

**Section I**  
**Notice of Development of Proposed Rules**  
**and Negotiated Rulemaking**

**DEPARTMENT OF MANAGEMENT SERVICES**

**Commission on Human Relations**

**RULE NO.:**      **RULE TITLE:**

60Y-2.006      Statutory Chapter and Rules

**PURPOSE AND EFFECT:** The proposed rule amendment seeks to correct transposed numbers in a statutory citation and remove an outdated reference.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule seeks to outline the statutory and regulatory authority of the Commission.

**RULEMAKING AUTHORITY:** 760.06(12), 760.11(14), 760.31(5) FS.

**LAW IMPLEMENTED:** 120, 509.092, 760 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 REGISTER.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Steven J. Zuilkowski, Deputy General Counsel, Florida Commission on Human Relations, 4075 Esplanade Way, Suite 110, Tallahassee, FL 32399-7020, (850)488-7082, email: steven.zuilkowski@fchr.myflorida.com

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

60Y-2.006 Statutory Chapter and Rules.

The mission and duties of the Commission are carried out pursuant to statutory authority delineated in Chapter 760, F.S. The following additional statutory chapters and rule chapters directly affect and govern the operations of the Commission:

- (1) Chapter 120, F.S.
- (2) Sections 112.3187-112.31895 ~~412.31985~~, inclusive, F.S.
- (3) Section 509.092, F.S.
- (4) Chapters 60Y-2 through 60Y-11, and 60Y-25, F.A.C.
- (5) Chapters 28-101 through 28-106, 28-108, 28-109, F.A.C.

**Rulemaking Specific Authority** 760.06(12), 760.11(14), 760.31(5) FS. Law Implemented 120, 509.092, 760 FS. History—New 11-2-78, Amended 8-12-85, Formerly 22T-6.06, 22T-6.006, Amended 7-26-00, 12-31-03,\_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Funeral, Cemetery, and Consumer Services**

**RULE NOS.:**      **RULE TITLES:**

69K-5.002      Application for Preneed License

69K-5.0021      Application for Preneed License Branch Office License

69K-5.0022      Applications for Transfer of a Preneed License

69K-5.0026      Preneed License Renewal

69K-5.009      Regulatory Standards for Evaluating Applications by the Board

69K-5.011      Preneed Sales Agent Renewal

69K-5.013      Procedure for Report of Identification for an Exempt Cemetery

**PURPOSE AND EFFECT:** Rules 69K-5.002, 69K-5.0021, and 69K-5.0022, F.A.C., are modified to update the application costs, pursuant to subsection 497.140(6), Florida Statutes (F.S.), which adds a “special unlicensed activity fee of \$5.” Rule 69K-5.0022, F.A.C., is modified in subsection (3) to align with statutory requirements in paragraph 497.453(2)(f), F.S. Also, the last two sentences of paragraph (3)(c) are modified to reflect that they apply to all three paragraphs in subsection 69K-5.0022(3), F.A.C., and the remaining subsections are renumbered. Further, the forms in Rules 69K-5.0021, 69K-5.0022, 69K-5.0026, and 69K-5.013, F.A.C., were previously added to the forms rule, Rule 69K-1.001, F.A.C.; thus these rules are modified to remove redundant date and incorporation information. Rule 69K-5.009, F.A.C., is modified to update cemetery site acreage requirements. For Rule 69K-5.011, F.A.C., the modification clarifies the electronic filing process according to subsection 497.141(13), F.S.

**SUBJECT AREA TO BE ADDRESSED:** Rule Chapter 69K-5, F.A.C., Cemetery Regulation and Preneed Sales.

**RULEMAKING AUTHORITY:** 497.103, 497.141, 497.263, 497.407, 497.453, FS.

**LAW IMPLEMENTED:** 497.103, 497.140, 497.141, 497.260, 497.263, 497.287, 497.452, 473.453, FS.

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

**DATE AND TIME:** Tuesday, May 2, 20017, 10:30 a.m.

**PLACE:** 111 W. Madison Street, Pepper Building, Room 320, Tallahassee

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ellen Simon at (850)413-3620 or Ellen.Simon@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ellen Simon, Assistant Division Director, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, address: 200 E. Gaines Street, Tallahassee, Florida 32399-0361, telephone: (850)413-4985, e-mail: Ellen.Simon@myfloridacfo.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

## Section II Proposed Rules

### DEPARTMENT OF LAW ENFORCEMENT

#### Division of Criminal Justice Standards and Training

RULE NO.: 11A-7.002  
 RULE TITLE: Commission Procedures for Public Comment

PURPOSE AND EFFECT: 11A-7.002(2), F.A.C.: Makes a grammatical change.

SUMMARY: Makes a grammatical change.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department's economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

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

RULEMAKING AUTHORITY: 943.03(4) FS.

LAW IMPLEMENTED: 286.0114, 943.11(2) FS.

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

DATE AND TIME: Wednesday, May 10, 2017, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

THE FULL TEXT OF THE PROPOSED RULE IS:

11A-7.002 Commission Procedures for Public Comment. The Criminal Justice Standards and Training Commission invites and encourages all members of the public to provide comment on matters or propositions before the Commission or a committee of the Commission. The opportunity to provide comment shall be subject to the following:

(1) No change.

(2) Members of the public shall be limited to five minutes to provide comment. This time shall not include time spent by the presenter responding to questions posed by Commission members, staff or ~~Commission~~ counsel. The chair of the Commission may extend the time to provide comment if time permits.

(3) No change.

Rulemaking Authority 943.03(4) FS. Law Implemented 286.0114, 943.11(2) FS. History--New 9-4-16. Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bureau Chief Glen Hopkins  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 14, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAR: October 31, 2016

## DEPARTMENT OF LAW ENFORCEMENT

### Criminal Justice Standards and Training Commission

RULE NOS.: RULE TITLES:

11B-14.001 Definitions

11B-14.002 General Program Provisions

PURPOSE AND EFFECT: Subsection 11B-14.001(10), F.A.C.: Updates the title of the ATMS Global Profile Report to reflect ATMS Global Profile Sheet for consistency within the rule.

Sub-paragraph 11B-14.002(5)(a)1., F.A.C.: Updates the title of the ATMS Global Profile Report to reflect ATMS Global Profile Sheet for consistency within the rule.

11B-14.002(15), F.A.C.: Updates the forms website link.

SUMMARY: Updated forms website link and title of the ATMS Global Profile Sheet.

#### SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department's economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

OTHER RULES INCORPORATING THIS RULE: N/A.  
EFFECT ON THOSE OTHER RULES: N/A. The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

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

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

LAW IMPLEMENTED: 943.22 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE,

TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Wednesday, May 10, 2017 at 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

#### THE FULL TEXT OF THE PROPOSED RULE IS:

11B-14.001 Definitions. For the purpose of this rule chapter, the definitions of "employing agency," "law enforcement officer," "correctional officer," "correctional probation officer," and "Commission," pursuant to Section 943.10, F.S., and the definitions of "community college degree or equivalent," "bachelor's degree," and "accredited college or university or community college," pursuant to Section 943.22, F.S., shall be deemed controlling. The definition of "law enforcement officer" also includes those elected officers who, pursuant to Section 943.253, F.S., choose to participate in the Salary Incentive Program. In addition, for the purpose of this rule chapter, the term "officer" is limited to include "law enforcement officer," "correctional officer," or "correctional probation officer," pursuant to Section 943.10(14), F.S. Further, in order to provide effectively for the administration of the Salary Incentive Program, certain additional definitions are necessary, therefore, the following words or phrases shall have these meanings:

(1) through (9) No change.

(10) "ATMS Global Profile Sheet Report" means a continuous record of criminal justice officer employment, salary incentive, mandatory training, certifications, instructor topics, examination records, equivalency of training exemption, and officer training generated from the Automated Training Management System.

Rulemaking Authority 943.03(4), 943.12(1), 943.22(2)(h) FS. Law Implemented 943.22 FS. History—New 8-19-72, Repromulgated 1-5-75, Amended 1-13-81, 5-16-83, 9-1-83, 1-7-85, Formerly 11B-14.01, Amended 7-13-87, 9-3-87, 12-13-92, 1-2-97, 7-7-99, 11-5-02, 11-30-04, 3-13-13,\_\_\_\_\_.

11B-14.002 General Program Provisions.

(1) through (4) No change.

(5) Training Salary Incentive Payments.

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

1. Determined by the date of “successful completion,” defined in subsection 11B-14.001(9), F.A.C., of a Commission-approved training course indicated on the ATMS Global Profile ~~Sheet Report~~ or the date of certification, whichever date is later; or

2. through 3. No change.

(b) through (d) No change.

(6) through (14) No change.

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

Rulemaking Authority 943.03(4), 943.12(1), 943.22(2)(h) FS. Law Implemented 943.22 FS. History— New 10-16-78, Amended 9-11-79, 1-13-81, 5-16-83, 1-7-85, Formerly 11B-14.02, Amended 7-13-87, 9-3-87, 5-23-88, 5-14-92, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 3-13-13, 7-29-15, 9-4-16,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Bureau Chief Glen Hopkins

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 14, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2016

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE NO.: 11B-18.0071  
RULE TITLE: Development of Officer Training Monies Budgets and Required Reports

PURPOSE AND EFFECT: Paragraphs 11B-18.0071(1)-(2), F.A.C.: Updates the forms website link.

Subsection 11B-18.0071(4), F.A.C.: Updates the forms website link.

SUMMARY: Updates the forms website link.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

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

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

LAW IMPLEMENTED: 943.25 FS.

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

DATE AND TIME: Wednesday, May 10, 2017, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Joyce Gainous-Harris at (850)410-8615, or [joycegainous-harris@fdle.state.fl.us](mailto:joycegainous-harris@fdle.state.fl.us), or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) Operating Budget. No later than February 1 of each year, the Officer Training Monies Operating Budget, form CJSTC-310, revised February 7, 2002, hereby incorporated by reference, shall be submitted to Commission staff by each Regional Training Council and shall reflect the region’s proposed operating budget for the upcoming fiscal year, beginning July 1 and ending June 30 of the next year, based on the Officer Training Monies available and projected for the region pursuant to subsection 11B-18.0052(1), F.A.C. Form CJSTC-310 can be obtained at the following FDLE Internet address:

<http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>

<http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The region shall also include a request to expend the previous year’s accrued interest pursuant to subsection (5) of this rule section. Each Regional Training Council is responsible for including in its approved budget, the Criminal Justice Standards and Training Commission’s priority budget issues as they relate to the training needs of the region. The region’s projected annual operating budget shall list items in order of priority within each budget category as set forth in Rule 11B-18.0053, F.A.C. A region that fails to meet the required deadline, or fails to receive an extension of the submission deadline from Commission staff, shall forfeit the opportunity to propose an operating budget for the region and Commission-certified training schools for that fiscal year. Officer Training Monies forfeited by a region due to noncompliance with the February 1 deadline shall be distributed to other regions in the state based on the statewide distribution formula set forth in subsection 11B-18.0052(2), F.A.C.

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

FDLE Internet address:  
<http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>  
<http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(a) through (d) No change.

(3) No change.

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

FDLE Internet address:  
<http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>

<http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(a) through (b) No change.

(5) No change.

Rulemaking Authority 943.03(4), 943.12(1), (2), 943.25(4), (5) FS. Law Implemented 943.25 FS. History—New 1-13-81, Amended 7-1-81, 7-28-82, 1-7-85, 1-28-86, Formerly 11B-18.071, Amended 7-13-87, 5-23-88, 10-17-90, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04, 3-13-13, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Bureau Chief Glen Hopkins

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 14, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2016

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NOS.:	RULE TITLES:
11B-20.001	Definitions and Minimum Requirements for General Certification of Instructors
11B-20.0014	Minimum Requirements for High-Liability and Specialized Instructor Certifications
11B-20.0017	Maintenance and Duration of Instructor Certifications

PURPOSE AND EFFECT: Sub-subparagraph 11B-20.001(3)(a)5.a., F.A.C.: Incorporates the revised Affidavit of Separation, form CJSTC-61, to remove the reference to the

Affidavit of Separation Supplement, form CJSTC-61A, which is being repealed. Also provides clarification concerning an agency's responsibility in conducting an internal investigation upon the separation of an officer.

Sub-subparagraph 11B-20.001(3)(a)5.b., F.A.C.: Incorporates the use of the revised Internal Investigation Report, form CJSTC-78, instead of completing the repealed Affidavit of Separation Supplement, form CJSTC-61A, for instructors whose separations involve a violation of Section 943.13(4), F.S., or moral character violation.

Sub-subparagraph 11B-20.001(3)(a)5.c., F.A.C.: Updates the title of the ATMS Global Profile Report to reflect ATMS Global Profile Sheet for consistency within the rule.

Subsection 11B-20.001(4), F.A.C.: Incorporates the revised Instructor Exemption, form CJSTC-82, which adds a certification statement to ensure the training center director or designee is aware of their responsibility to verify individual meets the eligibility requirements.

Paragraph 11B-20.0014(1)(f), F.A.C.: Changes the length of time an individual has to apply for a high liability instructor topic to four years following the completion of the topic instructor training course to ensure the individual completes the required training within a reasonable time period.

Paragraphs 11B-20.0017(7)(c)-(e), F.A.C.: Revises the subsections of Rule 11B-20.0017(7)(c)-(e), F.A.C., because specific requirements were added pertaining to High-Liability Instructor Certification.

Sub-paragraph 11B-20.0017(7)(c)1.-3., F.A.C.: Includes rule language to identify the requirements which must be met for High-Liability Instructors whose High-Liability Instructor Certification has lapsed for a period of four years or fewer.

Paragraph 11B-20.0017(7)(d), F.A.C.: Adds new rule language to identify the requirements which must be met for High-Liability Instructors whose High-Liability Instructor Certification has lapsed for a period of more than four years.

SUMMARY: Updated high liability instructor requirements and revised Affidavit of Separation, form CJSTC-61; Internal Investigation Report, form CJSTC-78; ATMS Global Profile Sheet; and Instructor Exemption, form CJSTC-82.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described

herein: The Department's economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

**OTHER RULES INCORPORATING THIS RULE:** N/A.  
**EFFECT ON THOSE OTHER RULES:** N/A. The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

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

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

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

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

**DATE AND TIME:** Wednesday, May 10, 2017 at 10:00 a.m.

**PLACE:** Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

**THE FULL TEXT OF THE PROPOSED RULE IS:**

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

(1) through (2) No change.

(3) General Instructor Certification.

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

- 1. through 4. No change.
- 5. Instructor Separation or Change of Affiliation.

a. When an instructor requests a change of affiliation, the training center director, agency administrator, or designee shall complete an Affidavit of Separation, form CJSTC-61, revised August 4, 2016 ~~November 5, 2015~~, effective \_\_\_\_\_ ~~5/2015~~, hereby incorporated by reference ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-07370~~, and submit to Commission staff, or immediately transmit through the Commission’s ATMS. Form CJSTC-61 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615. A copy shall be maintained in the instructor’s file.

b. Instructor Separation. When a training center director, agency administrator, or designee separates an instructor, the training center director, agency administrator, or designee shall notify the instructor of the separation and submit form CJSTC-61 to Commission staff or electronically transmit through the Commission’s ATMS. A copy of form CJSTC-61 shall be maintained in the Instructor’s file. An instructor’s certification shall become inactive upon separation and remain inactive until the instructor is affiliated with a training school or agency. If the separation involves a violation of Section 943.13(4), F.S., or moral character violation, the training center director, agency administrator, or designee shall also complete the Internal Investigation Report form CJSTC-78, revised August 4, 2016, effective \_\_\_\_\_, hereby incorporated by reference, Affidavit of Separation Supplement, form CJSTC 61A, revised December 16, 2010 (effective 5/2012), hereby incorporated by reference ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-02217~~, and form CJSTC-61, and submit to Commission staff or immediately transmit through the Commission’s ATMS. Form CJSTC-78 and CJSTC-61A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615.

c. Request for new Affiliation. The instructor requesting the change shall submit to the employing agency or training school the Instructor Certification Application form CJSTC-71, the training center director, agency administrator, or designee shall enter the employment into the Commission’s ATMS, and the instructor’s ATMS Global Profile Sheet Report shall be maintained in the instructor’s file.

- (b) through (c) No change.
- (4) Exemption from General Instructor Certification. An individual, who has a professional or technical certification or three years of experience in the specified subject matter to be

instructed, shall be exempt from General Instructor Certification. The training center director or designee shall document the individual’s qualifications by completing the Instructor Exemption, form CJSTC-82, revised August 4, 2016, ~~November 6, 2014~~ effective \_\_\_\_\_ ~~7/2015~~, hereby incorporated by reference ~~https://www.flrules.org/Gateway/reference.asp?No=Ref-05654~~, which shall be maintained in the course file at the training school. Form CJSTC-82 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(5) through (6) No change.  
 Rulemaking Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.14(3) FS. History–New 7-21-82, Formerly 11B-20.01, Amended 10-26-88, 5-14-92, 12-8-92, 1-10-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 6-3-10, 5-21-12, 3-13-13, 5-29-14, 7-29-15, 9-4-16, \_\_\_\_\_.

