vehicle Operations <u>(employing agency requirement)</u>	32.0



\*Includes the 38-hour Preparation for Defensive Tactics course, effective 7/1/98

(3) High-Liability Training Courses shall be taught by a Commission-certified criminal justice training instructor; whether taught at a Commission-certified criminal justice training school ~~an academy~~ or agency, pursuant to the ~~Criminal Justice Standards and Training Commission Policies and Procedures Manual~~.

(4) A Commission-certified criminal justice training school shall submit a Training Report form CJSTC-67 to Commission staff upon an individual's completion of the Law Enforcement or Correctional Auxiliary Officer Prerequisite Course. In addition, the training school or agency shall document a student's successful completion of the applicable high-liability proficiency skills. Regardless of where the high-liability training is completed the employing agency shall maintain the training documentation, pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures Manual.

(5) The Basic Recruit Training Programs include:

(a) No change.

(b) Correctional Auxiliary Officer Prerequisite Course, effective January 1, 1997:

<u>Topic Areas</u>	<u>Minimum Hours</u>
Administration	1
Legal	24
Report Writing	4
Safety Issues	4
Interpersonal Skills	5
Security Procedures and Inmate Supervision	4
Equipment	2
Facility Movement	4
Correctional Operation and Intake Procedures	1
Inmate Property	2
Search Procedures	3
Medical First Responder	48
Total Hours	102

~~\*Effective January 1, 1997, the number of hours required for the delivery of high liability training in vehicle operations, eriminal justice weapons, and criminal justice defensive tactics was removed. All objectives in the Commission curricula must be successfully completed by the student.~~

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, \_\_\_\_\_.

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

(1) The Commission recognizes the lateral movement of individuals between criminal justice disciplines. In an effort to provide ease of movement and to reduce duplication of instructional content, the Commission has established

Cross-Over Training Programs. Individuals entering Commission-approved Cross-Over Training Programs shall comply with Section 943.1395(3), F.S., and Rule 11B-27.002(2), F.A.C. Each program recognizes the individual's previous completion of training courses, and only the high-liability proficiency skills demonstration ~~in a Commission-approved Basic Recruit Training Program~~ for which the individual has not previously taken in a Commission-approved Basic Recruit Training Program shall be required Course.

(2) through (3) No change.

Specific Authority 943.03(4), 943.12(1)(2) FS. Law Implemented 943.12(5), 943.17(1)(a) FS. History--New 12-13-92, Amended 9-5-93, 1-2-97, 7-7-99, \_\_\_\_\_.

11B-35.005 Career Development Training Program.

There is established by the Criminal Justice Standards and Training Commission a program of Career Development Training Courses, which shall be limited to training courses related to promotion to a higher rank or position.

Specific Authority 943.03(4), 943.12(1)(2) FS. Law Implemented 943.17(1)(c) FS. History--New 12-13-92, Amended 1-2-97, 7-7-99, \_\_\_\_\_.

11B-35.006 Advanced Training Program.

(1) There is established by the Criminal Justice Standards and Training Commission an Advanced Training Program, which shall be limited to training courses that enhance an officer's knowledge, skills, and abilities for the job the officer performs. The training courses within this program shall include ~~specific specified~~ training courses that the Commission shall develop, design, implement, maintain, evaluate, and revise, or other specific specified training courses that are offered by Commission-certified criminal justice training schools which have been approved by the Commission, and are taught by Commission-certified training instructors.

(2) No change.

(3) Advanced Training Courses shall include one major topic, shall be at least 40 hours long, may be used by the officer to satisfy mandatory retraining requirements, or eligibility which are eligible for salary incentive payments when delivered through a Commission-certified criminal justice training school, ~~and may be used to meet agency in-service training requirements.~~

(4) The following is a complete list of Commission-approved Advanced Training Courses:

<u>Course</u>	<u>Course Name</u>	<u>Hours Number</u>
006	Line Supervision	80 hours
007	Middle Management	80 hours
011	Developing and Maintaining a Sound Organization	40 hours
012	Planning the Effective Use of Financial Resources	40 hours

013	Building and Maintaining a Sound Behavioral Climate	40 hours
016	Narcotics Identification and Investigation	40 hours
019	Criminal Law	40 hours
020	Case Preparation and Court Presentation	40 hours
032	Special Tactical Problems	40 hours
033	Sex Crimes Investigation	40 hours
036	Injury and Death Investigation	40 hours
047	Interviews and Interrogations	40 hours
050	Stress Awareness and Resolution	40 hours
051	Field Training Officer	40 hours
053	Crisis Intervention	40 hours
054	Organized Crime	40 hours
055	<u>RADAR Speed Measurement Operators Training</u> Course for Law Enforcement Officers	40 hours
057	Discipline and Special Confinement Techniques	40 hours
058	Youthful Offender Program	40 hours
068	Advanced Report Writing and Review	40 hours
072	Fire Fighting for Correctional Officers	40 hours
073	Human and Community Relations	40 hours
074	Drug Abuse Awareness and Education	40 hours
077	Underwater Police Science and Technology	80 hours
080	Computer Applications in Criminal Justice	40 hours
085	Emergency Preparedness for Correctional Officers	40 hours
087	Advanced Traffic Accident Investigation	80 hours
088	Traffic Accident Reconstruction	80 hours
090	School Resource Officer	40 hours
091	Domestic Intervention	40 hours
093	Hostage Negotiations	40 hours
094	Drug Abuse Resistance Education (D.A.R.E.) FDLE instructed only	80 hours
095	Laser Speed Measurement Operators Training Course for Law Enforcement Officers	40 hours
096	Drug Abuse Resistance Education (D.A.R.E.)	40 hours
094 & 097	Drug Abuse Resistance Education (D.A.R.E.),	40 hours
098	Traffic Homicide Investigation Course*	80 hours

\*The previous Traffic Homicide Investigation course number 039 became inactive effective July 1, 1998.

(5) Course number 094, Drug Abuse Resistance Education (D.A.R.E.), may be offered only through the certified state D.A.R.E training center. The Florida certified state D.A.R.E training center is ~~the Florida Criminal Justice Executive Institute~~ located within the Florida Department of Law Enforcement. D.A.R.E course numbers are: Course #094 (80 hours), or #094 split with #097 (40 hours) for salary incentive, and #096 (40 hours) for mandatory retraining.

(6) No change.

~~(7) To develop a Commission-approved Advanced Training Course, a criminal justice agency or Commission-certified criminal justice training school shall follow course approval procedures outlined in the Criminal Justice Standards and Training Commission Policies and Procedures Manual, which shall include the following:~~

~~(a) Foreword.~~

~~(b) Course Outline.~~

~~(c) Course Narrative.~~

~~(d) Course Goals and Objectives.~~

~~(e) Assessment Instrument and Examination.~~

~~(f) Bibliography and Reference Materials.~~

~~(g) Instructor Manual.~~

~~(7)(8) To successfully complete a Commission-approved Advanced Training Course, a student shall comply with student attendance, performance, and course documentation requirements, pursuant with the Criminal Justice Standards and Training Commission Policies and Procedures Manual.~~

(a) A Radar Operator Performance Report form CJSTC-8, July 1, 1995, hereby incorporated by reference, must be completed for the Radar Speed Measurement Training Course for Law Enforcement Officers.

(b) A Laser Operator Performance Report form CJSTC-9, July 1, 1995, hereby incorporated by reference, must be completed for the Laser Speed Measurement Operators Training Course for Law Enforcement Officers.

~~(8)(9) Criminal Justice Standards and Training Trust Fund monies may be expended to conduct Commission-approved Advanced Training Courses. Commission requirements for use of trust fund monies shall be expended pursuant to the requirements of Rule Chapter 11B-18, F.A.C.~~

Specific Authority 943.03(4), 943.12(1)(2) FS. Law Implemented 943.17(1)(b) FS. History--New 12-13-92, Amended 1-10-94, 1-2-97, 7-7-99,

11B-35.007 Specialized Training Program.

(1) No change.

~~(2) Officers shall have successfully completed a Commission-approved Basic Recruit Training Program to enroll in a course developed from any of the following Commission-established categories for a Specialized Training Program are:~~

(a) through (h) No change.

~~(i) Tactical Policing.~~

(i)(j) Inmate Supervision and Control.

(3) through (6) No change.

(7) Criminal Justice Standards and Training Trust Funds may be expended to conduct Commission-approved Specialized Training Courses. Commission requirements for use of trust fund monies shall be expended pursuant to the requirements of Rule Chapter 11B-18, F.A.C. Completion of a Commission-approved Specialized Training Course shall be documented by completing a Specialized Training Documentation form CJSTC-16, and when applicable, completion of a Specialized Training Documentation Supplemental form CJSTC-16A, July 1, 1989, hereby incorporated by reference.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.175 FS. History—New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99,\_\_\_\_\_.

11B-35.008 Officer Certification Examination Qualification Course Requirements.

(1) Individuals applying for certification who are exempt from completing a Commission-approved Basic Recruit Training Program, pursuant to Section 943.131(2), F.S. and ~~R~~ule 11B-35.010, F.A.C., or individuals applying for re-activation of a certification who have become inactive pursuant to Section 943.1395(3), F.S., and Rule 11B-27.0026(1), F.A.C., are required to successfully complete one of the following training courses that relates to the applicable discipline for which the individual is applying:

<u>Course Title</u>	<u>Course Number</u>
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(a) No change.

(b) Correctional ~~Corrections~~ Officer Certification Examination

Qualification Course:	510
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Topic Areas

1. through 6. No change.

(c) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.131(2), 943.1395(3) FS. History—New 1-10-94, Amended 1-2-97, 7-7-99,\_\_\_\_\_.

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

Security and confidentiality of examinations shall be maintained by authorized criminal justice training center directors in the following manner:

(1) through (3) No change.

Specific Authority 943.12(1),(2) FS. Law Implemented 943.173 FS. History—New 7-7-99.

