

announce a series of joint public hearings throughout South Florida to gather public comment and suggestions regarding the proposed reserve.

SUBJECT AREA TO BE ADDRESSED: Dry Tortugas Reserve within the Florida Keys National Marine Sanctuary.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT RULE DEVELOPMENT WORKSHOPS, IN CONJUNCTION WITH THE FLORIDA KEYS NATIONAL MARINE SANCTUARY, NATIONAL PARK SERVICE, AND THE GULF OF MEXICO FISHERY MANAGEMENT COUNCIL, AT THE TIMES, DATES AND PLACES SHOWN BELOW:

Brief presentations by each agency in attendance on their respective plans will occur at 3:30 p.m. and again at 6:00 p.m. at all Florida meetings, and at 2:30 p.m. at the Washington, DC meeting.

TIME AND DATE: 3:00 – 8:00 p.m., June 12, 2000

PLACE: Homestead Senior High School, S. E. 12th Avenue, Main Cafeteria, Homestead, FL

TIME AND DATE: 3:00 – 8:00 p.m., June 13, 2000

PLACE: Comfort Inn Executive Suites, 3860 Toll Gate Blvd., 2nd Floor Conference Room, Naples, FL

TIME AND DATE: 3:00 – 8:00 p.m., June 14, 2000

PLACE: University of South Florida, Campus Activities Center, 2nd Street and 6th Avenue, South, CAC Central Room, St. Petersburg, FL

TIME AND DATE: 3:00 – 8:00 p.m., June 21, 2000

PLACE: The Sombrero Country Club, 4000 Sombrero Blvd., Nautilus Room, Marathon, FL

TIME AND DATE: 3:00 – 8:00 p.m., June 22, 2000

PLACE: Holiday Inn Beachside, 3841 N. Roosevelt Blvd., Main Ballroom, Key West, FL

TIME AND DATE: 2:00 – 5:00 p.m., July 11, 2000

PLACE: U.S. Commerce Bldg., First Floor HCHB Auditorium, Washington, DC

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 calendar days before the workshop/meeting by contacting Andrena Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Historical Resources

RULE CHAPTER TITLE: Tax Exemptions for Historic Properties

RULE CHAPTER NO.: 1A-38

RULE TITLES: Definitions

RULE NOS.: 1A-38.002

Application for Exemption

1A-38.003

Evaluation of Property

1A-38.004

PURPOSE AND EFFECT: The purpose and effect of the proposed changes is to amend these rules and the forms incorporated therein to streamline application procedures and to correct minor errors in the current versions of the rule.

SUMMARY: The Division of Historical Resources seeks to amend these rules and the forms incorporated therein to streamline application procedures to obtain Historic Property Tax Exemptions. Also, the Division has been made aware of minor errors in the current version of the rules, which it seeks to correct.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 196.1997(13), 196.1998(3) FS.

LAW IMPLEMENTED: 196.1997-.1998 FS.

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

TIME AND DATE: 9:00 a.m., June 13, 2000

PLACE: R. A. Gray Building, Conference Room, Room 316-H, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: David Ferro, Architect Supervisor, Bureau of Historic Preservation, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250, telephone (850)487-2333

THE FULL TEXT OF THE PROPOSED RULES IS:

1A-38.002 Definitions.

(4) "Improvements" means changes in the condition of real property brought about by the expenditure of labor or money for restoration, renovation or rehabilitation of such property. Improvements may include additions and accessory structures (i.e., a garage), cabana, guest cottage, storage/utility

structure) so long as the new construction is compatible with the historic character of the building and site in terms of size, scale, massing, design and materials, and preserves the historic relationship between a building or buildings, landscape features and open space necessary for efficient contemporary use.

Specific Authority 196.1997, 197.1998 FS. Law Implemented 196.1997, 197.1998 FS. History—New 1-31-94, Amended _____.

1A-38.003 Application for Exemption.

(1) Except as provided in rule 1A-38.003(2), application for the property tax exemption shall be made on the ~~three-~~two-part Historic Preservation Property Tax Exemption Application, DOS Form No. HR3E101292, revised xx xx, 2000 effective 1-31-94 and incorporated by reference. This form may be obtained by writing the Division at: Bureau of Historic Preservation, 500 South Bronough Street, Tallahassee, Florida 32399-0250, or from the local historic preservation office in the jurisdiction of the local government. Part 1-Evaluation of Property Eligibility and Part 2-Description of Improvements may be submitted before or during construction, or upon completion of the improvements; however, property owners are strongly encouraged to submit these parts of the application to ensure property eligibility and secure preliminary project approval before construction is initiated. Failure to secure preconstruction approval of improvements may jeopardize eligibility for the exemption or may result in the need for costly modifications to bring improvements into compliance with program requirements. ~~the Preconstruction Application, shall be submitted before improvements are initiated and Part 3 – Request for Review of Completed Work, shall be submitted upon completion of the improvements. For improvements completed before application is made, Part 3-Request for review of Completed Work must accompany the Part 2 submission.~~

(2) No change.

(3) The cCompleted Part 1-Evaluation of Property, Part 2-Evaluation of Improvements ~~Preconstruction Applications~~ and Part 3-Requests for Review of Completed Work shall be submitted by the property owner to the local historic preservation office or the Division, whichever is designated by the local ordinance as the representative of the local government for the purpose or reviewing applications for the property tax exemption.

(4) Upon receipt of the completed Part 1-Evaluation of Property Eligibility and Part 2-Description of Improvements, Preconstruction Application and all required supporting materials, the local historic preservation office or the Division shall conduct a review to determine

(a) whether the property for which an exemption has been requested satisfies Section 196.1997(11)(a), F.S.,

(b) whether the proposed, in progress, or completed improvements are consistent with The Secretary of the Interior's Standards for Rehabilitation and Guidelines for

Rehabilitating Historic Buildings (Revised 1990), U.S. Department of the Interior, National Park Service, incorporated by reference, and the criteria in Chapter 1A-38, and

(c) for applications submitted under the provisions of Section 196.1998, F.S., whether the improvements meet the criteria in rule 1A-38.004(3) and (4). Part 2-Description of Improvements will not be reviewed prior to review of Part 1-Evaluation of Property Eligibility and certification that the subject property is a historic property as defined in rule 1A-38.002(3) and, for applications submitted under the provisions of Section 196.1998, F.S., that the property meets the criteria in rules 1A-38.004(4) and (5). Copies of the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings may be obtained by writing the Division at the address indicated in rule 1A-38.003(1) or from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(5) Upon ~~On~~ completion of the review of Part 1-Evaluation of Property Eligibility and Part 2-Description of Improvements, a Preconstruction Application, the local historic preservation office or Division shall notify the applicant and the local government in writing of the results of the review and shall make recommendations for correction of any planned or completed work deemed to be inconsistent with the standards cited in rule 1A-38.005.

(6) Each review of Part 1-Evaluation of Property Eligibility and Part 2-Description of Improvements ~~a Preconstruction Application~~ conducted by the Division shall be completed within 30 days following receipt of the completed application and all required supporting materials. Each review of Part 1-Evaluation of Property Eligibility and Part 2-Description of Improvements ~~a Preconstruction Application~~ conducted by a local historic preservation office shall be completed consistent with the routine schedules and procedures of the local design review body as set forth by the local government.

(7) Upon receipt of Part 3 – the Request for Review of Completed Work and all required supporting materials, the local historic preservation office or the Division shall conduct a review to determine whether or not the completed improvements are in compliance with the work described in an ~~the~~ approved Part 2-Description of Improvements, Preconstruction Application subsequent approved amendments, if any, and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. If Part 2-Description of Improvements and Part 3-Request for Review of Completed Work are submitted after completion of the improvements, both shall be reviewed concurrently for compliance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. The local historic preservation office or the Division, as applicable, reserves the right to inspect the completed work to verify such compliance.

(8) through (9) No change.

Specific Authority 196.1997, 197.1998 FS. Law Implemented 196.1997, 197.1998 FS. History--New 1-31-94, Amended.

1A-38.004 Evaluation of Property.

(1) Part 1-Evaluation of Property Eligibility
~~Preconstruction Applications~~ submitted to the Division for properties which have been individually designated as historic properties or landmarks under the provisions of a local historic preservation ordinance shall include documentation substantiating such designation and describing the historic, archaeological or architectural features which provided the basis for designation. Acceptable documentation shall include a copy of the designation report for the property and official correspondence notifying the property owner of designation.

(2) through (5) No change.

Specific Authority 196.1997, 197.1998 FS. Law Implemented 196.1997, 197.1998 FS. History--New 1-31-94, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Ferro, Architect Supervisor, Bureau of Historic Preservation, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250, telephone (850)487-2333

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Jan Matthews, Ph.D, Director, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250, telephone (850)488-1480

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 26, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 31, 2000

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Purchasing Policies

RULE NO.: 6A-1.012

PURPOSE AND EFFECT: This amendment would allow school boards to increase their established purchasing bid threshold to the amount established in Section 287.017, Florida Statutes, for state agency category two purchases. The rule continues to require school board rules to specify policies for purchases at amounts less than the bid threshold. This amendment would also clarify school boards' authority to use prices established through the Department of Management Services, Division of Purchasing's negotiated agreement price schedule.

SUMMARY: This amendment allows school boards to establish purchasing bid thresholds up to the amount granted to state agencies for category two purchases by Section 287.017, Florida Statutes. This amendment also permits school boards to use Department of Management Services, Division of Purchasing's negotiated agreement price schedule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 229.053(1), 229.79, 237.02(2) FS.

LAW IMPLEMENTED: 229.79, 230.23(4)(j), 237.02(2) FS.

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

TIME AND DATE: 9:00 a.m., June 13, 2000

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jeanine Blomberg, Director, Division of Support Services, Department of Education, 325 West Gaines Street, Room 814, Tallahassee, Florida 32399-0400, (850)488-6023

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.012 Purchasing Policies.

Each district school board shall establish purchasing rules which shall include but not be limited by the following:

(1) through (3) No change.

(4) As required by Section 230.23(10)(j), Florida Statutes, the school board shall receive and give consideration to the prices available to it under rules of the Department of Management Services, Division of Purchasing. School boards may use prices established by the Division of Purchasing through its state negotiated agreement price schedule. If school board policy provides for purchasing under this program of negotiated price agreements, the conditions for use shall be those imposed on state agencies.

(5) No change.

(6) Except as authorized by law or rule, bids shall be requested from three (3) or more sources for any authorized purchase or contract for services exceeding the amount established in Section 287.017, Florida Statutes, for purchasing category two fifteen thousand (15,000) dollars. School boards, by rule, shall set this amount or a lesser amount and shall establish purchasing policy relative to purchases of a dollar value less than this formal bid threshold. The school board shall have the authority to reject any or all bids and request new bids. In acceptance of bids, the school board shall accept the lowest and best bid from a responsive and responsible bidder. The school board is not required to request bids for purchases made from contracts of the Department of Management Services as referenced in subsection (4) of this rule. Bids are not required for purchases made through the pool purchase provisions of Section 229.79, Florida Statutes.

(7) through (11) No change.

Specific Authority 229.053(1), 229.79, 237.02(2) FS. Law Implemented 229.79, 230.23(4)(j), 237.02(2) FS. History—Amended 12-17-65, 5-24-67, 9-17-72, 4-19-74, 9-19-74, Repromulgated 12-5-74, Amended 2-21-77, 3-10-85, Formerly 6A-1.12, Amended 6-27-89, 7-5-90, 6-10-92, 6-29-93, 4-25-96, 4-14-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Wayne V. Pierson, Deputy Commissioner for Planning,
Budgeting and Management, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Tom Gallagher, Commissioner of
Education

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: April 28, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: April 21, 2000

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Florida Teacher Certification Examination

RULE NO.: 6A-4.0021

PURPOSE AND EFFECT: The purpose of this rule amendment is to revise the passing score for the Spanish 6-12 teacher certification examination and to adopt updated examination application forms. The proposed Spanish 6-12 examination passing score is a composite score based on weighting a multiple choice section, a speaking performance section, and a newly-instituted writing performance section. The effect of the revised passing score is that successful Spanish 6-12 teacher certification examination candidates will demonstrate proficiency in multiple choice test items, speaking performance, and writing performance.

SUMMARY: The Spanish 6-12 teacher certification examination passing score will include multiple choice items, a speaking performance section, and a newly-instituted writing performance section and updated application forms will be adopted.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 231.15(1), 231.17(4),(5),(8),(11), 231.30 FS.

LAW IMPLEMENTED: 231.145, 231.15, 231.17, 231.30 FS.

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

TIME AND DATE: 9:00 a.m., June 13, 2000

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Betty Cox, Director, Division of
Public Schools and Community Education, Department of
Education, 325 West Gaines Street, Room 501, Tallahassee,
Florida 32399, (850)488-2601

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0021 Florida Teacher Certification Examination.

(1) through (3) No change.

(4) Registration, late registration and refunds.

(a) Registration for the examination shall be for the initial examination or for one (1) or more subtests not previously passed. To register to take the examination, an applicant shall submit a completed application which shall be received by the test administration agency at least fifty (50) days preceding the examination date.

1. A complete application shall consist of the following:

a. A completed application Form CG-20-~~0099~~, Florida Teacher Certification Examination Registration Application or Form CG-22-~~0099~~, FTCE/FELE Supplemental Registration Application, which includes the applicant's signature. Form CG-20-~~0099~~, Florida Teacher Certification Examination Registration Application and Form CG-22-~~0099~~, FTCE/FELE Supplemental Registration Application, effective October, ~~2000~~ ~~1999~~ are hereby incorporated by reference and made a part of this rule. These forms may be obtained without cost from the Bureau of Teacher Certification, Florida Department of Education, The Florida Education Center, Tallahassee, Florida 32399.

b. through (8) No change.

(9) Scoring of the subject area specialty subtests.

(a) through (c) No change.

(d) For subject area specialty tests listed below, a score earned prior to May 1, 1991, shall be considered a passing score and shall be valid for certification in that subject area for a period of two (2) years from the test administration date. After May 1, 1991, a passing score for these subject area tests will be a scaled score of at least two hundred (200). The scaled score shall be equivalent to the following scores on the October 1989 test administration:

SUBJECT	SCORE
Chemistry 6-12	57 correct items
Drama 6-12	96 correct items
Economics 6-12	70 correct items
Educational/Media Specialist	
PK-12	102 correct items
Health K-12	71 correct items
Latin K-12	70 correct items
Middle Grades General	
Science 5-9	70 correct items
Middle Grades Mathematics 5-9	59 correct items

Middle Grades Social Science 5-9	87 correct items	trained judges using a scale of one (1) low to four (4) high.
Physics 6-12	51 correct items	
French K-12	87 on a scale that weights the multiple choice section fifty (50) percent, the speaking section forty (40) percent, and the writing section ten (10) percent.	
German K-12	A score of Intermediate High or more on the oral interview and a score of 82 on a scale that weights the multiple choice section eighty (80) percent and the writing section twenty (20) percent.	
Middle Grades English 5-9	57 on a scale that weights the multiple choice section eighty (80) percent and the essay section twenty (20) percent.	
Spanish K-12	87 on a scale that weights the multiple choice section seventy-five (75) percent and the speaking section twenty-five (25) percent.	87 on a scale that weights the multiple choice section seventy-five (75) percent and the speaking section twenty-five (25) percent.
Speech 6-12	Prior to October 1, 1996, 119 on a scale that weights the multiple choice section fifty (50) percent and the speech section fifty (50) percent. Beginning October 1, 1996, a score of fifty-six (56) on the multiple choice section and a score of four (4) or more on the speech section based on the summed ratings of two (2)	

(e) through (i) No change.

(j) For the subject area specialty test listed below, passing for a score earned prior to August 1, 2000, shall be a scaled score of at least two hundred (200). This scaled passing score shall be equivalent to the following score on the October 1989 test administration:

Spanish K-12

87 on a scale that weights the multiple choice section seventy-five (75) percent and the speaking section twenty-five (25) percent.

Effective August 1, 2000, a passing score for this test will be a scaled score of at least two hundred (200). This scaled passing score will be equivalent to the following score on the October 1998 and January 1999 test administrations:

Spanish K-12

88 on a scale that weights the multiple choice section sixty (60) percent, the speaking section twenty-five (25) percent, and the writing section fifteen (15) percent.

(j) through (k) renumbered (k) through (l) No change.

(10) through (15) No change.

Specific Authority 231.15(1), 231.17(4)(5)(8)(11), 231.30 FS. Law Implemented 231.145, 231.15, 231.17, 231.30 FS. History--New 8-27-80, Amended 1-11-82, 1-6-83, 5-3-83, 10-5-83, 10-15-84, Formerly 6A-4.021, Amended 12-25-86, 4-26-89, 4-16-90, 7-10-90, 4-22-91, 10-3-91, Amended 8-10-92, 11-28-93, 4-12-95, 7-1-96, 9-30-96, 10-1-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Stewart, Deputy Commissioner of Educational Programs,
Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Tom Gallagher, Commissioner of
Education

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: April 28, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 25, 2000

DEPARTMENT OF EDUCATION**State Board of Education****RULE TITLE:**

General and Professional Preparation

RULE NO.:

6A-4.006

PURPOSE AND EFFECT: This rule is proposed for amendment to delete obsolete language, and to exempt applicants for certification in the area of school social worker from the professional education course work otherwise required for certified personnel directly involved in student instruction. The effects of this rule are that applicants for certification are no longer limited in the types of general methods course work that can be taken to meet requirements for the Professional Certificate, and that school social workers, in accordance with requirements for other service area personnel, will be exempt from course work that is not related to their scope of duties.

SUMMARY: This rule amendment changes requirements for professional preparation to provide more flexibility in meeting requirements for the Professional Certificate and to remove unnecessary requirements for school social workers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 229.053(1), 231.15(1), 231.17(4) FS.

LAW IMPLEMENTED: 231.02, 231.145, 231.15, 231.17 FS.

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

TIME AND DATE: 9:00 a.m., June 13, 2000

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David Ashburn, Director, Division of Human Resource Development, Department of Education, 325 West Gaines Street, Room 203, Tallahassee, Florida 32399-0400, (850)487-3663

THE FULL TEXT OF THE PROPOSED RULE IS:**6A-4.006 General and Professional Preparation.**

Credit in general and professional preparation as listed below shall be required for the professional certificate unless exemption for a specific certification subject is provided in State Board Rules.

(2) Professional preparation. Twenty (20) semester hours in professional preparation as specified below:

(a) Course requirements in education.

1. Six (6) semester hours in foundations of education with credit in both sociological and psychological foundations as described below:

a. Sociological foundations include courses such as school and society, introduction to education, history of education, and principles and philosophy of education.

b. Psychological foundations include courses such as educational psychology, child psychology, adolescent psychology, psychology of learning, and growth and development of the individual.

2. Six (6) semester hours in general methods of teaching, administration, and curriculum in the elementary school or secondary school. Courses should provide an overview of the entire school program and give specific help with respect to the principles of teaching, general curriculum, instructional design, testing and measurement, evaluation of the school program, general methods, school organization and administration needed by teachers in the public schools.

~~a. Three (3) of the six (6) semester hours shall include the level of certification, such as preschool, primary, elementary, middle grades, or secondary.~~

~~b. Credits shall include both the elementary and secondary levels for PK-12 or K-12 subjects.~~

3. Special methods.

a. Grades K-12. Four (4) semester hours in methods of teaching the subject to include credit at the elementary and secondary levels for each of the following subjects: art, computer science, foreign languages, health, humanities, and music.

b. Middle grades (5-9) and secondary (6-12). Two semester hours in methods of teaching the subject at the appropriate level for each middle grade or secondary subject.

(b) Practical experience in teaching. Practical experience in teaching may be satisfied by one (1) of the plans listed below:

1. Six (6) semester hours earned in a college student teaching program or in a supervised internship completed in an elementary or secondary school, or

2. Two (2) years of full-time teaching experience as specified in Rule 6A-4.002(5)(a), FAC.

(3) Exemptions.

(a) Requirements which are specified in Paragraphs (2)(a) and (2)(b) of this rule shall be waived for issuance of a professional certificate covering only school food service.

(b) Requirements which are specified in Paragraph (2)(a) of this rule shall be waived for issuance of a professional certificate covering only prekindergarten/primary education, preschool education, school social worker, and speech-language impaired.