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

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

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

(2) through (3) No change.  
 Rulemaking Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.13(6), 943.14(3) FS. History–New 7-29-01, Amended 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 3-13-13, 5-29-14, 7-29-15, 9-4-16, \_\_\_\_\_.

11B-20.0017 Maintenance and Duration of Instructor Certifications. Documentation for instructors shall be maintained in the instructor’s file at the respective training school or agency. Additionally, the training school or agency shall submit or transmit to Commission staff, through the Commission’s ATMS, an Instructor Compliance Application, form CJSTC-84, revised November 5, 2015, effective 9/2016, hereby incorporated by reference ~~https://www.flrules.org/Gateway/reference.asp?No=Ref-07387~~, to verify compliance with the mandatory retraining requirements. Form CJSTC-84 can be obtained at the following

FDLE Internet address:  
 http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx, or by contacting Commission staff at (850)410-8615.

- (1) through (6) No change.
- (7) Lapse of Instructor Certifications.
  - (a) through (b) No change.
  - (c) High-Liability Instructor Certification. Instructors whose High-Liability Instructor Certification has lapsed for a period of four years or fewer shall ~~demonstrate proficiency skills in the applicable high liability topic pursuant to Rule 11B-35.0024, F.A.C.~~

- 1. Demonstrate proficiency skills in the applicable high-liability topic pursuant to Rule 11B-35.0024, F.A.C.; and
- 2. Complete continuing education or training approved by the training center director, agency administrator, or designee; and
- 3. Complete a high-liability internship documented on the Instructor Competency Checklist, form CJSTC-81, that is supervised by an instructor who is certified in the high-liability topic area.
- (d) High-Liability Instructor Certification. Instructors whose High-Liability Instructor Certification has lapsed for a period of more than four years shall comply with Rule 11B-20.0014(1), F.A.C.

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

- (8) through (9) No change.
- Rulemaking Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), 943.14(3) FS. History—New 7-29-01, Amended 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 6-3-10, 3-13-13, 5-29-14, 7-29-15, 9-4-16, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Bureau Chief Glen Hopkins  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 14, 2017  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2016

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE NOS.:	RULE TITLES:
11B-27.0011	Moral Character
11B-27.002	Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers
11B-27.00211	Fingerprint Processing and Criminal Record Results
11B-27.003	Duty to Report, Investigations, Procedures
11B-27.005	Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: Sub-paragraph 11B-27.0011(4)(c)15., F.A.C.: Adds a new sub-paragraph to include “prejudicial behavior” as a moral character violation.

Sub-subparagraphs 11B-27.0011(4)(c)15.a.-b., F.A.C.: Adds new sub-paragraphs to define “prejudicial behavior” violation and includes penalty guidelines for Florida officers who exhibit prejudicial behavioral courses of conduct and who participate in activity which furthers the interests of a “hate group”, as defined in Section 874.03(6), F.S.

Paragraph 11B-27.002(1)(d), F.A.C.: Combines the original Physician’s Assessment, form CJSTC-75, and the Physical Fitness Assessment, form CJSTC-75B, to create and incorporate the revised Physician’s Assessment, form CJSTC-75, which includes the student participation activities and medical conditions regarding OC/CS contamination; and prohibits a chiropractor from completing the form as a medical doctor. The original form CJSTC-75B will be repealed.

Sub-paragraph 11B-27.002(3)(a)11., F.A.C.: Incorporates the revised Exemption-From-Training, form CJSTC-76, to change the discipline field name to “Florida Correctional Probation Officer Training Academy” and revise the deficiency topics.

Sub-paragraph 11B-27.002(3)(a)15., F.A.C.: Incorporates the revised Affidavit of Separation, form CJSTC-61, and removes the reference to the Affidavit of Separation Supplement, form CJSTC-61A, which is being repealed. Also provides clarification concerning an agency’s responsibility in conducting an internal investigation upon the separation of an officer.

Subsection 11B-27.002(6), F.A.C.: Deletes paragraph containing the repealed Affidavit of Separation Supplement, form CJSTC-61A, because the form will no longer be used.

Paragraph 11B-27.00211(2)(a), F.A.C.: Updates the forms website link.

Paragraph 11B-27.003(2)(a), F.A.C.: Revises the Internal Investigation Report, form CJSTC-78, to update the instructions for completing the form; specifies that only the last four digits of the officer’s social security number are required for completion of the form, pursuant to 119.071, F.S.; and updates the forms website link.



Sub-paragraphs 11B-27.005(5)(c)16.-17., F.A.C.: Adds the violation of “prejudicial behavior” to the penalty guidelines and includes recommended penalty ranges of “written reprimand to revocation” and “revocation”.

SUMMARY: Add rule language to define and include penalty guidelines for “prejudicial behavior” as a moral character violation; update forms website links and revised Exemption-From-Training, form CJSTC-76; Physician’s Assessment, form CJSTC-75; Affidavit of Separation, form CJSTC-61; and Internal Investigation Report, form CJSTC-78; repealed Physical Fitness Assessment, form CJSTC-75B, and Affidavit of Separation Supplement, form CJSTC-61A.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

OTHER RULES INCORPORATING THIS RULE: N/A. EFFECT ON THOSE OTHER RULES: N/A. The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

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

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

LAW IMPLEMENTED: 943.12(3), 943.13, 943.13(7), 943.133, 943.139, 943.1395, 943.1395(5), (7), (8) FS.

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

DATE AND TIME: Wednesday, May 10, 2017 at 10:00 a.m.  
 PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

**THE FULL TEXT OF THE PROPOSED RULE IS:**

11B-27.0011 Moral Character.

(1) through (3) No change.

(4) For the purposes of the Criminal Justice Standards and Training Commission’s implementation of any of the penalties specified in 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 14. No change.

15. Prejudicial Behavior:

a. The perpetration by the officer of either a course of conduct or a single egregious act that evidences prejudice based on the race, color, religion, sex, pregnancy, national origin, age handicap, or sexual orientation, which does not involve an expression of public concern, and which causes substantial doubts concerning the officer’s honesty, fairness, or respect for the rights of others or for the laws of the state and nation, irrespective of whether such act or conduct constitutes a crime:  
or

b. Knowingly, willfully, and actively participating in any activity committed with the intent to benefit, promote, or further the interests of a “hate group”, as defined in Section 874.03(6), Florida Statutes.

(d) No change.

(5) through (7) No change.

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

27-06, 3-21-07, 6-9-08, 4-16-09, 6-3-10, 5-21-12, 3-13-13, 5-29-14, 7-29-15, 9-4-16, \_\_\_\_\_.

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

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

(a) through (c) No change.

(d) A Physician's Assessment, form CJSTC-75, revised ~~August 4, 2016, effective November 8, 2007,~~ hereby incorporated by reference, or an equivalent form signed by a physician, certified advanced registered nurse practitioner, or physician assistant licensed in the United States or its territories, verifying the applicant's fitness to perform the duties of an officer pursuant to Section 943.13(6), F.S. Form CJSTC-75 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615. A copy of the officer's position description shall be reviewed by the physician to ensure that the applicant can meet the physical standards required of the position. A Patient Information, form CJSTC-75A, revised November 8, 2007, hereby incorporated by reference, may also be provided to the examining physician, certified advanced registered nurse practitioner, or physician assistant for reference. Form CJSTC-75A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615. The CJSTC-75 form or equivalent, shall be completed with each new employment or appointment of an officer, and shall not be completed more than one year prior to an officer's employment or appointment. A CJSTC-75 form prepared for a specific employing agency shall not be used by any other employing agency.

(e) through (h) No change.

(2) No change.

(3) Employment requirements pursuant to Sections 943.13, F.S., shall be documented on an Agency New Hire Report, form CJSTC-207, revised November 8, 2007, hereby incorporated by reference. Form CJSTC-207 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(a) No change.

1. through 10. No change.

11. An Exemption-From-Training, form CJSTC-76, revised ~~August 4, 2016, November 5, 2015,~~ effective \_\_\_\_\_ ~~9/2016,~~ hereby incorporated by reference ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-07380>,~~ and an Exemption-From-Training Proficiency Demonstration, form CJSTC-76A, revised November 6, 2014, effective 7/2015, hereby incorporated by reference, for previous Florida and out-of-state, federal, or military officers, if the officer used this training option. Forms CJSTC-76 and CJSTC-76A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

12. through 14. No change.

15. An Affidavit of Separation, form CJSTC-61, ~~revised August 4, 2016, November 5, 2015,~~ effective \_\_\_\_\_ ~~9/2016,~~ hereby incorporated by reference ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-07371>,~~ and ~~Affidavit of Separation Supplement, form CJSTC-61A, revised December 16, 2010, (effective 5/2012),~~ hereby ~~incorporated by reference,~~ if the officer has separated employment with the agency. Forms ~~CJSTC-61 and CJSTC-61A~~ can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(b) No change.

(4) through (5) No change.

~~(6) A completed Affidavit of Separation Supplement form CJSTC-61A, shall be submitted to Commission staff, along with form CJSTC-61, whenever there is a separation involving a violation of Section 943.13(4), F.S., or while being investigated for an alleged moral character violation.~~ Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.133, 943.139, 943.1395 FS. History—New 10-6-82, Amended 4-26-84, 1-7-85, Formerly 11B-27.02, Amended 9-3-87, 3-29-89, 5-14-92, 12-13-92, 9-5-93, 1-19-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 6-3-10, 5-21-12, 3-13-13, 5-29-14, 7-29-15, 9-4-16, \_\_\_\_\_.

11B-27.00211 Fingerprint Processing and Criminal Record Results. An employing agency shall maintain on file, at minimum, a Federal Bureau of Investigation Civil Applicant Response provided from a Live Scan device by the Florida Department of Law Enforcement (FDLE) Certified Mail Application, with the National Crime Information Center (NCIC) criminal history record attached, and an FDLE Customer Summary Report and Transaction Listing with the Florida Criminal Information Center (FCIC) criminal history record attached. If a Civil Applicant Response is not received by the agency, the FCIC Criminal History indicating no single

state or multi-state offender criminal history record exists shall be proof the applicant’s fingerprints have been processed.

(1) No change.

(2) Private Correctional Institutions and Jails.

(a) Private correctional institutions under contract with the Florida Department of Management Services (DMS) or the Florida Department of Children and Families (DCF) shall submit for processing an applicant’s fingerprints to the FDLE. The private correctional institution is required to use an electronic fingerprinting submission device and is responsible for any cost associated with the fingerprint submission. The response to the fingerprint submission shall be electronically transmitted to the respective contract agency (DMS or DCF) for review for compliance with Section 943.13(4), F.S. The contract agency will complete the Fingerprint Notification, form CJSTC-62, revised November 8, 2007, hereby incorporated by reference, or other written notice to document compliance with Section 943.13(4), F.S., and provide it to the private correctional institution. Form CJSTC-62 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(b) No change.

(3) through (11) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.133, 943.139, 943.1395 FS. History—New 11-5-02, 11-30-04, 6-9-08, 5-29-14,\_\_\_.

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

(1) No change.

(2) Upon concluding the investigation:

(a) If the allegations are sustained, the employing agency shall complete an Internal Investigation Report, form CJSTC-78, revised August 4, 2016, effective ~~November 8, 2007~~, hereby incorporated by reference, regardless of whether any civil service appeal, arbitration, employment hearing, administrative, civil, or criminal action is pending or contemplated. Form CJSTC-78 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(b) through (c) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.1395(5) FS. History—New 10-6-82, Amended 1-7-85, Formerly 11B-27.03, Amended 12-13-92, 9-5-93, 7-7-99, 8-22-00, 11-5-02, 11-30-04, 6-9-08,\_\_\_.

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

(1) through (4) No change.

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

(a) through (b) No change.

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

1. through 15. No change.

	<b>Violation</b>	<b>Recommended Penalty Range</b>
16.	Prejudicial Behavior specified in 11B-27.0011(4)(c)15.a., F.A.C.	Written reprimand to revocation
17.	Prejudicial Behavior specified in 11B-27.0011(4)(c)15.b., F.A.C.	Revocation

(d) No change.

(6) through (10) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.1395(8) FS. History—New 10-6-82, Amended 1-7-85, Formerly 11B-27.05, Amended 3-29-89, 12-13-92, 2-17-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 4-11-04, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 6-3-10, 5-21-12, 5-29-14, 9-4-16, \_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bureau Chief Glen Hopkins

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 14, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2016

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE NOS.:	RULE TITLES:
11B-30.006	State Officer Certification Examination General Eligibility Requirements
11B-30.0062	State Officer Certification Examination Assignment and Retake Eligibility Requirements
11B-30.007	Application for the State Officer Certification Examination and Notification Process
11B-30.0071	Examination Accommodations for Applicants with Disabilities
11B-30.008	State Officer Certification Examination Site Administration
11B-30.009	Applicant Conduct at Test Site and Notice of Protection of Program Privileges
11B-30.011	Examination Scoring and Grade Notification
11B-30.012	Post Examination Review of Missed Questions, Answers, and Grading Key
11B-30.013	Challenge to Examination Results; Right of Hearing

**PURPOSE AND EFFECT:** Paragraph 11B-30.006(2)(b), F.A.C.: Incorporates the revised Exemption-From-Training, form CJSTC-76, to change the discipline field name to “Florida Correctional Probation Officer Training Academy” and revise the deficiency topics.

Subsection 11B-30.0062(1), F.A.C.: Removes the rule text relating to “paper and pencil or computer-based” examination, as the paper and pencil option is no longer offered because only computer-based testing is available.

Subsection 11B-30.007(1), F.A.C.: Updates the FDLE website link for applicants to access, complete, and submit an online application to take the State Officer Certification Examination (SOCE).

Subsection 11B-30.0071(1), F.A.C.: Updates the FDLE website link for applicants to access the “Request for Test Accommodations for Examinees with Disabilities,” document.

Paragraphs 11B-30.0071(2)-(3), F.A.C.: Removes the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered; and updates the forms website link.

Paragraphs 11B-30.0071(3)(a)-(b), F.A.C.: Removes the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered; and provides clarification to define approved flexible time limits for testing accommodations.

Paragraphs 11B-30.0071(3)(c)-(d), F.A.C.: Deletes the rule text relating to paper and pencil examination because this option is no longer offered.

Subsection 11B-30.0071(4), F.A.C.: Removes the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered.

Subsection 11B-30.0071(6), F.A.C.: Removes the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered.

Subsection 11B-30.008(1), F.A.C.: Removes the specific reference to computer-based examination because the paper and pencil option is no longer offered.

Paragraph 11B-30.008(1)(a), F.A.C.: Makes a grammatical change.

Paragraphs 11B-30.008(2)-(3), F.A.C.: Deletes Rule 11B-30.008(2)-(3), F.A.C., because the rule sections provide paper and pencil examination instructions, which are no longer required because administration of the paper and pencil examination is no longer offered.

Subsection 11B-30.009(1), F.A.C.: Removes the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered.

Paragraph 11B-30.009(4)(b), F.A.C.: Removes the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered.

Rule 11B-30.011, F.A.C.: Removes the rule text relating to paper and pencil or computer-based examination scoring and grade notification because the paper and pencil option is no longer offered.

Subsection 11B-30.012(6), F.A.C.: Clarifies and adds rule text to explain that challenges will not be processed if an individual retakes and passes the examination before their submitted challenges are processed.

Rule 11B-30.013, F.A.C.: Removes the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered.

**SUMMARY:** Revised Exemption-From-Training, form CJSTC-76; procedures related to examination challenges and “paper and pencil or computer-based” examinations; and updated website links.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

OTHER RULES INCORPORATING THIS RULE: N/A.  
EFFECT ON THOSE OTHER RULES: N/A. The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

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

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

LAW IMPLEMENTED: 120, 943.12(17), 943.13(7), (10), 943.131(2), 943.1397, 943.1397(1), (3), 943.173 FS.

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

DATE AND TIME: Wednesday, May 10, 2017, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) No change.

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

(a) No change.

(b) Inactive Florida law enforcement, correctional, and correctional probation officers, defined in Section 943.1395(3), F.S., who comply with paragraph 11B-27.00212(12)(a), and Rule 11B-35.009, F.A.C., shall pass the SOCE within one year of notification of approval of the Exemption-From-Training, form CJSTC-76, revised August 4, 2016, ~~November 5, 2015~~, effective 9/2016, incorporated by reference, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07381>. Form CJSTC-76 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(c) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17), 943.131(2), 943.1397 FS. History— New 1-10-94, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 6-3-10, 5-21-12, 5-29-14, 7-29-15, 9-4-16,\_\_\_\_\_.