11B-35.009 Exemption from Basic Recruit Training for Out-of-State or Federal Officers; Definitions and Applicability.

(1) through (2) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.131(2) FS. History—New 1-2-97, Amended 7-7-99.

11B-35.010 Exemption from Basic Recruit Training for Out-of-State or Federal Officers; Policy and Exemption Application Procedures.

(1) through (3) No change.

(4) Applicant Experience. An employing agency defined in Rule 11B-35.009(1)(a), F.A.C., on behalf of an applicant seeking exemption, shall verify that the applicant has served as a full-time sworn officer for one year.

(a) No change.

(b) Single or multiple employments. An applicant may qualify for exemption from a Commission-approved Basic Recruit Training Program for more than one discipline if concurrently employed full-time for at least one year ~~with a single or aggregate of prior full-time sworn officer employments~~ with another state or states, or with the Federal Government, or both. However, the aggregate periods of full-time sworn officer experience shall be at least one year, pursuant to Rule 11B-35.009(1)(g), F.A.C. The applicant may not claim full-time sworn officer experience from more than two (2) previous officer employments.

(c) through (d) No change.

(e) Submission of documentation for Commission review. Upon verification of an applicant's exemption from a Commission-approved Basic Recruit Training Program pursuant to this rule section, an employing agency, defined in Rule 11B-35.009(1)(a), F.A.C., on behalf of an applicant seeking exemption, shall submit to Commission staff a completed Equivalency-of-Training for Out-of-State and Federal Officers form CJSTC-76, revised September 2, 1998, hereby incorporated by reference. All supporting documentation verifying the applicant's comparable basic recruit training and previous experience described in subparagraphs (a) and (b) of this rule section, shall be maintained on file by the employing agency, and submitted for review upon request of Commission staff. Commission ~~s~~Staff shall notify the agency, in writing, of the exemption or non-exemption of the officer, within 30 working days. If the exemption is denied by commission staff, the applicant shall be granted a hearing pursuant to Section 120.57, F.S.

(f) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.131(2) FS. History—New 1-2-97, Amended 7-7-99,\_\_\_\_\_.

**DEPARTMENT OF LAW ENFORCEMENT**

**Division of Criminal Justice Information Systems**

RULE CHAPTER TITLE:                      RULE CHAPTER NO.:

Criminal History Records                      11C-6  
     Dissemination Policy                      11C-6

RULE TITLES:                                      RULE NOS.:

System Security and Public Access                      11C-6.003  
 Procedures for Requesting Criminal  
     History Records                      11C-6.004

Access to Criminal Justice Information for  
     Research or Statistical Purposes                      11C-6.005

Sale and Delivery of Firearms                      11C-6.009

PURPOSE AND EFFECT: Proposed revisions to Rules 11C-6.003-.005 and 11C-6.009, FAC., address and update procedures and fees for obtaining computerized criminal histories through internet access and procedures for obtaining criminal history records under the National Child Protection Act (Foley Act); and update the statutory history section of the rules.

SUBJECT AREA TO BE ADDRESSED: The Department's procedures and fees for the dissemination of criminal history records.

SPECIFIC AUTHORITY: 790.065, 943.03(4), 943.05(2)(d), 943.053, 943.056, 943.057 FS.

LAW IMPLEMENTED: 790.65, 943.05, 943.051, 943.053, 943.056, 943.057 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., Tuesday, April 11, 2000

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 3rd Floor, Quad C, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-7900 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Martha Wright, Bureau Chief, User Services Bureau, Criminal Justice Information Program, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11C-6.003 System Security and Public Access.  
 (1) through (5) No change.

Specific Authority 943.03(4), ~~943.05(2)(d)~~, 943.053 FS. Law Implemented 119.07, ~~943.05(2)~~, 943.053 FS. History--New 12-9-76, Formerly 11C-6.03, Amended 7-7-99.

11C-6.004 Procedures for Requesting Criminal History Records.

(1) through (2) No change.

(3) Fees

(a) There shall be no charge for conducting record checks under (2)(a) through (c).

(b) A processing fee of \$15 shall be charged for each subject inquired upon under subsections (2)(d) through (f) unless the Executive Director of the Department determines that conducting the record check would be in the interest of law enforcement or criminal justice or if the fee is otherwise waivable, as provided in subsection 943.053(3), F.S.

(c) A processing fee of \$15.00 shall be charged for each subject inquired upon under subsections (2)(d) through (f) via the internet. This fee shall be assessed based on the inquiry regardless of whether the results show no criminal history record or some possible records. When an inquiry on one subject is made and more than one person is presented as possibly the same person, the customer will receive one criminal history record as a result of the \$15.00 payment. If the customer wants additional criminal history records from the list of persons presented for this same inquiry, a processing fee of \$8.00 shall be charged for each additional criminal record.

(4) Entities requesting criminal history records under the National Child Protection Act of 1993, as amended, must complete for each individual criminal history check, fingerprint card as well as the following forms in accordance with the instructions provided: Qualified Entity Application and Questionnaire (NCPA 1; Rev. July 1, 1999); Criminal History Record Check User Agreement (NCPA 2; Rev. July 1, 1999); Criminal History Record Check Waiver Agreement and Statement (NCPA 3; Rev. July 1, 1999); and Dissemination Log (NCPA 4, Rev. July 1, 1999). These forms are incorporated by reference.

Specific Authority 943.03(4), 943.053(3), ~~943.05(2)~~, 943.056 FS. Law Implemented 943.053(3), 943.056 FS. History--New 12-30-76, Amended 11-7-83, Formerly 11C-6.04, Amended 9-1-88, 4-1-93, 7-7-99, \_\_\_\_\_.

11C-6.005 Access to Criminal Justice Information for Research or Statistical Purposes.

(1) through (9) No change.

Specific Authority 943.03(4), ~~943.05(2)(d)~~, ~~943.0525~~, 943.053(1), 943.057 FS. Law Implemented ~~119.07, 943.0525~~, 943.053, 943.057 FS. History--New 11-12-81, Formerly 11C-6.05, Amended 7-7-99.

11C-6.009 Sale and Delivery of Firearms.

(1) through (12) No change.

(13) All records where the transfer was approved must be maintained by dealers for 20 years as required by Title 27, C.F.R., Part 178. All records where the transfer was non-approved must be kept by dealers in a secure area and kept confidential for five (5) four (4) years. Dealer ATF Form F-4473[5300.9] Part 1 (10/98) (10/97) where the transfer was non-approved. Records must be made available to federal,

state, county and municipal law enforcement agencies in connection with their official duties upon request during business hours or other reasonable times if the dealer has no regular business hours.

(14) through (20) No change.

Specific Authority 790.065, 943.03(4) FS. Law Implemented 790.065 FS., Title 18, U.S.C., Chapter 44, and Title 27, C.F.R., Part 178. History—New 6-2-91, Amended 7-7-99.

**DEPARTMENT OF LAW ENFORCEMENT**

**Division of Criminal Justice Information Systems**

RULE CHAPTER TITLE: Criminal History Records; Expunction and Sealing Policy and Procedures

RULE CHAPTER NO.: 11C-7

RULE TITLES: Procedures and Court Ordered Expunctions  
 Procedures on Court Ordered Sealings  
 Administrative Expunction Procedures

RULE NOS.: 11C-7.006  
 11C-7.007  
 11C-7.008

PURPOSE AND EFFECT: Amendments reflect various housekeeping changes.

SUBJECT AREA TO BE ADDRESSED: The submission and processing of court-ordered expunctions and court-ordered sealing of criminal history record(s).

SPECIFIC AUTHORITY: 943.03(4), 943.05(2)(d), 943.051(2), 943.0581, 943.0585, 943.059 FS.

LAW IMPLEMENTED: 943.0581, 943.0585, 943.059 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., Tuesday, April 11, 2000  
 PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 3rd Floor, Quad C, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-7900 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Martha Wright, Bureau Chief, User Services Bureau, Criminal Justice Information Program, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11C-7.006 Procedures on Court-Ordered Expunctions.

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

(a) through (d) No change.

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

(2) No change.

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

(6) Upon receipt of a certified court order to expunge a criminal history record, the arresting agency shall:

(a) Make a positive association between the individual and the arrest covered by the court order and the arrest record generated by it; if the arrest record can be identified within the agency's records.

(b) Forward the Certificate of Eligibility, a certified copy of the court order, and a letter of transmittal to the Department. The letter of transmittal shall make specific reference to identifying information, including:

1. Name;
2. Alias/Maiden Name(s);
3. Sex;
4. Race;
5. Date of Birth;
6. Social Security Number (If Available);
7. Date or Dates of Arrest;
8. Arrest Number or Numbers and Original Charges;
9. FDLE Number and FBI Number (If Known).

The letter of transmittal shall be signed by the chief law enforcement officer of the agency or the authorized designee.

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

11C-7.007 Procedures on Court-Ordered Sealings.

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

(a) through (c) No change.

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

(2) through (4) No change.

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

(6) Upon receipt of a certified court order to seal a criminal history record, the arresting agency shall:

(a) Make a positive association between the individual and the arrest covered by the court order and the arrest record generated by it; if the arrest record can be identified within the agency's records.

(b) Forward the Certificate of Eligibility, a certified copy of the court order, and a letter of transmittal to the Department. The letter of transmittal shall make specific reference to identifying information, including:

1. Name;
2. Alias/Maiden Names;
3. Sex;
4. Race;
5. Date of Birth;
6. Social Security Number (If Available);
7. Date or Dates of Arrest;
8. Arrest Number or Numbers and Original Charges;
9. FDLE Number and FBI Number (If Known).

The letter of transmittal shall be signed by the chief law enforcement officer of the agency or the authorized designee.

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

11C-7.008 Administrative Expunction Procedures.

(1) through (5) No change.

