

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Fire Extinguishers and 4A-21
Pre-Engineered Systems

RULE TITLES: RULE NOS.:

Dealer License 4A-21.102

Permit 4A-21.103

Prescribed Training Course for Portable

Fire Extinguisher Licenses and Permits 4A-21.104

Transferring a License 4A-21.106

Transferring a Permit 4A-21.107

Upgrade of License 4A-21.108

Upgrade of Permit 4A-21.109

Duplicate License or Permit 4A-21.110

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Inspection, Maintenance and Hydrostatic

Tests; Recharge, Repair, Replacement 4A-21.237

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Standards of the National Fire Protection

Association to be Complied With 4A-21.302

Standard Service Tag 4A-21.303

Installation; Service 4A-21.304

PURPOSE AND EFFECT: The changes have the following purposes and effects:

1. Update NFPA and other sources previously adopted in the rules.

2. Add two additional forms to be adopted.

3. Streamline and update requirements for taking courses and examinations in conjunction with the Florida State Fire College to make them more easily accessible by the public.

4. Make technical changes such as changing the outdated name of the Section to the current name.

5. Present certain tables in more readable fashion.

6. Update rules to accommodate changes in the statutes; for example, to conform with the "two-year" recertification cycle adopted by the legislature recently, having been changed from a one-year cycle which the rules currently address.

7. Repeal unnecessary and/or outdated rule sections, subsections, and paragraphs.

SUBJECT AREAS TO BE ADDRESSED: Fire Extinguishers and Preengineered Systems.

SPECIFIC AUTHORITY: 633.01(1) FS.

LAW IMPLEMENTED: 633.061, 633.161, 633.162, 633.163, 633.071, 633.171, 633.081 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW.

DATE AND TIME: 9:00 a.m., February 12, 2001

PLACE: Gore Building, 201 West Broward Blvd, Room 104A, Fort Lauderdale, Florida

DATE AND TIME: 8:30 a.m., February 13, 2001

PLACE: Twin Lakes County Complex, 6700 Clark Road, Sarasota, Florida

DATE AND TIME: 8:30 a.m., February 14, 2001

PLACE: Florida State Fire College Auditorium, 11655 N.W. Gainesville Road, Ocala, Florida

DATE AND TIME: 8:30 a.m., February 16, 2001

PLACE: Conference Center, Florida State University Panama City Campus, 4750 Collegiate Drive, Panama City, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Terry Hawkins, Safety Program Manager, Bureau of Fire Prevention, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342, (850)413-3644

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Millicent King, (850)413-3619.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4A-21.102 Dealer License.

(1) The applicant shall submit an application on ~~form~~ forms DI4A-32, "Fire Extinguisher Dealer License" revised ~~11/99~~ 9/96 ~~and/or DI4-433~~ "Pre-Engineered Systems Dealer License" revised 9/96 as adopted and incorporated herein by reference furnished by the Division of State Fire Marshal ~~division~~ which shall conform with Section 633.061, Florida Statutes, identifying the class of license requested. Each licensee shall maintain a specific business location. A separate application and license are required for each business location. Any advertisement that the services of installing, recharging,

repairing, or inspecting or other maintenance of portable fire extinguishers or pre-engineered systems are available shall indicate that the premises, business, room, shop, store or establishment in or upon which it appears or to which it refers are a separate business location.

(2) through (4) No change.

(5) The person signing the application must meet the experience, or experience and education requirements as prescribed in Section 633.061, Florida Statutes, and shall successfully complete a prescribed training course offered by the Florida State Fire College or an equivalent course approved by the State Fire Marshal pursuant to rule 4A 21.104(4)(c).

(6) Upon successful completion of the prescribed training course, the applicant will be administered an examination testing his or her competency and knowledge of the tasks to be performed pursuant to the class license requested.

(7) No change.

(8) When the applicant has completed the requirements in subsections (1) through (7), above, a pre-license inspection will be conducted at the facility of the applicant to determine that the equipment is functional and meets the requirements ~~have been met pursuant to the provisions~~ of subsection (11), below. The Division of State Fire Marshal division shall inspect vehicles, equipment, buildings, devices, premises or any area to be used in performing the activities allowed by the

license. After issuance of a license, such facilities shall be inspected annually thereafter or as frequently as deemed necessary to ensure that the equipment requirements continue to be met.