11B-30.0062 State Officer Certification Examination Assignment and Retake Eligibility Requirements.

(1) Individuals who have successfully completed a Commission-approved Basic Recruit Training Program or are exempt from a Basic Recruit Training Program, pursuant to subsection 11B-30.006(2), F.A.C., shall be allowed to apply for and take the ~~applicable Paper and Pencil or Computer Based~~ State Officer Certification Examination (SOCE) corresponding to the specific law enforcement, correctional, or correctional probation discipline and curriculum for which training was completed or exempted. Individuals completing a Basic Recruit Training Program shall pass the SOCE within four years of the beginning date of training pursuant to subsection 11B-27.002(4), F.A.C. Individuals exempt from a Basic Recruit Training Program shall pass the SOCE within one year of receiving the exemption pursuant to Section 943.131, F.S.

(2) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17), 943.13(10), 943.1397 FS. History - New, 7-29-01, Amended 11-5-02, 11-30-04, 6-9-08, 5-21-12, 3-13-13,\_\_\_\_\_.

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

(1) Application to take the State Officer Certification Examination (SOCE) shall be made by submitting an application online per the instructions available on the following FDLE website, <http://www.fdle.state.fl.us/cms/CJSTC/Officer-Requirements/How-to-Become-an-Officer.aspx> [http://www.fdle.state.fl.us/Content/certification\\_exam.aspx](http://www.fdle.state.fl.us/Content/certification_exam.aspx).

All applications shall be accompanied by payment of the \$100 examination fee using a credit card or debit card:

(2) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17), 943.1397(3) FS. History—New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04, 3-21-07, 6-9-08, 9-28-09, 5-21-12, 5-29-14, \_\_\_\_\_.

11B-30.0071 Examination Accommodations for Applicants with Disabilities.

(1) In compliance with the Americans with Disabilities Act (ADA) of 1990, the Department shall provide reasonable and appropriate accommodations to individuals with physical, mental, or specific learning disabilities to the extent such accommodations do not create an undue cost, administration restraints, security considerations, and availability of resources. Accommodations made will vary depending upon the nature and the severity of the disability. Each case shall be dealt with on an individual basis with the limits prescribed herein. Reference information and guidelines regarding the process for documenting disabilities are contained in the “Request for Test Accommodations for Examinees with Disabilities,” document, which may be obtained via the following web address: <http://www.fdle.state.fl.us/cms/CJSTC/Documents/Exam/SpecialAccommodationsManual-1.aspx> ~~<http://www.fdle.state.fl.us/cjst/exam/SpecialAccommodationsManual.pdf>~~ or by writing to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Certification Examination Section, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: ADA Coordinator, or by calling (Voice): (850)410-8600, (TDD): (850)410-7948.

(2) An applicant requesting special accommodations shall submit an Application for Individuals Requesting Special Test Accommodations, form CJSTC-502, revised November 8, 2007, hereby incorporated by reference, ~~which shall be submitted forty five calendar days prior to the requested examination date for the Paper and Pencil State Officer Certification Examination (P&P SOCE). For the Computer-Based State Officer Certification Examination (CB SOCE),~~ Commission staff shall notify the applicant of the approval or denial of accommodations within forty-five calendar days of receipt of form CJSTC-502. Form CJSTC-502 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx> ~~<http://www.fdle.state.fl.us/Content/CJST/Publications/ProfessionalismProgramForms.aspx>~~, or by contacting Commission staff at (850)410-8615. The individual shall provide documentation of the disability by an appropriate professional, pursuant to paragraph (7)(e) of this rule section, when the disability and the requested accommodations are not obvious. Form CJSTC-502 may be obtained by writing to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Certification Examination Section, Post Office Box 1489, Tallahassee, Florida 32302-1489,

Attention: ADA Coordinator, or by calling (Voice): (850)410-8602, (TDD): (850)410-7958.

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

(a) Flexible Time. Individuals requiring extra time to take the ~~P&P SOCE or CB SOCE~~ shall submit a recommendation of such from an appropriate professional, pursuant to paragraph (7)(e) of this rule section. Approved accommodations for extra time shall be limited to one and a half times the regularly allowed time to complete the examination. Untimed certification examinations shall not be provided.

(b) Flexible Setting. Individual and small group settings for administration of the ~~P&P SOCE~~ shall be made available to individuals when such a service is recommended by an appropriate professional, ~~however, and the CB SOCE~~ flexible settings are subject to test site capabilities.

~~(c) Flexible Format. The test booklet may be produced in large print for the P&P SOCE.~~

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

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

(5) No change.

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

(7) No change.

Rulemaking Authority 943.03(4), 943.12(1), 943.1397 FS. Law Implemented 943.12(17), 943.1397 FS. History—New 7-29-01, Amended 11-5-02, 11-30-04, 3-21-07, 6-9-08, 5-21-12, \_\_\_\_\_.

11B-30.008 State Officer Certification Examination Site Administration.

(1) Administration of the Computer-Based State Officer Certification Examination (CB-SOCE) shall be limited to test sites authorized by the Commission and located within the State of Florida. To be eligible to administer the CB-SOCE, a test site must be:

(a) A test center exclusively dedicated to the administration of academic and/or professional certification or licensure

examinations and operated or contracted by a Commission-approved criminal Justice training center or its parent organization; or

(b) A computer lab located at a Commission-approved criminal justice training school.

~~(2) Examination administrators and proctors are responsible for maintaining secure and proper administration of the Paper and Pencil State Officer Certification Examination (P&P SOCE). During the administration of the SOCE, applicants shall follow the instructions of the examination administrator and proctors, and shall only be permitted to ask questions of the examination administrator relating to the test administration instructions.~~

~~(3) An applicant who has been scheduled to take the P&P SOCE shall arrive at the scheduled examination site on the designated date and time, and shall present a valid photo identification. Each time an applicant takes the examination, the applicant shall present a valid driver's license, state identification card issued by the Florida Department of Highway and Safety Motor Vehicles, a valid military identification, or a State of Florida agency identification card. The identification shall contain the applicant's first and last name, which shall correspond with the name on the examination roster.~~

Rulemaking Authority 943.03(4), 943.12(1), (17) FS. Law Implemented 943.12(17), 943.131(2) FS. History-New 1-10-94, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-21-07, 6-9-08, 5-21-12, 5-29-14,\_\_\_\_\_.

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

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

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

(a) through (m) No change.

(2) through (3) No change.

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

(a) No change.

(b) Possession of anything other than the personal identification ~~and pencils~~ at the test site for the ~~P&P SOCE~~. ~~Possession of anything other than personal identification for the Computer Based SOCE (CB SOCE).~~

(5) through (6) No change.

Rulemaking Authority 943.03(4), 943.12(1), (17), 943.173(3) FS. Law Implemented 943.12(17), 943.13(7), 943.1397(1), (3), 943.173 FS. History-New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 5-21-12,\_\_\_\_\_.

11B-30.011 Examination Scoring and Grade Notification. Individuals who graduate from a Commission-approved Basic Recruit Training Program shall be required to achieve a passing score on the State Officer Certification Examination (SOCE) with an overall scale score equal to or higher than the established cut-off score. Official examination results shall only be stored in, and retrieved from, the Commission's Automated Training Management System (ATMS). ~~For the Paper and Pencil State Officer Certification Examination (P&P SOCE), Commission staff shall provide the applicant, within thirty days of the test date, with an unofficial grade notification to be used for the applicant's records only. For the Computer Based State Officer Certification Examination (CB SOCE)~~ The applicant shall receive an unofficial grade notification at the conclusion of the examination.

Rulemaking Authority 943.03(4), 943.12(1), (17) FS. Law Implemented 943.12(17), 943.1397(1) FS. History-New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 5-21-12, 5-29-14,\_\_\_\_\_.

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

(1) through (5) No change.

(6) Individuals submitting challenges to questions shall be notified in writing, within thirty working days of the post-examination review session of the Commission's response to the challenges submitted during the post-examination review session. Submitted challenges shall not be processed should an individual retake and pass the examination before receiving the Commission's response to the challenges submitted.

Rulemaking Authority 943.03(4), 943.12(1), (17) FS. Law Implemented 943.12(17), 943.173 FS. History-New 1-10-94, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 5-21-12, 5-29-14, 7-29-15, 9-4-16,\_\_\_\_\_.

11B-30.013 Challenge to Examination Results; Right of Hearing. Should the Commission deny an individual's ~~Paper and Pencil or Computer Based~~ State Officer Certification Examination (SOCE) grade review challenge, the Commission shall notify the individual by submitting a statement denying the challenge. The statement shall specify the basis for the Commission's denial and shall be forwarded to the individual. The individual shall be entitled to a hearing pursuant to the Administrative Procedures Act set forth in Chapter 120, F.S., and the Uniform Rules of Procedure, Rule Chapter 28, F.A.C. Rulemaking Authority 943.03(4), 943.12(1), (17) FS. Law Implemented 120, 943.12(17) FS. History-New 1-10-94, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 5-21-12,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Bureau Chief Glen Hopkins  
 NAME OF AGENCY HEAD WHO APPROVED THE  
 PROPOSED RULE: Governor and Cabinet  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: March 14, 2017  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAR: October 31, 2016

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE NOS.:      RULE TITLES:  
 11B-35.001      General Training Programs; Requirements  
                             and Specifications  
 11B-35.0010     eLearning Instruction  
 11B-35.002      Basic Recruit Training Programs for Law  
                             Enforcement, Correctional, and Correctional  
                             Probation  
 11B-35.0021     Courses and Requirements for Basic Recruit  
                             Training, Advanced, Specialized and  
                             Instructor Training Requiring Proficiency  
                             Demonstration  
 11B-35.0023     Student Transfers within Basic Recruit  
                             Training Programs  
 11B-35.0024     Student Performance in Commission-  
                             approved High-Liability Basic Recruit  
                             Training Courses and Instructor Training  
                             Courses Requiring Proficiency  
                             Demonstration  
 11B-35.003      Basic Recruit Training Programs for Law  
                             Enforcement, Correctional, and Correctional  
                             Probation Auxiliary Training  
 11B-35.009      Exemption from Basic Recruit Training

PURPOSE AND EFFECT: Paragraphs 11B-35.001(9)-(15), F.A.C.: Deletes subsection 11B-35.001(9), F.A.C., because the Correctional Probation Basic Recruit Training Program was developed and approved with an effective date of November 1, 2016; and renumbers subsections 11B-35.001(9)-(15), F.A.C. Paragraph 11B-35.001(10)(b), F.A.C.: Incorporates and revises the Academy Physical Fitness Standards Report, form CJSTC-67A, to update the rule reference and only request the last four digits of the student’s social security number; updates the name of the Florida Correctional Probation BRTP by adding “BRTP”; and adds the Florida Correctional Probation Officer Training Academy course as another course that requires the submission of form CJSTC-67A. Sub-paragraph 11B-35.001(10)(d)8., F.A.C.: Updates the title of the ATMS Global Profile Report to reflect ATMS Global Profile Sheet for consistency within the rule and incorporates the revised Instructor Exemption, form CJSTC-82, which adds a certification statement to ensure the training center director or designee is aware of their responsibility to verify individual meets the eligibility requirements.

Sub-paragraphs 11B-35.001(10)(d)9.-10., F.A.C.: Updates the rule reference. Sub-paragraph 11B-35.001(10)(d)13., F.A.C.: Updates the rule reference. Sub-paragraph 11B-35.001(10)(d)14., F.A.C.: Incorporates the revised Physician’s Assessment, form CJSTC-75, which combines the original Physician’s Assessment, form CJSTC-75, and the Physical Fitness Assessment, form CJSTC-75B, to create the revised Physician’s Assessment, form CJSTC-75, to replace the repealed Physical Fitness Assessment, form CJSTC-75B. Paragraph 11B-35.001(11)(c), F.A.C.: Updates the rule reference. Paragraph 11B-35.001(12)(a), F.A.C.: Updates the rule reference. Paragraph 11B-35.001(12)(b), F.A.C.: Updates the rule reference. Subsection 11B-35.001(13), F.A.C.: Updates the rule reference. Paragraph 11B-35.001(14)(b), F.A.C.: Revises the rule text to require a student to complete the Physician’s Assessment, form CJSTC-75, prior to beginning a Basic Recruit Training Program, instead of completing the Physical Fitness Assessment, form CJSTC-75B, which is being repealed. Paragraph 11B-35.0010(4)(a), F.A.C.: Makes a grammatical change. Paragraph 11B-35.0010(4)(b), F.A.C.: Updates the forms website link. Subparagraph 11B-35.002(1)(a)7., F.A.C.: Retires the Correctional Officer Cross-Over Training to Florida Law Enforcement Academy, number 2003, because it is being replaced with the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy, number 3002. Subparagraph 11B-35.002(1)(a)8., F.A.C.: Retires the Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy, number 2004 because it is being replaced with the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy, number 3005. Sub-paragraph 11B-35.002(1)(a)9., F.A.C.: Adds the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 3002 to the list of Law Enforcement Basic Recruit Training Programs, effective July 1, 2016, to replace the retired Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 2003. Sub-paragraph 11B-35.002(1)(a)10., F.A.C.: Adds the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy number 3005 to the list of Law Enforcement Basic Recruit Training Programs, effective July 1, 2016, to replace the retired Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy number 2004.



Sub-paragraph 11B-35.002(1)(b)5., F.A.C.: Retires the Correctional Probation Officer Training to Florida CMS Correctional BRTP, number 1193, because it is being replaced with the new Correctional Probation Officer Training to Florida CMS Correctional BRTP, number 3004.

Sub-paragraphs 11B-35.002(1)(b)8.-9., F.A.C.: Retires the Law Enforcement Officer Cross-Over Training to Florida CMS Correctional BRTP, number 2005, because it is being replaced with the new Law Enforcement Officer Cross-Over Training to Florida CMS Correctional BRTP, number 3001. Commission staff is no longer using crossover-specific courses in the crossover programs. Instead staff is only using existing courses in their entirety from the discipline to be learned.

Sub-paragraph 11B-35.002(1)(b)10., F.A.C.: Adds the new Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 3004 to the list of Correctional Basic Recruit Training Programs, effective July 1, 2016, to replace the retired Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 1193 because crossover-specific courses are no longer being used.

Sub-paragraph 11B-35.002(1)(c)1., F.A.C.: Retires the Florida Correctional Probation BRTP number 1176.

Sub-paragraph 11B-35.002(1)(c)2., F.A.C.: Retires the Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy number 1183 and replaces it with the new Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy number 3003.

Sub-paragraph 11B-35.002(1)(c)4., F.A.C.: Revises the rule text to require a basic recruit student to complete the new Florida Correctional Probation Officer Training Academy instead of the Correctional Probation BRTP in order to become a certified Correctional Probation Auxiliary Officer. Also updates the rule references.

Sub-paragraph 11B-35.002(1)(c)5., F.A.C.: Adds the new Florida Correctional Probation Officer Training Academy number 3000 to the list of Correctional Probation Basic Recruit Training Programs, effective November 1, 2016.

Sub-paragraph 11B-35.002(1)(c)6., F.A.C.: Adds the new Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy number 3003 to the list of Correctional Probation Basic Recruit Training Programs to replace the Correctional Officer Cross-Over Training to Florida Correctional Probation BRTP number 1183, effective November 1, 2016.

Paragraph 11B-35.002(5)(d), F.A.C.: Retires the Florida Correctional Probation Basic Recruit Training Program number 1176 and deletes the table of associated courses.

Paragraph 11B-35.002(5)(f), F.A.C.: Includes the new Florida Correctional Probation Officer Training Academy number 3000 and associated courses to the list of Correctional Probation Basic Recruit Training Programs, effective November 1, 2016.

Sub-paragraph 11B-35.002(6)(d)2., F.A.C.: Replaces the Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 2003 with the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 3002 because crossover-specific courses are no longer used in the crossover programs.

Sub-paragraphs 11B-35.002(6)(d)3.-7., F.A.C.: Renumbers the rule subsections because the list of Correctional Probation Basic Recruit Training Programs was updated.

Sub-paragraph 11B-35.002(6)(d)3., F.A.C.: Includes the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 3002 and associated courses to the Law Enforcement Cross-Over Basic Recruit Training Programs because crossover-specific courses are no longer used in the crossover programs.

Sub-paragraph 11B-35.002(6)(d)5., F.A.C.: Replaces the Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy number 2004 with the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy number 3005 because crossover-specific courses are no longer used in the crossover programs.

Sub-paragraph 11B-35.002(6)(d)6., F.A.C.: Includes the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy number 3005 to the list of Correctional Probation Basic Recruit Training Programs, effective July 1, 2016.

Sub-paragraph 11B-35.002(6)(e)2., F.A.C.: Replaces the retired Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 2005 with the Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 3001; and renumbers subparagraphs in Rule 11B-35.002(6)(e), F.A.C.