(c) Special methods of teaching the subject which are specified in Subparagraph (2)(a)3., of this rule shall be waived for the following coverages: educational leadership, educational media specialist, elementary education, English to speakers of other languages, exceptional student education

coverages, guidance and counseling, physical education, professional school principal, reading, school principal, and school psychologist, ~~and school social worker.~~

Specific Authority 229.053(1), 231.15(1), 231.17(4)(~~4~~) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History—Amended 4-20-64, 4-8-68, 7-7-68, 4-11-69, 6-17-73, Repromulgated 12-5-74, Amended 10-12-76, 7-1-79, 11-5-84, Formerly 6A-4.06, Amended 9-12-89, 5-30-94, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Stewart, Deputy Commissioner of Educational Programs,
Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Tom Gallagher, Commissioner of
Education

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: April 28, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 11, 2000

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLES:	RULE NOS.:
Specialization Requirements for Certification in Educational Leadership – Administrative Class	6A-4.0082
Specialization Requirements for Certification in Art (Grades K-12) – Academic Class	6A-4.0101
Specialization Requirements for Certification in Computer Science (Grades K-12) – Academic Class	6A-4.0121
Specialization Requirements for Certification in Dance (Grades K-12) – Academic Class	6A-4.0123
Specialization Requirements for Certification in the Area of Prekindergarten/Primary Education (Age Three through Grade Three) – Academic Class	6A-4.0142
Specialization Requirements for Certification in Middle Grades English (Grades 5-9) – Academic Class	6A-4.0161
Specialization Requirements for Certification in English (Grades 6-12) – Academic Class	6A-4.0162
Specialization Requirements for Certification in the Area of Emotionally Handicapped (Grades K-12) – Academic Class	6A-4.0171
Specialization Requirements for Certification in the Area of Hearing Impaired (Grades K-12) – Academic Class	6A-4.0172
Specialization Requirements for Certification in the Area of Mentally Handicapped (Grades K-12) – Academic Class	6A-4.0173
Specialization Requirements for Certification in the Area of Physically Impaired (Grades K-12) – Academic Class	6A-4.0174

Specialization Requirements for Certification in the Area of Specific Learning Disabilities (Grades K-12) – Academic Class	6A-4.0175
Specialization Requirements for Certification in the Area of Varying Exceptionalities (Grades K-12) – Academic Class	6A-4.0177
Specialization Requirements for Certification in the Area of Visually Impaired (Grades K-12) – Academic Class	6A-4.0178
Specialization Requirements for Certification in Health (Grades K-12) – Academic Class	6A-4.0191
Specialization Requirements for Certification in Journalism (Grades 6-12) – Academic Class	6A-4.0221
Specialization Requirements for Certification in Separate Areas of Language Other than English (Grades K-12) – Academic Class	6A-4.0243
Specialization Requirements for Certification in Educational Media Specialist (Grades PK-12) – Specialty Class	6A-4.0251
Specialization Requirements for Certification in Middle Grades Mathematics (Grades 5-9) – Academic Class	6A-4.0261
Specialization Requirements for Certification in Mathematics (Grades 6-12) – Academic Class	6A-4.0262
Specialization Requirements for Certification in Music (Grades K-12) – Academic Class	6A-4.0271
Specialization Requirements for Certification in Physical Education (Grades K-8) and Physical Education (Grades 6-12) – Academic Class	6A-4.028
Specialization Requirements for Certification in Middle Grades General Science (Grades 5-9) – Academic Class	6A-4.0321
Specialization Requirements for Certification in Separate Areas of Science (Grades 6-12) – Academic Class	6A-4.0322
Specialization Requirements for Certification in Middle Grades Social Science (Grades 5-9) – Academic Class	6A-4.0331
Specialization Requirements for Certification in Social Science (Grades 6-12) and Separate Areas of Social Science (Grades 6-12) – Academic Class	6A-4.0332
Specialization Requirements for Certification in Speech (Grades 6-12) – Academic Class	6A-4.0341
Specialization Requirements for Certification in Drama (Grades 6-12) – Academic Class	6A-4.0342
Specialization Requirements for Certification in Agriculture (Grades 6-12) – Vocational Class	6A-4.054
Specialization Requirements for Certification in Business Education (Grades 6-12) – Vocational Class	6A-4.056

Specialization Requirements for Certification in
Home Economics (Grades 6-12) –
Vocational Class 6A-4.058

Specialization Requirements for Certification
in Industrial Arts-Technology Education
(Grades 6-12) – Vocational Class 6A-4.060

Specialization Requirements for Certification in
Marketing (Grades 6-12) – Vocational Class 6A-4.062

PURPOSE AND EFFECT: The purpose of these rule revisions is to eliminate unnecessary specificity in subject area specialization requirements that creates barriers to qualified applicants. The effect is a set of streamlined rules which maintain rigorous eligibility standards established in Florida Statutes.

SUMMARY: These rules are amended to remove unnecessary specificity in the subject content requirements for certification in specified subject areas.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 231.15(1), 231.17(3) FS.

LAW IMPLEMENTED: 231.15, 231.17 FS.

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

TIME AND DATE: 9:00 a.m., June 13, 2000

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: David Ashburn, Director, Division of Human Resource Development, Department of Education, 325 West Gaines Street, Room 203, Tallahassee, Florida 32399-0400, (850)487-3663

THE FULL TEXT OF THE PROPOSED RULES IS:

6A-4.0082 Specialization Requirements for Certification in Educational Leadership – Administrative Class.

~~(4) Documentation of successful completion of not less than six (6) semester hours of graduate credit, or the equivalent in an approved district inservice management training program, in research, foundations, curriculum, and instruction in one of the four (4) areas of emphasis listed below. The six (6) hours of graduate credit shall be earned from a standard institution.~~

- ~~(a) Early childhood/primary education~~
- ~~(b) Middle school education~~
- ~~(c) Secondary school education~~
- ~~(d) Exceptional student education.~~

~~(4)(5) Using the objective screening, selection, and appointment procedures of the district school board approved under Section 231.0861(2), Florida Statutes, persons holding~~

certification in educational leadership, administration, or administration and supervision may be appointed to perform the duties of an intern assistant principal, assistant principal, intern principal or interim principal. A person holding the certification coverages listed above, school principal or professional school principal, may be appointed under district school board procedures to administrative positions which are not assigned to a school.

~~(5)(6) Out-of-state experienced educational administrators who have a master's degree or higher in educational administration and supervision from a standard institution and who are employed for a district level position by a Florida school board shall be eligible for a temporary certificate covering educational leadership.~~

Specific Authority 229.053(1), 231.15(1), 231.17(3)(4), 236.0811(2)(a) FS. Law Implemented 231.02, 231.0861, 231.087(3)(e), 231.145, 231.15, 231.17, 236.0811 FS. History--New 7-1-86, Formerly 6A-4.082, Amended 10-31-88, 9-12-89, _____.

6A-4.0101 Specialization Requirements for Certification in Art (Grades K-12) – Academic Class ~~Beginning July 1, 1990.~~

(1) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in art ~~which includes credit in two dimensional art, three dimensional art, and art history,~~ or

(2) Plan Two. A bachelor's or higher degree with thirty (30) semester hours in art to include credit in the areas specified below:

~~(a) Twelve (12) semester hours in T~~two-dimensional art such as drawing, painting, design, graphics, and photography,

~~(b) Three (3) semester hours in T~~three-dimensional art such as sculpture, ceramics, metals, textiles, woods, and plastics, and

~~(c) Six (6) semester hours in A~~art history, and

~~(d) Three (3) semester hours in aesthetics or art criticism.~~

~~(3) This rule shall take effect July 1, 1990.~~

Specific Authority 229.053(1), 231.15(1), 231.17(3)(4) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History--New 7-1-90, Amended _____.

6A-4.0121 Specialization Requirements for Certification in Computer Science (Grades K-12) – Academic Class.

~~(1) The following specialization requirements for certification in Computer Science (Grades K-12) shall be effective until July 1, 1992:~~

~~(a) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in computer science or computer science education, or~~

~~(b) Plan Two. A bachelor's or higher degree with twenty-one (21) semester hours in computer science or computer science education.~~

~~(2) The following specialization requirements for certification in Computer Science (Grades K-12) shall become effective July 1, 1992:~~

~~(1)(a)~~ Plan One. A bachelor's or higher degree with an undergraduate or graduate major in computer science or computer science education ~~which includes credit in computer applications and computer programming, or~~

~~(2)(b)~~ Plan Two. A bachelor's or higher degree with thirty (30) semester hours in computer science or computer science education to include credit in the areas specified below:

~~(a) Computer applications, and~~

~~(b) Computer programming.~~

~~1. Three (3) semester hours in computer literacy;~~

~~2. Six (6) semester hours in survey of computer applications to include credit in each of the following:~~

~~a. Word processing;~~

~~b. Data base applications;~~

~~c. Spreadsheet applications;~~

~~d. Telecommunications;~~

~~e. Graphics packages; and~~

~~f. Using the computer as a control device; and~~

~~3. Twelve (12) semester hours in computer programming to include six (6) semester hours in the Pascal language and credit in data structures.~~

Specific Authority 229.053(1), 231.15(1), 231.17(3)(4) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History—New 10-10-89. Amended

6A-4.0123 Specialization Requirements for Certification in Dance (Grades K-12) – Academic Class.

(1) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in dance or dance education, or

(2) Plan Two. A bachelor's or higher degree with thirty (30) semester hours in dance to include the areas specified below:

(a) Credit Fourteen (14) semester hours in studio techniques to include:

1. Ballet Six (6) semester hours in ballet;

2. Six (6) semester hours in Mmodern dance; and

3. Two (2) semester hours in Eeither jazz dance, folk dance, ethnic dance, character dance, tap dance, square dance, or musical theater dance.

(b) Credit Ten (10) semester hours in creative studio studies to include:

1. Four (4) semester hours in Ddance composition or choreography;

2. Two (2) semester hours in Pperformance or repertory;

3. Two (2) semester hours in Ddance production or stagecraft; and

4. Two (2) semester hours in Rrhythmic analysis or music for dance.

(c) Credit in biomechanical analysis of movement or kinesiology; and Six (6) semester hours in theory or dance education to include:

~~1. Three (3) semester hours in biomechanical analysis of movement or kinesiology; and~~

~~(d)2. Credit Three (3) semester hours in history of dance or theory and philosophy of dance.~~

Specific Authority 229.053(1), 231.15(1), 231.17(3)(4) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History—New 11-10-92. Amended

6A-4.0142 Specialization Requirements for Certification in the Area of Prekindergarten/Primary Education (Age Three Through Grade Three) – Academic Class.

Competencies for the specialization requirements are listed in the publication "Competencies for Specialization Requirements for Educators' Certification in Florida, First Edition" which is hereby incorporated by reference and made a part of this rule. Copies of this publication may be obtained from the Bureau of Educator Teacher Certification, Florida Department of Education, The Florida Education Center, Tallahassee, Florida 32399.

(5) Plan Five. A bachelor's or higher degree with an undergraduate or graduate degree major in elementary education (grades one [1] through six [6]); or a bachelor's or higher degree with the specialization and professional preparation requirements completed for elementary education (grades one [1] through six [6]) or primary education (grades kindergarten through grade three [3]); and fifteen (15) thirty (30) semester hours in prekindergarten/primary education to include integrated field experiences as specified below:

~~(a) Three (3) semester hours in child growth and development from conception to age eight (8);~~

~~(b) Credit in the historical, philosophical, and sociological perspectives in early childhood education;~~

~~(a)(e) Six (6) Nine (9) semester hours in developmentally appropriate integrated curriculum and practices in programs serving children ages three (3) through five (5);~~

~~(d) Three (3) semester hours in issues and practices to promote family and community involvement;~~

~~(b)(e) Credit in health, nutrition, and safety for children ages three (3) through five (5);~~

~~(c)(f) Credit Three (3) semester hours in diagnosis, assessment, and evaluation of young children;~~

~~(d)(g) Credit in the education of young children with Six (6) semester hours in special needs of all children and their families; and~~

~~(e)(h) Credit Three (3) semester hours in child guidance and classroom management of classrooms with young children.~~

Specific Authority 229.053(1), 231.15(1), 231.17(3)(4) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History—New 5-30-94. Amended

6A-4.0161 Specialization Requirements for Certification in Middle Grades English (Grades 5-9) – Academic Class.

(1) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in English or middle grades English, or

(2) Plan Two. A bachelor's or higher degree with eighteen (18) semester hours in English ~~beyond the freshman level~~ to include the areas specified below:

(a) ~~Credit Three (3) semester hours in English composition and grammar beyond freshman English.~~

~~(b) Three (3) semester hours in English grammar or syntax;~~

~~(b)(e) Credit Three (3) semester hours in speech or oral interpretation, and~~

~~(c)(d) Nine (9) semester hours in literature, to include the following:~~

~~1. Three (3) semester hours in adolescent literature;~~

~~2. Three (3) semester hours in world literature, and~~

~~3. Three (3) semester hours in American literature, British literature, ethnic literature, contemporary literature, or mythology.~~

~~(3) This rule shall take effect September 1, 1992.~~

Specific Authority 229.053(1), 231.15(1), 231.17(3)(4) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History–New 9-1-92, Amended

6A-4.0162 Specialization Requirements for Certification in English (Grades 6-12) – Academic Class ~~Beginning July 1, 1990.~~

(1) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in English ~~which includes at least thirty (30) semester hours in the major with credit in grammar, composition, and literature, or~~

(2) Plan Two. A bachelor's or higher degree with thirty (30) semester hours in English ~~beyond the freshman level~~ to include the areas specified below:

(a) ~~Credit Six (6) semester hours in English composition and grammar beyond freshman English, to include the following:~~

~~1. Three (3) semester hours in expository writing, and~~

~~2. Three (3) semester hours in creative writing;~~

~~(b) Three (3) semester hours in English grammar or syntax;~~

~~(b)(e) Credit Three (3) semester hours in speech or oral interpretation, and~~

~~(c)(d) Fifteen (15) semester hours in literature, to include the following:~~

~~1. Twelve (12) semester hours with credit in American, British, and world literature; six (6) semester hours shall be completed in survey courses in one (1) of these areas, and~~

~~2. Three (3) semester hours in adolescent literature.~~

~~(3) This rule shall take effect July 1, 1990.~~

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 231.02, 231.145, 231.15, 231.17, 236.088 FS. History–New 7-1-90, Amended

6A-4.0171 Specialization Requirements for Certification in the Area of Emotionally Handicapped (Grades K-12) – Academic Class ~~Beginning July 1, 1992.~~

(1) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in emotionally handicapped, or

(2) Plan Two. A bachelor's or higher degree with ~~thirty (30) thirty-three (33)~~ semester hours in exceptional student education to include ~~the areas specified below:~~

(a) Credit in exceptional student education Fifteen (15) semester hours as follows:

1. Foundations ~~Three (3) semester hours in foundations~~ of exceptional student education to include historical perspectives, student characteristics, and trends and issues;

2. Language ~~Three (3) semester hours in language~~ development and learning to include language development and disorders, the impact of language on learning, and augmentative communication;

3. Assessment ~~Three (3) semester hours in assessment~~ of exceptional students for instructional planning to include formal and informal evaluation techniques and the interpretation, application, and communication of results;

4. Educational ~~Three (3) semester hours in educational~~ management of exceptional students to include classroom organization, behavior management, and consultation skills; and

5. Teaching ~~Three (3) semester hours in teaching~~ social and personal skills for exceptional students to include employability skills, career awareness, and transition planning for adult living.

~~(b) Six (6) semester hours in teaching basic skills and concepts as follows:~~

~~6.1. Methods~~ Three (3) semester hours in methods and materials for teaching reading to include:

a. Sequential developmental skills and concepts of reading,

b. Recognition and diagnosis of reading problems, and

c. Prescription and utilization of appropriate methods and materials to increase reading performance, and

~~7.2. Teaching~~ Three (3) semester hours in teaching sequential developmental skills and concepts of mathematics to include the real number system and problem solving.

~~(b)(e) Credit Twelve (12) semester hours~~ in specialized courses for the education of students who are emotionally handicapped including those who are severely emotionally disturbed as follows:

1. The Credit ~~in the~~ nature and needs of the emotionally handicapped to include etiology, prevention, and intervention; and utilization of community services;

2. Behavior ~~Credit in behavior~~ management techniques for use with students who are emotionally handicapped to include application of theories, crisis intervention and prevention, legal considerations, and counseling skills;

3. Specialized ~~Credit in specialized~~ curriculum for students who are emotionally handicapped to include curriculum development; and identification, evaluation, modification, and use of commercial materials and programs; and

4. Instructional ~~Credit in instructional~~ strategies for teaching students who are emotionally handicapped to include instructional techniques; motivational strategies; development, implementation, and evaluation of individualized educational plans; and data based management; or

(3) Plan Three. A bachelor's or higher degree with specialization requirements completed in the areas of hearing impaired, mentally handicapped, physically impaired, specific learning disabilities, varying exceptionalities, or visually impaired ~~physically impaired and credit completion of the twelve (12) semester hours in the areas listed in paragraph (2)(b)(e) of this rule, or~~

~~(4) Plan Four. A bachelor's or higher degree with specialization requirements completed for varying exceptionalities and completion of the requirements in the areas in subparagraphs (2)(c)1., 2., and 3., of this rule.~~

Specific Authority 229.053(1), 231.15(1), 231.17(3)(4) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History--New 7-1-92, Amended 11-10-92, _____.

6A-4.0172 Specialization Requirements for Certification in the Area of Hearing Impaired (Grades K-12) – Academic Class ~~Beginning July 1, 1992.~~

(1) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in hearing impaired, or

(2) Plan Two. A bachelor's or higher degree with thirty ~~(30) thirty-six (36)~~ semester hours in exceptional student education to include credit in the areas specified below:

(a) Foundations ~~Three (3) semester hours in foundations~~ of exceptional student education to include historical perspectives, student characteristics, and trends and issues;

(b) Educational ~~Three (3) semester hours in educational~~ management of exceptional students to include classroom organization, behavior management, and consultation skills;

(c) Audiology, ~~Three (3) semester hours in audiology~~, anatomy and physiology of human speech and auditory mechanisms, including assessment, amplification, and assistive listening devices;

(d) Introduction ~~Three (3) semester hours in introduction~~ to education of students who are hearing impaired to include the nature and needs of hearing impaired and multi-handicapped students, trends and issues, family support and intervention, and community resources;

(e) Language ~~Three (3) semester hours in language~~ development to include the application of English linguistics, psycholinguistics, and sociolinguistics to the education of hearing impaired students, including ages birth to five (5) years;

(f) Auditory ~~Three (3) semester hours in auditory~~ development and learning to include methods of auditory learning, assessment, and techniques for evaluating the acoustic environment;

(g) Manual ~~Three (3) semester hours in manual~~ communication to include manually coded English and American Sign Language;

(h) Instructional ~~Fifteen (15) semester hours in instructional~~ strategies for teaching students who are hearing impaired to include credit in the following as follows:

1. Teaching ~~Three (3) semester hours in teaching~~ language to include instructional procedures to effect language learning to students who are hearing impaired including ages birth to age five (5) years;

2. Speech ~~Three (3) semester hours in speech~~ development to include production and transmission of speech and instructional and assessment strategies to facilitate the development of speech skills for students who are hearing impaired including ages birth to age five (5) years;

3. Teaching ~~Three (3) semester hours in teaching~~ reading to students who are hearing impaired to include theories, curricular adaptations, and assessment;

4. Teaching ~~Three (3) semester hours in teaching~~ mathematics, science, and social studies to students who are hearing impaired to include procedures for curricular adaptations; and

5. Teaching ~~Three (3) semester hours in teaching~~ social and personal skills for students who are hearing impaired to include employability skills, career awareness, and transition planning for adult living.

~~(3) This rule shall take effect July 1, 1992.~~

Specific Authority 229.053(1), 231.15(1), 231.17(3)(4) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History--New 7-1-92, Amended _____.

6A-4.0173 Specialization Requirements for Certification in the Area of Mentally Handicapped (Grades K-12) – Academic Class ~~Beginning July 1, 1992.~~

(1) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in mentally handicapped, or

(2) Plan Two. A bachelor's or higher degree with thirty ~~(30) thirty-three (33)~~ semester hours in exceptional student education to include ~~the areas specified below:~~

(a) Credit in exceptional student education ~~Fifteen (15) semester hours~~ as follows:

1. Foundations ~~Three (3) semester hours in foundations~~ of exceptional student education to include historical perspectives, student characteristics, and trends and issues;

2. Language ~~Three (3) semester hours in language~~ development and learning to include language development and disorders, the impact of language on learning, and augmentative communication;

3. Assessment ~~Three (3) semester hours in assessment~~ of exceptional students for instructional planning to include formal and informal evaluation techniques and the interpretation, application, and communication of results;

4. Educational ~~Three (3) semester hours in educational~~ management of exceptional students to include classroom organization, behavior management, and consultation skills; and

5. Teaching ~~Three (3) semester hours in teaching~~ social and personal skills for exceptional students to include employability skills, career awareness, and transition planning for adult living.

~~(b) Nine (9) semester hours in teaching basic skills and concepts as follows:~~

~~6.1. Methods Three (3) semester hours in methods~~ and materials for teaching reading to include:

a. Sequential developmental skills and concepts of reading,

b. Recognition and diagnosis of reading problems, and

c. Prescription and utilization of appropriate methods and materials to increase reading performance,

~~7.2. Teaching Three (3) semester hours in teaching~~ sequential developmental skills and concepts of mathematics to include the real number system and problem solving, and

~~8.3. Methods Three (3) semester hours in methods~~ and content for teaching language arts to include oral and written communication.