Specific Authority 943.03, ~~943.05(2)(e)~~, 943.0581 FS. Law Implemented 943.0581 FS. History--New 8-5-92.

**DEPARTMENT OF LAW ENFORCEMENT**

**Division of Local Law Enforcement Assistance**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
DNA Database Collection	11D-6
RULE TITLES:	RULE NOS.:
Definitions	11D-6.001
Procedure	11D-6.003

PURPOSE AND EFFECT: Pursuant to Chapter 120 housekeeping requirements, the amendments to Rule 11D-6.001 and Rule 11D-6.003, FAC. remove redundant language that is superseded by statute concerning the collection of blood samples for the DNA Database maintained by the Florida Department of Law Enforcement. Statutory references are added to update the definition of "offender."

SUBJECT AREA TO BE ADDRESSED: The Department's rule chapter concerning the collection of submission of blood samples to the DNA Database maintained by the Florida Department of Law Enforcement.

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

LAW IMPLEMENTED: 943.325 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., Tuesday, April 11, 2000

PLACE: Florida Department of Law Enforcement, Conference Room, Quad C, 3rd Floor, 2331 Phillips Road, Tallahassee, Florida 32308

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-8300 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe White, Program Legal Advisor, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11D-6.001 Definitions.

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

~~(1) 'Under the direction of' shall mean with the supervision and approval of and the assumption of responsibility for.~~

~~(1)(2) 'Blood sample' shall mean a specimen of whole blood, at least 7 cc in volume.~~

~~(2)(3) 'Offender' shall mean a person meeting any of the criteria specified in ss. 943.325(1), 943.325(10)(c), 943.325(11), 947.1405(7), 948.03(5)(a)8., or 948.03(10), F.S.~~

Specific Authority 943.03(4), 943.325(9)(d) FS. Law Implemented 943.325 FS. History--New 7-4-90, Amended 7-6-99,\_\_\_\_\_.

11D-6.003 Procedure.

~~When an offender, as defined in Rule Section 11D-6.001(3), is convicted, the agency responsible by law for collection of the blood samples shall cause the blood sample to be drawn and submitted to the Department of Law Enforcement upon sentencing or disposition, but prior to the offender's release, in accordance with these procedures. The Sheriff or Officer in Charge of the county correctional facility will have such responsibility when the offender is sentenced to incarceration within the county correctional facility or is given a disposition, such as probation or community control, other than incarceration within a state correctional facility. The Department of Corrections will have such responsibility when~~

~~the offender is sentenced to incarceration within a state correctional facility. The Department of Juvenile Justice will have such responsibility when the offender is a juvenile committed to the custody or supervision of that agency. Compliance should be accomplished in the following manner:~~

(1) The subject offender must be positively identified in the manner specified by the FDLE Request for DNA Investigative Support Database Entry Form (FDLE Form – DNA-1, Date February 1, 1999 and incorporated by reference) prior to taking the blood samples from such offender.

(2) When positive identification of the offender is accomplished, two (2) blood samples shall be taken from the offender in the manner described in s. 943.325(2), F.S. ~~by or under the direction of a physician, registered nurse, licensed practical nurse, or duly licensed clinical laboratory technician associated with the county or state agency having custody of the offender.~~

(3) Such samples shall be taken using only the blood sample collection kit approved and provided by the Department of Law Enforcement. Agencies may obtain additional kits from FDLE, DNA Database, P. O. Box 1489, Tallahassee, Florida 32302-1489.

(4) Prior to or immediately after the taking of the samples, the FDLE Request for DNA Investigative Support Database Entry Form (FDLE Form – DNA-1) must be completed, providing all information requested on the form. The imprinting of the offender's left and right thumbs, by means of an inked impression, in the spaces indicated on the form shall be completed as well. Inked fingerprint impressions must be sufficiently legible for fingerprint classification and comparison purposes. Blood samples accompanied by one or more illegible inked fingerprint impressions are unacceptable for entry into the DNA Database and will be rejected by FDLE. The collecting agency must then submit a new blood sample and completed form. The person taking, or witnessing the taking, of the blood samples shall certify, under oath and before a notary or a law enforcement or correctional officer, as indicated on the form, that two blood samples were in fact taken from the offender thus positively identified. Additional supplies of these forms can be obtained from FDLE, DNA Database, P. O. Box 1489, Tallahassee, Florida 32302-1489.

(5) Collection, labeling, storage, handling, and transmittal of the blood samples so collected shall be as prescribed in the printed instructions included with each blood sample collection kit. In order to avoid sample degradation, all samples shall be transmitted to the Department of Law Enforcement in the manner prescribed in the instructions. The collecting agency should forward unrefrigerated blood samples so as to assure receipt by the Department within 72 hours of shipping. Additional copies of these instructions can be obtained from FDLE, DNA Database, P. O. Box 1489, Tallahassee, Florida 32302.

Specific Authority 943.03(4), 943.325(9)(d) FS. Law Implemented 943.325 FS. History–New 7-4-90, Amended 7-6-99, \_\_\_\_\_.

**DEPARTMENT OF LAW ENFORCEMENT**

**Division of Staff Services**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Division of Staff Services	11F-1
RULE TITLES:	RULE NOS.:
Division Director	11F-1.001
Duties and Powers of Director	11F-1.002
Division Organization	11F-1.003

PURPOSE AND EFFECT: The proposed repeal of Rules 11F-1.001 through 11F-1.003, F.A.C., inclusive, is necessary to eliminate administrative rules that are redundant, obsolete, or superseded by statute or rule, and to comport with the statutory requirements of Chapter 120, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Division of Staff Services.

SPECIFIC AUTHORITY: 120.53, 943.03, 943.03(4) FS.

LAW IMPLEMENTED: 20.201(2)(e), 120.53, 120.53(1)(a), 943.29, 943.381 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., Tuesday, April 11, 2000

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 3rd Floor, Quad C, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-7900 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Fern Rosenwasser, Assistant General Counsel, Office of General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11F-1.001 Division Director.

Specific Authority 120.53, 943.03 FS. Law Implemented 120.53, 943.29 FS. History–New 11-28-75, Formerly 11F-1.01, Repealed \_\_\_\_\_.

11F-1.002 Duties and Powers of Division.

Specific Authority 120.53(1)(a), 943.03(4) FS. Law Implemented 20.201(2)(e), 120.53(1)(a), 943.381 FS. History–New 11-28-75, Formerly 11F-1.02, Amended 1-6-91, Repealed \_\_\_\_\_.

11F-1.003 Division Organization.

Specific Authority 120.53(1)(a), 943.03(4) FS. Law Implemented 20.201(2)(e), 120.53(1)(a), 943.381 FS. History--New 11-28-75, Formerly 11F-1.03, Amended 1-6-91, Repealed.

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiners Commission

RULE CHAPTER TITLE: Organization  
RULE CHAPTER NO.: 11G-1  
RULE TITLES: Structure, Purpose  
RULE NOS.: 11G-1.001  
District Medical Examiners, Associate Medical Examiners 11G-1.002

PURPOSE AND EFFECT: Pursuant to Chapter 120 housekeeping requirements, the amendments to Rule 11G-1.001, FAC. update statutory citations relating specific powers and duties. Pursuant to Chapter 120 housekeeping requirements, the amendments to Rule 11G-1.002, FAC. update statutory citations relating to rulemaking authority and specific powers and remove reference to a format that had been used for certain record keeping procedures.

SUBJECT AREA TO BE ADDRESSED: The Department's rule chapter concerning the organization of the Medical Examiners Commission.

SPECIFIC AUTHORITY: 406.04 FS.

LAW IMPLEMENTED: 112.313, 406.02, 406.06, 406.16, 406.17 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., April 11, 2000  
PLACE: Florida Department of Law Enforcement, Conference Room, Quad C, 3rd Floor, 2331 Phillips Road, Tallahassee, Florida 32308

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-8337, (voice) or (850)656-9597, (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jim Lutten, Staff, Medical Examiners Commission, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11G-1.001 Structure, Purpose.  
(1) through (2) No change.

Specific Authority ~~943.03(4)~~, 406.04, ~~406.17~~ FS. Law Implemented 406.02, 406.06, 406.17 FS. History--New 10-18-81, Formerly 11G-1.01, Amended 7-6-99.

11G-1.002 District Medical Examiners, Associate Medical Examiners.

(1) through (3) No change.

(4) The District Medical Examiner shall file with the Commission office, ~~in a format prescribed by the Commission~~, a copy of the letter of appointment, resignation, or removal of each Associate Medical Examiner.

(5) through (11) No change.

Specific Authority 406.04 FS. Law Implemented 112.313, ~~120.53(1)~~, 406.02, 406.06, 406.17 FS. History--New 10-18-81, Formerly 11G-1.02, Amended 4-11-88, 12-26-88, 8-28-91, 2-23-93, \_\_\_\_\_.

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiners Commission

RULE CHAPTER TITLE: Standard Investigation Procedures  
RULE CHAPTER NO.: 11G-2  
RULE TITLES: Determination of Jurisdiction, Preliminary Procedures  
RULE NOS.: 11G-2.001, 11G-2.002

PURPOSE AND EFFECT: Pursuant to Chapter 120 housekeeping requirements, the amendments to Rule 11G-2.001, F.A.C. pertaining to Determination of Jurisdiction, Preliminary Procedures for Medical Examiners, update statutory citations relating to rulemaking authority and specific powers and duties. Pursuant to Chapter 120 housekeeping requirements, the amendments to Rule 11G-2.002, F.A.C. pertaining to Identification, update statutory citations relating to rulemaking authority and specific powers and duties and delete a provision concerning authority to release a body due to lack of statutory authority to establish such procedure.

SUBJECT AREA TO BE ADDRESSED: The Department's rule chapter concerning the standard investigative procedures to be followed by district Medical Examiner Offices.

SPECIFIC AUTHORITY: 406.04 FS.