Sub-paragraph 11B-35.002(6)(e)3., F.A.C.: Adds the new Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 3001 and associated courses to the list of Correctional Cross-Over Basic Recruit Training Programs, effective July 1, 2016.

Sub-paragraph 11B-35.002(6)(e)6., F.A.C.: Replaces the retired Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 1193 with the Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 3004.

Sub-paragraph 11B-35.002(6)(e)7., F.A.C.: Adds the new Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number

3004 and associated courses to the list of Correctional Cross-Over Basic Recruit Training Programs, effective July 1, 2016.

Sub-paragraph 11B-35.002(6)(f)5., F.A.C.: Replaces the retired Correctional Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program number 1183 with the Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy number 3003.

Sub-paragraph 11B-35.002(6)(f)6., F.A.C.: Adds the new Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy number 3003 and associated courses to the list of Correctional Probation Cross-Over Basic Recruit Training Programs, effective November 1, 2016.

Sub-paragraph 11B-35.0021(1)(e), F.A.C.: Removes the “Cross-Over Handgun Transition Course” from the High-Liability Basic Recruit Training Program and retires the course from crossover programs involving the Corrections Officer BRTP because corrections officers no longer need this training.

Paragraph 11B-35.0021(8)(a), F.A.C.: Removes the “Cross-Over Handgun Transition Course” as a course that requires instructor to student ratio of proficiency demonstration. The course is being retired from cross-over programs involving the Corrections Officer BRTP because corrections officers no longer need this training.

Paragraph 11B-35.0023(2)(c), F.A.C.: Updates the title of the ATMS Global Profile Report to reflect ATMS Global Profile Sheet for consistency within the rule; and adds text to allow for other documentation as proof of a student’s course completion.

Subsection 11B-35.0023(3), F.A.C.: Adds new paragraph to include text that allows high liability courses completed in one Basic Recruit Training Program to be transferred to another Program and identify the requirements which must be met in order to transfer the courses.

Paragraphs 11B-35.0023(3)(a)-(d), F.A.C.: Includes rule language to identify the requirements which must be met in order to transfer from one Basic Recruit Training Program to another Program.

Paragraphs 11B-35.0023(4)-(6), F.A.C.: Renumbers paragraphs because the new paragraph 11B-35.0023(3), F.A.C., was added.

Subsection 11B-35.0024(3), F.A.C.: Removes the “Cross-Over Handgun Transition Course” as a proficiency demonstration course. The course is being retired from cross-over programs involving the Corrections Officer BRTP because corrections officers no longer need this training.

Sub-paragraph 11B-35.0024(3)(a)3., F.A.C.: Revises the rule text to require a basic recruit student to complete the Physician’s Assessment, form CJSTC-75, prior to beginning a Basic Recruit Training Program, instead of completing the

Physical Fitness Assessment, form CJSTC-75B, which is being repealed.

Subsection 11B-35.0024(4), F.A.C.: Removes the specialized “Role-play Scenario for Facilitative Learning” course from a list of courses that require students to demonstrate proficiency. Also, removes related text stating the same.

Paragraph 11B-35.0024(4)(m), F.A.C.: Removes the unnecessary statement that the Role-play Scenarios for Facilitative Learning course, number 2001, does not require a proficiency demonstration.

Subsection 11B-35.003(2), F.A.C.: Updates the rule text to reflect that an applicant must complete the Florida Correctional Probation Officer Training Academy in its entirety in order to become a certified law enforcement or correctional auxiliary officer.

Subsection 11B-35.003(8), F.A.C.: Revises the rule text to require an individual to complete the new Florida Correctional Probation Officer Training Academy number 3000 instead of the Florida Correctional Probation Basic Recruit Training Program, number 1176, in order to become a correctional probation auxiliary officer.

Paragraph 11B-35.009(3)(c), F.A.C.: Updates the topics and exemption-from-training requirements for correctional probation officer training to complete the new Florida Correctional Probation Officer Training Academy number 3000 instead of the Florida Correctional Probation Basic Recruit Training Program, number 1176.

Subsection 11B-35.009(5), F.A.C.: Incorporates the revised Exemption-From-Training, form CJSTC-76, to change the discipline field name to “Florida Correctional Probation Officer Training Academy” and revise the deficiency topics.

**SUMMARY:** Criminal justice officer training programs and course requirements; revised Academy Physical Fitness Standards Report, form CJSTC-67A; and Physician’s Assessment, form CJSTC-75; repealed Physical Fitness Assessment, form CJSTC-75B; grammatical change and updated rule references, forms website link, and title of the ATMS Global Profile Sheet.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s economic analysis of the adverse

impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

OTHER RULES INCORPORATING THIS RULE: N/A.  
EFFECT ON THOSE OTHER RULES: N/A. The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

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

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

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

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

DATE AND TIME: Wednesday, May 10, 2017, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) through (8) No change.

~~(9) Implementation of the new Correctional Probation Basic Recruit Training Program. The Commission is preparing~~

~~a significant update to the Commission approved Correctional Probation Basic Recruit Training Program to be implemented in 2016. This program and courses are based on a statewide job task analysis and provides an enhanced learning environment. Delivery of the program shall comply with the requirements set forth in the Commission's new approved Correctional Probation Basic Recruit Training Curriculum.~~

~~(9)(10) Reporting requirements for Commission-approved Basic Recruit, Advanced, and Specialized Training Program Courses are as follows:~~

~~(a) No change.~~

~~(b) Following the completion of a Commission-approved Basic Recruit Training Program, Advanced Training Program Course, or Instructor Training Course, the training center director or designee shall, within thirty days of the program or course completion date, electronically transmit a completed Training Report form CJSTC-67, or transmit an updated CJSTC-67 form through the Commission's ATMS. Submission of the Academy Physical Fitness Standards Report, form CJSTC-67A, revised August 4, 2016 ~~November 6, 2014~~, effective \_\_\_\_\_ 7/2015, hereby incorporated by reference, is required for the Florida CMS Law Enforcement, Florida Law Enforcement Academy, Florida Correctional Probation BRTP, Florida Correctional Probation Officer Training Academy, and Florida CMS Correctional Basic Recruit Training Programs within thirty days of the course completion. Form CJSTC-67A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.asp> x, or by contacting Commission staff at (850) 410-8615.~~

~~(c) No change.~~

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

~~1. through 7. No change.~~

~~8. List of course instructor(s) to include full name and a copy of the instructor's current ATMS Global Profile Sheet Report filed alphabetically in a master file, or maintained in the course file, or completion of Instructor Exemption, form CJSTC-82, revised August 4, 2016 ~~November 6, 2014~~, effective \_\_\_\_\_ 7/2015, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref-05654> if applicable. Form CJSTC-82 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.asp> x, or by contacting Commission staff at (850) 410-8615.~~

~~9. Student daily attendance records, to include documentation of excused absences, pursuant to subsection (10)(11) of this rule section.~~

10. Documentation of student makeup work, pursuant to subsection ~~(11)(12)~~ of this rule section.

11. through 12. No change.

13. Form CJSTC-67A for Basic recruit Training Programs pursuant to subsection 11B-35.001~~(13)(14)~~, F.A.C.

14. For Basic Recruit Training Programs, proof of compliance with Sections 943.14(7) and 943.17(1)(g), F.S., and paragraph 11B-35.001~~(13)(14)~~(b), F.A.C., which includes a completed Physician’s Assessment, form CJSTC-75, revised, August 4, 2016, effective , hereby incorporated by reference. ~~Physical Fitness Assessment, form CJSTC 75B, revised November 5, 2015, effective 9/2016, hereby incorporated by reference~~

~~http://www.flrules.org/Gateway/reference.asp?No=Ref-07379.~~ Form ~~CJSTC-75~~ CJSTC-75 can be obtained at the following FDLE Internet address: http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx, or by contacting Commission staff at (850) 410-8615.

15. through 16. No change.

~~(10)(11)~~ Student attendance requirements for Commission-approved Basic Recruit Training Programs outlined in subsection 11B-35.002(1), F.A.C., Specialized Training Programs outlined in subsection 11B-35.007(1), F.A.C., and Advanced Training Program Courses outlined in paragraph 11B-35.006(1)(b), F.A.C.

(a) through (b) No change.

(c) Competency-Based Instruction. The Commission approves competency-based instruction in the delivery of basic recruit training programs, specialized training program courses, specialized instructor training courses, and courses created from specialized goals and objectives, defined in subparagraph ~~(10)(12)~~(c)1., of this rule section.

1. through 3. No change.

~~(11)(12)~~ Student Re-examination Policy for Commission-approved Basic Recruit Training Program Courses.

(a) A student shall achieve a passing score, pursuant to subsection 11B-35.001~~(8)(9)~~, F.A.C., on all end-of-course examinations in a Commission-approved Basic Recruit Training Program to successfully complete a program. A student who has failed a written end-of-course examination may be granted a re-examination by the training center director if:

1. through 3. No change.

(b) Exclusive of the Commission’s Basic Recruit Training Courses requiring proficiency demonstration and re-examinations in paragraph ~~(11)(12)~~(a) of this rule section, a student may be granted one written end-of-course re-examination during a single Basic Recruit Training Program. Students, who have failed the written end-of-course examination after a second attempt, shall be deemed to have failed the course.

(c) No change.

~~(12)(13)~~ Student re-examination policy for Commission-approved Advanced and Specialized Training Program Courses. A student who has failed a written end-of-course examination in a Commission-approved Advanced or Specialized Training Program Course may be granted a re-examination of the course by the training center director as set forth in paragraph ~~(11)(12)~~(a) of this rule section. Each training school shall develop its own administrative procedures for processing a student’s request for a re-examination as set forth in subsection ~~(11)(12)~~ of this rule section. Training school procedures for processing student requests for re-examination shall be documented and maintained on file at the training school for review by Commission staff and the student.

~~(13)(14)~~ Basic Recruit Student Physical Fitness Program.

(a) No change.

(b) Basic Recruit Student Physical Fitness Test and Chemical Agent Exposure. Prior to beginning a Basic Recruit Training Program, a student shall receive a physical examination and complete the Physician’s Assessment, form CJSTC-75 ~~Physical Fitness Assessment form CJSTC 75B,~~ ~~https://www.flrules.org/Gateway/reference.asp?No=Ref-05637,~~ which shall be maintained in the student or course file at the training school.

(c) No change.

~~(14)(15)~~ Proof of course completion. A training school shall, within thirty days following the completion of a Commission-approved Basic Recruit, Advanced, or Specialized Training Program Course, provide to a student who has successfully completed the program, a certificate, which shall contain at a minimum, the name of the training school, the student’s name, the dates of the program or course, the number of program or course hours, the title of the Basic Recruit, Advanced, or Specialized Training Program Course, and the current training center director’s signature. Basic Recruit Training Completion Certificates shall contain the Curriculum Version Number for the course taught. The training school shall provide a certificate to a student who has successfully completed a Commission-approved Basic Recruit Training Program, and the student shall be required to pass the State Officer Certification Examination.

Rulemaking Authority 943.03(4), 943.12(1), (2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History—New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 6-3-10, 5-21-12, 3-13-13, 5-29-14, 7-29-15, 9-4-16, \_\_\_\_.

11B-35.0010 eLearning Instruction.

(1) through (3) No change.

(4) Training schools are permitted to expend Criminal Justice Standards and Training Trust Fund Officer Training Monies for conducting eLearning instruction for Commission-

approved Specialized Training Program Courses and Specialized Instructor Courses, and courses created from Specialized Goals and Objectives, provided the courses are delivered using a learning management system, are instructor led, and the courses meet minimum standards pursuant to (4)(b) of this rule section. Officer Training monies shall be expended pursuant to the requirements of Rule Chapter 11B-18, F.A.C.

(a) "Learning Management System" (LMS) is defined as a web-based software application for the administration, documentation, tracking, and reporting of training programs, classroom and on-line events, eLearning programs, and training content. The LMS shall facilitate:

1. through 11. No change.

(b) eLearning courses shall conform to the minimum standards and criteria established and shall be documented on the eLearning Course Minimum Standards, Form CJSTC-18, Commission-approved December 16, 2010, (effective 3/2013), hereby incorporated by reference, prior to delivery of the course and maintained in the course file. An electronic copy of the corresponding course shall be maintained for a minimum of five years, and upon request shall be made available for review by Commission staff. Form CJSTC-18 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx> ~~<http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism Program Forms.aspx>~~, or by contacting Commission staff at (850) 410-8615.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.175, 943.25 FS. History--New 3-13-13,\_\_\_

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

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

(a) Law Enforcement Discipline  
1. through 6. No change.

<b>(a) Law Enforcement Discipline</b>			
<u>Program Number</u>	<u>Basic Recruit Training Programs</u>	<u>Program Hours</u>	<u>Retired (R) Effective (E)</u>
-			

<u>7.</u>	<u>2003</u>	<u>Correctional Officer Cross-Over Training to Florida Law Enforcement Academy</u>	<u>515</u>	<u>E-7/1/14</u> <u>R-</u> <u>6/30/16</u>
<u>8.</u>	<u>2004</u>	<u>Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy</u>	<u>567</u>	<u>E-7/1/14</u> <u>R-</u> <u>6/30/16</u>
<u>9.</u>	<u>3002</u>	<u>Correctional Officer Cross-Over Training to Florida Law Enforcement Academy</u>	<u>518</u>	<u>E-7/1/16</u>
<u>10.</u>	<u>3005</u>	<u>Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy</u>	<u>532</u>	<u>E-7/1/16</u>

(b) Correctional Discipline  
1. through 4. No change.

<b>(b) Correctional Discipline</b>				
<u>Program Number</u>	<u>Basic Recruit Training Programs</u>	<u>Program Hours</u>	<u>Retired (R) Effective (E)</u>	
<u>5.</u>	<u>1193</u>	<u>Correctional Probation Officer Cross-Over Training to Florida CMS Correctional BRTP</u>	<u>250</u>	<u>E-7/1/12</u> <u>R-6/30/16</u>

6. through 7. No change.

<u>8.</u>	<u>2005</u>	<u>Law Enforcement Officer Cross-Over Training to Florida CMS Correctional BRTP</u>	<u>172</u>	<u>E-7/1/14</u> <u>R-6/30/16</u>
<u>9.</u>	<u>3001</u>	<u>Law Enforcement Officer Cross-Over Training to Florida CMS Correctional BRTP</u>	<u>198</u>	<u>E-7/1/16</u>
<u>10.</u>	<u>3004</u>	<u>Correctional Probation Officer Cross-Over Training to Florida CMS Correctional BRTP</u>	<u>238</u>	<u>E-7/1/16</u>

(c) Correctional Probation Discipline

<u>Correctional Probation Discipline</u>				
<u>(c)</u>	<u>Program Number</u>	<u>Basic Recruit Training Programs</u>	<u>Program Hours</u>	<u>Retired (R) Effective (E)</u>
<u>1.</u>	<u>1176</u>	<u>Florida Correctional Probation BRTP</u>	<u>449</u>	<u>E-4/1/08</u> <u>R-10/31/16</u>
<u>2.</u>	<u>1183</u>	<u>Correctional Officer Cross-Over Training to Florida Correctional Probation BRTP</u>	<u>194</u>	<u>E-4/1/08</u> <u>R-10/31/16</u>

3. No change.

<u>4.</u>	<u>NA</u>	<u>Correctional Probation Auxiliary BRTP; there is no course. To become certified as a Correctional Probation Auxiliary Officer, pursuant to subsection 11B-35.003(8), F.A.C., a basic recruit student shall complete the Florida Correctional Probation Officer Training Academy Correctional Probation BRTP, pursuant to paragraph (5)(g)(d) of this rule section.</u>	<u>NA</u>	<u>NA</u>
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<u>5.</u>	<u>3000</u>	<u>Florida Correctional Probation Officer Training Academy</u>	<u>482</u>	<u>E-11/1/16</u>
<u>6.</u>	<u>3003</u>	<u>Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy</u>	<u>290</u>	<u>E-11/1/16</u>

(2)(a) through (4) No change.

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

(a) through (c) No change.

(d) Florida Correctional Probation Basic Recruit Training Program number 1176, Version 2008.04 (Retired October 31, 2016). (~~Effective April 1, 2008~~):

<u>-</u>	<u>Course Name</u>	<u>Course Hours</u>
<u>1.</u>	<u>Correctional Probation Legal</u>	<u>57</u>
<u>2.</u>	<u>Correctional Probation Interpersonal Communication Skills</u>	<u>44</u>
<u>3.</u>	<u>Correctional Probation Caseload Management</u>	<u>40</u>
<u>4.</u>	<u>Correctional Probation Supervision</u>	<u>88</u>
<u>5.</u>	<u>Correctional Probation Investigations</u>	<u>39</u>
<u>6.</u>	<u>Correctional Probation Management Information Systems</u>	<u>27</u>
<u>7.</u>	<u>CMS Criminal Justice Defensive Tactics</u>	<u>80</u>
<u>8.</u>	<u>CMS First Aid for Criminal Justice Officers</u>	<u>40</u>
<u>9.</u>	<u>Criminal Justice Officer Physical Fitness Training</u>	<u>34</u>
<u>-</u>	<u>TOTAL</u>	<u>449</u>

(e) No change.