~~(b)(e) Credit Nine (9) semester hours in specialized~~ courses for the education of students who are educable, trainable, or profoundly mentally handicapped as follows:

1. ~~The~~ Credit ~~in the~~ nature and needs of mentally handicapped students to include etiology, medical aspects, and prevention;

2. Specialized ~~Credit in specialized~~ curriculum for mentally handicapped students to include identification and application of effective practices and recognition of trends and standards in the field; and

3. Instructional ~~Credit in instructional~~ strategies for teaching students who are mentally handicapped to include development, implementation, and evaluation of individualized educational plans; special approaches to teaching functional skills; developmental programming; and data based management; or

(3) Plan Three. A bachelor's or higher degree with specialization requirements completed in the area of emotionally handicapped, hearing impaired, physically impaired, or specific learning disabilities, varying

exceptionalities, or visually impaired and credit in the areas listed the nine (9) semester hours in the area in paragraph (2)(b)(e) of this rule, ~~or~~

~~(4) Plan Four. A bachelor's or higher degree with specialization requirements completed for varying exceptionalities and the requirements in the areas in subparagraphs (2)(e)1. and 2., of this rule, or~~

~~(5) Plan Five. A bachelor's or higher degree with specialization requirements completed for emotionally handicapped and the requirements in the areas in subparagraph (2)(b)3. and paragraph (2)(e) of this rule.~~

Specific Authority 229.053(1), 231.15(1), 231.17(3)(4) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History--New 7-1-92, Amended 11-10-92, _____.

6A-4.0174 Specialization Requirements for Certification in the Area of Physically Impaired (Grades K-12) – Academic Class Beginning July 1, 1992.

(1) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in physically impaired, or

(2) Plan Two. A bachelor's or higher degree with thirty (30) thirty-three (33) semester hours in exceptional student education ~~to include the areas specified below:~~

(a) Credit in exceptional student education ~~Fifteen (15) semester hours~~ as follows:

1. Foundations ~~Three (3) semester hours in foundations~~ of exceptional student education to include historical perspectives, student characteristics, and trends and issues;

2. Language ~~Three (3) semester hours in language~~ development and learning to include language development and disorders, the impact of language on learning, and augmentative communication;

3. Assessment ~~Three (3) semester hours in assessment~~ of exceptional students for instructional planning to include formal and informal evaluator techniques and the interpretation, application, and communication of results;

4. Educational ~~Three (3) semester hours in educational~~ management of exceptional students to include classroom organization, behavior management, and consultation skills; and

5. Teaching ~~Three (3) semester hours in teaching~~ social and personal skills for exceptional students to include employability skills, career awareness, and transition planning for adult living.

~~(b) Nine (9) semester hours in teaching basic skills and concepts as follows:~~

~~6.1. Methods Three (3) semester hours in methods~~ and materials for teaching reading to include:

a. Sequential developmental skills and concepts of reading,

b. Recognition and diagnosis of reading problems, and

c. Prescription and utilization of appropriate methods and materials to increase reading performance,

~~7.2. Teaching Three (3) semester hours in teaching sequential developmental skills and concepts of mathematics to include the real number system and problem solving, and~~

~~8.3. Methods Three (3) semester hours in methods and content for teaching language arts to include oral and written communication.~~

~~(b)(e) Credit Nine (9) semester hours in specialized courses for the education of students who are physically impaired as follows:~~

~~1. Characteristics Three (3) semester hours in characteristics of the physically and other health impaired individuals to include medical aspects and the social and emotional impact on the family;~~

~~2. Interdisciplinary Three (3) semester hours in interdisciplinary skills to include effective interdisciplinary methods, accessing agency resources, and cooperative consultation; and~~

~~3. Instructional Three (3) semester hours in instructional strategies for teaching students who are physically impaired to include the adaptation of instructional materials and environment, physical management, and the use of adaptive equipment and technology; or~~

~~(3) Plan Three. A bachelor's or higher degree with specialization requirements completed in the area of emotionally handicapped, hearing impaired, mentally handicapped, specific learning disabilities, or varying exceptionalities, or visually impaired and credit in the areas listed completion of the nine (9) semester hours in the area in paragraph (2)(b)(e) of this rule,; or~~

~~(4) Plan Four. A bachelor's or higher degree with specialization requirements completed for emotionally handicapped and the requirements in the areas in subparagraph (2)(b)3. and paragraph (2)(e) of this rule.~~

~~(5) This rule shall take effect July 1, 1992.~~

Specific Authority 229.053(1), 231.15(1), 231.17(3)(4) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History--New 7-1-92, Amended

6A-4.0175 Specialization Requirements for Certification in the Area of Specific Learning Disabilities (Grades K-12) – Academic Class ~~Beginning July 1, 1992.~~

(1) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in specific learning disabilities, or

(2) Plan Two. A bachelor's or higher degree with thirty (30) thirty-three (33) semester hours in exceptional student education to include ~~the areas specified below:~~

(a) Credit in exceptional student education Fifteen (15) semester hours as follows:

1. Foundations Three (3) semester hours in foundations of exceptional student education to include historical perspectives, student characteristics, and trends and issues;

2. Language Three (3) semester hours in language development and learning to include language development and disorders, the impact of language on learning, and augmentative communication;

3. Assessment Three (3) semester hours in assessment of exceptional students for instructional planning to include formal and informal evaluation techniques and the interpretation, application, and communication of results;

4. Educational Three (3) semester hours in educational management of exceptional students to include classroom organization, behavior management, and consultation skills; and

5. Teaching Three (3) semester hours in teaching social and personal skills for exceptional students to include employability skills, career awareness, and transition planning for adult living.

~~(b) Nine (9) semester hours in teaching basic skills and concepts as follows:~~

~~6.1. Methods Three (3) semester hours in methods and materials for teaching reading to include:~~

~~a. Sequential developmental skills and concepts of reading,~~

~~b. Recognition and diagnosis of reading problems, and~~

~~c. Prescription and utilization of appropriate methods and materials to increase reading performance,~~

~~7.2. Teaching Three (3) semester hours in teaching sequential developmental skills and concepts of mathematics to include the real number system and problem solving, and~~

~~8.3. Methods Three (3) semester hours in methods and content for teaching language arts to include oral and written communication.~~

~~(b)(e) Credit Nine (9) semester hours in specialized courses for the education of students with specific learning disabilities as follows:~~

1. Concepts, Credit in concepts, research, and theories in specific learning disabilities to include characteristics and classification of students, and educational services;

2. Specialized Credit in specialized curriculum and instructional materials for teaching students with specific learning disabilities to include curriculum standards and resources; and

3. Instructional Credit in instructional strategies for teaching students with specific learning disabilities to include specialized approaches to teaching basic skills and adaptation of curriculum and materials; or

(3) Plan Three. A bachelor's or higher degree with specialization requirements completed in the area of emotionally handicapped, hearing impaired, mentally handicapped, or physically impaired, varying exceptionalities, or visually impaired and ~~the nine (9) semester hours in the area credit in the areas listed~~ in paragraph (2)(b)(e) of this rule,; ~~or~~

~~(4) Plan Four. A bachelor's or higher degree with specialization requirements completed for varying exceptionalities and the requirements in the areas in subparagraphs (2)(c)1. and 2. of this rule, or~~

~~(5) Plan Five. A bachelor's or higher degree with specialization requirements completed for emotionally handicapped and the requirements in areas in subparagraph (2)(b)3. and paragraph (2)(c) of this rule.~~

Specific Authority 229.053(1), 231.15(1), 231.17(3)(4) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History--New 7-1-92, Amended 11-10-92, _____.

6A-4.0177 Specialization Requirements for Certification in the Area of Varying Exceptionalities (Grades K-12) – Academic Class ~~Beginning July 1, 1992.~~

(1) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in exceptional student education which includes courses in instructional strategies for emotionally handicapped, mentally handicapped, and specific learning disabilities; or

(2) Plan Two. A bachelor's or higher degree with thirty (30) thirty-six (36) semester hours in exceptional student education to include the areas specified below:

(a) Credit in exceptional student education Fifteen (15) semester hours as follows:

1. Foundations Three (3) semester hours in foundations of exceptional student education to include historical perspectives, student characteristics, and trends and issues;

2. Language Three (3) semester hours in language development and learning to include language development and disorders, the impact of language on learning, and augmentative communication;

3. Assessment Three (3) semester hours in assessment of exceptional students for instructional planning to include formal and informal evaluation techniques and the interpretation, application, and communication of results;

4. Educational Three (3) semester hours in educational management of exceptional students to include classroom organization, behavior management, and consultation skills; and

5. Teaching Three (3) semester hours in teaching social and personal skills for exceptional students to include employability skills, career awareness, and transition planning for adult living.

(b) Nine (9) semester hours in teaching basic skills and concepts as follows:

6.4. Methods Three (3) semester hours in methods and materials for teaching reading to include:

a. Sequential developmental skills and concepts of reading,

b. Recognition and diagnosis of reading problems, and

c. Prescription and utilization of appropriate methods and materials to increase reading performance,

7.2. Teaching Three (3) semester hours in teaching sequential developmental skills and concepts of mathematics to include the real number system and problem solving, and

8.3. Methods Three (3) semester hours in methods and content for teaching language arts to include oral and written communication.

~~(b)(e) Credit Twelve (12) semester hours~~ in specialized courses as follows:

1. ~~The Three (3) semester hours in the~~ nature and needs of mildly handicapped students and curricular planning for mildly handicapped students including emotionally handicapped, educable mentally handicapped, and specific learning disabled;

2. Instructional Three (3) semester hours in instructional strategies for teaching students who are mentally handicapped to include development, implementation, and evaluation of individualized educational plans; special approaches to teaching functional skills; developmental programming; and data based management;

3. Instructional Three (3) semester hours in instructional strategies for teaching students with specific learning disabilities to include specialized approaches to teaching basic skills and adaptation of curriculum and materials; and

4. Instructional Three (3) semester hours in instructional strategies for teaching students who are emotionally handicapped to include instructional techniques; motivational strategies; development, implementation, and evaluation of individualized educational plans; and data based management; or

(3) Plan Three. A bachelor's or higher degree with specialization requirements completed in the area of emotionally handicapped, hearing impaired, mentally handicapped, physically impaired, specific learning disabilities, or visually impaired and the requirements in the areas in paragraph (2)(b) subparagraphs (2)(c)1., 3., and 4., of this rule, ~~or~~

~~(4) Plan Four. A bachelor's or higher degree with specialization requirements completed in the area of specific learning disabilities and the requirements in the areas in subparagraphs (2)(c)1., 2., and 4., of this rule; or~~

~~(5) Plan Five. A bachelor's or higher degree with specialization requirements completed in the area of emotionally handicapped and the requirements in the areas in subparagraphs (2)(b)3., (2)(c)1., 2., and 3., of this rule; or~~

~~(6) Plan Six. A bachelor's or higher degree with specialization requirements completed in the area of physically impaired and the requirements in the area in paragraph (2)(c) of this rule.~~

~~(7) This rule shall take effect July 1, 1992.~~

Specific Authority 229.053(1), 231.15(1), 231.17(3)(4) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History--New 7-1-92, Amended _____.

6A-4.0178 Specialization Requirements for Certification in the Area of Visually Impaired (Grades K-12) – Academic Class ~~Beginning July 1, 1992.~~

(1) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in visually impaired, or

(2) Plan Two. A bachelor's or higher degree with thirty (30) semester hours in exceptional student education to include credit in the areas specified below:

(a) Foundations ~~Three (3) semester hours in foundations~~ of exceptional student education to include historical perspectives, student characteristics, and trends and issues;

(b) Educational ~~Three (3) semester hours in educational~~ management of exceptional students to include classroom organization, behavior management, and consultation skills;

(c) Methods ~~Three (3) semester hours in methods~~ and materials for teaching reading to include:

1. Sequential developmental skills and concepts of reading,

2. Recognition and diagnosis of reading problems, and

3. Prescription and utilization of appropriate methods and materials to increase reading performance; and

(d) Specialized ~~Twelve (12) semester hours in specialized~~ courses for the education of students who are visually impaired to include ~~three (3) semester hours in~~ each of the following:

1. Introduction to visual impairments including psychological, social, and emotional implications; history of educational services; and current delivery models;

2. Introduction to orientation and mobility to include theories, concepts, and the impact of mobility on the individual, the family, and the community;

3. The teaching of reading and writing of English Braille;

4. Functions of the eye and educational implications to include interpretation of medical eye reports, structure of the eye, disease and impairments, low vision training, and the use and care of optical aids; and

(e) Instructional ~~Nine (9) semester hours in instructional~~ strategies for teaching students who are visually impaired to include ~~three (3) semester hours in~~ each of the following:

1. Teaching and assessing personal and social skills to include personal hygiene, self care, interpersonal relationships, career awareness, and social interaction with peers;

2. Teaching and assessing communication skills and reading including the use of specialized equipment; and

3. Teaching and assessing mathematics, science, and technology to include Nemeth code, abacus, specialized science materials, adapted technology, and computer access devices.

(3) ~~This rule shall take effect July 1, 1992.~~

Specific Authority 229.053(1), 231.15(1), 231.17(3)(4) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History–New 7-1-92, Amended

6A-4.0191 Specialization Requirements for Certification in Health (Grades K-12) – Academic Class ~~Beginning July 1, 1990.~~

(1) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in health, or

(2) Plan Two. A bachelor's or higher degree with thirty (30) semester hours in health to include credit in each of the areas specified below:

(a) Mental and emotional health,

(b) Substance abuse which includes alcohol, tobacco, and other drugs,

(c) Advanced first ~~First~~ aid and cardiopulmonary resuscitation training as specified below:

1. Credit in advanced first aid and cardiopulmonary resuscitation, or

2. A valid instructor's first aid certificate and a valid instructor's cardiopulmonary resuscitation certificate issued by the American Heart Association or the American Red Cross,

(d) Personal, community, or ~~Community and~~ environmental health,

(e) Human anatomy and human physiology,

(f) Nutrition,

(g) Human sexuality, and

(h) ~~Personal or consumer health, and~~

(h)(+) Disease control for diseases such as Acquired Immune Deficiency Syndrome (AIDS), Human Immunodeficiency Virus (HIV), and Sexually Transmissible Diseases (STDs).

(3) ~~This rule shall take effect July 1, 1990.~~

Specific Authority 229.053(1), 231.15(1), 231.17(3)(4) FS. Law Implemented 231.02, 231.145, 231.15, 231.17, 233.067 FS. History–New 7-1-90, Amended

6A-4.0221 Specialization Requirements for Certification in Journalism (Grades 6-12) – Academic Class ~~Beginning July 1, 1990.~~

(1) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in journalism ~~which includes at least thirty (30) semester hours in the major, or~~

(2) Plan Two. A bachelor's or higher degree with thirty (30) semester hours in journalism or English. ~~Twelve (12) semester hours shall be in journalism~~ to include credit in the areas specified below:

(a) Journalistic ~~Three (3) semester hours in journalistic~~ writing,

(b) Legal ~~Three (3) semester hours in the legal~~ aspects of mass media, and

(c) Layout ~~Three (3) semester hours in layout~~ and design, ~~or~~

(3) ~~Plan Three. A bachelor's or higher degree with specialization requirements completed for English (Grades 6-12) and nine (9) semester hours in journalism to include the areas specified below:~~

- (a) ~~Three (3) semester hours in journalistic writing,~~
- (b) ~~Three (3) semester hours in the legal aspects of mass media, and~~
- (c) ~~Three (3) semester hours in layout and design.~~
- (4) ~~This rule shall take effect July 1, 1990.~~

Specific Authority 229.053(1), 231.15(1), 231.17(3)(4) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History--New 7-1-90, Amended

6A-4.0243 Specialization Requirements for Certification in Separate Areas of Language Other than English (Grades K-12) – Academic Class Beginning July 1, 1990.

(1) Specialization requirements for the following modern languages: Chinese, French, German, Greek, Hebrew, Italian, Japanese, Portuguese, Russian, and Spanish.

(a) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in one of the modern languages listed in Subsection (1) of this rule, or

(b) Plan Two. A bachelor's or higher degree with thirty (30) semester hours in one of the modern languages listed in Subsection (1) of this rule to include credit in the areas specified below:

1. History or culture of the people who speak the language as their native language. ~~Twelve (12) semester hours in grammar, composition and advanced conversation in the language,~~

2. Literature in the language, and Six (6) semester hours in culture and civilization of people who speak the language as their native language.

3. Applied linguistics or second language acquisition, or Three (3) semester hours in linguistics which apply to the language, and

4. Six (6) semester hours in literature in the language, or

(c) Plan Three. A bachelor's or higher degree with specialization requirements completed in a language, other than English, and twenty-one (21) semester hours in one of the modern languages listed in Subsection (1) of this rule to include credit in the areas specified below:

1. History or culture of the people who speak the language as their native language, and Twelve (12) semester hours in grammar, composition, and advanced conversation in the language,

2. Literature in the language. Three (3) semester hours in the culture and civilization of people who speak the language as their native language, and

3. Three (3) semester hours in literature in the language.

(2) Specialization requirements for Latin.

(a) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in Latin, or

(b) Plan Two. A bachelor's or higher degree with thirty (30) semester hours in Latin to include credit in the areas specified below:

1. Nine (9) semester hours in Latin vocabulary, grammar, and composition,

2. Fifteen (15) semester hours in Latin literature, and

3. Six (6) semester hours in Roman culture, or

(c) Plan Three. A bachelor's or higher degree with specialization requirements completed for a language, other than English, and twenty-one (21) semester hours in Latin to include credit in the areas specified below:

1. Six (6) semester hours in Latin vocabulary, grammar, and composition,

2. Twelve (12) semester hours in Latin literature, and

3. Three (3) semester hours in Roman culture.

(3) ~~This rule shall take effect July 1, 1990.~~

Specific Authority 229.053(1), 231.15(1), 231.17(3)(4) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History--New 7-1-90, Amended

6A-4.0251 Specialization Requirements for Certification in Educational Media Specialist (Grades PK-12) – Specialty Class Beginning July 1, 1992.

(1) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in educational media or library science, or

(2) Plan Two. A bachelor's or higher degree with thirty (30) semester hours in educational media or library science to include credit in the areas specified below:

(a) Management Six (6) semester hours in the management of library media programs with at least three (3) semester hours in the management of school library media programs. Courses in this area include: philosophy and role of the library media program in the school; planning, implementing and evaluating library media programs; techniques of library media center operation; application of technology to library media management; and trends and issues which influence library media programs;

(b) ~~Three (3) semester hours in the instructional role of the library media specialist. Courses in this area include: methods of teaching library skills and techniques for using library media resources in the curriculum;~~

(b)(e) Collection Three (3) semester hours in collection development. Courses in this area include: evaluation, selection, and maintenance of library media resources in print and nonprint formats;

(c)(d) Library Six (6) semester hours in library media resources. Courses in this area include: literature in both print and nonprint formats for both children and adolescents;

(d)(e) Reference Three (3) semester hours in reference sources and services. Courses in this area include: print and electronic resources and techniques for providing information services;

(e)(f) Organization Three (3) semester hours in organization of collections. Courses in this area include: classification and cataloging principles and techniques; and

~~(f)(g) Design Six (6) semester hours in the design and production of educational media to include three (3) semester hours in a survey course which includes graphic, video, audio, and photographic techniques.~~

~~(3) This rule shall take effect July 1, 1992.~~

Specific Authority 229.053(1), 231.15(1), 231.17(3)(4) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History--New 7-1-92, Amended

6A-4.0261 Specialization Requirements for Certification in Middle Grades Mathematics (Grades 5-9) – Academic Class.

(1) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in mathematics or middle grades mathematics, or

(2) Plan Two. A bachelor's or higher degree with eighteen (18) semester hours in mathematics to include credit in the areas specified below:

(a) Calculus, ~~Three (3) semester hours in calculus~~, precalculus, or trigonometry,

(b) Geometry, and ~~Three (3) semester hours in geometry~~,

(c) Probability ~~Three (3) semester hours in probability or statistics~~, and

(d) ~~Nine (9) additional semester hours in mathematics which may include three (3) semester hours in history of mathematics.~~

~~(3) This rule shall take effect September 1, 1992.~~

Specific Authority 229.053(1), 231.15(1), 231.17(3)(4) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History--New 9-1-92, Amended

6A-4.0262 Specialization Requirements for Certification in Mathematics (Grades 6-12) – Academic Class ~~Beginning July 1, 1990.~~

(1) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in mathematics ~~which includes at least thirty (30) semester hours in the major~~, or

(2) Plan Two. A bachelor's or higher degree with thirty (30) semester hours in mathematics to include the areas specified below:

(a) Six (6) semester hours in calculus,

(b) Credit Three (3) semester hours in geometry,

(c) ~~Three (3) semester hours in number theory~~,

(c)(d) Credit Three (3) semester hours in probability or statistics, and

(d)(e) Credit Three (3) semester hours in abstract or linear algebra, and

(f) ~~Three (3) semester hours in history of mathematics~~, or

(3) Plan Three. A bachelor's or higher degree with specialization requirements completed for physics and twenty-one (21) semester hours in mathematics to include the areas specified below:

(a) Six (6) semester hours in calculus,

(b) Credit Three (3) semester hours in geometry,

(e) ~~Three (3) semester hours in number theory~~,

(c)(d) Credit Three (3) semester hours in probability or statistics, and

(d)(e) Credit Three (3) semester hours in abstract or linear algebra, and

(f) ~~Three (3) semester hours in history of mathematics.~~

~~(4) This rule shall take effect July 1, 1990.~~

Specific Authority 229.053(1), 231.15(1), 231.17(3)(4) FS. Law Implemented 231.02, 231.145, 231.15, 231.17, ~~232.246(1)(b), 236.094~~ FS. History--New 7-1-90, Amended

6A-4.0271 Specialization Requirements for Certification in Music (Grades K-12) – Academic Class ~~Beginning July 1, 1990.~~

(1) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in music ~~which includes credit in applied music, music theory, and music history~~, or

(2) Plan Two. A bachelor's or higher degree with thirty (30) thirty-six (36) semester hours in music to include the areas specified below:

(a) Credit Fourteen (14) semester hours in applied music to include:

1. ~~Twelve (12) semester hours in one instrument or voice to include four (4) semester hours at the upper-division level~~, and

2. ~~Two (2) semester hours in other instruments~~,

(b) Credit Twelve (12) semester hours in music theory,

(c) Credit Three (3) semester hours in conducting,

(d) Credit Six (6) semester hours in survey of music history,

(e) Credit in group performance such as band, orchestra, or chorus.