LAW IMPLEMENTED: 316.065, 381.0031, 382.008, 383.3362, 406.04, 406.11, 406.13, 406.14, 406.145 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., April 11, 2000  
PLACE: Florida Department of Law Enforcement, Conference Room, Quad C, 3rd Floor; 2331 Phillips Road, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-8337 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.



THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jim Luten, Staff, Medical Examiners Commission, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11G-2.001 Determination of Jurisdiction, Preliminary Procedures.

(1) through (5) No change.

Specific Authority ~~943.03(4), 406.04 FS. Law Implemented 406.04, 406.11, 406.12, 406.13 FS. History--New 10-18-81, Amended 7-10-85, Formerly 11G-2.01, Amended 8-27-87, 11-24-87, 10-14-96, 7-6-99.~~

11G-2.002 Identification.

(1) through (3) No change.

(4) The medical examiner shall retain unidentified remains and preserve them in accordance with the law. ~~The medical examiner may request approval from the Commission to dispose of the remains.~~

(5) No change.

Specific Authority 406.04 FS. Law Implemented 406.11, 406.13, 406.145 FS. History--New 10-18-81, Formerly 11G-2.02, Amended.

**DEPARTMENT OF LAW ENFORCEMENT**

**Office of Inspector General**

RULE CHAPTER TITLE: Violent Crime Council

RULE CHAPTER NO.:

Emergency Account

11N-1

RULE TITLE:

RULE NO.:

Procedures for Emergency Funding

11N-1.004

PURPOSE AND EFFECT: The amendment to rule 11N-1.004(1) modifies Form 20.003, which is used to request funds from the Violent Crime Council Emergency Account. The modifications will make it easier to complete and review the form.

SUBJECT AREA TO BE ADDRESSED: The Violent Crime Council Emergency Account.

SPECIFIC AUTHORITY: 943.03(4), 943.042 FS.

LAW IMPLEMENTED: 943.031, 943.042 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., Tuesday, April 11, 2000

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 3rd Floor, Quad C, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-7900 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Fern Rosenwasser, Assistant General Counsel, Office of General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11N-1.004 Procedures for Emergency Funding.

(1) Requests for emergency funding up to the maximum of \$25,000 shall be made by a detailed written request demonstrating how emergency funding criteria established in this rule are satisfied and certifying that the requesting agency cannot initiate or continue the investigation without immediate supplemental funding. The request shall be accompanied by Form FDLE 20-003, Violent Crime Emergency Account Application Cover Sheet, revised 4/99, effective October 1995, hereby incorporated by reference, and shall be mailed to the chairperson of the Florida Violent Crime Council, c/o Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302. This form can be obtained by written request to the above address.

(2) through (4) No change.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 3-10-94, Amended 10-10-95, \_\_\_\_\_.

**EXECUTIVE OFFICE OF THE GOVERNOR**

**Division of Planning and Budgeting**

RULE CHAPTER TITLE: Florida Single Audit Act

RULE CHAPTER NO.:

27D-1

RULE TITLES:

RULE NOS.:

Applicability and Definitions 27D-1.001

Types of State Financial Assistance 27D-1.002

Recipient/Subrecipient and

Vendor Relationships 27D-1.003

Catalog of State Financial Assistance 27D-1.004

State Projects Compliance Supplement 27D-1.005

Criteria for Major State Projects 27D-1.006

Criteria for Selecting State Projects for Audit

Based on Inherent Risk 27D-1.007

PURPOSE AND EFFECT: The purpose of this proposed rule is to provide guidance to state agencies, recipients, subrecipients, and independent auditors of state financial assistance relating to the requirements of the Florida Single Audit Act. This includes establishing the types of state financial assistance subject to the Florida Single Audit Act; assisting entities in distinguishing between a vendor and a

recipient; requiring the assignment of responsibility for the timely update of information for the Catalog of State Financial Assistance and the State Projects Compliance Supplement; and providing independent auditors with the criteria for determining major state projects and for selecting state projects for audit based on inherent risk. The effect of this proposed rule is to ensure that the Florida Single Audit Act is uniformly implemented and applied.

SUBJECT AREA TO BE ADDRESSED: Guidance pertaining to the Florida Single Audit Act.

SPECIFIC AUTHORITY: 216.3491(3) FS.

LAW IMPLEMENTED: 216.3491 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 2:00 p.m. – 4:00 p.m., April 10, 2000

PLACE: Room 1602, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Nancy Tucker at (850)487-0104 at least 5 business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Nancy Tucker, Senior Governmental Analyst, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1603C, Tallahassee, Florida 32399-0001, telephone (850)487-0104

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

27D-1.001 Applicability and Definitions.

(1) These rules are applicable to state agencies awarding financial assistance, recipients and subrecipients of state financial assistance, and independent auditors of state financial assistance.

(2) For purposes of this Chapter, the following terms shall have the meaning indicated:

(a) “Auditee” means a nonstate organization expending state awards in excess of the audit threshold as defined by Section 216.3491(2)(a), F.S.

(b) “State agency” or “agency” means any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government; state attorneys, public defenders, the Capital Collateral Representative, and the Justice Administrative Commission as defined by Section 216.011, F.S.

Specific Authority 216.3491(3) FS. Law Implemented 216.3491 FS. History—New

27D-1.002 Types of State Financial Assistance.

(1) For purposes of the Florida Single Audit Act, state financial assistance is financial assistance from state resources to nonstate organizations to carry out a state project. It does not include federal financial assistance and state matching provided by state agencies for federal programs. State financial assistance shall be categorized by the following classes or types of financial assistance:

(a) Cooperative Agreements – Financial assistance transferred pursuant to written agreements between state agencies and recipients to carry out a public purpose. Cooperative agreements generally assume a substantial involvement between state agencies and recipients when carrying out the activities contemplated in the agreements.

(b) Direct Appropriations – Financial assistance appropriated to state agencies to be provided directly to specified nonstate entities per legislative proviso to encourage or subsidize particular activities.

(c) Food Commodities – Financial assistance which provides for the sale or donation of food.

(d) Grants – Financial assistance transferred pursuant to written agreements between state agencies and recipients to carry out a public purpose. Generally, a substantial involvement is not expected between state agencies and recipients when carrying out the activities contemplated in the agreements.

(e) Insurance – Financial assistance provided to assure reimbursement for losses sustained under specified conditions.

(f) Investments – Financial assistance provided for investment in the development of particular activities or enterprises.

(g) Loans – Financial assistance provided through the lending of state monies for a specific period of time, with a reasonable expectation of repayment. Such loans may or may not require the payment of interest.

(h) Loan Guarantees – Financial assistance provided in which the state agency makes an arrangement to indemnify a lender against part or all of any defaults by those responsible for repayment of loans.

(i) Property – Financial assistance provided for the sale, exchange or donation of state real property, personal property, commodities, and other goods including land, buildings, and equipment.

(j) Tax Credits – Financial assistance provided in the form of credits of state taxes for a public purpose authorized by state law.

(k) Tax Refunds – Financial assistance provided in the form of refunds of state taxes for a public purpose authorized by state law.

(2) The following provisions are to be used in determining state financial assistance expended.

(a) The determination of when state financial assistance is expended should be based on when the related activity occurs. Generally, the activity pertains to events that require the nonstate organization to comply with laws, rules and the provisions of contracts or grant agreements such as: expenditure/expense transactions associated with grants, cooperative agreements, and direct appropriations; the disbursement of funds passed through to subrecipients; the use of loan proceeds under loan and loan guarantee programs; the receipt of property or food commodities; the receipt of tax refunds; the application of tax credits against tax liabilities; and the period when insurance is in force.

(b) Loans and Loan guarantees. Since the state is at risk for loans until the debt is repaid, the value of the state financial assistance expended under loan programs should include the value of new loans made or received during the nonstate organization's fiscal year; plus the balance of loans from previous years for which the state imposes continuing compliance requirements; plus any interest subsidy, cash, or administrative cost allowance received. Prior loans and loan guarantees, the proceeds of which were received and expended in prior years, are not considered state financial assistance expended when the laws, rules and provisions of contracts or grant agreements pertaining to such loans impose no continuing compliance requirements other than to repay the loans.

(c) Property and Food Commodities. Non-cash assistance, such as property and food commodities are to be valued at either the fair market value at the time of receipt or the assessed value provided by the state agency.

Specific Authority 216.3491(3) FS. Law Implemented 216.3491 FS. History--New \_\_\_\_\_.

27D-1.003 Recipient/Subrecipient and Vendor Relationships.

(1) State awards expended by a recipient/subrecipient are subject to audit under the Florida Single Audit Act. Procurement contracts used to buy goods or services from vendors are outside the scope of the Act. The guidance provided in (2) through (4) of this section should be considered in determining whether the nonstate organization has a recipient or vendor relationship with the state agency. This guidance may also be used by recipients providing subawards of state financial assistance to subrecipients.

(2) Characteristics indicative of a recipient relationship are when the nonstate organization:

- (a) Is established or created by State law or legislative proviso to carry out a state project.
- (b) Determines final eligibility.
- (c) Receives funds for a project established by state statute or legislative proviso and for which the state agency is authorized to provide funding.
- (d) Provides matching funds.

(e) Makes programmatic decisions.

(f) Is under a contract or agreement with the state agency that can be terminated by the state agency for cause.

(g) Uses the funds to carry out its own program or operations.

(h) Receives federal funds under a similar program for which it is designated a recipient by the state agency.

(i) Is organized primarily for a public purpose.

(3) Characteristics indicative of a vendor relationship are when the nonstate organization:

(a) Provides services within normal business operations.

(b) Operates in a competitive environment.

(c) Provides similar services to many different purchasers.

(d) Receives payment on a per unit or per deliverable basis.

(e) Is under a contract or agreement with the state agency that can be terminated at the convenience or will of the state agency.

(f) Is awarded the contract based on free and open competition.