(f) Florida Correctional Probation Officer Training Academy number 3000 (Effective November 1, 2016):

	<u>Course Name</u>	<u>Course Hours</u>
-		
1.	Introduction to Correctional Probation	14
2.	Legal Foundations for Correctional Probation	44
3.	Communications	46
4.	Intake and Orientation	24
5.	Caseload Management	32
6.	Supervision of Offenders	88
7.	Field Supervision	80
8.	CMS First Aid for Criminal Justice Officers	40
9.	CMS Criminal Justice Defensive Tactics	80
10.	Criminal Justice Officer Physical Fitness Training	34
	<u>TOTAL</u>	<u>482</u>

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

(a) through (c) No change.

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

1. No change.

2. Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 2003 (Retired June 30, 2016). (Effective July 1, 2014). An individual, who has successfully completed the Correctional Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a law enforcement officer:

	<u>Course Title</u>	<u>Course Hours</u>
a.	Overview of Law Enforcement	64
b.	Interactions In Crisis Situations	10
e.	Reporting Procedures	32
d.	Fundamentals Of Patrol	35
e.	Calls For Service	36

f.	Criminal Investigations	50
g.	Crime Scene To Courtroom	35
h.	Critical Incidents	44
i.	Traffic Stops	30
j.	DUI Traffic Stops	24
k.	Traffic Crash Investigations	32
l.	Cross Over Program Updates	8
m.	CMS Law Enforcement Vehicle Operations	48
n.	Dart Firing Stun Gun	8
o.	Cross Over Handgun Transition Course	24
p.	Correctional Cross over to Law Enforcement Officer Wellness	35
	<u>TOTAL</u>	<u>515</u>

3. Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 3002 (Effective July 1, 2016). An individual, who has successfully completed the Correctional Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a law enforcement officer:

	<u>Course Title</u>	<u>Course Hours</u>
a.	Introduction to Law Enforcement	10
b.	Legal	62
c.	Interactions With a Diverse Community	40
d.	Interviewing and Report Writing	56
e.	Fundamentals of Patrol	35
f.	Calls For Service	36
g.	Criminal Investigations	50
h.	Crime Scene To Courtroom	35
i.	Critical Incidents	44
j.	Traffic Stops	30
k.	DUI Traffic Stops	24
l.	Traffic Crash Investigations	32
m.	Cross-Over Program Updates	8
n.	CMS Law Enforcement Vehicle Operations (See Volume 2: High Liability Textbook and Instructor Guide)	48
o.	Dart-Firing Stun Gun (See Volume 2: High Liability Textbook and Instructor Guide)	8
	<u>TOTAL</u>	<u>518</u>

4.3. Correctional Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1191 (Retired June 30, 2014).

5.4. Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy number 2004 (Retired June 30, 2016). (Effective July 1, 2014). An individual who has successfully completed the Correctional Probation Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a law enforcement officer:

	<b>Course Title</b>	<b>Course Hours</b>
a.	Overview of Law Enforcement	64
b.	Law Enforcement Report Writing	28
c.	Fundamentals of Patrol	35
d.	Responding to Calls for Service	47
e.	Criminal Investigations	50
f.	Crime Scene Procedures	27
g.	Critical Incidents	44
h.	Traffic Stops	30
i.	DUI Traffic Stops	24
j.	Traffic Crash Investigations	32
k.	Cross Over Program Updates	8
l.	CMS Law Enforcement Vehicle Operations	48
m.	Dart Firing Stun Gun	8
n.	CMS Criminal Justice Firearms	80
o.	Correctional Probation Cross-Over to Law Enforcement Officer Wellness	42
	<u>TOTAL</u>	567

6. Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy number 3005 (Effective July 1, 2016). An individual who has successfully completed the Correctional Probation Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a law enforcement officer:

	<b>Course Title</b>	<b>Course Hours</b>
a.	Legal	62
b.	Interactions in a Diverse Community	40
c.	Fundamentals of Patrol	35
d.	Calls for Service	36
e.	Criminal Investigations	50
f.	Crime Scene to Courtroom	35
g.	Critical Incidents	44
h.	Traffic Stops	30
i.	DUI Traffic Stops	24
j.	Traffic Crash Investigations	32
k.	Cross-Over Program Updates	8
l.	CMS Law Enforcement Vehicle Operations	48
m.	CMS Criminal Justice Firearms	80
n.	Dart-Firing Stun Gun	8
	<u>TOTAL</u>	532

7.5. Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1179 (Retired June 30, 2014).

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

1. No change.

2. Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 2005 (Retired June 30, 2016). (Effective July 1, 2014). An individual, who has successfully completed the Law Enforcement Officer Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a correctional officer:

<b>Course Title</b>	<b>Course Hours</b>
Overview of Corrections	14
Officer Safety	16
Facility and Equipment	8
Intake and Release	18
Supervising in a Correctional Facility	40
Supervising Special Populations	20
Law Enforcement Cross-Over to Correctional Responding to Incidents and Emergencies	12
Cross-Over Program Updates	8
Cross-Over Handgun Transition Course	24
Law Enforcement Cross-over to Correctional Officer Wellness	12



— TOTAL	172
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3. Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 3001 (Effective July 1, 2016). An individual, who has successfully completed the Law Enforcement Officer Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a correctional officer:

	<u>Course Title</u>	<u>Course Hours</u>
a.	<u>Introduction to Corrections</u>	<u>32</u>
b.	<u>Communications</u>	<u>40</u>
c.	<u>Officer Safety</u>	<u>16</u>
d.	<u>Facility and Equipment</u>	<u>8</u>
e.	<u>Intake and Release</u>	<u>18</u>
f.	<u>Supervising in a Correctional Facility</u>	<u>40</u>
g.	<u>Supervising Special Populations</u>	<u>20</u>
h.	<u>Responding to Incidents and Emergencies</u>	<u>16</u>
i.	<u>Cross-Over Program Updates</u>	<u>8</u>
	— TOTAL	<u>198</u>

4.3. Law Enforcement Officer Cross-Over Training to Florida CMS Correctional BRTP number 1192 (Retired June 30, 2014).

5.4. Correctional Probation Officer Cross-Over Training to Traditional Correctional Basic Recruit Training Program number 1182 (Retired June 30, 2012).

6.5. Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 1193 (Retired June 30, 2016). (Effective July 1, 2012). An individual, who has successfully completed the Correctional Probation Officer Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a correctional officer:

	<u>Course Name</u>	<u>Course Hours</u>
a.	<u>Introduction to Corrections</u>	<u>32</u>
b.	<u>Correctional Probation Cross Over to Correctional Radio Communications and Searches</u>	<u>10</u>
c.	<u>Facility and Equipment</u>	<u>8</u>
d.	<u>Intake and Release</u>	<u>18</u>
e.	<u>Supervising in a Correctional Facility</u>	<u>40</u>
f.	<u>Supervising Special Populations</u>	<u>20</u>
g.	<u>Responding to Incidents and Emergencies</u>	<u>16</u>
h.	<u>Cross Over Program Updates</u>	<u>8</u>

i.	<u>CMS Criminal Justice Firearms</u>	<u>80</u>
j.	<u>Correctional Probation Cross Over to Correctional Officer Wellness</u>	<u>18</u>
	— TOTAL	<u>250</u>

7. Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 3004 (Effective July 1, 2016). An individual, who has successfully completed the Correctional Probation Officer Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a correctional officer:

	<u>Course Name</u>	<u>Course Hours</u>
a.	<u>Introduction to Corrections</u>	<u>32</u>
b.	<u>Officer Safety</u>	<u>16</u>
c.	<u>Facility and Equipment</u>	<u>8</u>
d.	<u>Intake and Release</u>	<u>18</u>
e.	<u>Supervising in a Correctional Facility</u>	<u>40</u>
f.	<u>Supervising Special Populations</u>	<u>20</u>
g.	<u>Responding to Incidents and Emergencies</u>	<u>16</u>
h.	<u>CMS Criminal Justice Firearms</u>	<u>80</u>
i.	<u>Cross-Over Program Updates</u>	<u>8</u>
	— TOTAL	<u>238</u>

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

1. through 4. No change.

5. Correctional Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program number 1183 (Retired October 31, 2016). (Effective April 1, 2008). An individual who has successfully completed the Correctional Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a correctional probation officer:

	<u>Course Name</u>	<u>Course Hours</u>
a.	<u>Correctional Cross Over to Correctional Probation Legal and Communications</u>	<u>18</u>
b.	<u>Correctional Cross Over to Correctional Probation Supervision</u>	<u>57</u>
c.	<u>Correctional Cross Over to Correctional Probation Investigations</u>	<u>30</u>
d.	<u>Correctional Probation Management Information Systems</u>	<u>27</u>
e.	<u>Correctional Probation Caseload Management</u>	<u>40</u>
g.	<u>Cross Over Program Updates</u>	<u>8</u>

h.	<del>Correctional Cross Over to Correctional Probation Officer Wellness</del>	<del>14</del>
-	<u>TOTAL</u>	<u>194</u>

6. Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy number 3003 (Effective November 1, 2016). An individual who has successfully completed the Correctional Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a correctional probation officer:

	<u>Course Name</u>	<u>Course Hours</u>
a.	<u>Introduction to Correctional Probation</u>	<u>14</u>
b.	<u>Legal Foundations for Correctional Probation Officers</u>	<u>44</u>
c.	<u>Intake and Orientation</u>	<u>24</u>
d.	<u>Caseload Management for Correctional Probation</u>	<u>32</u>
e.	<u>Supervision of Offenders</u>	<u>88</u>
f.	<u>Field Supervision</u>	<u>80</u>
g.	<u>Cross-Over Program Updates</u>	<u>8</u>
	<u>TOTAL</u>	<u>290</u>

Rulemaking Authority 943.03(4), 943.12(1), (2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History—New 12-13-92, Amended 1-10-94, 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 5-21-12, 3-13-13, 5-29-14, 7-29-15, 9-4-16,\_\_\_\_\_.

11B-35.0021 Courses and Requirements for Basic Recruit Training, Advanced, Specialized, and Instructor Training Requiring Proficiency Demonstration.

(1) High-Liability Basic Recruit Training Program Courses:

- (a) through (d) No change.
- ~~(e) Cross Over Handgun Transition Course.~~
- (2) through (7) No change.

(8) Instructor to student ratios for instruction of proficiency skills in High-Liability Basic Recruit Training Program Courses, DUI Traffic Stops, High-Liability Instructor Training Courses, Specialized Instructor Courses, Advanced Training Program Courses, and Specialized Training Program Courses, requiring proficiency demonstration.

(a) For instruction of the CMS Criminal Justice Firearms Course, ~~Cross Over Handgun Transition Course~~, CMS Firearms Instructor Course, or Safe Handling of Firearms course, there shall be no more than six students actively engaged on a firearms range for each Commission-certified firearms instructor. One rangemaster shall supervise all range activity while training is actively engaged. The rangemaster

shall be a Commission-certified firearms instructor and shall not be included as an instructor to comply with the instructor to student ratio requirements. Discretionary course of fire shall be conducted with a one-to-one instructor to student ratio. Actively engaged is defined as “a student on the firing range handling a weapon.”

(b) through (j) No change.

Rulemaking Authority 943.03(4), 943.12(1), (2), 943.14(3), 943.17 FS. Law Implemented 943.12(5), 943.17 FS. History—New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-21-07, 6-9-08, 9-28-09, 3-13-13, 5-29-14, 7-29-15, 9-4-16,\_\_\_\_\_.

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

(1) No change.

(2) A student may transfer courses from a Commission-approved Basic Recruit Training Program to another training school, for the same training program, provided:

(a) through (b) No change.

(c) Verification has been made by reviewing the student’s grade on the ATMS Global Profile ~~Sheet Report~~ or other documentation provided by the school where the courses were completed.

(d) No change.

(3) A student may transfer Commission-approved Basic Recruit Training High Liability Courses, pursuant to Rule 11B-35.0021(1), F.A.C., completed in one Basic Recruit Training Program to another Basic Recruit Training Program provided:

(a) The courses have been successfully completed within four years from the beginning date of the Commission-approved Basic Recruit Training Program; and

(b) The student has not been dismissed for disciplinary reasons from the previous Commission-approved Basic Recruit Training Program; and

(c) Verification has been made by reviewing the student’s grade on the ATMS Global Profile Sheet or other documentation provided by the school where the courses were completed.

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

~~(4)(3)~~ Both the transferring student and the receiving training school shall request the transferring training school to complete and submit the appropriate student records. Upon receipt of such request, the transferring training school is responsible for submitting the transferring student’s records to the receiving training school.

(5)(4) When a student has successfully completed courses included in a Commission-approved Basic Recruit Training Program at two or more training schools, and has met all requirements for completion of the program set forth in the requirements of this rule section, the training school where the student has successfully completed the greatest number of courses in that program, shall upon receipt of the student records from the other training school(s), submit a Training Report form CJSTC-67 to Commission staff. The training school submitting form CJSTC-67, may require the student to demonstrate the required proficiency skills not completed at that school, pursuant to subsection 11B-35.0024(1), F.A.C. The training school submitting form CJSTC-67 shall provide the student with written evidence of the student's successful completion of the Basic Recruit Training Program.

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

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.17 FS. History—New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 6-9-08, 9-28-09, 3-13-13, \_\_\_\_\_.

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

(1) through (2) No change.

(3) Successful completion and demonstration of proficiency skills is required for each of the following high-liability courses: CMS Criminal Justice Defensive Tactics Course, CMS Defensive Tactics Instructor Course, CMS Criminal Justice Firearms Course, ~~Cross Over Handgun Transition Course~~, CMS Firearms Instructor Course, Safe Handling of Firearms course, CMS Law Enforcement Vehicle Operations Course, CMS Vehicle Operations Instructor Course, CMS First Aid for Criminal Justice Officers Course, and CMS First Aid Instructor Course.

(a) CMS Criminal Justice Defensive Tactics Course.

1. through 2. No change.

3. A basic recruit student shall be subject to chemical agent contamination as described in the CMS Criminal Justice Defensive Tactics Course. Prior to beginning a Law Enforcement, Correctional, or Correctional Probation Basic Recruit Training Program, a student shall complete the Physician's Assessment, form CJSTC-75 ~~Physical Fitness Assessment form CJSTC-75B~~. This form verifies that there are

no known medical conditions that would prevent a student from participating in chemical agent contamination.

(b) through (i) No change.

(4) Successful completion and demonstration of proficiency skills is required for each of the following basic recruit, advanced, specialized instructor, or specialized training program courses: DUI Traffic Stops, Speed Measurement Course, Speed Measurement Instructor Course, Breath Test Instructor Course, Breath Test Instructor Renewal Course, Breath Test Operator Course, Breath Test Operator Renewal Course, Agency Inspector Course, Agency Inspector Renewal Course, Underwater Police Science and Technology course, Canine Team Training Course, and ~~Canine Team Training Instructor Course, and Role-play Scenarios for Facilitative Learning.~~

(a) through (l) No change.

(m) Role-play Scenarios for Facilitative Learning course number 2001. An instructor student shall achieve a score of no less than 85% on the required written end-of-course examination. ~~There are no proficiency requirements for this course.~~

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12, 943.17 FS. History—New 2-17-93, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 6-3-10, 3-13-13, 5-29-14, 7-29-15, 9-4-16, \_\_\_\_\_.

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

(1) No change.

(2) To become certified as a law enforcement or correctional auxiliary officer, an applicant shall meet the requirements outlined in Sections 943.13(1) – (9), and (11), 943.14(7), and 943.17(1)(g), F.S. To become certified as a correctional probation auxiliary officer, an applicant shall meet the requirements outlined in Sections 943.13(1)-(9), and (11), and 943.14(7), F.S., and shall complete the Florida Correctional Probation Officer ~~Basic Recruit Training Program Academy~~ in its entirety. Applicants requesting certification as a correctional officer shall complete the Florida CMS Correctional Basic Recruit Training Program in its entirety. Applicants requesting certification as a law enforcement auxiliary officer shall successfully complete the following Auxiliary Officer Basic Recruit Training Program requirements:

(a) through (c) No change.

(3) through (7) No change.

(8) Correctional Probation Auxiliary Officer Basic Recruit Training Program. To become a Correctional Probation Auxiliary Officer an individual shall complete the Florida Correctional Probation Officer Training Academy, number 3000 ~~Florida Correctional Probation Basic Recruit Training~~

~~Program, number 1176~~, pursuant to paragraph 11B-35.002(5)(~~i~~)(4), F.A.C.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(5), 943.17(1)(a) FS. History—New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 6-3-10, 3-13-13, 5-29-14, 9-4-16, \_\_\_\_\_.