~~(3) This rule shall take effect on July 1, 1990.~~

Specific Authority 229.053(1), 231.15(1), 231.17(3)(4) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History--New 7-1-90, Amended

6A-4.028 Specialization Requirements for Certification in Physical Education (Grades K-8) and Physical Education (Grades 6-12) – Academic Class.

(1) Specialization requirements for physical education (grades K-8).

(a) A bachelor's or higher degree with an undergraduate or graduate teacher education major in physical education (grades K-8) or physical education grades K-12; or,

(b) A bachelor's or higher degree with thirty (30) semester hours in physical education including the areas specified below:

1. Twelve (12) semester hours in instructional design and content of physical education for grades K-8, ~~including content and methods for each of the following~~:

a. ~~Three (3) semester hours in games~~;

b. ~~Three (3) semester hours in dance~~; and

- e. ~~Three (3) semester hours in gymnastics.~~
- 2. ~~Credit Three (3) semester hours in motor development.~~
- 3. ~~Credit Three (3) semester hours in kinesiology.~~
- 4. ~~Credit Three (3) semester hours in the administration of physical education.~~
- 5. ~~Credit Three (3) semester hours in applied exercise physiology.~~
- 6. ~~Credit Three (3) semester hours in adaptive physical education or physical education for exceptional students.~~
- 7. ~~Credit Three (3) semester hours in care and prevention of human injuries.~~
- (2) Specialization requirements for certification in physical education (grades 6-12).
 - (a) A bachelor's or higher degree with an undergraduate or graduate teacher education major in physical education grades 6-12 ~~or physical education grades K-12 which includes at least thirty (30) semester hours in the major.~~ or
 - (b) A bachelor's or higher degree with thirty (30) semester hours in physical education including the areas specified below:
 - 1. Twelve (12) semester hours in instructional design and content of physical education for grades 6-12.
 - 2. ~~Credit Three (3) semester hours in the administration of physical education.~~
 - 3. ~~Credit Three (3) semester hours in kinesiology.~~
 - 4. ~~Credit Three (3) semester hours in applied exercise physiology.~~
 - 5. ~~Credit Three (3) semester hours in adaptive physical education or physical education for exceptional students.~~
 - 6. ~~Credit Three (3) semester hours in care and prevention of human injuries.~~
 - 7. ~~Credit Three (3) semester hours in theory and practice in coaching.~~

Specific Authority 229.053(1), 231.15(1), 231.17(3)(4) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History--New 4-20-64, Amended 4-8-68, 7-7-68, Revised 8-17-74, Repromulgated 12-5-74, Amended 11-5-84, Formerly 6A-4.28, Amended 12-4-89.

6A-4.0321 Specialization Requirements for Certification in Middle Grades General Science (Grades 5-9) – Academic Class.

- (1) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in general science or middle grades general science, or
- (2) Plan Two. A bachelor's or higher degree with eighteen (18) semester hours in science to include credit in the areas specified below:
 - (a) Biological ~~Three (3) semester hours in biological science,~~
 - (b) Chemistry ~~Three (3) semester hours in chemistry or physics and,~~
 - (c) Earth-space ~~Three (3) semester hours in earth-space science or earth science.~~ and

- (d) ~~Three (3) semester hours in philosophy of science, science technology and society, or science research.~~

(3) ~~This rule shall take effect September 1, 1992.~~

Specific Authority 229.053(1), 231.15(1), 231.17(3)(4) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History--New 9-1-92, Amended

6A-4.0322 Specialization Requirements for Certification in Separate Areas of Science (Grades 6-12) – Academic Class Beginning July 1, 1990.

- (1) Specialization requirements for biology.
 - (a) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in biology ~~which includes at least thirty (30) semester hours in the major,~~ or
 - (b) Plan Two. A bachelor's or higher degree with thirty (30) semester hours in ~~biological science, chemistry, or physics~~ to include twenty-one ~~the areas specified below:~~
 - 1. ~~Twenty-one~~ (21) semester hours in biological science with to include ~~associated laboratory experiences, and~~
 - 2. ~~Three (3) semester hours in philosophy of science, science technology and society, or science research,~~ or
 - (c) Plan Three. A bachelor's or higher degree with specialization requirements completed for chemistry, earth-space science, or physics and eighteen (18) semester hours in biological science.
- (2) Specialization requirements for chemistry.
 - (a) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in chemistry ~~which includes at least thirty (30) semester hours in the major,~~ or
 - (b) Plan Two. A bachelor's or higher degree with thirty (30) semester hours in ~~chemistry, physics, or biological science~~ to include twenty-one ~~the areas specified below:~~
 - 1. ~~Twenty-one~~ (21) semester hours in chemistry with to include ~~associated laboratory experiences, and~~
 - 2. ~~Three (3) semester hours in philosophy of science, science technology and society, or science research,~~ or
 - (c) Plan Three. A bachelor's or higher degree with specialization requirements completed for biology, earth-space science, or physics and eighteen (18) semester hours in chemistry.

(3) Specialization requirements for earth-space science.

- (a) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in earth-space science or earth science ~~which includes at least thirty (30) semester hours in the major,~~ or
- (b) Plan Two. A bachelor's or higher degree with thirty (30) semester hours in science to include twenty-one ~~the areas specified below:~~
 - 1. ~~Twenty-one~~ (21) semester hours in earth-space science or earth science with associated laboratory experiences, ~~to include credit in astronomy, geology, meteorology, and oceanography,~~
 - 2. ~~Six (6) semester hours in chemistry or physics, and~~

~~3. Three (3) semester hours in philosophy of science, science technology and society, or science research, or~~

(c) Plan Three. A bachelor's or higher degree with specialization requirements completed for biology, chemistry, or physics and eighteen (18) semester hours in earth-space science or earth science ~~to include credit in three (3) of the following areas: astronomy, geology, meteorology, and oceanography.~~

(4) Specialization requirements for physics.

(a) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in physics ~~which includes at least thirty (30) semester hours in the major, or~~

(b) Plan Two. A bachelor's or higher degree with thirty (30) semester hours in ~~physics, chemistry, biological science, or mathematics~~ to include twenty-one ~~the areas specified below:~~

~~1. Twenty-one (21) semester hours in physics with to include associated laboratory experiences, or~~

~~2. Three (3) semester hours in computer applications in science, and~~

~~3. Three (3) semester hours in philosophy of science, science technology and society, or science research, or~~

(c) Plan Three. A bachelor's or higher degree with specialization requirements completed for biology, chemistry, or earth-space science and eighteen (18) semester hours in physics.

~~(5) This rule shall take effect July 1, 1990.~~

Specific Authority 229.053(1), 231.15(1), 231.17(3)(4) FS. Law Implemented 231.02, 231.145, 231.15, 231.17, ~~232.246(1)(b), 236.091~~ FS. History–New 7-1-90, Amended.

6A-4.0331 Specialization Requirements for Certification in Middle Grades Social Science (Grades 5-9) – Academic Class.

(1) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in social science, middle grades social science or middle grades social studies, or

(2) Plan Two. A bachelor's or higher degree with eighteen (18) semester hours in social science or social studies to include the areas specified below:

~~(a) Nine (9) semester hours in history to include the following:~~

~~(a)1. Six (6) semester hours in United States history,~~

~~(b)2. Credit Three (3) semester hours in western civilization; or, European, Asian, African, Latin American, or Middle Eastern history,~~

~~(c)(b) Credit Three (3) semester hours in economics,~~

~~(d)(e) Credit Three (3) semester hours in United States government, and~~

~~(e)(d) Credit Three (3) semester hours in geography.~~

~~(3) This rule shall take effect September 1, 1992.~~

Specific Authority 229.053(1), 231.15(1), 231.17(3)(4) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History–New 9-1-92, Amended.

6A-4.0332 Specialization Requirements for Certification in Social Science (Grades 6-12) and Separate Areas of Social Science (Grades 6-12) – Academic Class ~~Beginning July 1, 1990.~~

(1) Specialization requirements for the broad field of social science.

(a) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in social science or social studies ~~which includes at least thirty (30) semester hours in the major with credit in history, economics, political science, and geography, or~~

(b) Plan Two. A bachelor's or higher degree with thirty (30) semester hours in social science or social studies to include the areas specified below:

~~1. Twelve (12) semester hours in history to include the following:~~

~~1.a. Six (6) semester hours in United States history,~~

~~2.b. Credit Three (3) semester hours in western civilization or European history, and~~

~~3.e. Credit Three (3) semester hours in Asian, African, Latin American, or Middle Eastern history,~~

~~4.2. Credit Six (6) semester hours in economics,~~

~~5.3. Credit Six (6) semester hours in political science to include credit in United States government,~~

~~6.4. Credit Three (3) semester hours in geography, and~~

~~7.5. Credit Three (3) semester hours in either psychology or sociology.~~

(2) Specialization requirements for economics, geography, political science, psychology, or sociology.

(a) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in economics, geography, political science, psychology, or sociology ~~which includes at least thirty (30) semester hours in the major, or~~

(b) Plan Two. A bachelor's or higher degree with thirty (30) semester hours in social science or social studies to include fifteen (15) semester hours in one of the social science subjects listed in Subsection (2) of this rule.

(3) Specialization requirements for history.

(a) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in history ~~which includes at least (30) semester hours in the major, or~~

(b) Plan Two. A bachelor's or higher degree with thirty (30) semester hours in social science or social studies to include the areas specified below:

1. Eighteen (18) semester hours in history to include the following:

a. Six (6) semester hours in United States history,

b. Credit Six (6) semester hours ~~in western civilization or European history, and~~

c. Credit Six (6) semester hours in Asian, African, Latin American, or Middle Eastern history, and

2. Credit Three (3) semester hours in United States government.

~~(4) This rule shall take effect July 1, 1990.~~

Specific Authority 229.053(1), 231.15(1), 231.17(3)(4) FS. Law Implemented 231.02, 231.145, 231.15, 231.17, 232.246(1)(b), 233.061, 233.0651, 233.064 FS. History—New 7-1-90, Amended.

6A-4.0341 Specialization Requirements for Certification in Speech (Grades 6-12) – Academic Class ~~Beginning July 1, 1990.~~

(1) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in speech ~~which includes at least thirty (30) semester hours in the major~~, or

(2) Plan Two. A bachelor's or higher degree with thirty (30) semester hours in speech or English. ~~Eighteen (18) semester hours shall be in speech~~ to include credit in the areas specified below:

(a) Fundamentals ~~Three (3) semester hours in fundamentals of speech,~~

(b) Discussion ~~Three (3) semester hours in discussion or debate,~~

(c) Dramatics ~~Three (3) semester hours in dramatics or oral interpretation, and~~

(d) Mass ~~Three (3) semester hours in mass media, or~~

(3) ~~Plan Three. A bachelor's or higher degree with specialization requirements completed for English (grades 6-12) and twelve (12) semester hours in speech as specified below:~~

~~(a) Three (3) semester hours in fundamentals of speech,~~

~~(b) Three (3) semester hours in discussion or debate,~~

~~(c) Three (3) semester hours in dramatics or oral interpretation, and~~

~~(d) Three (3) semester hours in mass media.~~

Specific Authority 229.053(1), 231.15(1), 231.17(3)(4) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History—New 7-1-90, Amended.

6A-4.0342 Specialization Requirements for Certification in Drama (Grades 6-12) – Academic Class.

(1) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in drama ~~which includes at least thirty (30) semester hours in the major~~, or

(2) Plan Two. A bachelor's or higher degree with thirty (30) semester hours in drama to include credit in the areas specified below:

(a) Theater ~~Six (6) semester hours in theater history to include three (3) semester hours in survey of theater history,~~

(b) Acting ~~Six (6) semester hours in acting,~~

(c) Theory ~~Six (6) semester hours in theory and practice of directing,~~

(d) Technical ~~Six (6) semester hours in technical theater or stagecraft, and~~

~~(e) Three (3) semester hours in play analysis,~~

~~(f) Two (2) semester hours in theater management, and~~

~~(e)(g) Theater management. Credit in a theater practicum which includes production or performance.~~

Specific Authority 229.053(1), 231.15(1), 231.17(3)(4) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History—New 12-4-89, Amended.

6A-4.054 Specialization Requirements for Certification in Agriculture (Grades 6-12) – Vocational Class.

(1) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in agriculture ~~which includes at least thirty (30) semester hours in the major with credit in animal science, plant science, agricultural mechanics, and food and resource economics~~, or

(2) Plan Two. A bachelor's or higher degree with thirty (30) semester hours in agriculture to include credit in four of the areas specified below:

(a) Soil ~~Three (3) semester hours in soil science,~~

(b) Agricultural ~~Three (3) semester hours in agricultural mechanics,~~

(c) Food ~~Three (3) semester hours in food and resource economics,~~

(d) Animal ~~Three (3) semester hours in animal science,~~

(e) Agronomy ~~Three (3) semester hours in agronomy,~~

(f) Horticulture, ~~Three (3) semester hours in ornamental horticulture, and~~

(g) Entomology, ~~and Three (3) semester hours in entomology.~~

(h) Forestry and natural resources.

Specific Authority 229.053(1), 231.15(1), 231.17(3)(4) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History—New 10-10-89, Amended.

6A-4.056 Specialization Requirements for Certification in Business Education (Grades 6-12) – Vocational Class ~~Beginning July 1, 1990.~~

(1) Plan One. A bachelor's or higher degree with an undergraduate or graduate major in business education or business administration ~~which includes at least thirty (30) semester hours in the major with credit in accounting and credit in typewriting or word processing~~, or

(2) Plan Two. A bachelor's or higher degree with thirty (30) semester hours in business education or business administration to include credit in the areas specified below:

(a) Accounting, ~~Four (4) semester hours in typewriting or word processing,~~

(b) Economics, ~~Five (5) of the six (6) requirements specified below:~~

~~1. Six (6) semester hours in accounting,~~

~~2. Six (6) semester hours in economics,~~

~~3. Six (6) semester hours in shorthand,~~

~~4. Three (3) semester hours in computer science,~~

5. ~~Two (2) semester hours in business English, and~~

6. ~~Two (2) semester hours in business law.~~

(c) Computer Science.

(d) Business communication or composition above the freshman level, and

(e) Business law.

Specific Authority 229.053(1), 231.15(1), 231.17(3)(4) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History--New 10-10-89, Amended

6A-4.058 Specialization Requirements for Certification in Home Economics (Grades 6-12) – Vocational Class ~~Beginning July 1, 1990.~~

(1) Plan One. A bachelor's or higher degree with an under graduate or graduate major in family and consumer science or home economics which includes at least thirty (30) semester hours in the major with credit in clothing and textiles, food and nutrition, housing and home furnishings, home management and consumer education, and human development, or

(2) Plan Two. A bachelor's or higher degree with thirty (30) thirty-six (36) semester hours in family and consumer science or home economics to include credit in home economics to include the areas specified below:

(a) Nine (9) semester hours in clothing and textiles to include the following:

(a)1. Clothing Three (3) semester hours in clothing construction, and

(b)2. Textiles. Three (3) semester hours in textiles;

(b) Nine (9) semester hours in food and nutrition to include the following:

(c)1. Food Three (3) semester hours in food preparation, and

(d)2. Nutrition. Three (3) semester hours in nutrition;

(e) Nine (9) semester hours in human development to include the following:

(e)1. Child Three (3) semester hours in child development, and

(f)2. Family Three (3) semester hours in family relations;

(d) Nine (9) semester hours in home and family management to include:

(g)1. Housing Three (3) semester hours in housing and home furnishings,

(h)2. Home Three (3) semester hours in home management, and

(i)3. Family Three (3) semester hours in family economics and consumer education.

Specific Authority 229.053(1), 231.15(1), 231.17(3)(4) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History--New 10-10-89, Amended

6A-4.060 Specialization Requirements for Certification in Industrial Arts-Technology Education (Grades 6-12) – Vocational Class.

(1) Plan One. A bachelor's or higher degree with an under graduate or graduate major in industrial arts or technology education ~~which includes at least thirty (30) semester hours in the major with credit in four (4) of the seven (7) areas specified in Plan Two below, or~~

(2) Plan Two. A bachelor's or higher degree with thirty (30) semester hours in industrial arts or technology education to include credit in four (4) of the seven (7) areas specified below:

(a) Materials Three (3) semester hours in materials and manufacturing processes technology to include credit in woods, metals, and man-made materials,

(b) Drafting Three (3) semester hours in drafting and design technology,

(c) Energy. Three (3) semester hours in energy, power and transportation technology,

(d) Graphics Three (3) semester hours in graphic communications technology,

(e) Electronics Three (3) semester hours in electronics technology,

(f) Construction Three (3) semester hours in construction technology, and

(g) Industrial Three (3) semester hours in industrial systems technology such as robotics, laser technology, and fiber optics, or other feedback controlling systems.

Specific Authority 229.053(1), 231.15(1), 231.17(3)(4) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History--New 10-10-89, Amended 11-13-96.

6A-4.062 Specialization Requirements for Certification in Marketing (Grades 6-12) – Vocational Class ~~Beginning July 1, 1990.~~

(1) Plan One. A bachelor's or higher degree with an under graduate or graduate major in marketing or distributive education ~~which includes at least thirty (30) semester hours in the major with credit in marketing theories and practices and credit in economics, or~~

(2) Plan Two. A bachelor's or higher degree with thirty (30) semester hours in marketing to include the areas specified below:

(a) Fifteen (15) semester hours in theories and practices of marketing, to include the following:

1. Three (3) semester hours in salesmanship,

2. Three (3) semester hours in retailing, and

3. Three (3) semester hours in advertising,

(b) Credit Six (6) semester hours in economics,

(c) Credit Six (6) semester hours in finance, and

(d) Credit in accounting or personnel management. Three (3) semester hours in one of the following:

1. Accounting, or

2. Personnel management.

Specific Authority 229.053(1), 231.15(1), 231.17(3)(4) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History--New 10-10-89, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Stewart, Deputy Commissioner of Educational Programs,
Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Tom Gallagher, Commissioner of
Education

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: April 28, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 11, 2000

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Florida Educational Leadership Examination RULE NO.: 6A-4.00821

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the Florida Educational Leadership Examination application forms. The effect will be that current application forms will be available for examination applicants.

SUMMARY: This rule is amended to adopt updated application forms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 231.15(1), 231.17(8),(11), 231.0861(3), 231.30(1) FS.

LAW IMPLEMENTED: 231.0861, 231.15, 231.17, 231.30 FS.

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

TIME AND DATE: 9:00 a.m., June 13, 2000

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Betty Cox, Director, Division of Public Schools and Community Education, Department of Education, 325 West Gaines Street, Room 501, Tallahassee, Florida 32399, (850)488-2601

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.00821 Florida Educational Leadership Examination.

(1) through (3) No change.

(4) Registration, late registration, and refunds.

(a) Registration for the examination shall be for the initial examination or for one (1) or more subtests not previously passed. To register to take the examination, an applicant shall submit a completed application to the test administration

agency. The completed application shall be received by the test administration agency at least fifty (50) days preceding the examination date.

1. A completed application shall consist of the following:

a. A completed application Form CG-30-0099, Florida Educational Leadership Examination Registration Application or Form CG-22-0099, FTCE/FELE Supplemental Registration Application, as incorporated by reference in Rule 6A-4.0021, FAC., which includes the applicant's signature. Form CG-30-0099, Florida Educational Leadership Examination Registration Application is hereby incorporated by reference and made a part of this rule to become effective October 2000 1999. These forms may be obtained without cost from the Bureau of Teacher Certification, Department of Education, Turlington Building, Tallahassee, Florida 32399-0400.