(g) Receives federal funds under a similar program for which it is designated a vendor by the state agency.

(4) There may be circumstances or exceptions to the listed characteristics as set forth above in (2) and (3). It is not expected that all of the characteristics will be present in all cases and judgment should be used in determining whether a nonstate organization is a recipient/subrecipient or a vendor.

Specific Authority 216.3491(3) FS. Law Implemented 216.3491 FS. History--New \_\_\_\_\_.

27D-1.004 Catalog of State Financial Assistance.

The Catalog of State Financial Assistance (CSFA) is a comprehensive listing of state projects that includes the administering state agency, CSFA number, project title, legal authorization, and description of the state project, including objectives, restrictions, application and awarding procedures, and other relevant information determined necessary. To ensure that the CSFA is timely updated, state agencies are to assign a person responsible for providing updates of the CSFA to and in a manner prescribed by the Office of Policy and Budget (OPB).

Specific Authority 216.3491(3) FS. Law Implemented 216.3491 FS. History--New \_\_\_\_\_.

27D-1.005 State Projects Compliance Supplement.

The State Projects Compliance Supplement (Supplement) identifies significant compliance, eligibility, and matching requirements for state projects as well as suggested audit procedures and other relevant information. To ensure that this Supplement is timely updated, state agencies are to assign a person responsible for providing annual updates of the Supplement to and in a manner prescribed by the Office of Policy and Budget (OPB). This responsibility includes

ensuring that project objectives, procedures, and compliance requirements, noncompliance with which could have a direct material effect on the individual state project, are provided to the OPB for inclusion in the Supplement.

Specific Authority 216.3491(3) FS. Law Implemented 216.3491 FS. History—New \_\_\_\_\_.

#### 27D-1.006 Criteria for Major State Projects.

(1) The independent auditor shall use a risk-based approach to determine which state projects are major state projects. This risk-based approach shall include consideration of the amount of state project expenditures and the inherent risk of the state project. The process enumerated in paragraphs (2) through (6) shall be followed.

(2) The independent auditor shall identify the larger state projects as Type A Projects according to the following criteria:

(a) For auditees with expenditures of state awards between \$300,000 and \$1,000,000, Type A projects are defined as the larger of \$100,000 or thirty percent (30%) of total state awards expended.

(b) For auditees with expenditures of state awards exceeding \$1,000,000, Type A projects are defined as the larger of \$300,000 or three percent (3%) of total state awards expended.

(3) State projects not identified as Type A Projects shall be considered Type B Projects.

(4) The independent auditor shall identify Type A Projects which are low-risk. For a Type A Project to be considered low-risk, it should have been audited as a major state project in at least one of the two most recent audit periods and, in the most recent audit period, should have had no reportable audit findings. The auditor shall consider the criteria enumerated in Rule 27D-1.007(2), F.A.C., the results of audit follow-up, and any significant changes in personnel or systems affecting a Type A Project, in applying professional judgment in determining whether a Type A Project is low-risk.

(5) The independent auditor shall identify Type B Projects which are high-risk using professional judgment. The independent auditor is not expected to perform risk assessments on relatively small state projects. Therefore, the auditor is only required to perform risk assessments on Type B Projects as follows:

(a) For auditees with expenditures of state awards of \$300,000 to \$1,000,000, risk assessments shall be required for Type B Projects that exceed the larger of \$50,000 or ten percent (10%) of total state awards expended.

(b) For auditees with expenditures of state awards that exceed \$1,000,000, risk assessments shall be required for Type B Projects that exceed the larger of \$100,000 or 1 percent (1%) of total state awards expended.

(6) At a minimum, the independent auditor shall audit all of the following as major projects:

(a) All Type A Projects, except the auditor may exclude any low-risk Type A Projects.

(b) At least one half of the Type B Projects identified as high-risk, except the auditor is not required to audit more high-risk Type B Projects than the number of low-risk Type A Projects; or one high-risk Type B Project for each low-risk Type A Project identified. The auditor is encouraged to use an approach which provides an opportunity for different high-risk Type B Projects to be audited as a major project over a period of time.

(c) Additional projects as may be necessary to provide audit coverage of at least fifty percent (50%) of the auditee's expenditures of state awards. Wherever practicable, additional projects should be selected on an inherent risk basis as enumerated in Rule 27D-1.007(2), F.A.C.

Specific Authority 216.3491(3) FS. Law Implemented 216.3491 FS. History—New \_\_\_\_\_.

#### 27D-1.007 Criteria for Selecting State Projects for Audit Based on Inherent Risk.

(1) The independent auditor's selection of state projects for audit shall be based on an overall analysis and evaluation of the risk of noncompliance occurring which could be material to the state project. The auditor shall use professional judgment and consider criteria, such as described in paragraphs (2) through (4) below, to identify risk in state projects. Also, as part of the risk analysis, the auditor may wish to discuss a particular state project with auditee management and the awarding state agency.

(2) The independent auditor should consider current and prior audit experience.

(a) Weakness in internal controls over state financial assistance would indicate higher risk. Consideration should be given to the control environment over state financial assistance and such factors as the expectation of management's adherence to applicable laws, rules, and contract/grant provisions, and the competence and experience of personnel who administer the state financial assistance project.

(b) Prior audit findings would indicate higher risk, particularly when situations identified in the audit finding could have a significant impact on state financial assistance or have not been corrected.

(c) State projects not recently audited as major state projects may be of higher risk than state projects recently audited as major state projects without audit findings.

(3) The independent auditor should consider the extent of any oversight exercised by the state agencies and the results of any monitoring performed.

(4) When evaluating state projects, independent auditors shall consider the inherent risk of the project, which includes the following:

(a) The nature of the project. This includes, for example, a project's complexity, the presence of third parties, and the type of costs involved.

(b) The phase of the project in its life cycle at the state agency. A newer project may not be as time-tested and, therefore, may present higher risk. The state agency's monitoring procedures may not yet be implemented or effectively in place. Significant changes in the program, laws, rules, or contracts or grant agreements may also increase risk.

(c) The phase of the project in its life cycle at the auditee. If a project is new to the auditee, there may be higher risk simply because a learning curve may be present. During the first and last years that an auditee participates in a state project, the risk may be higher due to start-up or closeout of program activities and staff.

(d) Type B Projects with larger expenditures. Projects with larger amount of expenditures would be of higher risk than projects with substantially smaller expenditures.

(5) The independent auditor shall document in the working papers the risk analysis process used in determining major projects. When the major project determination is performed and documented in accordance with these rules, the auditor's judgment in applying the risk-based approach to determine major projects shall be presumed correct. Challenges by state agencies shall only be for clearly improper use of the guidance in these rules. However, state agencies may provide auditors guidance about the risk of a particular state project and the auditor shall consider this guidance in determining major projects in audits not yet substantially completed.

Specific Authority 216.3491(3) FS. Law Implemented 216.3491 FS. History--New

**SPACEPORT FLORIDA AUTHORITY**

RULE CHAPTER TITLE: Safety Policy  
 RULE NOS.: 57-3.001-.004  
 PURPOSE AND EFFECT: To establish safety policies and procedures for commercial space launch activity within the State of Florida, and to ensure compliance with state and federal environmental and safety laws regarding the treatment and handling of hazardous substances related to commercial space launches.  
 SUBJECT AREA TO BE ADDRESSED: Safety policies and procedures for commercial space launch activity.  
 SPECIFIC AUTHORITY: 331.310(1),(11) FS.  
 LAW IMPLEMENTED: 331.350(3)(a)-(d) FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
 TIME AND DATE: 10:00 a.m., May 1, 2000  
 PLACE: Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pete Gunn, Safety Officer, Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920, whose telephone number is (407)730-5301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

To obtain a copy of the proposed rules, please call (407)730-5301. A copy will be sent via standard delivery mail.

**SPACEPORT FLORIDA AUTHORITY**

RULE CHAPTER TITLE: Safety Officer Responsibilities and Authority  
 RULE NOS.: 57-4.001-.006  
 PURPOSE AND EFFECT: To establish safety policies and procedures for commercial space launch activity within the State of Florida, and to ensure compliance with state and federal environmental and safety laws regarding the treatment and handling of hazardous substances related to commercial space launches.  
 SUBJECT AREA TO BE ADDRESSED: Safety policies and procedures for commercial space launch activity.  
 SPECIFIC AUTHORITY: 331.310(1),(11) FS.  
 LAW IMPLEMENTED: 331.350(3)(a)-(d) FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
 TIME AND DATE: 10:00 a.m., May 1, 2000  
 PLACE: Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pete Gunn, Safety Officer, Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920, whose telephone number is (407)730-5301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

To obtain a copy of the proposed rules, please call (407)730-5301. A copy will be sent via standard delivery mail.

**SPACEPORT FLORIDA AUTHORITY**

RULE CHAPTER TITLE: Explosives, Safety Rules and Standards  
 RULE NOS.: 57-5.001-.005  
 PURPOSE AND EFFECT: To establish safety policies and procedures for commercial space launch activity within the State of Florida, and to ensure compliance with state and federal environmental and safety laws regarding the treatment and handling of hazardous substances related to commercial space launches.  
 SUBJECT AREA TO BE ADDRESSED: Safety policies and procedures for commercial space launch activity.

SPECIFIC AUTHORITY: 331.310(1),(11) FS.  
 LAW IMPLEMENTED: 331.350(3)(a)-(d) FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
 TIME AND DATE: 10:00 a.m., May 1, 2000  
 PLACE: Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pete Gunn, Safety Officer, Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920, whose telephone number is (407)730-5301  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.  
 To obtain a copy of the proposed rules, please call (407)730-5301. A copy will be sent via standard delivery mail.