(9) through (10) No change.

(11) Any fire equipment dealer, licensed pursuant to Section 633.061, Florida Statutes, who does not want to engage in servicing, inspecting, recharging, repairing or installing halon equipment must file an affidavit on form DI4- , "Fire Equipment Dealer Halon Exemption Affidavit" as adopted and incorporated herein by reference furnished by the Division of State Fire Marshal.

(12) Equipment requirements.

(a) Each licensed business location shall be required to possess, at a minimum, the required equipment listed below, the equipment shall be demonstrated at the time of any inspection, to be functional to perform service as indicated by the license. All facilities must be in possession of a retester's identification number and certification in compliance with the Code of Federal Regulation Pamphlet 49, Part 173.

(b) Minimum Equipment and Facilities Requirements.

MINIMUM EQUIPMENT AND FACILITIES REQUIRED PER CLASS OF LICENSE				
1. <u>Hydrostatic test equipment for high pressure testing and calibrated cylinder maintained in compliance with the requirements of CGA C-1. DOT certification letter posted on or near the test apparatus identifying a current retester identification number issued to the facility.</u>	<u>A</u>			
2. <u>Equipment for test dating united states department of transportation specification and nonspecification cylinders. Die stamps must be a minimum of 1/4 inch and include the retester identification number issued to the facility.</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
3. <u>Clock with sweep second hand on or close to hydrostatic test apparatus.</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
4. <u>CO2 receiver – cascade system CO2 for proper filling of CO2 extinguishers.</u>	<u>A</u>	<u>B</u>		
5. <u>Conductivity tester and tags as required by NFPA 10, 1998 edition.</u>	<u>A</u>	<u>B</u>	<u>C</u>	
6. <u>Drying method with does not exceed 150 degrees Fahrenheit for high and low pressure cylinders in accordance with NFPA 10, 1998 edition and the manufacturer's specifications.</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
7. <u>Proper wrenches with non-serrated jaws or valve puller, hydraulic or electric.</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
8. <u>Appropriate inspection light.</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>

9. Low pressure test apparatus for the licenses held, with gauges certified accurate in compliance with the requirements of CGA-1 and maintained in accordance with the requirements of CGA-1. United States department of Transportation certification letter identifying a current retester identification number issued to the facility.	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
10. All record tags, service, hydrotest, 6 year maintenance, as required by rule 4A-21, 1998 edition of NFPA 10 and CFR 49.	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
11. Scales with division of not more than 1/4 ounce with adequate weighing capacity for weighing co2 cartridges, must be certified annually or tested for accuracy annually by a service agency in accordance with the provisions of Chapter 531, Florida Statutes.	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
12. Scales with adequate weighing capacity for extinguisher inspection and filling must be certified annually or tested for accuracy annually by a service agency in accordance with the provisions of Chapter 531, Florida Statutes.	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
13. Vise, 6 inch minimum (chain or bench).	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
14. Supply of chemicals in accordance with manufacturer's specifications in proper storage for all extinguishers and systems being serviced.	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
15. Facilities for leak testing of pressurized extinguishers and preengineered system cylinders in accordance with the manufacturer's specifications.	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
16. Regulator and indicator in accordance with NFPA standards and manufacturer's specifications. The indicating gauge for the regulator shall be calibrated annually.	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
17. Adapters, fittings and equipment for properly servicing and/or recharging all extinguishers and preengineered systems cylinders being serviced and recharged.	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
18. Safety cage or barrier for hydrostatic testing of low pressure cylinders.	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
19. Scales with divisions of not more than 1/2 pound and minimum 150 pounds for weighing chemical recharging. Must be certified annually or tested for accuracy annually in accordance with the provisions of Chapter 531, Florida Statutes.	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
20. Cable crimping tool (where required) for preengineered systems being installed and serviced in accordance with the manufacturer's specifications.				<u>D</u>
21. Cocking lever (where required) for preengineered systems being installed and serviced in accordance with the manufacturer's specifications.				<u>D</u>
22. Pipe vise, dies, reamer, etc. For preengineered systems being installed and serviced in accordance with the manufacturer's specifications.				<u>D</u>
23. Stock of supplies for extinguishers and/or preengineered systems being installed and serviced in accordance with the manufacturer's specifications.	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
24. Installation, maintenance and recharge manuals for extinguishers and preengineered systems being inspected, serviced and installed.	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
25. Closed recovery system for reusing dry chemical in accordance with NFPA 10, 1998 edition.	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>