Specific Authority 231.15(1), 231.17(8),(11), 231.0861(3), 231.30(1) FS. Law Implemented 231.0861, 231.15, 231.17, 231.30 FS. History--New 12-25-86, Amended 1-11-89, 5-19-98, 10-5-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Stewart, Deputy Commissioner of Educational Programs,
Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Tom Gallagher, Commissioner of
Education

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: April 28, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF LAW ENFORCEMENT

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

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

PURPOSE AND EFFECT: The proposed amendments to Rule 11-1.0041, FAC., Confirmation and Delegation of Authority, are necessary to comport with the statutory requirements of Chapter 120.74, F.S. and to promote efficiency in administrative duties.

SUMMARY: Proposed revisions to Rule 11-1.0041, FAC. provide for (1) the delegation of authority by the Governor and Cabinet, as Head of the Florida Department of Law Enforcement, to the Executive Director or the Director's designee, to implement the provisions of the Administrative Procedure Act, Chapter 120, F.S. regarding final agency action, and (2) clarify that the compromise and settlement of claims, actions and other legal proceedings are subject to comptroller approval pursuant to s. 45.062, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 943.03(4) FS.

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

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

TIME AND DATE: 10:00 a.m., Tuesday, June 6, 2000

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Fern Rosenwasser, Assistant General Counsel, Office of General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

11-1.0041 Confirmation and Delegation of Authority.

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

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

1. through 10. No change.

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

12. Act on behalf of the agency in carrying out the provisions of Chapter 120, F.S., initiate rulemaking and respond to petitions for declaratory statements, hearings, and departmental rulemaking under Chapter 120; provided, however, the Governor and Cabinet shall approve all Department administrative rules and reserves the prerogative

to act as hearing officer in Section 120.57 proceedings involving great public interest or other public agencies. Examples of rulemaking include the following:

a. through g. No change.

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

(b) through (f) No change.

(2) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Fern Rosenwasser, Assistant General Counsel, Florida Department of Law Enforcement

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael A. Ramage, General Counsel, Florida Department of Law Enforcement

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 1, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

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

RULE TITLES: General Program Provisions 11B-14.002
Authorized Payments 11B-14.003

PURPOSE AND EFFECT: To revise salary incentive rule language, Commission forms, statutory references, and make housekeeping, clarification and grammatical revisions.

SUMMARY: To revise rule language to reflect that courses shall be verified, but not certified by training center directors (Sections C-1.2 and E-3.2 of the Commission's Policies and Procedures Manual reflects this change); to reflect when a student is dismissed from a training program by adding "dismiss" in column 11 of form CJSTC-67 (The form located in the Forms Section of the Commission's Policies and Procedures Manual); to change ATMS2 to ATMS because the systems have been merged (Section "C" of the Commissions Policies and Procedures Manual reflects this change); to clarify existing rule language; to delete unnecessary rule language; to reflect that salary incentive "documents" are not verified by the Criminal Justice Professionalism Program Records Section, but are verified by the employing agency; to make grammatical revisions to this rule; to revise statutory references; and to make grammatical and clarification revisions, and to update language in Section "C" of the Commission's Policies and Procedures Manual.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

LAW IMPLEMENTED: 943.22 FS.

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

TIME AND DATE: 1:00 p.m., June 6, 2000

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Hunt, Operations and Management Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, FL 32308-1489, (850)410-8615

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-14.002 General Program Provisions.

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

(2) No change.

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

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

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

(6) through (11) No change.

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

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

(14) No change.

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

(16) No change.

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

11B-14.003 Authorized Payments.

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

(1) through (4) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ms. Donna Hunt, Operations and Management Consultant,
Florida Department of Law Enforcement, Criminal Justice
Professionalism Program

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Program Director A. Leon Lowry,
II, Florida Department of Law Enforcement, Criminal Justice
Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: May 1, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Criminal Justice Standards and

Training Trust Fund	11B-18
RULE TITLES:	RULE NOS.:
Operational Definitions	11B-18.003
Regional Training Areas	11B-18.004
Establishment of Regional Training Councils	11B-18.005

Regional Training Council Meetings	11B-18.0051
Development of Budgets	11B-18.0052
Expenditure of Funds	11B-18.007
Reports	11B-18.0071
Areas of Responsibility	11B-18.008
Applicability, Contractual Obligations	11B-18.009

PURPOSE AND EFFECT: Revision of rule language pertaining to operational definitions, regional training areas, Regional Training Councils, development of budgets, expenditure of trust funds, grammatical revisions, and agency responsibilities with regard to the Criminal Justice Standards and Training Trust Fund and its contractual obligations.

SUMMARY: To revise the definition of "Fiscal Agent" (Section H-2.2 of the Commission's Policies and Procedures Manual reflects this change); to revise the definition of "Commission-approved Expenditure Formula"; to revise statutory references to the "Specific Authority" and "Laws Implemented" of this rule; to update the names of the training schools; to revise the name of a state law enforcement agency in Region XV; to revise the number of correctional officers the Local Regional Training Council is comprised of, and to also add "public county" to the number of correctional institutions within the council membership" (Section H-2.2 of the Commission's Policies and Procedures Manual reflects this change); to remove unnecessary rule language; to describe a specific type of operating budget required by the Commission; to provide that the Commission may approve "the" disposition of funds, and not only "any equitable" disposition of funds; to provide that a Regional Training Council is not responsible for studying the Commission's priority issues, but rather is responsible for including priority issues in its approved budget; to implement by rule the Commission's current policy regarding "unexpended interest" (Section H-3.5 of the Commission's Policies and Procedures Manual reflects this change); to clarify existing rule language and grammatical revisions; and to revise the name of the required trust fund report (Section H-3.1 of the Commission Policies and Procedures Manual reflects this change). Clarification and grammatical revisions have been made throughout Section "H" of the Commission's Policies and Procedures Manual.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

LAW IMPLEMENTED: 943.12(5), 943.25, 943.25(4),(5) FS.
IF REQUESTED, IN WRITING, WITHIN 21 DAYS OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 1:00 p.m., June 6, 2000

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ms. Donna Hunt, Operations and Management Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, FL 32308-1489, (850)410-8615

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-18.003 Operational Definitions.

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

(1) through (15) No change.

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

(17) through (19) No change.

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

(21) No change.

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

11B-18.004 Regional Training Areas.

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

(1) Region I.

(a) No change.

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

(2) No change.

(3) Region III.

(a) No change.

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

(4) No change.

(5) Region V.

(a) No change.

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

(6) No change.

(7) Region VII.

(a) No change.

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

(8) No change.

(a) through (b) No change.

(9) through (13) No change.

(14) Region XIV.

(a) No change.

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

(15) Region XV.

(a) No change.

(b) Commission-certified public criminal justice training schools within Region XV: Florida Department of Law Enforcement/Florida Law Enforcement Academy, Florida Department of Highway Safety and Motor Vehicles/Florida Highway Patrol Training Academy, Florida Department of Environmental Protection Law Enforcement Training Center,

and Florida Wildlife Conservation Commission/Florida State Wildlife Officer Training Academy ~~Florida Game and Fresh Water Fish Commission.~~

(16) No change.

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

11B-18.005 Establishment of Regional Training Councils.

(1) through (2) No change.

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

(a) through (d) No change.

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

(f) through (k) No change.

(4) No change.

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

(a) No change.

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

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

(d) through (g) No change.

(6) through (7) No change.

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

11B-18.0051 Regional Training Council Meetings.

(1) through (4) No change.

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

11B-18.0052 Development of Budgets.

(1) through (2) No change.

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

(4) Preparation of the annual operating budget shall be completed pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures Manual, revised

October 13, 1999 ~~January 1999~~, hereby incorporated by reference, and shall be completed on the forms provided by Commission staff pursuant to paragraph (8) of this rule section.

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

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

(7) through (8) No change.

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

11B-18.007 Expenditure of Funds.

(1) Funding Allocation.

(a) No change.

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

(c) through (d) No change.

(2) through (3) No change.

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

(a) No change.

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

(5) Administrative expenditures approved by a Regional Training Council shall not exceed five (5) percent of the total allocation to each Commission-certified public criminal justice

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

(6) No change.

(7) Regions shall make provisions in their operating budget(s) for the reciprocal payment of training provided to officers and support personnel who attend training programs offered in other training regions pursuant to Section 943.10(11), F.S. Each training region's fiscal agent(s) shall be responsible and accountable for receipt and disbursement of the region's specified reciprocal funds.

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

(9) through (10) No change.

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

11B-18.0071 Reports.

(1) through (2) No change.

(3) Allocated funds within the operating budget that have not been expended or encumbered as of June 30, and those encumbered funds that have not been expended by December 31 of the following fiscal year, shall be submitted to Commission staff, ~~by completing~~ A final Criminal Justice

Standards and Training Trust Fund Year-End Fiscal Report form CJSTC-301, shall be submitted by January 31 of the subsequent calendar year.

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

11B-18.008 Areas of Responsibility.

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

(1) The responsibilities of Commission staff are to:

(a) through (c) No change.

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

(e) No change.

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

(g) through (k) No change.

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

(m) through (n) No change.

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

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

(a) No change.

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

(c) through (e) No change.

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

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

(a) through (c) No change.

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

(a) No change.

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

(c) through (g) No change.

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

11B-18.009 Applicability, Contractual Obligations.

(1) through (2) No change.

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

(a) No change.

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

(c) No change.

(4) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ms. Donna Hunt, Operations and Management Consultant,
Florida Department of Law Enforcement, Criminal Justice
Professionalism Program

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Program Director A. Leon Lowry,
II, Florida Department of Law Enforcement, Criminal Justice
Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: May 1, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Certification of Criminal Justice
Training Instructors

RULE CHAPTER NO.:

11B-20

RULE TITLES:

Minimum Requirements for Certification
of Instructors

RULE NOS.:

11B-20.001

11B-20.0012

PURPOSE AND EFFECT: To revise rule language pertaining to the minimum requirements for certification of instructors and revocation of certification, to revise statutory references in the "Law Implemented" of this rule, and to delete obsolete rule language.

SUMMARY: To delete unnecessary rule language (Section "G" of the Commission's Policies and Procedures Manual reflects these type of revisions); to add a timeframe for completion of the Commission-approved 80-hour Instructor Techniques Course (Section G-1.1 of the Commission's Policies and Procedures Manual reflects this change); to revise rule language to reflect that a training center director shall "evaluate" and not "determine" an applicants previously completed training; to delete the obsolete instructor application renewal period of January 1, 1994; to renumber rule paragraphs; to add rule language for the Radar Speed Measurement Training Course for Law Enforcement Officers and the Laser Speed Measurement Operators Training Course for Law Enforcement Officers (Sections C-3.4 and C-3.5 of the Commission's Policies and Procedures Manual reflect these changes); to delete the unnecessary reference to the Criminal Justice Standards and Training Commission Policies and Procedures Manual; to delete statutory references to the "Law Implemented"; and to change the reference from "Field Specialist" to "Commission staff."

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), 943.14(3) FS.
LAW IMPLEMENTED: 943.12(3),(9), 943.14(3) FS.

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

TIME AND DATE: 1:00 p.m., June 6, 2000

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ms. Donna Hunt, Operations and Management Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, FL 32308-1489, (850)410-8615

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-20.001 Minimum Requirements for Certification of Instructors.

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

(a) No change.

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

(c) through (g) No change.

(2) Duration and Renewal of Instructor Certification:

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

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

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

2. through 4. No change.

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

~~(c)(4)~~ If a Commission-certified criminal justice training school instructor adds a specialized topic of instruction to the current instructor certification, the expiration date shall be the same as the current instructor certification expiration date.

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

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

(b) The instructor is a full-time vocational-technical instructor. The training center director shall document the instructor's full-time status and identify the name and location of the vocational-technical institution by completing an Instructor Exemption form CJSTC-82, and maintained in the instructor's file. The instructor shall be qualified in the specific subject matter to be taught, and the confirming documentation shall be maintained in the instructor's file.

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

CJSTC-81, and Instructor Exemption form CJSTC-82, and the confirming documentation shall be maintained in the instructor's file.

(d) through (e) No change.

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

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

(b) through (g) No change.

(h) Radar and Laser Instructor Certifications:

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

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

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

(6) through (7) No change.

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3),(9), 943.14(3),(8) FS. History--New 7-21-82, Formerly 11B-20.01, Amended 10-26-88, 5-14-92, 12-8-92, 1-10-94, 1-2-97, 7-7-99, _____.

11B-20.0012 Revocation of Certification.

(1) through (3) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ms. Donna Hunt, Operations and Management Consultant,
Florida Department of Law Enforcement, Criminal Justice
Professionalism Program

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Program Director A. Leon Lowry,
II, Florida Department of Law Enforcement, Criminal Justice
Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: May 1, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Certification of Criminal Justice

Training Schools 11B-21

RULE TITLES: RULE NOS.:

Advisement 11B-21.001

Request for Certification 11B-21.002

Certification Codes 11B-21.004

Criminal Justice Training School

Requirements for Certification 11B-21.005

Denial of Certification or Renewal of

Certification 11B-21.017

Revocation of Certification 11B-21.018

PURPOSE AND EFFECT: To revise rule language pertaining to the following subject areas: Training school certification and renewal, criminal justice training school requirements for certification, grammatical revisions, rule clarification, and revocation of training school certification.

SUMMARY: To revise statutory references to the "Specific Authority" and "Law Implemented" of this rule; to add Commission-approved training course rule language; to clarify existing rule language regarding training school certification renewal; to remove rule language in 11B-21.005(1), FAC., regarding "satellite sites" and create new rule language in 11B-21.005(2), FAC., that gives requirements for satellite training facilities and equipment; to incorporate the following forms into rule and add rule language regarding usage of the forms: Training School Classroom Facility Requirement form CJSTC-205, Training School Contact Report form CJSTC-200, Non-Compliance Follow-up form CJSTC-206, Driving Range Facility Requirements form CJSTC-202, Defensive Tactics Requirements form CJSTC-203, Firing

Range Facility Requirements form CJSTC-201, and Staffing Requirements form CJSTC-204 (Sections F-1.2, 1.3, 2.2, 2.3, & 2.4 of the Commission's Policies and Procedures Manual reflect these changes); to delete dated rule language (Section "F" of the Commission's Policies and Procedure Manual reflect these type of changes); to remove redundant rule language; to change the "criminal justice driving training" course name to "basic law enforcement driving training"; to clarify existing rule language concerning denial of certification and denial to renew certification; to clarify existing rule language concerning failure to maintain compliance with training school certification requirements; and to delete "substantial violations" and replace with "violations" regarding finding of probable cause when a training school has violated Commission rules; and to add to Section F-2.4 of the Commission's Policies and Procedures Manual language regarding "Exceptions to Driving Range Requirements".

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

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

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

TIME AND DATE: 1:00 p.m., June 6, 2000

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ms. Donna Hunt, Operations and Management Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, FL 32308-1489, (850)410-8615

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-21.001 Advisement.

(1) through (2) No change.

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

11B-21.002 Request for Certification.

(1) No change.

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

(3) through (5) No change.

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

(7) through (8) No change.

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

11B-21.004 Certification Codes.

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

(1) through (3) No change.

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

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

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

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

(a) ~~Compliance with~~ State Requirements for Educational Facilities (SREF), pursuant to Department of Education's Rule 6A-2.0111, F.A.C., effective April 28, 1997, for compliance with building codes for educational facilities, and with local and state regulations relating to fire, health, and building standards, as such standards are applicable to public access facilities. Specific requirements relating to occupancy, lighting, floor space, equipment, and library access, are included in the Criminal Justice Standards and Training

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

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

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

1. through 2. No change.

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

4. through 6. No change.

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

8. No change.

(c)(d) If a Commission-certified criminal justice training school conducts training in basic law enforcement, correctional, or correctional probation, there shall be a suitable area designated for criminal justice defensive tactics instruction. A Defensive Tactics Requirements form

CJSTC-203, 10/1/99, hereby incorporated, shall be completed by Commission staff specifying that each defensive tactics area shall include the following training equipment:

1. through 2. No change.

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

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

1. through 13. No change.

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

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

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

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

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

shall include, ~~for example,~~ preparation of required reports and records, assuring quality of instruction, administration, and security of examinations.

(b) through (d) No change.

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

(a) through (e) No change.

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

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

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

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

Specific Authority 943.03(4), 943.12(1), ~~(2)~~ FS. Law Implemented 943.12(3), ~~(5)~~, (7), 943.14 FS. History—New 7-21-82, Formerly 11B-21.05, Amended 1-28-86, 8-30-89, 12-24-89, 6-3-91, 12-13-92, 1-2-97, 7-7-99, _____.

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

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

(2) No change.

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

11B-21.018 Revocation of Certification.

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

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

(b) through (e) No change.

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

(a) through (b) No change.

(3) through (4) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ms. Donna Hunt, Operations and Management Consultant,
Florida Department of Law Enforcement, Criminal Justice
Professionalism Program

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Program Director A. Leon Lowry,
II, Florida Department of Law Enforcement, Criminal Justice
Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: May 1, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Certification and Employment or

Appointment

RULE TITLES:

Moral Character

Certification, Employment or Appointment,

and Terminating Employment or

Appointment of Officers

Background Investigations

Controlled Substance Testing Procedures

Issuance and Maintenance of Certification

Duty to Report, Investigations, Procedures

Probable Cause Determination

11B-27

RULE NOS.:

11B-27.0011

11B-27.002

11B-27.0022

11B-27.00225

11B-27.0023

11B-27.003

11B-27.004

Revocation or Disciplinary Actions;
 Disciplinary Guidelines; Range of
 Penalties; Aggravating and
 Mitigating Circumstances 11B-27.005
 Denial of Certification 11B-27.007
 Default 11B-27.010
 Recommended Order 11B-27.011
 Canine Team Certification 11B-27.013
PURPOSE AND EFFECT: To revise rule language pertaining to the following subject areas: State examination process; Commission-certified criminal justice training schools; background investigation procedures; fingerprint card process; applicant medical requirements; Agency New Hire Report; analysis of urine sample for controlled substances; Juvenile Sexual Offender Investigation training; Human Diversity Training; conditions to be satisfied as a precondition to processing officer probable cause determinations; violation of 790.10, F.S., Improper Exhibition of a Weapon; defaults; recommended orders; and canine team certification.
SUMMARY: To revise rule language to reflect that conduct subverting or attempting to subvert the Criminal Justice Standards and Training Commission-approved examination process shall apply to both the State Officer Certification Examination and Advanced and Specialized training administered by Commission-certified criminal justice training schools (Section E-1.4 of the Commission's Policies and Procedures Manual reflects this change); to add rule language describing the specific conduct that subverts or attempts to subvert the examination process (Section E-1.4 of the Commission's Policies and Procedures Manual reflects this change); to renumber rule paragraphs accordingly; to delete redundant rule language; to incorporate into rule the Agency New Hire Report form CJSTC-207 (Section B-2.1 of the Commission's Policies and Procedures Manual reflects this change); to clarify rule language regarding the Physician's Assessment form CJSTC-75 and the Patient Information form CJSTC-75A; to revise the Affidavit of Applicant form CJSTC-68 by deleting the word "verifies" and replacing with the word "attests" (This form is required to be notarized); replace ATMS2 with ATMS; to unincorporate the Background Investigations Manual from the CJS&T Commission Policies and Procedures Manual, because it is not mandated by the Commission and to revise Rule 11B-27.0022(2)(a)-(e), FAC., by adding the statutory requirements for conducting Background Investigations (Section B-2.6 of the Commission's Policies and Procedures Manual reflect these changes); to add rule language to allow an applicant to submit to their employing agency evidence that he or she lawfully used or ingested a controlled substance (Section B-2.5 of the Commission's Policies and Procedures Manual reflects this change); to revise statutory references in the "Law Implemented" of this rule; to clarify existing rule language; to revise the Employment Background Investigative Report form CJSTC-77 effective 9/23/99; to make grammatical revisions;

to delete unnecessary references to the CJS&T Commission Policies and Procedures Manual; to add rule language allowing a certified officer, who completes or instructs Juvenile Sexual Offender Investigations training, to apply this training toward satisfying their mandatory retraining requirements (Sections D-1.2 and 1.3 of the Commission's Policies and Procedures Manual reflect these changes); to reformat this rule for clarification purposes; to delete unnecessary rule language; to delete vague rule language and replace with clearer rule language (Section "D" of the Commission's Policies and Procedures reflect these changes); to revise the terms and conditions of officer probationary periods; to repeal Rules 11B-27.010 and .011, FAC., because these Rule Chapters contain language redundant to Chapter 120, F.S.; and to specify that a General Duty K-9 Team Application form CJSTC-70 shall be submitted to Commission staff for those applicants who are requesting initial certification or recertification.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

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

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

TIME AND DATE: 1:00 p.m., June 6, 2000

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ms. Donna Hunt, Operations and Management Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, FL 32308-1489, (850)410-8615

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-27.0011 Moral Character.

(1) through (2) No change.

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

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

(a) through (b) No change.

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

1. through 7. No change.

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

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

b. Reproducing or reconstructing any portion of the examination.

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

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

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

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

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

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

i. Impersonating an examinee.

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

k. Disrupting test administration.

(d) No change.