**SPACEPORT FLORIDA AUTHORITY**

RULE CHAPTER TITLE: Space Operations Safety  
 RULE NOS.: 57-6.001-.004  
 PURPOSE AND EFFECT: To establish safety policies and procedures for commercial space launch activity within the State of Florida, and to ensure compliance with state and federal environmental and safety laws regarding the treatment and handling of hazardous substances related to commercial space launches.  
 SUBJECT AREA TO BE ADDRESSED: Safety policies and procedures for commercial space launch activity.  
 SPECIFIC AUTHORITY: 331.310(1),(11) FS.  
 LAW IMPLEMENTED: 331.350(3)(a)-(d) FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
 TIME AND DATE: 10:00 a.m., May 1, 2000  
 PLACE: Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pete Gunn, Safety Officer, Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920, whose telephone number is (407)730-5301  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.  
 To obtain a copy of the proposed rules, please call (407)730-5301. A copy will be sent via standard delivery mail.

**SPACEPORT FLORIDA AUTHORITY**

RULE CHAPTER TITLE: Hazardous Material Safety  
 RULE NO.: 57-7.001-.006  
 PURPOSE AND EFFECT: To establish safety policies and procedures for commercial space launch activity within the State of Florida, and to ensure compliance with state and federal environmental and safety laws regarding the treatment and handling of hazardous substances related to commercial space launches.  
 SUBJECT AREA TO BE ADDRESSED: Safety policies and procedures for commercial space launch activity.  
 SPECIFIC AUTHORITY: 331.310(1),(11) FS.  
 LAW IMPLEMENTED: 331.350(3)(a)-(d) FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
 TIME AND DATE: 10:00 a.m., May 1, 2000  
 PLACE: Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pete Gunn, Safety Officer, Spaceport Florida Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920, whose telephone number is (407)730-5301  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.  
 To obtain a copy of the proposed rules, please call (407)730-5301. A copy will be sent via standard delivery mail.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Facilities Management**

RULE TITLE: Allocation of Parking Spaces  
 RULE NO.: 60H-4.006  
 PURPOSE AND EFFECT: To codify parking guidelines into the existing rules.  
 SUBJECT AREA TO BE ADDRESSED: Types of parking spaces available in or around state-owned facilities in the Capitol Center and other facilities under the jurisdiction of the Department of Management Services throughout the state.  
 SPECIFIC AUTHORITY: 272.16(4), 272.16(5) FS.  
 LAW IMPLEMENTED: 272.16, 272.161 FS.  
 IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
 TIME AND DATE: 10:00 a.m., Friday, April 17, 2000  
 PLACE: Suite 360, 4030 Esplanade Way, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ron Goldstein, General Services Manager, Department of Management

Services, Facilities Management, 4030 Esplanade Way, Suite 380K, Tallahassee, Florida 32399-0950, Telephone (850)488-3759

Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

**60H-4.006 Allocation of Parking Spaces.**

(1) All parking spaces in or around state-owned facilities in the Capitol Center and other facilities under the Department of Management Services' jurisdiction throughout the state shall be one of these types allocated as follows:

~~(a)(1) Scramble Parking spaces may be available for scramble parking.~~

~~(b)(2) Visitor parking with or without may be provided and meters may be placed on each visitor parking space.~~

~~(c) Carpool parking.~~

~~(d)(3) Reserved The remainder of available spaces shall be assigned on a reserved paid parking basis.~~

~~(e) Permit parking, which is a type of reserved paid parking.~~

(2) In addition to the rules in this chapter, parking rules are provided in Document 5000 (6/99) entitled "Parking Rules, State of Florida Department of Management Services," published by this department, incorporated herein by reference. Copies of the document may be obtained from the Department of Management Services, Facilities Management, Bureau of Real Property Management, Building 4030, Suite 301, 4030 Esplanade Way, Tallahassee, FL 32399-0950. A copy of this document shall be given to each person who receives parking permission of any type.

Specific Authority 272.16(5), 272.16(4) FS. Law Implemented 272.161, 272.16 FS. History--New 1-18-76, Amended 1-22-79, 10-31-84, Formerly 13D-2.04, 13M-6.006, Amended.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

**RULE TITLE:** Reexaminations **RULE NO.:** 61G8-16.005

**PURPOSE AND EFFECT:** To accommodate the realities of administering examinations on-line by removing unenforceable limitations and restrictions on reexaminations.

**SUBJECT AREA TO BE ADDRESSED:** Reexaminations.

**SPECIFIC AUTHORITY:** 470.055, 455.0114 FS.

**LAW IMPLEMENTED:** 455.0114 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:

**61G8-16.005 Reexaminations.**

(1) Applicants for licensure as embalmers and/or funeral directors who fail to achieve a passing grade on the required examinations may make application to retake the examination failed at the next regularly scheduled examination. Such application shall be accompanied in each instance by a new full application fee as established in Rule 61G8-17.001, F.A.C.

~~(2) The applicants for licensure who fail to pass either the examination prepared by the Conference of Funeral Service Examining Boards or the examination prepared by the Department shall be required to retake only that examination failed, provided however that the applicant shall only be allowed to take three retakes of that examination failed within a two-year period from the date of original failure. If the applicant fails to achieve a passing grade within those three retakes as provided above, the applicant shall be required to retake and successfully complete the full examination applicable to the respective license in order to qualify for licensure.~~

Specific Authority 470.055, 455.0114 FS. Law Implemented 455.0114 FS. History--New 11-11-79, Formerly 21J-16.05, 21J-16.005, Amended.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

**RULE TITLE:** Inspection Criteria **RULE NO.:** 61G8-21.003

**PURPOSE AND EFFECT:** The Board deemed it necessary to further define and clarify the text in Subsection (3)(d) of this rule.

**SUBJECT AREA TO BE ADDRESSED:** Inspection Criteria.

**SPECIFIC AUTHORITY:** 470.005 FS.

**LAW IMPLEMENTED:** 470.024 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G8-21.003 Inspection Criteria.

The Department shall inspect funeral establishments on the basis of the following:

(1) through (2) No change.

(3) The requirements of 61G8-21.003(1) may be satisfied by the use of a centralized embalming facility provided that:

(a) through (c) No change.

(d) The centralized facility is within a reasonable distance ~~75 miles~~ of the establishments served and available for use on a continuous full-time basis.

(4) through (6) No change.

Specific Authority 470.005 FS. Law Implemented 470.024 FS. History—New 2-13-80, Amended 5-21-81, 9-28-83, 3-26-84, Formerly 21J-21.03, Amended 12-11-88, Formerly 21J-21.003, Amended 3-30-94, 2-20-95, 3-24-98, \_\_\_\_\_.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: RULE NO.:

Application for Licensure; Consequences of Operating Prior to Licensure 61G8-22.001

PURPOSE AND EFFECT: To require review of cinerator facility applications be performed by a member of the Board.

SUBJECT AREA TO BE ADDRESSED: Application for Licensure; Consequences of Operating Prior to Licensure.

SPECIFIC AUTHORITY: 470.005 FS.

LAW IMPLEMENTED: 455.213(2), 470.021(1), 470.025(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G8-22.001 Application for Licensure; Consequences of Operating Prior to Licensure.

(1) Applications for cinerator facility licensure shall be filed with the Department at least 30 days prior to the date the facility is scheduled to open for business. The Board shall designate a board member ~~or the executive director~~ to review all applications for cinerator facility licensure. The Department shall issue a license to any applicant the designee certifies as

having met the licensure requirements specified in this rule and in Section 470.025, F.S., received a satisfactory rating on an inspection pursuant to Rule 61G8-22.002, F.A.C., and paid the fee specified in Rule 61G8-22.003, F.A.C.

(2) through (3) No change.

Specific Authority 470.005 FS. Law Implemented 455.213(2), 470.021(1), 470.025(2) FS. History—New 2-13-80, Formerly 21J-22.01, Amended 5-19-92, Formerly 21J-22.001, Amended 10-29-97, 2-17-00, \_\_\_\_\_.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLES: RULE NOS.:

Examination Requirements 61G8-23.002

Direct Disposal Establishments 61G8-23.004

PURPOSE AND EFFECT: Subsection (2)(c) in Rule 61G8-23.002 is being changed to update Code, Rule, and Statutory citations, and text is being stricken in Rule 61G8-23.004 to establish the requirement of an inspection in the event of consumer complaint.

SUBJECT AREA TO BE ADDRESSED: Examination Requirements and Direct Disposal Establishments.

SPECIFIC AUTHORITY: 470.005, 470.017 FS.

LAW IMPLEMENTED: 455.219(6), 470.017, 470.021 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G8-23.002 Examination Requirements.

(1) No change.

(2) The area of competency to be covered by the examination as provided above shall be:

(a) through (b) No change.

(c) With respect to disposition of dead human bodies, the following state and federal laws and rules, or relevant portions thereof will be included: Chapter 245, Chapter 382, Chapter 406, Chapter 455, Chapter 470, Section 872.06 of the Florida Statutes; Chapter 10D-49, Chapter 11G-2, Chapter 61G8-20, Chapter 61G8-22, Chapter 61G8-23 of the Florida Administrative Code; 10 U.S.C. 1481-1488 ~~Chapters 10S-14.81 through 10S-14.88 of the U.S. Code of Federal Regulations.~~

(3) No change.



Specific Authority 470.017 FS. Law Implemented 470.017 FS. History--New 2-13-80, Amended 7-2-81, 8-23-83, Formerly 21J-23.02, 21J-23.002, Amended 10-13-97, 2-16-98,\_\_\_\_\_.

61G8-23.004 Direct Disposal Establishments.

(1)through (2) No change.

(3) A direct disposal establishment shall be inspected by the Department under the following circumstances, and the Department shall be notified by the owner of the establishment at least 10 days before items (a) or (b) occur:

(a) through (b) No change.

(c) When a consumer complaint is made regarding a specific direct disposal establishment, ~~and an inspection is required.~~

(4) through (9) No change.