11B-35.009 Exemption from Basic Recruit Training.

(1) through (2) No change.

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

(a) through (b) No change.

(c) Verify that the applicant’s correctional probation officer training is comparable to the Commission’s Florida Correctional Probation Officer Training Academy ~~Florida Correctional Probation Basic Recruit Training Program~~ whenever an exemption is requested, and at a minimum reflects successful completion of training, pursuant to the Exemption-From-Training form CJSTC-76, for the topics of Legal Foundations for Correctional Probation, Interpersonal Communications Skills, Intake and Orientation, Caseload Management, Supervision of Offenders, Investigations, Field Supervision, Management Information Systems, ~~Defensive Tactics, and First Aid or equivalent.~~

(d) through (e) No change.

(4) Inactive Florida officers who have been separated from employment for a period of four to eight years, may apply for exemption from re-taking the Basic Recruit Training Program for which the officer has been previously certified as a sworn officer. There shall be no more than an eight-year break in employment, which is measured from the separation date of the most recent qualifying employment to the time a complete application is submitted, for an exemption under this rule section. The employing agency or Criminal Justice Selection Center shall verify that the applicant has:

(a) through (b) No change.

(5) Documentation requirements for out-of-state, federal, and inactive Florida Officers. Upon verification of an individual’s request for exemption of training, pursuant to this rule section, an employing agency or Criminal Justice Selection Center shall submit to Commission staff a completed Exemption-From-Training, form CJSTC-76, revised August 4, 2016 ~~November 5, 2015~~, effective \_\_\_\_\_ 9/2016, ~~hereby incorporated~~ by reference ~~http://www.flrules.org/Gateway/reference.asp?No=Ref 07382,~~ for out-of-state, federal, and inactive Florida Officers. Form CJSTC-76 can be obtained at the following FDLE Internet address:

<http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850) 410-8615. Supporting documentation verifying the individual’s

compliance with comparable basic recruit training and sworn criminal justice experience pursuant to this rule section shall be maintained on file by the employing agency or Criminal Justice Selection Center and submitted to Commission staff for review. The agency shall be notified of the approval or denial of the requested exemption of certification in writing within 30 working days. Any appeal of denial of exemption is governed by Section 120.57, F.S.

(6) through (9) No change.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.131(2) FS. History—New 1-2-97, Amended 7-7-99, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 5-21-12, 3-13-13, 5-29-14, 7-29-15, 9-4-16, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bureau Chief Glen Hopkins

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 14, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2016

**DEPARTMENT OF LAW ENFORCEMENT**

**Division of Criminal Justice Information Systems**

RULE NOS.: RULE TITLES:

11C-6.004 Procedures for Requesting Criminal History Records

11C-6.009 Sale and Delivery of Firearms

PURPOSE AND EFFECT: Subsection 11C-6.004, F.A.C.; Adds an entity authorized to receive the reduced fee for a state criminal history record check.

Subsection 11C-6.009, F.A.C.; Revises the FDLE Firearm Purchase Non-Approval form and modifies the reference to the ATF 4473 form. Also updates the hyperlink to reflect the correct link at which the forms are available.

SUMMARY: The update reflects the addition of an entity authorized to receive the reduced fee for a state criminal history record check to comply with new statutory language, revises the FDLE Firearm Purchase Program Non-Approval form, modifies the reference to the ATF 4473 form, and updates the hyperlink.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the

statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

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

RULEMAKING AUTHORITY: 790.065, 943.03(4), 943.053(3), 943.0542, 943.056, FS.

LAW IMPLEMENTED: 790.065, 943.053(3), 943.0542, 943.056, FS.

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

DATE AND TIME: Wednesday, May 10, 2017, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Robin Sparkman at (850)410-8105, or robinsparkman@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robin Sparkman at (850)410-8105, or robinsparkman@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308.

THE FULL TEXT OF THE PROPOSED RULE IS:

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 paragraphs (2)(a) through (c).

(b) As provided in Section 943.053(3)(b), F.S., a processing fee of \$24 shall be charged for each subject inquired upon under paragraphs (2)(d) through (f), except that the fee for the guardian ad litem program, and vendors of the Department of Children and Families, the Department of Juvenile Justice, the Agency for Persons with Disabilities, and the Department of Elderly Affairs shall be \$8 for each name submitted; the fee for a state criminal history provided for application processing as required by law to be performed by the Department of Agriculture and Consumer Services shall be \$15 for each name submitted; and the fee for requests under Section 943.0542, F.S., which implements the National Child Protection Act of 1993, shall be \$18 for each volunteer name submitted. The state offices of the Public Defender shall not be assessed a fee for Florida criminal history information or wanted person information.

(c) The processing fee charged for each subject inquired upon via the internet shall be the fee authorized for inquiries from persons in the private sector in Section 943.053(3), F.S. 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 prescribed payment. If the customer wants additional criminal history records from the list of persons presented for this same inquiry, a processing fee of \$24 shall be charged for each additional criminal record.

(d) Payment methods for criminal history record inquiries are as follows:

1. Criminal history record requests submitted in writing shall be payable by cash, check or money order.
2. Criminal history record requests submitted electronically shall be payable by debit or credit card.
3. Agencies or entities invoiced for criminal history record checks shall submit payment for invoices by check, money order or journal transfer.

(4) No change  
 Rulemaking Authority 943.03(4), 943.053(3), 943.0542, 943.056 FS. Law Implemented 943.053(3), 943.0542, 943.056 FS. History—New 12-30-76, Amended 11-7-83, Formerly 11C-6.04, Amended 9-1-88, 4-1-93, 7-7-99, 8-22-00, 7-29-01, 12-3-03, 6-9-08, 6-3-10, 5-21-12, 3-13-13, 5-29-14, 9-4-16, \_\_\_\_\_.

11C-6.009 Sale and Delivery of Firearms.

- (1) No change.
- (2) Section A of the ATF F-4473 [5300.9] Part 1 (04/12) form must be completed by the potential buyer or transferee. The dealer must ensure that items ~~9-13~~ 1-17 are completed by the buyer prior to the dealer contacting the Florida Department

of Law Enforcement (FDLE). In addition to the above requirements, the social security number of the potential buyer or transferee may be recorded in block number 7 ~~g~~ of ATF F-4473 [5300.9] Part 1 (04/12) form. The dealer is required to advise the potential buyer that the disclosure of his or her social security number is voluntary, of the authority for the disclosure, and of the use to be made of the number.

(3) through (6) No change.

(7) The dealer will record the decision and number provided by FDLE in box ~~19b~~ 21b and in the box in the top right corner labeled, Transferor's Transaction Serial Number of ATF form F-4473 (5300.9) Part 1 (04/12). When the transaction is approved, the dealer should complete Section B of the ATF form F-4473.

(8) To any potential buyer or transferee intending to formally appeal a non-approval decision, the dealer will provide a Firearm Purchase Program Non-Approval Appeal Form (form number FDLE 40-020, ~~January 2002~~ September 2016), incorporated herein by reference, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07401>.

[http://www.fdle.state.fl.us/cms/FPP/Documents/2013\\_AppealFormHDworking.aspx](http://www.fdle.state.fl.us/cms/FPP/Documents/2013_AppealFormHDworking.aspx), and on file with Secretary of State, that must be completed by the dealer and the potential buyer or transferee. The potential buyer or transferee must take the form to a law enforcement agency, be fingerprinted there, and return the Firearm Purchase Program Non-approval Appeal form and fingerprints to FDLE within 60 calendar days. Using the procedures as described in Chapter 11C-8, F.A.C., FDLE will process the formal appeal request. A supply of the appeal forms will be provided by FDLE to dealers upon request. Such requests should be directed to:

Florida Department of Law Enforcement  
 Firearm Purchase Program  
 Post Office Box 1489  
 Tallahassee, Florida 32302-1489  
 Telephone Number: (850)410-8139

As an alternative to this procedure, the potential buyer or transferee may at any time appeal his non-approval directly to the FBI, as authorized by Title 28, C.F.R., Section 25.10.

(9) through (20) No change.

Rulemaking 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, 8-22-00, 12-18-00, 11-5-02, 7-29-15, 9-4-16,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Robin Sparkman  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 14, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2016

**DEPARTMENT OF LAW ENFORCEMENT**

**Division of Criminal Justice Information Systems**

RULE NO.: 11C-7.009  
 RULE TITLE: Procedures on Juvenile Diversion Expunctions

PURPOSE AND EFFECT: Subsection 11C-7.009: Eliminates the deadline for submission of an application for early juvenile expunction to reflect recent changes to s. 943.0582, F.S.

SUMMARY: The update eliminates the deadline for submission of the application for early juvenile expunction and creates a new application that allows juveniles to apply for an early expunction of a juvenile arrest.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department's economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

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

RULEMAKING AUTHORITY: 943.0582, FS

LAW IMPLEMENTED: 943.0582, FS.

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

DATE AND TIME: Wednesday, May 10, 2017, 9:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to

participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Timothy Giesecke at (850)410-7980, or timothygiesecke@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Timothy Giesecke at (850)410-7980, or timothygiesecke@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308.

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-7.009 Procedures on Juvenile Diversion Expunctions.

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

~~(a) A money order, cashier’s check, or certified check for \$75.00 made payable to the Florida Department of Law Enforcement. This processing fee is non refundable, regardless of whether the application for expunction is granted. A fee waiver may be granted by the Executive Director of the Department, upon submission of a written request, and in determination that the waiver is in the best interests of criminal justice.~~

~~(a)(b)~~ A completed Application for Juvenile Diversion Expunction. The subject must complete section A of the application. The Application for Juvenile Diversion Expunction, form number FDLE 40-025 (rev. July 2013, effective 5/2014), hereby incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-03946>, [http://www.fdle.state.fl.us/cms/Seal-and-Expunge-Process/Documents/JuvenileDiversionExpunctionApplication\(Final2013\).aspx](http://www.fdle.state.fl.us/cms/Seal-and-Expunge-Process/Documents/JuvenileDiversionExpunctionApplication(Final2013).aspx), may be obtained from:

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

~~(b)(c)~~ The state attorney should complete section B of the Application for Juvenile Diversion Expunction and have it certified.

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

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

(2) The complete application packet should be mailed or delivered, ~~within the time limits prescribed by Section 943.0582, F.S.,~~ to Florida Department of Law Enforcement, ATTN: Expunge/Seal Section, Post Office Box 1489, Tallahassee, Florida 32302-1489.

(3) through (6) No change.

Rulemaking Authority 943.0582 FS. Law Implemented 943.0582 FS. History—New 11-5-02, Amended 6-9-08, 5-29-14,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Timothy Giesecke

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 14, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2016

**DEPARTMENT OF LAW ENFORCEMENT**

**Division of Criminal Justice Information Systems**

RULE NO.: 11C-7.011  
RULE TITLE: Procedures on Section 943.0515(1)(b)2., F.S., Early Juvenile Expunctions

PURPOSE AND EFFECT: Subsection 11C-7.011, F.A.C.: Creates a new application that allows a juvenile to apply for an early expunction of juvenile arrest events to meet the statutory requirements recently set forth in s. 943.0515, F.S.

SUMMARY: The rule creates a new application that allows juveniles to apply for an early expunction of a juvenile arrest.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department's economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

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

RULEMAKING AUTHORITY: 943.0515(1), FS.

LAW IMPLEMENTED: 943.0515(1), FS.

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

DATE AND TIME: Wednesday, May 10, 2017, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Timothy Giesecke at (850)410-7980, or [timothygiesecke@fdle.state.fl.us](mailto:timothygiesecke@fdle.state.fl.us), or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Timothy Giesecke at (850)410-7980, or [timothygiesecke@fdle.state.fl.us](mailto:timothygiesecke@fdle.state.fl.us), or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308.

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-7.011 Procedures on Section 943.0515(1)(b)2., F.S., Early Juvenile Expunctions.

(1) A person who has not been committed to a juvenile correctional facility or juvenile prison under chapter 985, may apply directly to the Department to have his or her juvenile criminal history record expunged, provided he or she is at least 18 years of age but less than 21 years of age. To be eligible for this form of expunction, the applicant must not have been charged by the state attorney with or found to have committed any criminal offense within the 5-year period before the application date. The application for the Early Juvenile Expunction must include:

(a) A money order, cashier's check, or certified check for \$75.00 made payable to the Florida Department of Law Enforcement. This processing fee is non-refundable, regardless of whether the application for expunction is granted. A fee waiver may be granted by the Executive Director of the Department, upon submission of a written request, and in his or her determination that the waiver is in the best interests of criminal justice.

(b) A completed Application for Early Juvenile Expunction. The subject must complete section A of the application. The Application for Early Juvenile Expunction, form number FDLE 40-028, hereby incorporated by reference, may be obtained from:

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

Website: <http://www.fdle.state.fl.us/cms/Seal-and-Expunge-Process/Seal-and-Expunge-Home>

(c) The state attorney for the circuit having jurisdiction over the arrest should complete section B of the Application for Early Juvenile Expunction and have it certified.

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

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



Website: <http://www.fdle.state.fl.us/cms/Seal-and-Expunge-Process/Seal-and-Expunge-Home>

(e) A sworn, written statement from the applicant that he or she is no longer under court supervision applicable to the disposition of the arrest or alleged criminal activity to which the application pertains, and that he or she has not been charged with or found to have committed a criminal offense, in any jurisdiction of the state or within the United States, within the 5-year period before the application date.

(2) The complete application packet should be mailed or delivered, within the time frame prescribed by Section 943.0515(1)(b)2., F.S., to Florida Department of Law Enforcement, ATTN: Expunge/Seal Section, Post Office Box 1489, Tallahassee, Florida 32302-1489.

(3) If the application packet is incomplete the Department will not process it. The incomplete packet, along with the processing fee, will be returned to the subject with an indication as to the reason for non-acceptance. It will be the subject's responsibility to obtain the missing information and return the complete packet to the Department.

(4) If the application packet is complete, the Department will review the submitted information and the subject's criminal history record to determine if the application and the specified record meet the requirements for Early Juvenile Expunction, which are listed in Section 943.0515(1)(b)2., F.S. Questions regarding the status of the review should be directed to the Expunge Section at (850)410-7870.

(5) The Department will expunge the subject's juvenile criminal history record if the application and the specified criminal history record meet the requirements for Early Juvenile Expunction, and will notify the subject or his or her parent or legal guardian. If the application and the specified criminal history record do not meet the requirements for Early Juvenile Expunction, the Department will send the subject a letter stating the reason for ineligibility with an explanation of appeal rights.

Rulemaking Authority 943.0515(1) FS. Law Implemented 943.0515(1)FS. History - New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Timothy Giesecke  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 14, 2017  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2016

**DEPARTMENT OF LAW ENFORCEMENT**

**Division of Local Law Enforcement Assistance**

RULE NO.: RULE TITLE:

11D-6.003 Procedures

PURPOSE AND EFFECT: Sub-paragraph 11D-6.003(1)(a), F.A.C.: Updates the revision date and reference of the Oral Swab Collection Kit form FDLE/FOR-005.

Sub-paragraph 11D-6.003(1)(a)1, F.A.C.: Corrects a grammatical error.

SUMMARY: Updates the revision date and reference of the Oral Swab Collection Kit form FDLE/FOR-005 and corrects a grammatical error.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department's economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

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

RULEMAKING AUTHORITY: 943.03(4), 943.325(4), (5), (17) FS.

LAW IMPLEMENTED: 943.325 FS.

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

DATE AND TIME: Wednesday, May 10, 2017 at 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 5 days before the workshop/meeting by contacting: Christopher A. Carney at (850)617-1337, or chriscarney@fdle.state.fl.us, or write to Florida Department of Law Enforcement, DNA Investigative Support Database, 2331 Phillips Road, Tallahassee, Florida 32308.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Christopher A. Carney at (850)617-1337, or chriscarney@fdle.state.fl.us, or write to Florida Department of Law Enforcement, DNA Investigative Support Database, 2331 Phillips Road, Tallahassee, Florida 32308.

THE FULL TEXT OF THE PROPOSED RULE IS:

11D-6.003 Procedures.

(1) DNA Sample collection.

(a) A qualifying offender providing DNA samples must be identified in the manner specified by the Oral Swab Collection Kit Instructions and Form FDLE/FOR-005, revised September 2015 2014, and incorporated by reference, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02350>, prior to taking the DNA samples from such offender. Form FDLE/FOR-005 and additional kits may be obtained from the Florida Department of Law Enforcement, DNA Database, Post Office Box 1489, Tallahassee, Florida 32302-1489. A qualifying offender may also be identified through use of the Falcon Rapid-ID Edge device.

1. DNA samples submitted from qualifying offenders without the use of the Falcon Rapid-ID Edge device must be accompanied by a completed Swab Collection Kit form FDLE/FOR-005. 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 legible for fingerprint classification and comparison purposes. DNA samples accompanied by one or more illegible inked fingerprint impressions will be unacceptable for entry into the DNA Database and will be ~~rejected~~ ~~requested~~ by FDLE. The collecting agency must then submit a new DNA sample and completed form.