(5) The employing agency shall forward to the Commission the agency's investigative report pursuant to procedures established in Rule 11B-27.003(2),(3), FAC., when an allegation has been made that an officer has failed to maintain good moral character, as defined in paragraph (4) of this rule, and has been sustained by the employing agency; or

an act of conduct by the officer has resulted in the officer's arrest. The report shall be forwarded immediately upon separation of the officer from employment, or, if the officer is not separated from employment, within 45 days from the date an allegation has been sustained, as set forth in this rule section. An employing agency shall forward to Commission staff an investigation report pursuant with procedures established in Rule 11B-27.003(2) (4), FAC., when the following acts or allegations have occurred:

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

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

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

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

(a) The severity of the violation.

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

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

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

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

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

(7) No change.

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

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

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

(a) through (b) No change.

(c) An Applicant Fingerprint Card, FBI form FD-258, January 1999, hereby incorporated by reference, that has been processed by the Florida Department of Law Enforcement and the Federal Bureau of Investigation, pursuant with the

Criminal Justice Standards and Training Policies and Procedures Manual. An Applicant Fingerprint Card shall be processed in conjunction with an officer's employment or appointment, regardless of the existence of an officer's processed Applicant Fingerprint Card from a previous employment or appointment.

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

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

2. through 3. No change.

~~(d)(e) A Physician's Assessment and Patient Information form CJSTC-75, revised April 11, 1999 and Patient Information Medical History Questionnaire form CJSTC-75A, revised March 11, 1999 June 19, 1997, hereby incorporated by reference, or an equivalent form signed by a physician licensed in the United States or its territories, showing that the applicant has met the medical standards required by the Commission. A Physician's Assessment and Patient Information form CJSTC-75 or equivalent, shall be signed by a physician licensed in the United States in conjunction with an officer's employment or appointment, regardless of the existence of a signed Physician's Assessment and Patient Information form CJSTC-75 or equivalent, from a previous employment or appointment of that officer.~~

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

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

~~(g)(h) Evidence that a thorough background investigation was conducted pursuant to Rule 11B-27.0022, FAC. A thorough background investigation conducted pursuant to Rule~~

11B-27.0022, FAC., shall be conducted in conjunction with an officer's employment or appointment, regardless of existing evidence that a thorough background investigation of the officer was conducted for a previous employment or appointment.

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

1. through 4. No change.

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

(2) through (3) No change.

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

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

(a) through (c) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.133, 943.131, 943.139, 943.1395 FS. History--New 10-6-82, Amended 4-26-84, 1-7-85, Formerly 11B-27.02, Amended 9-3-87, 3-29-89, 5-14-92, 12-13-92, 9-5-93, 1-19-94, 1-2-97, 7-7-99, _____.

11B-27.0022 Background Investigations.

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

(a) through (c) No change.

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

(e) No change.

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

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

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

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

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

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

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

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

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

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

11B-27.00225 Controlled Substance Testing Procedures.

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

(2) through (4) No change.

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

11B-27.0023 Issuance and Maintenance of Certification.

(1) Issuance. For those applicants who have not been previously certified and who have met all certification requirements pursuant to Section 943.13(1) through (10), F.S., the employing agency shall submit to Commission staff an Application for Certification form CJSTC-59, January 21, 1999, hereby incorporated by reference, and shall certify that the applicant is eligible for certification by the Commission. The information on the CJSTC-59 form may be electronically transmitted via the Commission's Automated Training Management System (ATMS) ~~(ATMS2)~~. Effective April 1, 1999, upon receipt of the CJSTC-59, Commission staff shall review the application for compliance with the requirements of Section 120.60, F.S. Upon a determination that the applicant is eligible for certification, the Commission shall issue a Certificate of Compliance.

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

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

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

(a) through (b) No change.

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

(d) through (g) No change.

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

1. through 2. No change.

3. Pursuant to Sections 943.1715 and 943.1716, F.S., the Commission shall incorporate instruction for officers in the subject of interpersonal skills relating to diverse populations, with an emphasis on the awareness of cultural differences.

Certified officers, who are Commission-certified Human Diversity Instructors and elect to instruct Human Diversity Training. All Commission-certified criminal justice instructors shall meet the requirements for Human Diversity Instructor Training pursuant to Rule 11B-20.001(4)(g), FAC. Certified Human Diversity Training Instructors may elect to substitute completion or instruction of the Commission-approved 20-hour Human Diversity Instructor Training course, or instruction of the 8-hour Human Diversity Training course, to satisfy human diversity requirements for mandatory retraining pursuant to paragraph (g) of this rule section.

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

(i) No change.

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

(k) No change.

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

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

(1) No change.

(2) Upon concluding the investigation:-

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

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

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

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

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

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

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

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

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

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

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

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

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 420-60, 943.1395(5) FS. History-New 10-6-82, Amended 1-7-85, Formerly 11B-27.03, Amended 12-13-92, 9-5-93, 7-7-99,_____.

11B-27.004 Probable Cause Determination.

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

(1) through (7) No change.

(8) In cases where Commission staff determines to initiate a Commission Probable Cause Panel review, and the for the following reasons: The respondent has been terminated by the employing agency; ~~the penalty guidelines of Rule 11B-27.005(5), FAC., specify probation or suspension as the maximum penalty for the offense; aggravating circumstances do not exist that may prompt the Commission to depart from the guidelines and consider revocation of certification; and~~ subject to the below listed conditions, Commission staff shall

present the matters to a Probable Cause Panel on a consent agenda. The Probable Cause Panel shall issue a Letter of Acknowledgment of agency action in these cases. ~~The and the~~ following conditions shall be satisfied as a precondition to such processing by Commission staff and the Probable Cause Panel:

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

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

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

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

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

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

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

(9) through (12) No change.

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

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

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

(1) through (4) No change.

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

(a) No change.

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

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

6. through 12. No change.

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

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

(d) No change.

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

(a) through (b) No change.

(7) No change.

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

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

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

3. through 4. No change.

~~5. Maintaining employment.~~

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

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

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

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

(d) through (e) No change.

(8) through (9) No change.

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

11B-27.007 Denial of Certification.

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

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

11B-27.010 Default.

~~In the event the respondent, who has been served with an Administrative Complaint, or an applicant, who has been served with a Statement of Denial, fails to respond within 30 calendar days from the date of service, as set forth in the Explanation of Rights, such failure shall be considered a waiver of the respondent's rights to a hearing pursuant to Section 120.569, F.S., and a default may be entered, but only~~

~~after a prima facie case is presented against the respondent or applicant, regardless of whether or not the respondent is in attendance.~~

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

11B-27.011 Recommended Order.

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

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

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

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

11B-27.013 Canine Team Certification.

(1) through (2) No change.

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

(4) No change.

(a) through (b) No change.

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

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

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

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

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17) FS. History—New 3-29-89, Amended 12-13-92, 1-2-97, 7-7-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ms. Donna Hunt, Operations and Management Consultant,
Florida Department of Law Enforcement, Criminal Justice
Professionalism Program

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Program Director A. Leon Lowry,
II, Florida Department of Law Enforcement, Criminal Justice
Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: May 1, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Officer Certification Examination 11B-30

RULE TITLES: RULE NOS.:

Application for State Officer Certification	
Examination, Eligibility Requirements	11B-30.006
Notification of Applicants	11B-30.007
Examination Administration	11B-30.008
Persons Charged with Violations – Right of	
Hearing	11B-30.010
Grade Notification	11B-30.011
Applicant Review of Examination	
Questions, Answers	11B-30.012
Challenge to Examination Results	11B-30.013
Application-Based Officer Certification	
Examination	11B-30.014

PURPOSE AND EFFECT: To revise rule language pertaining to the State Officer Certification Examination application eligibility requirements, examination administration, review of

examination questions and answers; and create the new rule language for the Application-Based Officer Certification Examination process.

SUMMARY: To delete unnecessary rule language; to revise and move rule language in (a)-(d) of Rule 11B-30.006(3), FAC., to 11B-30.008, FAC., which is more appropriate language for Rule 11B-30.008, FAC.; to revise the deadline dates for receipt, by Commission staff, of the "initial request" to sit for the Certification Examination, which shall not exceed 21 days (Section K-1.3 of the Commission's Policies and Procedures Manual reflects this change); to make grammatical revisions consistent with rule language; to revise rule language regarding "when an application to sit for the first re-examination shall be received by Commission staff" (Sections K-1.3 and 1.4 of the Commission's Policies and Procedures Manual reflects this change); to add new rule language regarding a second re-examination (Section K-1.4 of the Commission's Policies and Procedures Manual reflects this change); to add new rule language to clarify "that subsequent and successful completion of the full Basic Recruit Training Program is required to pass the certification examination" after three unsuccessful attempts have been made; to require that an applicant re-enroll and successfully complete the Application-Based Training Model if three unsuccessful attempts have been made to pass the examination; to renumber rule paragraphs accordingly; to delete statutory reference to the "Law Implemented" of this rule; to correct Commission staff's address; to comply with Rule 28-106.111, FAC., and change the number of days allowed for a hearing from 30 to 21; to allow an applicant to review their application without the review being for the sole purpose of filing objections; to add rule language to require that only materials provided by Commission staff are allowed during an examination review; to add rule language that requires an applicant who completes the Application-Based Training Model to successfully complete the Application-Based Officer Certification Examination to obtain certification (Section K-1.4 of the Commission's Policies and Procedures Manual reflects this change); to require applicants to comply with the application procedures of Rule 11B-30.006(3), FAC. (Section K-1.7 of the Commission's Policies and Procedures Manual reflects this change), in order to sit for the Application-Based Officer Certification Examination; and to require that an applicant comply with the application procedures of Rule 11B-30.006(3), FAC., for eligibility to sit for a re-examination.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

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

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

TIME AND DATE: 1:00 p.m., June 6, 2000

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ms. Donna Hunt, Operations and Management Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, FL 32308-1489, (850)410-8615

THE FULL TEXT OF THE PROPOSED RULES IS:

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

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

(a) through (b) No change.

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

(2) No change.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11B-30.007 Notification of Applicants.

(1) through (3) No change.

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

11B-30.008 Examination Administration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) An applicant charged by Commission staff with a violation of Rule 11B-30.009(2) or (3), FAC., may, within 21 ~~30~~ days of receipt of notice of being charged with such violation, request a hearing by filing a written request with Commission staff.

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

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

11B-30.011 Grade Notification.

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

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

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

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

(1) through (2) No change.

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

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

(b) No change.

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

(d) through (i) No change.

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

11B-30.013 Challenge to Examination Results.

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

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

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

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

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

11B-30.014 Application-Based Officer Certification Examination.

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

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

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ms. Donna Hunt, Operations and Management Consultant,
Florida Department of Law Enforcement, Criminal Justice
Professionalism Program

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Program Director A. Leon Lowry,
II, Florida Department of Law Enforcement, Criminal Justice
Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: May 1, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: INDEXING, MANAGEMENT, AND
Availability of Final Orders

11B-34

RULE TITLE: System for Indexing Final Agency Orders

RULE NO.: 11B-34.007

PURPOSE AND EFFECT: Rule 11B-34.007, FAC. is

redundant, obsolete or superseded by statute. The repeal of the section is necessary to comport with the statutory requirements of Chapter 120.74, F.S.

SUMMARY: Rule 11B-34.007, FAC. describes the system for the indexing of Final Agency Orders for the Criminal Justice and Standards Commission.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 120.533(1)(f) FS.

LAW IMPLEMENTED: 120.53(2), (4) FS.

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

TIME AND DATE: 1:00 p.m., June 6, 2000

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Fern Rosenwasser, Assistant General Counsel, Office of General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-7685

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-34.007 System for Indexing Final Agency Orders.

Specific Authority 120.533(1) FS. Law Implemented 120.53(2)-(4) FS. History--New 12-13-92, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Fern Rosenwasser, Assistant General Counsel, Office of
General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: General Counsel Michael Ramage,
Officer of General Counsel, Florida Department of Law
Enforcement

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: May 1, 2000

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Training Programs 11B-35

RULE TITLES: RULE NOS.:

General Training Programs and Requirements
and Specifications 11B-35.001

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

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

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

Basic Recruit Training Programs;
Student Transfer 11B-35.0023

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

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

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

Career Development Training Program 11B-35.005

Advanced Training Program 11B-35.006

Specialized Training Program 11B-35.007

Officer Certification Examination Qualification
Course Requirements 11B-35.008

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

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

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

PURPOSE AND EFFECT: To revise rule language pertaining the following subject areas: Form revisions, funding of Basic Recruit Training Courses, audit of training courses, grammatical revisions, sequencing of Basic Recruit Training Courses, correction of required course hours and course names, instructor to student ratio, 38-Hour Preparation for Defensive Tactics Course, score achievement of 80% for high-liability proficiency skills comprehensive examinations or examinations, High-Liability Training Courses for auxiliary

officers, vehicle operations and documentation requirements for auxiliary officer training, in-service training requirements, DARE Training Center, procedures for advanced training courses, and single or multiple employments.

SUMMARY: To delete obsolete rule language; to add “dismissed” to form CJSTC-67 to reflect when a student has been dismissed from a training program; to add “proficiency checklist and performance reports” to the list of records to be audited; to renumber rule paragraphs accordingly; to move rule language, regarding radar and laser operator performance reports, to Rule 11B-35.006(7), FAC.; to clarify rule language in Rule 11B-35.001(7), FAC., concerning “student attendance”; to remove unnecessary references to the CJS&T Commission Policies and Procedures; to revise statutory references in the “Specific Authority” and “Law Implemented” of this rule; to delete rule language regarding sequencing of the Commission’s Basic Recruit Training Courses pursuant to Section 120.536, F.S.; to revise the number of required course hours for the “Criminal Justice Legal 2 (CJD_701) course; to clarify current rule language regarding firearms training; to provide the instructor to student ratio requirements for instructing the new 38-Hour Preparation for Defensive Tactics Course (Section E-1.2 of the Commission’s Policies and Procedures Manual reflects this change); to require a student to achieve a score of at least 80% on the course’s comprehensive examination or examinations for high-liability proficiency skills pursuant to 11B-35.0024, FAC.; to clarify that if a student did not complete training at the same training school submitting the Training Report form CJSTC-67, that training school may require a student to demonstrate proficiency in any High-Liability Training Course; to make grammatical revisions; to add descriptive rule language to clarify existing rule language; to clarify that the Auxiliary Officer Prerequisite Course shall be completed at a Commission-certified criminal justice training school; to specify that the applicable High-Liability Training Courses shall be completed for certification as an auxiliary officer; to remove the inapplicable hourly requirement for High-Liability Training Courses for certification as an auxiliary officer; to add rule language to affirm that proficiency demonstration in “vehicle operations” is an employing agency requirement for auxiliary training; to clarify existing rule language regarding the High-Liability Training Courses and documentation of such courses; to remove obsolete rule language regarding in-service training requirements; to correct Course Number 098’s title; to document the physical location of the DARE Training Center; to delete Rule 11B-35.006(7), FAC., which refers to obsolete course approval procedures for Advanced Training Courses; to renumber paragraphs accordingly; to move existing rule language, regarding the Radar and Laser Operator forms, from Rule 11B-35.001(6)(d)9. and 10., FAC. to Rule 11B-35.006(7)(a) and (b), FAC. (Sections C-3.4 and 3.5 of the Commission’s Policies and Procedures Manual reflects this change); to delete the obsolete Tactical Policing Course; to

change "corrections officer" to "correctional officer" pursuant to Chapter 943; to clarify existing rule language regarding single or multiple employment; and to make grammatical, clarification, and update revisions to Section "E" of the Commission's Policies and Procedures Manual.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

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

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

TIME AND DATE: 1:00 p.m., June 6, 2000

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ms. Donna Hunt, Operations and Management Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, FL 32308-1489, (850)410-8615

THE FULL TEXT OF THE PROPOSED RULES IS:

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

(1) through (2) No change.

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

(4) through (5) No change.

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

(a) through (b) No change.

(c) The training center director or designee shall forward a completed Training Report form CJSTC-67, revised February 18, 1998, hereby incorporated by reference, to the Criminal Justice Professionalism Program, Bureau of Standards,

following the completion of a course. Effective September 1, 1999 ~~September 1, 1998~~, the information on a CJSTC-67 form shall be required to be electronically transmitted via the Commission's Automated Training Management System (ATMS) ~~(ATMS2)~~. Commission staff shall maintain student training files and verify all completed training courses.

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

1. through 4. No change.

5. Applicable proficiency checklist and performance reports.

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

~~7.6.~~ Attendance records.

~~8.7.~~ Course outlines or schedules.

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

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

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

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

(8) Attendance Records Requirements:

(a) through (b) No change.

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

(d) No change.

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

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

(b) through (c) No change.

(10) No change.

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

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

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

(2) No change.

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

(a) through (d) No change.

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

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

Minimum Hours

(a) through (c) No change.

(d) Associates of Science Criminal Justice Combination Academy Track

Criminal Justice Legal 1	CJD _700	54.0
Criminal Justice Legal 2	CJD _701	<u>52.0</u> 53.0
Criminal Justice Communications	CJD _702	62.0
Interpersonal Skills 1	CJD _703	66.0
*Criminal Justice Defensive Tactics	CJD _704	106.0

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

Criminal Justice Weapons	CJD _705	64.0
Medical First Responder	CJD _254	48.0
(Options: CJT _362 or EMS _ 1059)		
Law Enforcement Legal 3	CJD _720	32.0
Law Enforcement Patrol	CJD _721	64.0
Law Enforcement Traffic	CJD _722	46.0
Vehicle Operations	CJD _723	32.0
Law Enforcement Investigations	CJD _724	64.0
Interpersonal Skills 2	CJD _740	50.0
Emergency Preparedness	CJD _741	26.0
Correctional Operations	CJD _742	64.0
Total		830.0

(e) through (h) No change.

(5) No change.

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

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

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

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

(2) No change.

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

(4) No change.

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

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

(1) To successfully complete a Commission-approved Basic Recruit Training Course, exclusive of the demonstration of high-liability proficiency skills other than a High Liability Training Course, pursuant to 11B-35.0024, FAC., a student shall achieve a score of at least 80 percent on the course's comprehensive examination or examinations, which is intended to measure the student's acquisition of knowledge, skills, and abilities.

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

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

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

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

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

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

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

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

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

(1) through (3) No change.

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

(5) through (6) No change.

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

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

(1) through (2) No change.

(3) Proficiency skills and minimum student performance requirements have been established for each High-Liability Training Course. All performance requirements are available

to interested and affected persons, and may be obtained by contacting Commission staff at the Florida Department of Law Enforcement, Criminal Justice Professionalism Program. Documentation shall be made available for inspection upon request by a Commission representative. A Commission representative shall make available for inspection, documentation related to performance requirements.

(4) through (5) No change.

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

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

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

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

	Total Hours
(a) Criminal Justice Weapons	64.0
(b) *Criminal Justice Defensive Tactics	106.0
(c) Vehicle Operations <u>(employing agency requirement)</u>	32.0
*Includes the 38-hour Preparation for Defensive Tactics course, effective 7/1/98	

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

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

(5) The Basic Recruit Training Programs include:

(a) No change.

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

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

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

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

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

(1) The Commission recognizes the lateral movement of individuals between criminal justice disciplines. In an effort to provide ease of movement and to reduce duplication of instructional content, the Commission has established Cross-Over Training Programs. Individuals entering Commission-approved Cross-Over Training Programs shall comply with Section 943.1395(3), F.S., and Rule 11B-27.002(2), FAC. Each program recognizes the individual's previous completion of training courses, and only the high-liability proficiency skills demonstration ~~in a Commission-approved Basic Recruit Training Program~~ for which the individual has not previously taken in a Commission-approved Basic Recruit Training Program shall be required ~~Course~~.

(2) through (3) No change.

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

11B-35.005 Career Development Training Program.

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

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

11B-35.006 Advanced Training Program.

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

(2) No change.

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

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

<u>Course</u>	<u>Course Name</u> <u>Number</u>	<u>Hours</u>
006	Line Supervision	80 hours
007	Middle Management	80 hours
011	Developing and Maintaining a Sound Organization	40 hours
012	Planning the Effective Use of Financial Resources	40 hours
013	Building and Maintaining a Sound Behavioral Climate	40 hours
016	Narcotics Identification and Investigation	40 hours
019	Criminal Law	40 hours
020	Case Preparation and Court Presentation	40 hours
032	Special Tactical Problems	40 hours
033	Sex Crimes Investigation	40 hours
036	Injury and Death Investigation	40 hours
047	Interviews and Interrogations	40 hours
050	Stress Awareness and Resolution	40 hours
051	Field Training Officer	40 hours
053	Crisis Intervention	40 hours
054	Organized Crime	40 hours
055	RADAR Speed Measurement Operators Training Course for Law Enforcement Officers	40 hours
057	Discipline and Special Confinement Techniques	40 hours
058	Youthful Offender Program	40 hours
068	Advanced Report Writing and Review	40 hours
072	Fire Fighting for Correctional Officers	40 hours
073	Human and Community Relations	40 hours
074	Drug Abuse Awareness and Education	40 hours

077	Underwater Police Science and Technology	80 hours
080	Computer Applications in Criminal Justice	40 hours
085	Emergency Preparedness for Correctional Officers	40 hours
087	Advanced Traffic Accident Investigation	80 hours
088	Traffic Accident Reconstruction	80 hours
090	School Resource Officer	40 hours
091	Domestic Intervention	40 hours
093	Hostage Negotiations	40 hours
094	Drug Abuse Resistance Education (D.A.R.E.)	80 hours
	FDLE instructed only	
095	Laser Speed Measurement Operators Training Course for Law Enforcement Officers	40 hours
096	Drug Abuse Resistance Education (D.A.R.E.)	40 hours
094 & 097	Drug Abuse Resistance Education (D.A.R.E.),	40 hours
098	Traffic Homicide Investigation Course*	80 hours

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

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

(6) No change.