Specific Authority 470.005 FS. Law Implemented 455.219(6), 470.021 FS. History--New 2-13-80, Amended 11-8-82, 8-16-83, Formerly 21J-23.04, Amended 6-5-90, Formerly 21J-23.004, Amended 4-10-94, 9-17-97, 1-4-98, 2-16-98, 5-17-98, 2-17-00,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

RULE TITLES: RULE NOS.:

Application for Registration of Removal Services; Refrigeration Facilities; Centralized Embalming Facilities 61G8-24.010 Requirements for Inspection 61G8-24.021

PURPOSE AND EFFECT: Obsolete text has been stricken from Rule 61G8-24.010, and text in Rule 61G8-24.021 has been revised for further clarification.

SUBJECT AREA TO BE ADDRESSED: Application for Registration of Removal Services; Refrigeration Facilities; Centralized Embalming Facilities and Requirements for Inspection.

SPECIFIC AUTHORITY: 470.005, 470.0301(1)(b),(2) FS.

LAW IMPLEMENTED: 455.01(5), 470.0301(1)(b),(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G8-24.010 Application for Registration of Removal Services; Refrigeration Facilities; Centralized Embalming Facilities.

(1) No change.

(2) The Board shall be notified in writing ~~within 30 days of the effective date of this rule, or~~ within ten (10) days when any of the information required in the application changes.

(3) No change.

Specific Authority 470.005, 470.0301(1)(b),(2) FS. Law Implemented 455.01(5), 470.0301(1)(b),(2) FS. History--New 7-19-94, Amended 11-20-96,\_\_\_\_\_.

61G8-24.021 Requirements for Inspection.

(1) Removal services shall ~~make available to Department inspectors at any time requested its buildings, grounds and vehicles used in the conduct of its business at all times be subject to inspection of all its buildings, grounds, and vehicles used in the conduct of its business by the Department, or any of its designated representatives and agents, or local Department of Health inspectors.~~

(2) through (6) No change.

Specific Authority 470.005, 470.0301 FS. Law Implemented 470.0301 FS. History--New 5-21-95, Amended 9-18-95,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

RULE TITLES: RULE NOS.:

Licensure by Endorsement; Embalmers 61G8-25.001 Licensure by Endorsement; Funeral Directors 61G8-25.002

PURPOSE AND EFFECT: To remove unnecessary references to Florida Statutes and further explain the requirements of licensure by endorsement with regard to acceptance of scores on exams given in other states or by the Conference of Funeral Service Examining Boards.

SUBJECT AREA TO BE ADDRESSED: Licensure by Endorsement; Embalmers and Licensure by Endorsement; Funeral Directors.

SPECIFIC AUTHORITY: 470.005, 470.011 FS.

LAW IMPLEMENTED: 470.011 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G8-25.001 Licensure by Endorsement; Embalmers.

(1) No change.

(2) Pursuant to Section 470.007(1)(a), Florida Statutes (1983); The Board of Funeral Directors and Embalmers determines that persons who have successfully completed a course, embracing at least the subjects specified in Section 470.006(1)(d), Florida Statutes (1983), at a school or college approved by the American Board of Funeral Service Education or by this Board and who have passed an embalmer examination administered by a licensing agency of another state or The Conference of Funeral Service Examining Boards with a score of at least 75% on all sections of the examination and who holds a current valid license to practice embalming in the original state of licensure are considered to have met standards substantially equivalent to the requirements of this state.

Specific Authority 470.005, 470.011 FS. Law Implemented 470.011 FS. History—New 6-4-80, Amended 12-24-81, 8-10-83, 10-16-85, Formerly 21J-25.01, 21J-25.001, Amended.

61G8-25.002 Licensure by Endorsement; Funeral Directors.

(1) No change.

(2) Pursuant to Section 470.011(1)(a), F.S. (1983); The Board of Funeral Directors and Embalmers determines that persons who have successfully completed a course in mortuary science prior to 1979 at a school or college approved by the American Board of Funeral Service Education and who have passed a Funeral Director Examination administered by a licensing agency of another state or the examination administered by The Conference of Funeral Service Examining Boards with a score of at least 75% on all sections of the examination and who hold a current valid license to practice funeral directing in the original state of licensure; or

(3) No change.

Specific Authority 470.005, 470.011 FS. Law Implemented 470.011 FS. History—New 6-4-80, Amended 12-24-81, 8-10-83, 10-16-85, Formerly 21J-25.02, Amended 7-30-86, Formerly 21J-25.002, Amended.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Qualifications RULE NO.: 61G8-26.002

PURPOSE AND EFFECT: To remove ambiguous language from the rule.

SUBJECT AREA TO BE ADDRESSED: Qualifications.

SPECIFIC AUTHORITY: 470.005, 455.217, 455.11(3) FS.

LAW IMPLEMENTED: 470.005, 455.217, 455.11(3) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G8-26.002 Qualifications.

The Board shall accept for examination any applicant applying pursuant to Section 455.11(3), F.S., who:

(1) Provides adequate documentation that the applicant was licensed or otherwise authorized by law to practice as a funeral director in, and was a resident national of the Republic of Cuba and who, upon July 1, 1977, was a resident of this State; and

(2) through (6) No change.

Specific Authority 455.11(3), 455.217, 470.005 FS. Law Implemented 455.11(3), 455.217, 470.005 FS. History—New 6-3-81, Amended 7-2-85, Formerly 21J-26.02, 21J-26.002, Amended.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLES: Confirmation of Completion of Courses VIRUS, Acquired Immune Deficiency Syndrome and Communicable Diseases RULE NOS.: 61G8-32.004 61G8-32.007

PURPOSE AND EFFECT: Subsection (2) of Rule 61G8-32.004 has been rewritten for clarity and definition of the rule text, and Subsection (11) has been stricken from Rule 61G8-32.007 because it is duplicative of disciplinary guidelines.

SUBJECT AREA TO BE ADDRESSED: Confirmation of Completion of Courses and Virus, Acquired Immune Deficiency Syndrome and Communicable Diseases.

SPECIFIC AUTHORITY: 455.2226(6), 470.005 470.005, 455.2226(7), 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS.

LAW IMPLEMENTED: 455.2226 455.2226, 455.219(2), 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G8-32.004 Confirmation of Completion of Courses.

For the purpose of providing confirmation of completion of an approved course pursuant to Section 455.2226(2) or (5), Florida Statutes, each licensee or applicant shall:

- (1) No change.
- (2) ~~A licensee or applicant shall make available, upon request of the Board or the Department, a certificate of completion obtained from the course provider. The licensee or applicant shall retain the certificate of completion for a minimum of two years after he or she has submitted confirmation of completion of the Human Immunodeficiency Virus, Acquired Immune Deficiency Syndrome and Communicable Diseases courses. Obtain from the course provider a certificate of completion which shall be maintained by the licensee or applicant and made available upon request for a minimum of two years after the date upon which the licensure or applicant is required to submit confirmation of completing an approved course as described in Section 61G8-32.002.~~

Specific Authority 455.2226(6), 470.005 FS. Law Implemented 455.2226 FS. History—New 5-24-89, Amended 2-14-90, Formerly 21J-32.004, Amended \_\_\_\_\_.

61G8-32.007 Requirement for Instruction on Human Immunodeficiency Virus, Acquired Immune Deficiency Syndrome and Communicable Diseases.

- (1) through (10) No change.
- (11) ~~Failure to complete such a board approved educational course within the biennium or within the six month period discussed in subsection (9) shall result in a fine of \$500.00 and suspension of licensure until the licensee appears before the Board and demonstrates that he or she has paid the fine and taken such board approved course.~~

Specific Authority 470.005, 455.2226(7), 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS. Law Implemented 455.2226, 455.219(2), 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS. History—New 3-19-92, Amended 6-17-92, Formerly 21J-32.007, Amended 5-1-95, 10-29-97, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Veterinary Medicine**

RULE TITLE: Disciplinary Guidelines  
 PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to kickbacks.

RULE NO.: 61G18-30.001

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

SPECIFIC AUTHORITY: 455.2273(1) FS.

LAW IMPLEMENTED: 455.2273, 474.213, 474.214 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Madeline Smith, Executive Director, Board of Veterinary Medicine, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G18-30.001 Disciplinary Guidelines.

- (1) No change.
- (2) When the Board finds an applicant or licensee whom it regulates under Chapter 474, Florida Statutes, has committed any of the acts set forth in Section 474.214(1), Florida Statutes, it shall issue a Final Order imposing appropriate penalties which are set forth in 474.214(2) and include revocation of license and a fine of up to one thousand dollars (\$1,000.00) per offense.

- (a) through (j) No change.
- (k) Paying or receiving kickbacks, rebates, bonuses, or other remuneration for receiving a patient or client or for referring a patient or client to another provider of veterinary services or goods. In construing this section, the Board shall deem that a referral to an entity with which the veterinarian has a contractual relationship, for the sale of non-veterinary, non-medical pet food on pet supplies, does not constitute a kickback, so long as the client is aware of the relationship.

The usual action of the Board for those violations not disposed of by the Board's rule concerning minor violations shall be to impose a penalty of a one (1) year probation and a one thousand dollar (\$1,000.00) administrative fine for each count.

- (l) through (oo) No change.
- (3) through (7) No change.

Specific Authority 455.2273(1) FS. Law Implemented 455.2273, 474.213, 474.214 FS. History—New 12-8-86, Amended 5-27-91, Formerly 21X-30.001, Amended 8-18-94, 5-13-96, \_\_\_\_\_.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES:	RULE NOS.:
Examination and Reexamination Fee	64B3-9.003
Delinquency Fee	64B3-9.011
Unlicensed Activity Fee	64B3-9.012

PURPOSE AND EFFECT: Rule 64B3-9.003 proposes the development of an amendment to address the change of each examination taken including reexamination fee. In Rule 64B3-9.011, the rule will specify the fee for a delinquent status licensee applying for active or inactive status. Rule 64B3-9.012 proposes the development to address the unlicensed activity fee.