2. DNA Samples submitted from qualifying offenders through use of the FALCON Rapid-ID Edge device must be accompanied by the printout and barcode generated by the application. Any required information not captured by the Falcon/Rapid-ID DNA Availability application shall be filled out on the Swab Collection Kit form FDLE/FOR-005.

(b) When identification of the qualifying offender is accomplished, DNA samples shall be taken from the qualifying offender in the manner described in Section 943.325(3), F.S.

(c) Such samples shall be taken using only the Oral Swab Collection Kit pursuant to paragraph (1)(a) of this rule section.

(d) Collection, labeling, storage, handling, and transmittal of DNA Samples shall be as prescribed in the printed instructions included with each oral swab sample collection kit. The collecting agency should forward DNA samples to the Department within 7 working days of collection.

(2) Removal of DNA Information from the DNA Database. Persons seeking removal of their DNA information from the DNA Investigative Support Database shall mail certified copies of the required documentation as described in Section 943.325(16), F.S., to the FDLE DNA Investigative Support Database, P. O. Box 1489, Tallahassee, Florida 32302-1489. Rulemaking Authority 943.03(4), 943.325(4), (5), (17) FS. Law Implemented 943.325 FS. History--New 7-4-90, Amended 7-6-99, 8-22-00, 7-29-01, 11-5-02, 6-3-10, 3-13-13,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Christopher A. Carney

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 14, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2016

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: RULE TITLE:

59G-4.020 Ambulatory Surgical Center Services

PURPOSE AND EFFECT: The purpose the amendment to Rule 59G-4.020, Florida Administrative Code (F.A.C.), is to incorporate by reference the Florida Medicaid Ambulatory Surgical Center Services Coverage Policy, \_\_\_\_\_.

SUMMARY: The incorporated coverage policy will specify recipient eligibility, provider requirements, service coverage, and reimbursement information.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A checklist was prepared by the Agency to determine the need for a SERC. Based on this information at the time of

the analysis and pursuant to section 120.541, Florida Statutes, the rule will not require legislative ratification.

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

RULEMAKING AUTHORITY: 409.919, 409.961 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.912, 409.913, 409.973 FS.

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

DATE AND TIME: May 8, 2017, 2:30 p.m. to 3:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308-5407.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Charles McGillen. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Charles McGillen, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4313, e-mail: Charles.McGillen@ahca.myflorida.com.

Please note that a preliminary draft of the reference material, if available, will be posted prior to the public hearing at <http://ahca.myflorida.com/Medicaid/review/index.shtml>.

Official comments to be entered into the rule record will be received from the date of this notice until 5:00 p.m. May 9, 2017. Comments may be e-mailed to [MedicaidRuleComments@ahca.myflorida.com](mailto:MedicaidRuleComments@ahca.myflorida.com). For general inquiries and questions about the rule, please contact the person specified above.

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.020 Ambulatory Surgical Center Services.

(1) This rule applies to all providers rendering Florida Medicaid ambulatory surgical center services to recipients ~~freestanding ambulatory surgical centers licensed under Chapter 395, F.S., and certified by the Agency for Health Care Administration for participation in the Medicaid program for ambulatory surgical center services under Section 409.906(3), F.S.~~

(2) All ~~ambulatory surgical center providers enrolled in the Medicaid program~~ must be in compliance with the provisions of the Florida Medicaid Ambulatory Surgical Center Services Coverage Policy, \_\_\_\_\_, and Limitations Handbook, January 2012, \_\_\_\_\_ available \_\_\_\_\_ at

~~[http://www.flrules.org/gateway/reference.asp?No=Ref\\_02094](http://www.flrules.org/gateway/reference.asp?No=Ref_02094), incorporated by reference. The policy handbook is available on the Agency for Health Care Administration's ~~from the Medicaid fiscal agent's~~ Web site at <http://ahca.myflorida.com/Medicaid/review/index.shtml>, and at [DOS place holder Ref- \_\_\_\_\_]. ~~[www.mymedicaid-florida.com](http://www.mymedicaid-florida.com). Select Public Information for Providers, then Provider Support, and then Provider Handbooks. Paper copies of the handbook may be obtained by calling the Provider Contact Center at 1(800) 289-7799 and selecting Option 7.~~ Rulemaking Authority 409.919, 409.961 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912, 409.913, 409.973 FS. History—New 10-25-84, Formerly 10C-7.531, Amended 5-13-92, 7-12-92, 7-27-93, Formerly 10C-7.0531, Amended 9-8-94, 7-3-95, 11-18-97, 10-27-98, 1-1-01, 7-26-01, 2-25-03, 2-17-04, 1-10-05, 10-2-05, 7-2-06, 1-20-13, \_\_\_\_\_.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Charles McGillen

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Justin Senior

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 5, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 30, 2016

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: RULE TITLE:

59G-4.085 Early Intervention Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.085, Florida Administrative Code is to incorporate by reference the Florida Medicaid Early Intervention Services Coverage Policy, \_\_\_\_\_.

SUMMARY: The incorporated coverage policy will specify recipient eligibility, provider requirements, service coverage, and reimbursement information.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A checklist was prepared by the Agency to determine the need for a SERC. Based on this information at the time of

the analysis and pursuant to section 120.541, Florida Statutes, the rule will not require legislative ratification.

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

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

DATE AND TIME: May 9, 2017, 11:00 a.m. to 11:30 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308-5407.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Luc Toussaint. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Luc Toussaint, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4211, e-mail: Luc.Toussaint@ahca.myflorida.com.

Please note that a preliminary draft of the reference material, if available, will be posted prior to the public hearing at <http://ahca.myflorida.com/Medicaid/review/index.shtml>.

Official comments to be entered into the rule record will be received until 5:00 p.m. May 10, 2017. Comments may be e-mailed to [MedicaidRuleComments@ahca.myflorida.com](mailto:MedicaidRuleComments@ahca.myflorida.com). For general inquiries and questions about the rule, please contact the person specified above.

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.085 Early Intervention Services.

(1) This rule applies to all providers rendering Florida Medicaid eEarly iIntervention sServices to recipients providers enrolled in the Medicaid program.

(2) All ~~Early Intervention Services providers enrolled in the Medicaid program~~ must be in compliance with the provisions of the Florida Medicaid Early Intervention Services Coverage Policy, \_\_\_\_\_, and Limitations Handbook, August 2007, ~~incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS 1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. The policy is Both handbooks are available on the Agency for Health Care Administration's from the Medicaid fiscal agent's~~ Web site at <http://ahca.myflorida.com/Medicaid/review/index.shtml>, and

at [DOS place holder Ref-\_\_\_\_\_]. <http://floridamedicaid.aes-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent at 1(800) 377 8216.

~~(3) The following forms are incorporated by reference: Children's Medical Services Early Steps Certification for Provider of Early Intervention Services, AHCA Med Serv Form 020, August 2007, one page; and Early Steps, Children's Medical Services, Medicaid Freedom of Choice/Conflict of Interest Statement, AHCA Med Serv Form 021, August 2007, one page. These forms are available on the Early Steps provider website at <http://www.cms-kids.com/ESproviders.htm>. The following form that is included in the Florida Medicaid Early Intervention Services Coverage and Limitations Handbook is incorporated by reference: Early Intervention Services Request to Exceed Medicaid Limitations Form, AHCA Med Serv Form 019, August 2007, four pages, Appendix B. The form is available by photocopying it from the Florida Medicaid Early Intervention Services Coverage and Limitations Handbook. Rulemaking Authority 409.919 FS. Law Implemented 409.906 409.905, 409.908 FS. History—New 4-30-00, Amended 8-9-04, 5-22-06, 1-10-08,\_\_\_\_\_.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Luc Toussaint

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Justin Senior

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 5, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 8, 2017

### Section III Notice of Changes, Corrections and Withdrawals

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

##### Electrical Contractors' Licensing Board

RULE NO.:           RULE TITLE:

61G6-10.002       Violations and Penalties

##### NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 43 No. 39, February 27, 2017 issue of the Florida Administrative Register.

The correction is as follows:

The Purpose and Effect and Summary were incorrectly stated.

The Purpose and Effect should have read:

PURPOSE AND EFFECT: The Board proposes the rule amendment for needed updates and changes.

The Summary should have read: SUMMARY: The rule will be updated and needed changes will be made.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ruthanne Christie, Executive Director, Electrical Contractors' Licensing Board, 2601 Blair Stone Road, Tallahassee, FL 32399-0751.

### Section IV Emergency Rules

NONE

### Section V Petitions and Dispositions Regarding Rule Variance or Waiver

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On April 3, 2017 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for Subparagraph 3-305.11(A)(2), 2009 FDA Food Code, Section 3-305.14, 2009 FDA Food Code, Section 6-202.15, 2009 FDA Food Code, Section 6-202.16, 2009 FDA Food Code, subsection 61C-4.010(1), Florida Administrative Code, and subsection 61C-4.010(6), Florida Administrative Code, from Taco Truck located in Tampa. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk time/temperature control for safety foods from an open air mobile food dispensing vehicle.

The Petition for this variance was published in Vol. 43/65 on April 4, 2017. The Order for this Petition was signed and approved on April 11, 2017. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring that each pan within the steam table is properly covered with an individual lid; the steam table is enclosed within a cabinet with tight-fitting doors, and is protected by an air curtain installed and operated according to the manufacturer's specifications that protects against flying vermin or other environmental

contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; and steam table food is to be dispensed by the operator with no customer self-service. The Petitioner shall also strictly adhere to the operating procedures and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation.

A copy of the Order or additional information may be obtained by contacting: Daisy.Aleman@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

**DEPARTMENT OF HEALTH**

Board of Massage Therapy

NOTICE IS HEREBY GIVEN that on March 01, 2017, the Board of Massage Therapy, received a petition for Karen Mooney, seeking a variance or waiver regarding the 500 hour minimum requirement for applicants. Comments on this petition should be filed with the Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kama Monroe, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258, (850)245-4162, or by electronic mail - Kama.Monroe@flhealth.gov.

### Section VI Notice of Meetings, Workshops and Public Hearings

**DEPARTMENT OF LEGAL AFFAIRS**

The Florida Commission on the Status of Women announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 20, 2017, 10:00 a.m.

PLACE: Please call 1(850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Full Commission

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, PHONE: (850)414-3300, FAX: (850)921-4131

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 3 days before the workshop/meeting by contacting: Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, PHONE: (850)414-3300, FAX: (850)921-4131. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, PHONE: (850)414-3300, FAX: (850)921-4131.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The Florida State Fair Authority, Finance Committee announces a public meeting to which all persons are invited.

DATE AND TIME: April 27, 2017, 8:30 a.m.

PLACE: Florida State Fairgrounds, Tampa

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business.

A copy of the agenda may be obtained by contacting: Marian Rieger, (813)627-4221.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Marian Rieger, (813)627-4221. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Marian Rieger, (813)627-4221.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The Florida State Fair Authority, Board announces a public meeting to which all persons are invited.

DATE AND TIME: April 27, 2017, 9:00 a.m.

PLACE: Florida State Fairgrounds, Tampa

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business.

A copy of the agenda may be obtained by contacting: Marian Rieger, (813)627-4221.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by

contacting: Marian Rieger, (813)627-4221. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Marian Rieger, (813)627-4221.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Board of Accountancy

The Board of Accountancy announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 24, 2017, 10:00 a.m., until all business is concluded

PLACE: Conference call, dial in number 1(888)670-3525; Pass code number: 1368986679#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Budget Task Force will discuss the Board's quarterly financials. A copy of the agenda may be obtained by contacting: Denise Graves, (352)333-2505 or denise.graves@myfloridalicense.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Denise Graves, (352)333-2505 or denise.graves@myfloridalicense.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Denise Graves, (352)333-2505 or denise.graves@myfloridalicense.com.

**DEPARTMENT OF HEALTH**

Board of Nursing

The Board of Nursing announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 26, 2017, 2:00 p.m.

PLACE: \*\*Toll Free Number: 1(888)670-3525\*\*, 2681213003 (Public)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider cases where Probable Cause has previously been found.

A copy of the agenda may be obtained by contacting: <http://floridasnursing.gov/meeting-information/>

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to

participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: <http://floridasnursing.gov/meeting-information/>. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

**FLORIDA DEVELOPMENT FINANCE CORPORATION**

The Florida Development Finance Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 19, 2017, 2:00 p.m. – 3:00 p.m.

PLACE: South Conference Room, Offices of Enterprise Florida, Inc., 800 North Magnolia Avenue, Suite 1100, Orlando, FL 32803

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

This meeting will discuss the following:

- Meeting Minutes: 3/15/17 & 3/28/17
- Presentation: Downtown Doral Charter Elementary School, Inc.
- Other Business / Project Updates

A copy of the agenda may be obtained by contacting: Jennifer Jenkins, FDFC Administrative Coordinator, (407)956-5658.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 days before the workshop/meeting by contacting: Jennifer Jenkins, FDFC Administrative Coordinator, (407)956-5658. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Jennifer Jenkins, FDFC Administrative Coordinator, (407)956-5658.

**FLORIDA SPORTS FOUNDATION**

The Florida Sports Foundation announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, May 2, 2017, 10:00 a.m., ET

PLACE: US Toll Free: 1(888)670-3525, Participant Passcode: 656-578-0871 then #

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Fourth quarter grant application.

A copy of the agenda may be obtained by contacting: Elissa DiCampi, (850)410-5286.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Elissa DiCampi, (850)410-5286. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Elissa DiCampi, (850)410-5286.

**FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC**

The FWCJUA Safety Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 27, 2017, 10:00 a.m., Eastern Time

PLACE: Contact Kathy Coyne at (941)3787408 to participate

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The agenda topic will be the safety program.

A copy of the agenda may be obtained by contacting: Kathy Coyne or at [www.fwcjua.com](http://www.fwcjua.com).

**FLORIDA SURPLUS ASSET FUND TRUST**

The Florida Surplus Asset Fund Trust announces a public meeting to which all persons are invited.

DATE AND TIME: April 27, 2017, 12:00 Noon

PLACE: Venice City Hall, Venice, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Florida Surplus Asset Fund Trust, 10151 University Blvd., #227, Orlando, Florida 32817, Board of Trustees, Florida Surplus Asset Fund Trust.

**AGENDA**

This meeting of the Board of Trustees for Florida Surplus Asset Fund Trust will be held on Thursday, April 27, 2017 at 12:00 Noon at Venice City Hall, 401 West Venice Avenue, Venice, FL 34285. Complimentary lunch will be provided at 11:00 a.m. Conference Call Number: 1(800)201-2375

**MEETING OF THE BOARD OF TRUSTEES**

**A. BUSINESS ITEMS**

1. Call to Order/ Roll Call
2. Public Comments
3. Approval Prior Board Meeting Minutes  
(a) January 26, 2017
4. Participant and Guest Introductions
5. FL SAFE Audit FYE 12/31/16; Clifton Larson Allen

**B. OTHER ITEMS**

1. Investment Advisor/Operations Manager Update - PMA (a) Economic and Market Update

Participation Code: 365753#

April 27, 2017

(b) FLSAFE LGIP Portfolio Update; Comparative Market Review

(c) Operations Manager Report

(d) Board Ratification of January, February, March, and April 2017 Term Series (e) PMA Comments, Conferences (FSFOA, FAC)

2. Administrator Update- FMAS

(a) Marketing Update, Presentations

(b) Upcoming Conferences (FGFOA & FCCMA)

(c) Update on Fee Waivers, Revenue Recognition Policy (d) FMAS Comments

3. FLSAFE Counsel's Comments 4. Participants' Comments

5. Board Members' Comments

**C. SET NEXT MEETING DATE/ ADJOURNMENT**

1. Future meeting dates: July 27, 2017, October 26, 2017

I look forward to seeing you in the meeting. In the meantime, if you have any questions, please do not hesitate to contact either Jeff Larson, FLSAFE Administrator at (407)496-1597, jlarson@floridamanagementservices.com or me at (954)597-3550.

Very truly yours,

/S/ Mark C. Mason, CPA

Mark C. Mason, CPA, Chairman

A copy of the agenda may be obtained by contacting: Jeff Larson, FMAS Administrator, jlarson@floridamanagementservices.com or at (407)496-1597.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Jeff Larson, FMAS Administrator, jlarson@floridamanagementservices.com or at (407)496-1597. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Jeff Larson, FMAS Administrator, jlarson@floridamanagementservices.com or at (407)496-1597.

**HNTB**

The Florida Department of Transportation announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, April 20, 2017, 4:00 p.m. – 6:00 p.m.

PLACE: RiverLife Church, 1012 57th St. East, Bradenton, Florida 34208

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) invites you to attend a public information meeting for construction project at the Interstate 75 and State Road 64 interchange in Manatee County.