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

- ~~(a) Foreword.~~
- ~~(b) Course Outline.~~
- ~~(c) Course Narrative.~~
- ~~(d) Course Goals and Objectives.~~
- ~~(e) Assessment Instrument and Examination.~~
- ~~(f) Bibliography and Reference Materials.~~
- ~~(g) Instructor Manual.~~

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

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

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

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

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

11B-35.007 Specialized Training Program.

(1) No change.

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

(a) through (h) No change.

~~(i) Tactical Policing.~~

~~(j) Inmate Supervision and Control.~~

(3) through (6) No change.

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

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

11B-35.008 Officer Certification Examination Qualification Course Requirements.

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

Course Title

Course

Number

(a) No change.

(b) ~~Correctional Corrections~~ Officer Certification
Examination Qualification Course: 510
Topic Areas

1. through 6. No change.
(c) No change.

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

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

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

- (1) through (3) No change.

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

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

- (1) through (2) No change.

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

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

- (1) through (3) No change.

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

- (a) No change.

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

- (c) through (d) No change.

(e) Submission of documentation for Commission review. Upon verification of an applicant's exemption from a Commission-approved Basic Recruit Training Program pursuant to this rule section, an employing agency, defined in Rule 11B-35.009(1)(a), FAC., on behalf of an applicant seeking exemption, shall submit to Commission staff a completed Equivalency-of-Training for Out-of-State and Federal Officers form CJSTC-76, revised September 2, 1998, hereby incorporated by reference. All supporting

documentation verifying the applicant's comparable basic recruit training and previous experience described in subparagraphs (a) and (b) of this rule section, shall be maintained on file by the employing agency, and submitted for review upon request of Commission staff. Commission staff shall notify the agency, in writing, of the exemption or non-exemption of the officer, within 30 working days. If the exemption is denied by Commission staff, the applicant shall be granted a hearing pursuant to Section 120.57, F.S.

- (f) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ms. Donna Hunt, Operations and Management Consultant,
Florida Department of Law Enforcement, Criminal Justice
Professionalism Program

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Program Director A. Leon Lowry,
II, Florida Department of Law Enforcement, Criminal Justice
Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: May 1, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Criminal History Records

Dissemination Policy 11C-6

RULE TITLES: RULE NOS.:

System Security and Public Access 11C-6.003

Procedures for Requesting Criminal

History Records 11C-6.004

Access to Criminal Justice Information for

Research or Statistical Purposes 11C-6.005

Sale and Delivery of Firearms 11C-6.009

PURPOSE AND EFFECT: To update the rules to reflect changes in criminal history records dissemination and retention of certain firearm records and to comport with the statutory requirements of Chapter 120.74, F.S.

SUMMARY: Proposed revisions to Rules 11C-6.003-6.005 and 11C-6.009, FAC., address and update procedures and fees for obtaining computerized criminal histories through internet access and procedures for obtaining criminal history records under the National Child Protection Act (Foley Act); revise the record retention schedule for certain firearm records from four years to five years; and update the statutory history section of the rules.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COST: None.

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

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

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

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

TIME AND DATE: 10:00 a.m., Tuesday, June 6, 2000

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Fern Rosenwasser, Assistant General Counsel, Office of General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULES IS:

11C-6.003 System Security and Public Access.

(1) through (5) No change.

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

11C-6.004 Procedures for Requesting Criminal History Records.

(1) through (2) No change.

(3) Fees

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

(b) A processing fee of \$15 shall be charged for each subject inquired upon under subsections (2)(d) through (f) unless the Executive Director of the Department determines that conducting the record check would be in the interest of law enforcement or criminal justice or if the fee is otherwise waivable, as provided in subsection 943.053(3), F.S.

(c) A processing fee of \$15.00 shall be charged for each subject inquired upon under subsections (2)(d) through (f) via the internet. This fee shall be assessed based on the inquiry regardless of whether the results show no criminal history record or some possible records. When an inquiry on one subject is made and more than one person is presented as possibly the same person, the customer will receive one

criminal history record as a result of the \$15.00 payment. If the customer wants additional criminal history records from the list of persons presented for this same inquiry, a processing fee of \$8.00 shall be charged for each additional criminal record.

(4) Entities requesting criminal history records under the National Child Protection Act of 1993, as amended, must complete for each individual criminal history check, fingerprint card as well as the following forms in accordance with the instructions provided: Qualified Entity Application and Questionnaire (NCPA 1; Rev. July 1, 1999); Criminal History Record Check User Agreement (NCPA 2; Rev. July 1, 1999); Criminal History Record Check Waiver Agreement and Statement (NCPA 3; Rev. July 1, 1999); and Dissemination Log (NCPA 4, Rev. July 1, 1999). These forms are incorporated by reference.

Specific Authority 943.03(4), 943.053(3), ~~943.05(2)~~, 943.056 FS. Law Implemented 943.053(3), 943.056 FS. History—New 12-30-76, Amended 11-7-83, Formerly 11C-6.04, Amended 9-1-88, 4-1-93, 7-7-99.

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

(1) through (9) No change.

Specific Authority 943.03(4), ~~943.05(2)(d)~~, ~~943.0525~~, 943.053(1), 943.057 FS. Law Implemented ~~119.07~~, ~~943.0525~~, 943.053, 943.057 FS. History—New 11-12-81, Formerly 11C-6.05, Amended 7-7-99.

11C-6.009 Sale and Delivery of Firearms.

(1) through (12) No change.

(13) All records where the transfer was approved must be maintained by dealers for 20 years as required by Title 27, C.F.R., Part 178. All records where the transfer was non-approved must be kept by dealers in a secure area and kept confidential for five (5) four (4) years. Dealer ATF Form F-4473[5300.9] Part 1 (10/98)(10/97) where the transfer was non-approved. Records must be made available to federal, state, county and municipal law enforcement agencies in connection with their official duties upon request during business hours or other reasonable times if the dealer has no regular business hours.

(14) through (20) No change.

Specific Authority 790.065, 943.03(4) FS. Law Implemented 790.065 FS., Title 18, U.S.C., Chapter 44, and Title 27, C.F.R., Part 178. History—New 6-2-91, Amended 7-7-99.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Fern Rosenwasser, Assistant General Counsel, Florida Department of Law Enforcement

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael A. Ramage, General Counsel, Florida Department of Law Enforcement

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 1, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Services

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Criminal History Records; Expunction

and Sealing Policy and Procedures

11C-7

RULE TITLES:

RULE NOS.:

Procedures and Court-Ordered Expunctions

11C-7.006

Procedures on Court-Ordered Sealings

11C-7.007

Administrative Expunction Procedures

11C-7.008

PURPOSE AND EFFECT: Amendments reflect various housekeeping changes pursuant to s. 120.74, F.S.

SUMMARY: Proposed revisions to Rules 11C-7.006-7.008, FAC., update the language and procedures pertaining to the submission and processing of court-ordered expunctions and court-ordered sealing of criminal history record(s).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 943.03(4), 943.05(2)(d), 943.051(2), 943.0581, 943.0585, 943.059 FS.

LAW IMPLEMENTED: 943.0581, 943.0585, 943.059 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, June 6, 2000

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Fern Rosenwasser, Assistant General Counsel, Office of General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULES IS:

11C-7.006 Procedures on Court-Ordered Expunctions.

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

(a) through (d) No change.

(e) A certified copy of the disposition of the charge or charges to which the petition to expunge pertains. The subject should obtain this document from the Clerk of the Court in the appropriate jurisdiction. The subject must pay any fees required by the Clerk of the Court for providing this service.

(2) No change.

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

(6) Upon receipt of a certified court order to expunge a criminal history record, the arresting agency shall:

(a) Make a positive association between the individual and the arrest covered by the court order and the arrest record generated by it; if the arrest record can be identified within the agency's records.

(b) Forward the Certificate of Eligibility, a certified copy of the court order, and a letter of transmittal to the Department. The letter of transmittal shall make specific reference to identifying information, including:

1. Name;
2. Alias/Maiden Name(s);
3. Sex;
4. Race;
5. Date of Birth;
6. Social Security Number (If Available);
7. Date or Dates of Arrest;
8. Arrest Number or Numbers and Original Charges;
9. FDLE Number and FBI Number (If Known).

The letter of transmittal shall be signed by the chief law enforcement officer of the agency or the authorized designee.

Specific Authority 943.03(4), 943.0585(2) FS. Law Implemented 943.0585 FS. History—New 8-5-92, Amended 7-7-99, _____.

11C-7.007 Procedures on Court-Ordered Sealings.

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

(a) through (c) No change.

(d) A certified copy of the disposition of the charge or charges to which the petition to seal pertains. The subject should obtain this document from the Clerk of the Court in the appropriate jurisdiction. The subject must pay any fees required by the Clerk of the Court for providing this service.

(2) through (4) No change.

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

(6) Upon receipt of a certified court order to seal a criminal history record, the arresting agency shall:

(a) Make a positive association between the individual and the arrest covered by the court order and the arrest record generated by it; if the arrest record can be identified within the agency's records.

(b) Forward the Certificate of Eligibility, a certified copy of the court order, and a letter of transmittal to the Department. The letter of transmittal shall make specific reference to identifying information, including:

1. Name;
2. Alias/Maiden Names;
3. Sex;
4. Race;
5. Date of Birth;
6. Social Security Number (If Available);
7. Date or Dates of Arrest;
8. Arrest Number or Numbers and Original Charges;
9. FDLE Number and FBI Number (If Known).

The letter of transmittal shall be signed by the chief law enforcement officer of the agency or the authorized designee.

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

11C-7.008 Administrative Expunction Procedures.

(1) through (5) No change.

Specific Authority 943.03, ~~943.05(2)(e)~~, 943.0581 FS. Law Implemented 943.0581 FS. History—New 8-5-92.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Fern Rosenwasser, Assistant General Counsel, Florida Department of Law Enforcement

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael A. Ramage, General Counsel, Florida Department of Law Enforcement

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 1, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF LAW ENFORCEMENT

Division of Local Law Enforcement Assistance

RULE CHAPTER TITLE: DNA Database Collection RULE CHAPTER NO.: 11D-6

RULE TITLES: Definitions RULE NOS.: 11D-6.001
Procedure 11D-6.003

PURPOSE AND EFFECT: Proposed revisions to Rules 11D-6.001 and 6.003, FAC., update the rule language pertaining to the collection of blood samples for submission to the DNA Database maintained by the Florida Department of Law Enforcement pursuant to s. 120.74, F.S.

SUMMARY: The amendments to Rule 11D-6.001 and Rule 11D-6.003, FAC. remove redundant language that is superseded by statute concerning the collection of blood samples for the DNA Database maintained by the Florida Department of Law Enforcement. Statutory references are added to update the definition of "offender."

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 943.03(4), 943.325(9)(d) FS.

LAW IMPLEMENTED: 943.325 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, June 6, 2000

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Fern Rosenwasser, Assistant General Counsel, Office of General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULES IS:

11D-6.001 Definitions.

As used in Rule 11D-6.003, F.A.C., the following definitions apply:

~~(1) Under the direction of shall mean with the supervision and approval of and the assumption of responsibility for.~~

~~(1)(2)~~ 'Blood sample' shall mean a specimen of whole blood, at least 7 cc in volume.

~~(2)(3)~~ 'Offender' shall mean a person meeting any of the criteria specified in ss. 943.325(1), 943.325(10)(c), 943.325(11), 947.1405(7), 948.03(5)(a)8., or 948.03(10), F.S.

Specific Authority 943.03(4), 943.325(9)(d) FS. Law Implemented 943.325 FS. History—New 7-4-90, Amended 7-6-99, _____.

11D-6.003 Procedure.

~~When an offender, as defined in Rule Section 11D-6.001(3), is convicted, the agency responsible by law for collection of the blood samples shall cause the blood sample to be drawn and submitted to the Department of Law Enforcement upon sentencing or disposition, but prior to the offender's release, in accordance with these procedures. The Sheriff or Officer in Charge of the county correctional facility will have such responsibility when the offender is sentenced to incarceration within the county correctional facility or is given a disposition, such as probation or community control, other than incarceration within a state correctional facility. The Department of Corrections will have such responsibility when the offender is sentenced to incarceration within a state correctional facility. The Department of Juvenile Justice will have such responsibility when the offender is a juvenile committed to the custody or supervision of that agency. Compliance should be accomplished in the following manner:~~

(1) The subject offender must be positively identified in the manner specified by the FDLE Request for DNA Investigative Support Database Entry Form (FDLE Form – DNA-1, Date February 1, 1999 and incorporated by reference) prior to taking the blood samples from such offender.

(2) When positive identification of the offender is accomplished, two (2) blood samples shall be taken from the offender in the manner described in s. 943.325(2), F.S. by or under the direction of a physician, registered nurse, licensed practical nurse, or duly licensed clinical laboratory technician associated with the county or state agency having custody of the offender.

(3) through (5) No change.

Specific Authority 943.03(4), 943.325(9)(d) FS. Law Implemented 943.325 FS. History—New 7-4-90, Amended 7-6-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Fern Rosenwasser, Assistant General Counsel, Florida Department of Law Enforcement

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael A. Ramage, General Counsel, Florida Department of Law Enforcement

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 1, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF LAW ENFORCEMENT

Division of Staff Services

RULE CHAPTER TITLE: Division of Staff Services
RULE CHAPTER NO.: 11F-1

RULE TITLES: RULE NOS.:

Division Director 11F-1.001

Duties and Powers of Division 11F-1.002

Division Organization 11F-1.003

PURPOSE AND EFFECT: The proposed repeal of Rules 11F-1.001 through 11F-1.003, FAC., inclusive, is necessary to eliminate administrative rules that are redundant, obsolete, or superseded by statute or rule, and to comport with the statutory requirements of Chapter 120, Florida Statutes.

SUMMARY: Rules 11F-1.001, 11F-1.002 and 1F-1.003, FAC., which describe the department chain of command and major subordinate programs, are repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 120.53, 943.03, 943.03(4) FS.

LAW IMPLEMENTED: 20.201(2)(e), 120.53, 120.53(1)(a), 943.29, 943.381 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, June 6, 2000

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Fern Rosenwasser, Assistant General Counsel, Office of General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULES IS:

11F-1.001 Division Director.

Specific Authority 120.53, 943.03 FS. Law Implemented 120.53, 943.29 FS. History—New 11-28-75, Formerly 11F-1.01, Repealed.

11F-1.002 Duties and Powers of Division.

Specific Authority 120.53(1)(a), 943.03(4) FS. Law Implemented 20.201(2)(e), 120.53(1)(a), 943.381 FS. History—New 11-28-75, Formerly 11F-1.02, Amended 1-6-91, Repealed.

11F-1.003 Division Organization.

Specific Authority 120.53(1)(a), 943.03(4) FS. Law Implemented 20.201(2)(e), 120.53(1)(a), 943.381 FS. History—New 11-28-75, Formerly 11F-1.03, Amended 1-6-91, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Fern Rosenwasser, Assistant General Counsel, Florida Department of Law Enforcement

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael A. Ramage, General Counsel, Florida Department of Law Enforcement

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 1, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiners Commission

RULE CHAPTER TITLE: Organization
RULE CHAPTER NO.: 11G-1

RULE TITLES: Structure, Purpose
RULE NOS.: 11G-1.001

District Medical Examiners, Associate Medical Examiners
11G-1.002

PURPOSE AND EFFECT: The Department's rule chapter concerning the organization of the Medical Examiners Commission is amended to update statutory citations and language pursuant to s. 120.74, F.S.

SUMMARY: The amendments to Rules 11G-1.001-.002, FAC. update statutory citations relating to specific powers and duties and remove the reference to a format that had been used for certain record keeping procedures.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 406.04 FS.

LAW IMPLEMENTED: 112.313, 406.02, 406.06, 406.16, 406.17 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, June 6, 2000

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Fern Rosenwasser, Assistant General Counsel, Office of General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULES IS:

11G-1.001 Structure, Purpose.

(1) through (2) No change.

Specific Authority ~~943.03(4)~~, 406.04, ~~406.17~~ FS. Law Implemented 406.02, 406.06, 406.17 FS. History—New 10-18-81, Formerly 11G-1.01, Amended 7-6-99.

11G-1.002 District Medical Examiners, Associate Medical Examiners.

(1) through (3) No change.

(4) The District Medical Examiner shall file with the Commission office, ~~in a format prescribed by the Commission,~~ a copy of the letter of appointment, resignation, or removal of each Associate Medical Examiner.

(5) through (11) No change.

Specific Authority 406.04 FS. Law Implemented 112.313, ~~120.53(1)~~, 406.02, 406.06, 406.17 FS. History—New 10-18-81, Formerly 11G-1.02, Amended 4-11-88, 12-26-88, 8-28-91, 2-23-93, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Fern Rosenwasser, Assistant General Counsel, Florida Department of Law Enforcement

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael A. Ramage, General Counsel, Florida Department of Law Enforcement

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 1, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiners Commission

RULE CHAPTER TITLE: Standard Investigation Procedures
RULE CHAPTER NO.: 11G-2

RULE TITLES: Determination of Jurisdiction,
Preliminary Procedures
11G-2.001

Identification
11G-2.002

PURPOSE AND EFFECT: The Department's rule chapter concerning the organization of the Medical Examiners Commission is amended to update statutory citations and language pursuant to s. 120.74, F.S.

SUMMARY: The amendments to Rule 11G-2.001-.001, FAC. update statutory citations relating to rulemaking authority, specific powers and duties and delete a provision concerning authority to release a body due to lack of statutory authority to establish such procedure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 406.04 FS.

LAWS IMPLEMENTED: 316.065, 381.0031, 382.008, 383.3362, 406.04, 406.11, 406.13, 406.14, 406.145 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, June 6, 2000

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Fern Rosenwasser, Assistant General Counsel, Office of General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULES IS:

11G-2.001 Determination of Jurisdiction, Preliminary Procedures.

(1) through (5) No change.

Specific Authority ~~943.03(4)~~, 406.04 FS. Law Implemented 406.04, 406.11, ~~406.12~~, 406.13 FS. History—New 10-18-81, Amended 7-10-85, Formerly 11G-2.01, Amended 8-27-87, 11-24-87, 10-14-96, 7-6-99.

11G-2.002 Identification.

(1) through (3) No change.

(4) The medical examiner shall retain unidentified remains and preserve them in accordance with the law. ~~The medical examiner may request approval from the Commission to dispose of the remains.~~

(5) No change.

Specific Authority 406.04 FS. Law Implemented 406.11, 406.13, ~~406.145~~ FS. History—New 10-18-81, Formerly 11G-2.02, ~~Amended~~.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fern Rosenwasser, Assistant General Counsel, Florida Department of Law Enforcement

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael A. Ramage, General Counsel, Florida Department of Law Enforcement

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 1, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF LAW ENFORCEMENT

Office of Executive Investigations

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Office of Executive Investigations 11L-1

RULE TITLES: RULE NOS.:

Policy and Purpose 11L-1.001

Definitions 11L-1.002

Procedures for Requesting Security and Transportation 11L-1.003

Conditions for Approving Requests 11L-1.004

PURPOSE AND EFFECT: The proposed repeal of Rules 11L-1.001 through 11L-1.004, FAC., inclusive, is necessary to eliminate administrative rules that are redundant, obsolete, or superseded by statute or rule, and to comport with the statutory requirements of Chapter 120, Florida Statutes.

SUMMARY: The Rules pertaining to the Office of Executive Investigations are repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 943.03 FS.

LAW IMPLEMENTED: 281.20 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, June 6, 2000

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Fern Rosenwasser, Assistant General Counsel, Office of General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULES IS:

11L-1.001 Policy and Purpose.

Specific Authority 943.03 FS. Law Implemented 281.20 FS. History--New 9-5-84, Formerly 11L-1.01, Repealed.

11L-1.002 Definitions.

Specific Authority 943.03 FS. Law Implemented 281.20 FS. History--New 9-5-84, Formerly 11L-1.02, Repealed.

11L-1.003 Procedures for Requesting Security and Transportation.

Specific Authority 943.03 FS. Law Implemented 281.20 FS. History--New 9-5-84, Formerly 11L-1.03, Repealed.

11L-1.004 Conditions for Approving Requests.