SUBJECT AREA TO BE ADDRESSED: Examination and Reexamination Fees.

SPECIFIC AUTHORITY: 483.807(1), 455.587, 455.711, 483.807(1), 483.805(4) FS.

LAW IMPLEMENTED: 483.807(1), 455.587, 455.711, 483.807 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe R. Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-9.003 Examination and Reexamination Fees.

(1) The fee for each examination taken including reexamination is ~~\$150~~ ~~\$35~~ except for the generalist technician examination.

(2) No change.

Specific Authority 483.807(1) FS. Law Implemented 483.807(1) FS. History—New 12-7-93, Formerly 61F3-9.003, 59O-9.003, Amended 5-26-98, 1-28-99, 7-15-99,\_\_\_\_\_.

64B3-9.011 Delinquency Fee.

The fee for a delinquent status licensee applying for active or inactive status shall be ~~\$100~~ ~~\$50~~.

Specific Authority 455.587, 455.711, 483.807(1) FS. Law Implemented 455.587, 455.711, 483.807 FS. History—New 12-26-94, Formerly 59O-9.011, Amended 5-26-98,\_\_\_\_\_.

64B3-9.012 Unlicensed Activity Fee.

An unlicensed activity fee of \$5 shall be in addition to ~~earmarked from~~ the current licensure and renewal fees.

Specific Authority 483.805(4) FS. Law Implemented 455.641 FS. History—New 5-26-98, Amended\_\_\_\_\_.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Fee Schedule	64B4-4

PURPOSE AND EFFECT: The Board proposes to review the rules within this chapter to consider possible amendments.

SUBJECT AREA TO BE ADDRESSED: Application, examination and initial active status license fee for licensure by examination; application fee for licensure by endorsement; biennial licensure fee; reactivation fee; renewal of inactive status fee; change of status fee; delinquency fee; continuing education provider application fee; examination review fee for applicants for licensure as a mental health counselor; examination review fee for applicants for licensure as a marriage and family therapist; initial licensure fee; provisional license application fee; registered intern registration fee and subsequent examination fee; registered intern biennial renewal fee.

SPECIFIC AUTHORITY: 455.217(2), 455.587(1), 455.564(2), 455.574(2), 455.587(1), 455.711, 491.004(5), 491.005, 491.007(1), 491.0085 FS.

LAW IMPLEMENTED: 455.217(2), 455.564(2), 455.574(2), 455.587(1), 455.711, 491.005, 491.006, 491.007(1), (3), 491.008, 491.0045(2)(a), 491.0046(2)(a), 491.0085(2) FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. or shortly thereafter, April 27, 2000

PLACE: The Radisson Airport, 555 Hazelton National Drive, Orlando, Florida 32812

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-32.002
Notice of Fund Availability	67-32.003
General Program Restrictions	67-32.004
Application Procedures	67-32.005
Terms and Conditions of Loan	67-32.006
Selection Criteria, Rejection Criteria, and Scoring and Ranking Guidelines	67-32.007
Selection for Participation in Program	67-32.008

Right to Inspect and Monitor  
 Funded Developments 67-32.010  
 Fees 67-32.011  
**PURPOSE AND EFFECT:** Pursuant to Section 420.5087(3)(c)2., Florida Statutes (F.S.), the Florida Housing Finance Corporation administers the Elderly Housing Community Loan (EHCL) Program. This program provides loans to sponsors of affordable rental housing for very low-income elderly households. Rule 67-32 provides the procedures for the administration of this loan program and criteria for receiving, evaluating, and competitively ranking all applications for loans under the EHCL Program. The intent of this Rule is to provide loans to sponsors of housing for the elderly to make building preservation, health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, or life-safety or security-related repairs or improvements to such housing.  
**SUBJECT AREA TO BE ADDRESSED:** The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2001 application and program requirements for the Elderly Housing Community Loan Program, as specified in Rule Chapter 67-32, Florida Administrative Code (FAC.).  
**SPECIFIC AUTHORITY:** 420.5087 FS.  
**LAW IMPLEMENTED:** 420.5087 FS.  
**RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**  
**TIME AND DATE:** 10:00 a.m. – 1:00 p.m., April 12, 2000  
**PLACE:** Hyatt Regency Orlando International Airport, Mirabel Room, 9300 Airport Boulevard, Orlando, Florida 32827  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Larry White, SAIL Program Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197.  
 Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Laurie Camp at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.**

**FLORIDA HOUSING FINANCE CORPORATION**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Purpose and Intent	67-48.001
Definitions	67-48.002
Notice of Funding or Credit Availability	67-48.003
Application and Selection Procedures for Developments	67-48.004
Applicant Administrative Appeal Procedures	67-48.005

Compliance and Reporting Requirements	67-48.006
Fees	67-48.007
No Discrimination	67-48.008
SAIL General Program Procedures and Restrictions	67-48.009
Additional SAIL Application Ranking and Selection Procedures	67-48.0095
Terms and Conditions of SAIL Loans	67-48.010
Sale or Transfer of a SAIL Development	67-48.0105
SAIL Credit Underwriting and Loan Procedures	67-48.012
SAIL Construction Disbursements and Permanent Loan Servicing	67-48.013
HOME General Program Procedures and Restrictions	67-48.014
Match Contribution Requirement for HOME Allocation	67-48.015
Eligible HOME Activities	67-48.017
Eligible HOME Applicants	67-48.018
Eligible and Ineligible HOME Development Costs	67-48.019
Terms and Conditions of Loans for HOME Rental Developments	67-48.020
Sale or Transfer of a HOME Development	67-48.0205
HOME Credit Underwriting and Loan Procedures	67-48.021
HOME Disbursements Procedures and Loan Servicing	67-48.022
HC General Program Procedures and Requirements	67-48.023
Qualified Allocation Plan	67-48.025
Housing Credit Underwriting Procedures	67-48.026
Tax-Exempt Bond-Financed Developments	67-48.027
Carryover Allocation Provisions	67-48.028
Extended Use Agreement	67-48.029
Sale or Transfer of a Housing Credit Development	67-48.030
Termination of Extended Use Agreement and Disposition of Housing Credit Developments	67-48.031
Minimum Set-Aside for Non-Profit Organizations Under HC Program	67-48.032
<b>PURPOSE AND EFFECT:</b> The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes (F.S.), and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and (2) administer the Application process, determine Housing Credit (HC) amounts and implement the provisions of the Housing Credit Program authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.	

**SUBJECT AREA TO BE ADDRESSED:** The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of the 2001 application and program requirements for the SAIL, HOME, HC Programs, as specified in Rule Chapter 67-48, Florida Administrative Code (FAC.) and (2) amendments to the Florida Housing Finance Corporation's 2001 Qualified Allocation Plan (QAP).

**SPECIFIC AUTHORITY:** 420.507 FS.

**LAW IMPLEMENTED:** 420.5087, 420.5089, 420.5099 FS.

**RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**TIME AND DATE:** 10:00 a.m. – 1:00 p.m., April 12, 2000

**PLACE:** Hyatt Regency Orlando International Airport, Mirabel Room, 9300 Airport Boulevard, Orlando, Florida 32827

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Gwen Lightfoot, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197.

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Laurie Camp at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.**

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Manatees**

**RULE CHAPTER TITLE:** Manatees **RULE CHAPTER NO.:** 68C-22

**RULE TITLE:** Regulated Activities **RULE NO.:** 68C-22.003

**PURPOSE AND EFFECT:** The Fish and Wildlife Conservation Commission is considering whether changes need to be made to the rule to better protect manatees while at the same time providing a process that clearly describes what types of activities can be authorized. For this reason, the Commission has scheduled two public workshops to receive comment concerning whether changes need to be made to the rule. Permits that could be affected include those currently issued to commercial fishers and professional fishing guides within Brevard, Collier, Indian River, Lee, St. Lucie and Volusia Counties. What effect the changes would have depends on what options are pursued. One option being considered is amending the rule to add categories of activities that can be authorized and/or more clearly describe existing categories. Another option being considered is repealing the rule and allowing requests to be handled through the variance process set forth in 120.542, Florida Statutes. Comments or

suggestions on potential options may be submitted through May 5, 2000, to the address given at the end of this notice. The FWC is encouraging the public to participate at the workshops which will take place at the dates and locations listed below.

**SUBJECT AREA TO BE ADDRESSED:** Permits that allow activities to be conducted within areas where such activities would otherwise be prohibited by manatee protection rules appearing in Chapter 68C-22.

**SPECIFIC AUTHORITY:** 370.12(2)(f)-(i),(k),(m),(n) FS.

**LAW IMPLEMENTED:** 370.12(2)(d),(f)-(k),(l),(m),(n) FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:**

**TIME AND DATE:** 6:00 p.m. – 8:00 p.m., Wednesday, April 12, 2000

**PLACE:** Lee County Administration Building, 1st Floor Conference Room, 2115 Second Street, Fort Myers, Florida

**TIME AND DATE:** 6:00 p.m. – 8:00 p.m., Tuesday, April 25, 2000

**PLACE:** Brevard County Administration Building, Florida Room (Building C – 3rd Floor), 2725 Judge Fran Jamison Way, Viera, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting Mr. Scott Calleson at (850)922-4330. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD) or (850)488-9542 within the Tallahassee area.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Mr. Scott Calleson, Environmental Specialist III, Bureau of Protected Species Management, Fish and Wildlife Conservation Commission (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399, telephone (850)922-4330 or Fax (850)922-4338

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.**

**Section II  
Proposed Rules**

**DEPARTMENT OF LEGAL AFFAIRS**

**RULE TITLE:** Attorney Services **RULE NO.:** 2-37.010

**PURPOSE AND EFFECT:** The Department is amending the form it currently utilizes for agencies requesting representation by private attorneys. The proposed rule amendment implements the revised form. The revised form substitutes clarifying language in paragraphs 4 and 22, to eliminate ambiguities and to simplify the form.