The meeting will be an open house format with maps and graphics depicting the improvements and construction schedule. Project staff will be on hand to answer questions about the project.

FDOT solicits public participation without regard to race, color, national origin, age, sex, religion, disability, or family status. Persons who require special accommodations under the Americans with Disabilities Act (ADA) or persons who require translation services (free of charge) should contact: Jamie Schley, Title VI Coordinator, FDOT, at (863)519-2573 or jamie.schley@dot.state.fl.us at least seven (7) days prior to the meeting. Persons who are hearing or speech impaired can contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Financial Project ID No: 201032-6-52-01

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jamie Schley, Florida Department of Transportation, District One, 801 N. Broadway Street, Bartow, Florida 33830-3809, (863)519-2573 or email: jamie.schley@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Brian Bollas, Community Outreach Manager at (844)359-0844 or Robin Stublen, Communications Specialist, at the address listed above or by phone at (863)519-2828.



Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Division of Florida Condominiums, Timeshares and Mobile
Homes

NOTICE IS HEREBY GIVEN that the Division of Florida
Condominiums, Timeshares, and Mobile Homes, Department
of Business and Professional Regulation, State of Florida, has
received the petition for declaratory statement from Cacilie
Armenteros, In Re: Baylofts Condominium Association, Inc.,
Docket No. 2017017420, filed on April 11, 2017. The petition
seeks the agency’s opinion as to the applicability of section
718.115(1)(a), Florida Statutes, as it applies to the petitioner.

How does section 718.115(1)(a), Florida Statutes, apply to why
expenses that are not common expenses are being charged to 58
unit owners and not the separate, obligated owners?

A copy of the Petition for Declaratory Statement may be
obtained by contacting: Danielle Walker, Administrative
Assistant II, at Department of Business and Professional
Regulation, Division of Florida Condominiums, Timeshares,
and Mobile Homes, 2601 Blair Stone Road, Tallahassee,
Florida 32399-1030; (850)717-1539;
Danielle.Walker@myfloridalicense.com.

Please refer all comments to: Robin E. Smith, Chief Attorney,
Department of Business and Professional Regulation, Division
of Florida Condominiums, Timeshares, and Mobile Homes,
2601 Blair Stone Road, Tallahassee, Florida 32399-2202.
Responses, motions to intervene, or requests for an agency
hearing, §120.57(2), Fla. Stat., must be filed within 21 days of
this notice.

Section VIII
Notice of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been
filed with the Division of Administrative Hearings on the
following rules:

NONE

Notice of Disposition of Petition for Administrative
Determination has been filed with the Division of
Administrative Hearings on the following rules:

NONE

Section IX
Notice of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

Request for Applications for Available Funding

Request for Applications for Available Funding

The Florida Department of Education, Division of Career and
Adult Education, announces the availability of federal funds
through a competitive grants process under the Workforce
Innovation and Opportunity Act (WIOA) 2014, Title II - Adult
Education and Family Literacy Act (AEFLA). Follow the
guidelines on each individual Request for Proposal, as due dates
may vary. Through the competitive grants process, eligible
applicants are assured direct & equitable access to apply for
funds. For application instruction, forms & funding
opportunities conference information, please refer to
http://www.fldoe.org/academics/career-adult-edu/funding-
opportunities/ direct questions to Josue.colorado@fldoe.org.

DEPARTMENT OF EDUCATION

Florida International University

Softball/Golf Complex and Beach Volleyball & Tennis Locker
Room Alterations,

INVITATION TO BID

Competitive Solicitation Number: E-ITB#67-004

Title: Softball/Golf Complex and Beach Volleyball & Tennis
Locker Room Alterations,

FIU PROJECT NO. FM-140507

Bids will be received on:

DATE AND TIME: May 18, 2017 at 2:00 P.M., E.T.

Submit Bids to:

ELECTRONIC SUBMISSION (PREFERRED):

DemandStar (www.demandstar.com)

or

**SEALED ENVELOPE SUBMISSION:  
FLORIDA INTERNATIONAL UNIVERSITY  
PURCHASING SERVICES**

Modesto Maidique Campus  
11200 SW 8th Street  
Campus Support Complex – CSC 411  
Miami, FL 33199

**MANDATORY PRE-BID CONFERENCE:** There will be a Mandatory Pre-Bid Conference and site visit to be held at 10:00 am on Friday, April 21, 2017, in room CSC 1123, Florida International University, Modesto Maidique Campus, 11200 S.W. 8th Street, Miami, Florida 33199. Respondents are required to attend in order to be eligible to submit a bid. A walk-thru will follow after the meeting. The purpose of the meeting is to answer any questions that pertain to the scope of services and competitive solicitation process outlined in this Invitation to Bid document. There will also be a site visit of the actual site following the mandatory conference.

**BID DOCUMENT DOWNLOAD**

\*\*\*To download a copy of this Competitive Solicitation Document, Addenda or public meeting announcements, please visit the Purchasing Services website at: <http://bids.fiu.edu/default.aspx>, where you will be prompted to go to Demandstar.com by Onvia by clicking on Competitive Solicitations Currently Available, or visit [www.demandstar.com](http://www.demandstar.com) directly.

**Statement of Objective:**

This competitive solicitation is for an invitation to bid (ITB) with The Florida International University Board of Trustees (hereinafter referred to as “FIU” or as the “University”) to enable FIU to enter into a contract with a Successful Respondent to provide general construction services. These services will include the construction of a new 4,100 Square Foot Softball/Golf Complex and the alteration of the existing Beach Volleyball & Tennis Locker Rooms (the “Services”).

**DEPARTMENT OF EDUCATION**

University of North Florida  
ITB 17-21 Herbert University Center Minor Renovations

**NOTICE TO CONTRACTORS**

ITB 17-21 Herbert University Center Minor Renovations  
The University of North Florida Board of Trustees, a public body corporate, is soliciting bids to general contractors for the selective demolition and minor renovations in the Adam Herbert University Center, Building 43 located at the University of North Florida, 12000 Alumni Drive, Jacksonville, FL 32224.

The scope of work includes all labor, materials and supervision required for the selective demolition and minor renovation to include sinks, plumbing components and cabinets. The work involves the removal of white boards, vinyl wall covering and

carpeting. The awarded contractor will install new wall covering, carpet, glass white boards and paint per drawings. Work is to be performed during the hours between 10:00 p.m. and 7:00 a.m. so that primary business functions can be maintained during the day. The same is true on weekends and holidays. All work must be consistent and performed to meet the University of North Florida Construction Design Guidelines and Standards [https://www.unf.edu/uploadedFiles/anf/facplan/10010\\_UNF\\_Design\\_and\\_Construction\\_Guidelines.pdf](https://www.unf.edu/uploadedFiles/anf/facplan/10010_UNF_Design_and_Construction_Guidelines.pdf). See the construction drawings and specifications for the full scope of work.

The successful contractor is responsible for understanding and complying with all applicable local, state and federal occupational safety and health regulations pertaining to the scope of work outlined in this ITB.

**The preliminary schedule for this ITB:**

Advertisement	April 13, 2017
Mandatory Pre-Bid Meeting	April 21, 2017 @ 10:00 a.m.
Deadline for questions	April 28, 2017
Response to questions	May 3, 2017
Bids due	May 9, 2017 @ 2:00 p.m.

Minority business participation is strongly recommended and supported by the University of North Florida.

A performance and payment bond for 100 percent of the amount of the bid will be required of the successful contractor for any project with a cost that exceeds \$100,000.

As required by §287.133, Fla. Stat., a contractor may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected contractor must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Contractor shall have established equal opportunity practices which conform to all laws against discrimination and prohibits discrimination based on race, creed, color, sex, age, national origin, marital status or religion; neither contractor nor any subcontractor or other person, firm or business entity with whom it would be engaged in a combined effort to perform the services has hired any person who is an officer or employee of UNF.

Full sets of bidding documents and descriptive project information may be obtained online at the UNF Procurement Services website:

[http://www.unf.edu/procurement/Bids\\_and\\_Notices.aspx](http://www.unf.edu/procurement/Bids_and_Notices.aspx).

Submit one complete copy of your bid response in full accordance with the requirements of the bid documents to:

University of North Florida Procurement Services  
4892 First Coast Technology Parkway, Hicks Hall, Suite 2950

Jacksonville, Florida 32224

Sealed bids must be received no later than 2:00 p.m. Eastern Standard Time on May 9, 2017. Facsimile (fax) or email submittals are not acceptable and will not be considered.

DEPARTMENT OF MILITARY AFFAIRS  
 216004 DMA Crystal River FMS 17 Reno D-B RFQ  
 STATE OF FLORIDA, DEPARTMENT OF MILITARY AFFAIRS  
 PUBLIC ANNOUNCEMENT  
 REQUESTING QUALIFICATIONS FOR DESIGN - BUILD TEAMS

The State of Florida, Department of Military Affairs (DMA), Construction & Facility Management Office (CFMO) requests qualifications from State of Florida registered licensed General/Building Contractors (GC) and Architect/Engineering (A/E) Teams for Design-Build Services for the following project located at Crystal River National Guard Armory FMS #17, Crystal River, Florida.

FOR COMPLETE INFORMATION AND SUBMISSION REQUIREMENTS YOU MUST GO TO THE MYFLORIDA.COM VENDOR BID SYSTEM AT [http://vbs.dms.state.fl.us/vbs/main\\_menu](http://vbs.dms.state.fl.us/vbs/main_menu) on or after April 17, 2017

PROJECT: 216004 – FMS #17 Renovation, Crystal River Armory, Crystal River, FL

STATEMENT OF WORK: Design and construction of facility renovation to a minimum life of 50 years, with energy efficiencies meeting ASHRAE 189.1 standards through improved building envelope and integrated building systems performance. Cost effective, energy conserving features are to be incorporated into the design. This building will be designed and constructed to meet Industry standards as well as local, State and Federal Building code requirements.

The Department reserves the right to reject any and all submissions or accept minor irregularities in the best interest of the DMA. The State of Florida's performance and obligation to pay under any contract is contingent upon availability of funding and an annual appropriation by the Legislature.

POINT OF CONTACT: Department of Military Affairs, Construction & Facility Management Office, Contract Management Branch, (904)827-8544 or e-mail: [ng.fl.flarng.list.ngfl-cfmo-contracting@mail.mil](mailto:ng.fl.flarng.list.ngfl-cfmo-contracting@mail.mil).

VISIT FLORIDA

ITN Announcement: Brand Creative Services

The Florida Tourism Industry Marketing Corp. dba VISIT FLORIDA is accepting proposals to support VISIT FLORIDA's brand campaigns and ad hoc marketing initiatives by providing strategic insights, creative development and production services. The agency must have a presence in Florida. For more information, please click [here](#).

Questions are due by 5:00 p.m. on April 24, 2017

Proposal submissions are due by 5:00 p.m. on May 22, 2017

Section XII  
 Miscellaneous

DEPARTMENT OF STATE

Index of Administrative Rules Filed  
 with the Secretary of State

Pursuant to Section 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 8:00 a.m., Thursday April 6, 2017 and 3:00 p.m., Wednesday, April 12, 2017. An improved electronic publication system is forthcoming on the Florida Administrative Rules website, FLRules.org, which will accommodate complete publication of rules filed for adoption in the previous 7 days, including rules awaiting legislative action.

Rule No.	File Date	Effective Date
40CER17-1	4/12/2017	4/12/2017
40CER17-2	4/12/2017	4/12/2017
53ER17-21	4/7/2017	4/7/2017
53ER17-22	4/7/2017	4/7/2017
53ER17-23	4/7/2017	4/7/2017
60S-11.001	4/10/2017	4/30/2014
60S-11.002	4/10/2017	4/30/2014
61-9.011	4/12/2017	5/2/2017
61-9.012	4/12/2017	5/2/2017
61-9.013	4/12/2017	5/2/2017
61-9.014	4/12/2017	5/2/2017
61-9.015	4/12/2017	5/2/2017
62-210.200	4/6/2017	4/26/2017
62-210.300	4/6/2017	4/26/2017
62-210.310	4/6/2017	4/26/2017
64B-9.001	4/7/2017	4/27/2017
64B-10.001	4/7/2017	4/27/2017
64B8-8.012	4/11/2017	5/1/2017

64B16-28.840	4/6/2017	4/26/2017
64B16-28.800	4/6/2017	4/26/2017
64B29-1.001	4/7/2017	4/27/2017
69K-27.001	4/12/2017	5/2/2017
73C-49.001	4/10/2017	4/30/2014
73C-49.002	4/10/2017	4/30/2014
<b>LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES</b>		
<b>Rule No.</b>	<b>File Date</b>	<b>Effective Date</b>
40B-9.021	12/21/2016	**/**/*****
40B-9.041	12/21/2016	**/**/*****
40B-9.126	12/21/2016	**/**/*****
40B-9.131	12/21/2016	**/**/*****
40B-9.1381	12/21/2016	**/**/*****
40B-9.1411	12/21/2016	**/**/*****
40B-9.142	12/21/2016	**/**/*****
40B-9.145	12/21/2016	**/**/*****
40B-9.123	12/9/2016	**/**/*****
58M-2.009	2/9/2017	**/**/*****
60FF1-5.009	7/21/2016	**/**/*****
64B8-9.009	6/15/2016	**/**/*****
64B8-10.003	12/9/2015	**/**/*****
69L-7.100	12/19/2016	**/**/*****
69L-7.501	12/19/2016	**/**/*****

“Airport Licensing, Registration, and Airspace Protection” for the following site:

Halifax Hospital Emergency Heliport, a private airport, in Volusia County, at Latitude 28° 57' 30.19" and Longitude 81° 15' 20.12", to be owned and operated by H.H. Holdings, Inc., 425 North Clyde Morris Blvd Daytona Beach, FL 32114.

A copy of the Airport Site Approval Order, the Airport’s application, the applicable rules, and other pertinent information may be obtained by contacting Aaron N. Smith, State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4514, aviation.fdot@dot.state.fl.us, Website: <http://www.dot.state.fl.us/aviation>.

**ADMINISTRATIVE HEARING RIGHTS:** Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NOTICE OF GRANT SUBMISSION PERIOD FOR PUBLIC  
OUTDOOR RECREATION**

The Department of Environmental Protection (Department) will accept Fiscal Year 2016-17 grant applications for the Federal Land and Water Conservation Fund (LWCF) Program, as follows:

**APPLICATION SUBMISSION PERIOD:** May 1, 2017, through May 5, 2017. Completed applications must be postmarked or received on or before the last date of the submission period, May 5, 2017.

**ELIGIBLE APPLICANTS:** All county governments and incorporated municipalities of the State of Florida and other legally constituted local governmental entities with the legal responsibility for the provision of outdoor recreational sites and facilities for the use and benefit of the public.

**LIMIT TO ONE APPLICATION PER SUBMISSION CYCLE:** Eligible applicants may submit only one application per submission cycle.

**DEPARTMENT OF TRANSPORTATION**  
Proposed Site Approval Order for Halifax Hospital Emergency Heliport  
FLORIDA DEPARTMENT OF TRANSPORTATION  
The Florida Department of Transportation intends to issue an “Airport Site Approval Order,” in accordance with Chapter 330, Florida Statutes, “Regulation of Aircraft, Pilots, and Airports” and Chapter 14-60, Florida Administrative Code,

**INELIGIBLE APPLICANTS:** Applicants with two incomplete LWCF projects as of the last day of the submission period are prohibited from applying.

**MAXIMUM GRANT REQUEST:** The maximum grant request may not exceed \$200,000.00. The Department may revise an applicant's requested grant amount based on availability of program funds. Grants must be for the sole purpose of providing outdoor recreation opportunities to the public. Grant awards are contingent upon an annual apportionment from the National Park Service and expenditure authorization by the Florida Legislature. The LWCF grant is provided on a 50%/50% (Program/Grantee) matching basis.

**APPLICATION INFORMATION:** LWCF grant application packets may be obtained from the Department of Environmental Protection, Office of Operations, Land and Recreation Grants Section, Mail Station 585, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; (850)245-2501; Tamika.Bass@dep.state.fl.us or Linda.Reeves@dep.state.fl.us; or at [www.dep.state.fl.us/parks/oirs](http://www.dep.state.fl.us/parks/oirs).

**PROGRAM DESCRIPTION:** LWCF is a competitive grant program which provides financial assistance to local governmental entities for the development or acquisition of land for public outdoor recreational purposes pursuant to Sections 258.007 and 375.021(4), F.S. and Rules 62D-5.068 through 62D-5.074, F.A.C.

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DEPARTMENT OF HEALTH

Emergency Action

On April 12, 2017, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the certification of Shawn A. Lundstedt, P.M.D., License # PMD 201540. This Emergency Restriction Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6) Florida Statutes (2016). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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Section XIII

Index to Rules Filed During Preceding  
Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.

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