Specific Authority 943.03 FS. Law Implemented 281.20 FS. History--New 9-5-84, Formerly 11L-1.04, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fern Rosenwasser, Assistant General Counsel, Florida Department of Law Enforcement

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael A. Ramage, General Counsel, Florida Department of Law Enforcement

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 1, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

DEPARTMENT OF LAW ENFORCEMENT

Office of Inspector General

RULE CHAPTER TITLE: Violent Crime Council

RULE CHAPTER NO.:

Emergency Account

11N-1

RULE TITLE:

RULE NO.:

Procedures for Emergency Funding

11N-1.004

PURPOSE AND EFFECT: The modifications will make it easier to complete and review the form.

SUMMARY: The amendment to rule 11N-1.004(1) modifies form 20.003, which is used to request funds from the Violent Crime Council Emergency Account.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 943.03(4), 943.042 FS.

LAW IMPLEMENTED: 943.031, 943.042 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, June 6, 2000

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Fern Rosenwasser, Assistant General Counsel, Office of General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULES IS:

11N-1.004 Procedures for Emergency Funding.

(1) Requests for emergency funding up to the maximum of \$25,000 shall be made by a detailed written request demonstrating how emergency funding criteria established in this rule are satisfied and certifying that the requesting agency cannot initiate or continue the investigation without immediate supplemental funding. The request shall be accompanied by Form FDLE 20-003, Violent Crime Emergency Account Application Cover Sheet, revised 4/99, effective October 1995, hereby incorporated by reference, and shall be mailed to the chairperson of the Florida Violent Crime Council, c/o Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302. This form can be obtained by written request to the above address.

(2) through (4) No change.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 3-10-94, Amended 10-10-95, .

NAME OF PERSON ORIGINATING PROPOSED RULE: Fern Rosenwasser, Assistant General Counsel, Florida Department of Law Enforcement

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael A. Ramage, General Counsel, Florida Department of Law Enforcement

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 1, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

WATER MANAGEMENT DISTRICTS**South Florida Water Management District****RULE TITLE:**

Publications, Rules and Interagency

RULE NO.:

40E-4.091

Agreements Incorporated by Reference

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to modify Section 7.4 of the document entitled, "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – November 1996" incorporated by reference in Rule 40E-4.091, FAC. Specifically the language relating to side slope requirements for wet retention/detention and stormwater attenuation areas is amended. Alternative side slope criteria for golf course wet retention/detention areas adjacent to tee areas, bunkers & greens is added.

SUMMARY: The proposed rule amendment addresses wet retention/detention and stormwater attenuation area side slopes. Slopes shall be designed with side slopes no steeper than 4:1 (horizontal:vertical) from top of bank to a minimum of 2 feet below the control elevation. The proposed rule provides that constructed side slopes steeper than 3.5:1 (horizontal:vertical) shall be considered a substantial deviation during the consideration of operation permit issuance. A new section is added setting forth alternative side slope criteria for golf course wet retention/detention areas adjacent to tee areas, bunkers & greens.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The SERC concludes that all persons applying for Environmental Resource Permits incorporating wet retention/detention and attenuation areas and/or conveyances will potentially be affected by the proposed rule. If a project is designed to comply with current criteria, it will also comply with the proposed criteria. The major cost saving to those directly affected comes through greater likelihood that projects constructed to meet the new criteria will be accepted and granted operation permits. This will reduce the burden on applicants in construction administrative costs and costs associated with reconstructing non-compliant slopes. Actual cost savings realized will be highly variable and dependent upon a number of site-specific conditions.

Minor cost savings to the SFWMD may be realized because the proposed rule builds in an allowable range for side slopes. Compliance with the revised criterion may improve thereby reducing enforcement costs.

Since no significant costs are imposed by the proposed rule, the requirements will not adversely impact small business.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.413 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.414, 373.4142, 373.416, 373.418, 373.426 FS.

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

TIME AND DATE: 8:30 a.m., June 15, 2000

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ken Todd, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6874 or (561)682-6874 (internet: ktodd@sfwmd.gov).

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41 and 40E-400, F.A.C.:

(a) "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – 2000 November 1996"

(b) through (j) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413 FS. Law Implemented 373.413, 373.4135, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-1-97, 12-3-98, _____.

(The following represents proposed changes to section 7.4 of the document entitled "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – November 1996" incorporated by reference in Rule 40E-4.091, F.A.C.)

7.4 Wet Retention/Detention Area Dimensional Criteria (As Measured at or from the Control Elevation) –

(a) through (c) No change.

(d) Side Slopes for Wet Retention/Detention and Attenuation Areas – for purposes of public safety, water quality enhancement and maintenance, all wet retention/detention areas shall be designed with ~~have~~ side slopes no steeper than 4:1 (horizontal:vertical) from top of bank out to a

minimum depth of two feet below the control elevation, or an equivalent substitute. Constructed side slopes steeper than 3.5:1 (horizontal:vertical) shall be considered a substantial deviation during the consideration of operation permit issuance. Side slopes shall be topsoiled, and stabilized through seeding or planting ~~nurtured or planted~~ from 2 feet below to 1 foot above the control elevation, to promote vegetative growth. Side slope ~~Littoral zone~~ vegetation growth survival shall be a consideration of operation permit issuance. Side slope dimensional criteria for above ground impoundments are set forth in Appendix 6.

(e) Alternative Side Slope Criteria for Golf Course Wet Retention/Detention Areas Adjacent to Tee Areas, Bunkers, and Greens.

The design and final constructed side slopes adjacent to tee areas, bunkers, and greens contiguous to golf course wet retention/detention areas shall be no steeper than 2:1 (horizontal:vertical) for the area above the permitted control elevation. For purposes of this rule, the tee area is limited to an area specifically constructed and designated as the location from which a golfer makes his/her first shot toward a designated hole. The green is the area of shortest grass around the hole. Bunkers (sand traps) consist of a prepared area of ground, often a hollow, from which turf or soil has been removed and replaced with sand-like material.

For those portions of the wet retention/detention areas adjacent to tee areas, bunkers, and greens with final constructed side slopes steeper than 3.5:1 (horizontal:vertical), the final constructed side slopes below the control elevation shall not be steeper than 8:1 (horizontal:vertical) to a depth of two feet below the control elevation or equivalent substitute. Side slopes shall be topsoiled and stabilized through seeding or planting from 2 feet below to 1 foot above the control elevation. Side slope vegetation growth survival shall be a consideration of operation permit issuance.

~~(f)~~(e) Bulkheads – Bulkheads shall be allowed for no more than 40 percent of the shoreline length, but compensating littoral zone must be provided based on appropriate maximum allowable side slope including local government requirements.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Terrie Bates, Interim Deputy Executive Director, Water Resources Management

NAME OF PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 13, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 28, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE TITLE: RULE NO.:

Annual Assessment on Gross Florida Payroll 61G7-5.002

PURPOSE AND EFFECT: The purpose of this amendment is to decrease the annual fee assessment due on the amount of Gross Florida Payroll by 25%.

SUMMARY: Employee Leasing Companies are required to pay an annual assessment on Gross Florida Payroll. The fee due is determined based upon the preceding calendar year's gross Florida payroll of the Company or group.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 468.522 FS.

LAW IMPLEMENTED: 468.526 FS.

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

TIME AND DATE: 9:00 a.m., May 25, 2000

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Employee Leasing Companies, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0767

THE FULL TEXT OF THE PROPOSED RULE IS:

61G7-5.002 Annual Assessment on Gross Florida Payroll.

(1) Effective April 1, 1992, the Department of Business and Professional Regulation shall assess each Employee Leasing Company and each Employee Leasing Company Group an annual assessment fee based upon the preceding calendar year's gross Florida payroll of the company or group. The assessment shall be due on April 1 of each year and shall become delinquent after April 30. For new applicants the initial assessment shall be due with the licensure application. Funds collected under this assessment are to be made payable to the Board and to be deposited into the Professional Regulation Trust Fund as created within the Department. The annual assessment fee shall be calculated in accordance with the following table:

Amount of Gross Florida Payroll	Assessment Fee Due
less than \$250,000.....	<u>\$144.00</u> \$188.00
\$250,000 – \$500,000.....	<u>\$254.00</u> \$338.00
\$500,001 – \$1,000,000.....	<u>\$380.00</u> \$507.00
\$1,000,001 – \$2,500,000.....	<u>\$535.00</u> \$713.00
\$2,500,001 – \$5,000,000.....	<u>\$689.00</u> \$919.00
\$5,000,001 – \$7,500,000.....	<u>\$844.00</u> \$1,125.00
\$7,500,001 – \$10,000,000.....	<u>\$998.00</u> \$1,332.00
\$10,000,001 – \$15,000,000.....	<u>\$1,154.00</u> \$1,538.00
\$15,000,001 – \$20,000,000.....	<u>\$1,308.00</u> \$1,744.00
\$20,000,001 – \$30,000,000.....	<u>\$1,462.00</u> \$1,950.00
\$30,000,001 – \$40,000,000.....	<u>\$1,617.00</u> \$2,157.00
\$40,000,001 – \$50,000,000.....	<u>\$1,829.00</u> \$2,438.00
greater than \$50,000,000.....	<u>\$2,039.00</u> \$2,719.00

(2) through (4) No change.

Specific Authority 468.522 FS. Law Implemented 468.526 FS. History—New 7-15-92, Formerly 21EE-5.002, Amended 4-25-94, 6-10-96, 6-22-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anthony Spivey, Executive Director, Board of Employee Leasing Companies

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Employee Leasing Companies

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 24, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 31, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: _____ RULE NO.: _____

Post-Licensing Education for Active and Inactive Broker and Salesperson Licensees 61J2-3.020

PURPOSE AND EFFECT: The Commission is amending the rule to allow real estate licensees, who fail the post-licensing end of course examination, to retake the examination once prior to requiring them to retake the post-licensing course.

SUMMARY: The Commission determined that licensees may to retake the post-licensing end of course examination once prior to requiring them to retake the post-licensing course.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.05, 475.17 FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182 FS.

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

TIME AND DATE: 8:30 a.m., June 21, 2000

PLACE: Office of the Florida Real Estate Commission, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, 400 West Robinson Street, Suite 308, North Tower, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-3.020 Post-Licensing Education for Active and Inactive Broker and Salesperson Licensees.

(1) through (7) No change.

(8)(a) Students failing a Commission prescribed post-licensing education end of course examination must wait at least 30 days from the date of the original examination to again take the end of course examination ~~repeat the Commission prescribed or approved course prior to being eligible to again take the end of course examination.~~ Within one year of the original end of course examination, a student may retake the prescribed end of course examination a maximum of one time. Otherwise, students failing the Commission prescribed end of course examination must repeat the Commission prescribed course prior to being eligible to again take the end of course examination. Students retaking the end of course examination must be administered a different form of the end of course examination.

(b) Make-up classes to enable a student to take the prescribed end of course examination, ~~which are~~ due to student or family illness; may not extend more than 30 days beyond the class scheduled end of course examination without approval of the Commission. Make-up classes must be the classes missed by the student and must consist of the original Commission prescribed course material.

(9) through (10) No change.

Specific Authority 475.05, 475.17 FS. Law Implemented 475.04, 475.17, 475.182 FS. History—New 1-1-89, Amended 1-4-90, 6-28-93, Formerly 21V-3.020, Amended 8-2-95, 12-30-97, 2-24-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 19, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 10, 2000

DEPARTMENT OF HEALTH**Board of Acupuncture**

RULE TITLE: RULE NO.:

Other Business Involving the Board 64B1-1.003

PURPOSE AND EFFECT: The proposed amendments to the current Rule will further define "other business involving the board" for purposes of Board member compensation.

SUMMARY: The proposed amendments to the current Rule will add meetings of the probable cause panel, certain board-authorized meetings with professional associations, and certain telephone conference calls to the definition of "other business involving the Board for Board member compensation purposes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.534(4) FS.

LAW IMPLEMENTED: 455.534(4) FS.

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

TIME AND DATE: 9:00 a.m., June 2, 2000

PLACE: Embassy Suites Hotel, 555 North Westshore Blvd., Tampa, Florida 33609

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-1.003 Other Business Involving the Board.

For the purposes of Board member compensation under subsection (4) of Section 455.534, Florida Statutes, "other business involving the Board" is defined to include:

(1) Board meetings;

(2) Meetings of committees of the Board;

(3) Meetings of a Board member with Department staff or contractors of the Department at the Department or Board's request. Any participation or meeting of members noticed or unnoticed will be on file in the Board office;

(4) probable cause panel meetings;

(5) all participation in board-authorized meetings with professional associations of which the board is a member or invitee. This would include, but not be limited to, all meetings of national associations of which the board is a member as well as board-authorized participation in meetings of national or

professional associations or organizations involved in educating, regulating, or reviewing the profession over which the board has statutory authority; and

(6) conference calls for which licensing or disciplinary action is agendaed or which exceed one hour in duration.

Specific Authority 455.534(4), 457.104 FS. Law Implemented 455.534(4) FS. History—New 4-5-84, Formerly 21AA-1.03, 21AA-1.003, Amended 7-4-94, Formerly 61F1-1.003, Amended 2-19-96, Formerly 59M-1.003, Amended 11-13-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Acupuncture

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Acupuncture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

DEPARTMENT OF HEALTH**Board of Massage Therapy**

RULE TITLES: RULE NOS.:

Disciplinary Guidelines 64B7-30.002

Citations 64B7-30.004

PURPOSE AND EFFECT: The Board deemed it necessary to further update and define the disciplinary guidelines in Rule 64B7-30.002. Rule 30.004 is being amended to set a citation fine and returned check fees.

SUMMARY: Additional violations and penalties are being proposed in Rule 64B7-30.002, and fines for incomplete continuing education requirements and returned check fees are proposed in Rule 64B7-30.004.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.617, 455.627(1),(3), 480.035(7) FS.

LAW IMPLEMENTED: 455.617, 455.627(1),(3), 480.046, 480.047 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: William Buckhalt, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C09, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULES IS:

64B7-30.002 Disciplinary Guidelines.

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

(v) 455.624(1)(q) \$250 fine & suspension
violating any provision of Chapter 455,
Part II or failure to comply with a lawfully

issued subpoena of the department

(w) 455.624(1)(u) \$1,000 fine & revocation
engaging or attempting toengage a patient or client in
verbal or physical sexual activity(x) 455.624(1)(w) \$500 fine
Failing to report to the Board in

writing within 30 days after the

licensee has been convicted or

found guilty of, or entered a plea

of nolo contendere to, regardless

of adjudication, a crime in any jurisdiction

(y) 455.624(1)(w) \$500 fine
Failing to report to the Board in writing

on or before October 1, 2000, any

convictions, findings of guilt or pleas

of nolo contendere that occurred prior

to July 1, 1999, not previously reported

to the Board

(z) 455.624(1)(x) \$500 fine & revocation
using information about people

involved in motor vehicle accidents

which has been derived from accident

reports made by law enforcement officers

or persons involved in accidents, or using

information published in a newspaper or

other news publication or through a radio

or television broadcast that has used information

gained from such reports, for the purposes of

commercial or any other solicitation whatsoever

of the people involved in such accidents

(2) through (8) No change.

Specific Authority 455.627(1),(3), 480.035(7) FS. Law Implemented 455.627(1),(3), 480.046, 480.047 FS. History—New 3-26-87, Formerly 21L-30.002, Amended 9-30-93, 12-12-93, 8-16-94, 10-1-95, 2-5-96, 5-12-96, 5-29-97, Formerly 61G11-30.002, Amended 2-18-98, 11-4-98, _____.

64B7-30.004 Citations.

(1) through (3)(g) No change.

(h) First-time failure of the licensee to satisfy continuing education requirements established by the Board: Fine of \$250.00, and one hour of continuing education for each hour not completed or completed late. These continuing education hours are to be completed within three months of the date of citation issuance. Violations of Rule 64B7-28.001(2) by licensees shall result in a penalty of \$250 and completion of the required continuing education.

(i) through (j) No change

(k) Tendering a check that is dishonored by the institution upon which it is drawn shall result in a penalty of \$250.00.

Specific Authority 455.617 FS. Law Implemented 455.617 FS. History—New 1-1-92, Amended 11-15-92, Formerly 21L-30.004, Amended 9-30-93, 12-12-93, 4-21-97, Formerly 61G11-30.004, Amended 8-16-98, 7-18-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Massage Therapy

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Massage Therapy

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 28, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 31, 2000

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: RULE NO.:

Certified Optometrist Examination 64B13-10.0015

PURPOSE AND EFFECT: The proposed rule amendment is
intended to reduce the number of examination questions from
100 to 80.

SUMMARY: The proposed rule amendment reduces the
number of examination questions from 100 to 80.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COST: No Statement of Estimated
Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 463.005(1), 455.574(1), (2) FS.

LAW IMPLEMENTED: 463.0055, 455.574(1), (2) FS.

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

TIME AND DATE: 10:00 a.m., June 6, 2000

PLACE: Room 324, Collins Building, 107 W. Gaines Street,
Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Joe Baker, Jr., Executive Director,
Board of Optometry/MQA, 4052 Bald Cypress Way, Bin
#C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-10.0015 Certified Optometrist Examination.

The Certified Optometrist Examination shall be the Board
approved examination developed and administered by the
Department of Health Office of Examination Services.

(1) The examination shall consist of 80 ~~100~~ questions
which test the applicant's knowledge of general and ocular
pharmacology with particular emphasis on the topical
application and side effects of pharmaceutical agents. Each

question on the examination shall be given equal weight. A raw score of 70 correct answers shall be required to pass the certification examination.

(2) through (4) No change.

Specific Authority 463.005(1), 455.574(1),(2) FS. Law Implemented 463.0055, 455.574(1),(2) FS. History--New 3-16-89, Amended 5-29-90, 7-10-91, Formerly 21Q-10.0015, 61F8-10.0015, Amended 10-4-94, Formerly 59V-10.0015, Amended 3-21-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Optometry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 11, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 21, 2000

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE TITLE: RULE NO.:
Rural Hospital Capital Improvement Grant

Application Procedures 64E-19.001

PURPOSE AND EFFECT: Rural Hospital Improvement Grant Application Procedures. This rule will establish criteria for awarding remaining grant funds exclusively for the support and assistance of statutory rural hospitals. This rule will satisfy the requirement section of 395.6061(3), Florida Statutes.

SUMMARY: The 1999 legislature has amended section 395.6061(3), Florida Statutes to require the implementation of Rural Hospital Grant Application Procedures. The rule establishes and outlines a mechanism for statutory rural hospitals to apply for rural hospital capital improvement funds appropriated by the legislature.

STATEMENT OF ESTIMATED REGULATORY COSTS: None prepared.

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

SPECIFIC AUTHORITY: 395.6061(3) FS.

LAW IMPLEMENTED: 395.6061(3) FS.

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

TIME AND DATE: 10:00 a.m., June 9, 2000

PLACE: Division of Emergency Medical Services and Community Health Resources, 4025 Esplanade, Room 301, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mike Walsh, Health Services and Facilities Consultant, Division of Emergency Medical Services and Community Health Resources, Office of Rural Health, 4052 Bald Cypress Way, Bin C15, Tallahassee, Florida 32399, (850)245-4340, extension 2705, or fax (850)414-6470

THE FULL TEXT OF THE PROPOSED RULE IS:

64E-19.001 Rural Hospital Capital Improvement Grant Application Procedures.

In order to apply for a rural hospital capital improvement grant, applicants must submit DH Form 1432A, March 2000, Rural Hospital Capital Improvement Grant Application contained in Rural Hospital Capital Improvement Grant Program, Application & Guidelines, March, 2000. This form and guidelines are incorporated by reference and available from the department.

Specific Authority 395.6061(3) FS. Law Implemented 395.6061 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mike Walsh, Health Services and Facilities Consultant

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Art Clawson, Division Director, Division of Emergency Medical Services and Community Health Resources

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 28, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 1999, October 15, 1999

Purchase Order # X05593

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

NOTICE OF CABINET AGENDA ON JUNE 27, 2000

The Governor and Cabinet, on June 27, 2000, sitting as head of the Department of Revenue, will consider the proposed amendments to Rule 12-25.004, FAC. (Contract Auditor Prerequisites); Rule 12-25.005, FAC. (Selection Procedures for Contract Auditors); Rule 12-25.0054, FAC. (Applicants Ranking Committee); Rule 12-25.0056, FAC. (Applicant Ranking Process); and Rule 12-25.0058, FAC. (Dispute Resolution). These proposed amendments were noticed for a rule development workshop in the Florida Administrative Weekly on November 5, 1999 (Vol. 25, No. 44, pp. 5025-5031) and the workshop was held on November 22, 1999. A Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on February 18, 2000 (Vol. 26, No. 7, pp. 739-745) and a public hearing was conducted on March 14, 2000. No comments were received at the hearing conducted on March 14, 2000. Written comments were received from the Joint Administrative Procedures Committee regarding the proposed amendments to Rules 12-25.005, 12-25.0054, and 12-25.0056, FAC., regarding a contract audit firm substituting audit team members; concerning forms used by the Department during the applicant ranking and selection