26. NFPA 10, 1998 edition, NFPA 96, 1998 edition, CGA C-1, C-6, C-6.1, C-6.3, CFR 49, parts 100-177, and CFR 29 parts 1900-1910 and current fire protection equipment directory.	<u>A</u>	<u>B</u>	<u>C</u>	
27. NFPA 12, 2000 edition, 12A 1997 edition, 34 1995 edition, 17 1998 edition, 17A 1998 edition, 96 1998 edition, 2001 2000 edition, CGA C-1, C-6, C-6.1, C-6.3, CFR 49 parts 100-177, and CFR 29 parts 1900-1910 and current fire protection equipment directory.				<u>D</u>
28. Closed recovery system for removal and recharge of halon as required in NFPA 10, 1998 edition or an exemption from the state fire marshal.				
29. Printed invoices properly completed.	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
30. System inspection reports.				<u>D</u>

(12) Equipment requirements.

(a) Each licensed business location shall be required to possess, at a minimum the equipment listed below in accordance with the class of license requested. Facilities engaged in high pressure hydrostatic testing shall be properly certified by the U.S. Department of Transportation.

(b) Minimum Equipment and Facilities Requirements:
REQUIRED FOR CLASS MINIMUM EQUIPMENT AND FACILITIES REQUIRED.

A 1. ADEQUATE HYDROSTATIC TEST EQUIPMENT FOR HIGH PRESSURE TESTING AND CALIBRATED CYLINDER DOT CERTIFICATION LETTER POSTED ON OR NEAR THE TEST APPARATUS.

A 2. ADEQUATE EQUIPMENT FOR TEST DATING HIGH PRESSURE CYLINDERS. DIE STAMPS MUST BE MINIMUM OF 1/4 INCH.

A 3. CLOCK WITH SWEEP SECOND HAND ON OR CLOSE TO HYDROSTATIC TEST APPARATUS.

AB 4. CO2 RECEIVER — CASCADE SYSTEM CO2, FOR PROPER FILLING OF CO2 EXTINGUISHERS.

ABC 5. CONDUCTIVITY TESTER AND TAGS AS REQUIRED BY NFPA 10, 1994 EDITION.

ABCD 6. DRYING METHOD FAHRENHEIT FOR HIGH AND LOW PRESSURE CYLINDERS, MEETING THE GUIDELINES OF NFPA 10, 1994 EDITION.

ABCD 7. PROPER WRENCHES WITH NON-SERRATED JAWS OR VALVE PULLER, HYDRAULIC OR ELECTRIC.

ABCD 8. ADEQUATE INSPECTION LIGHT.

ABCD 9. LOW PRESSURE TEST APPARATUS WITH DUAL GAUGES OR SINGLE GAUGE CERTIFIED ACCURATE ANNUALLY (DEALER MUST PROVIDE EVIDENCE OF CERTIFICATION DURING INSPECTION.)

ABCD 10. ALL RECORD TAGS, SERVICE, HYDROTEST, 6 YEAR MAINTENANCE, INTERNAL, ETC. AS REQUIRED BY RULE CHAPTER 4A-21.

~~ABCD 11. SCALES WITH DIVISIONS OF NOT MORE THAN 1/4 OUNCE FOR WEIGHING CO2 CARTRIDGES. MUST BE CERTIFIED ANNUALLY OR TESTED FOR ACCURACY ANNUALLY BY A SERVICE AGENCY AS DEFINED IN CHAPTER 5F 4, FLA. ADMIN. CODE.~~

~~ABCD 12. ACCURATE WEIGHING SCALES FOR EXTINGUISHER INSPECTION AND FILLING. MUST BE CERTIFIED ANNUALLY OR TESTED FOR ACCURACY ANNUALLY BY A SERVICE AGENCY AS DEFINED IN CHAPTER 5F 4, FLA. ADMIN. CODE.~~

~~ABCD 13. VISE, 6 INCH MINIMUM (CHAIN OR BENCH).~~

~~ABCD 14. SUPPLY OF DRY CHEMICALS IN PROPER STORAGE FOR ALL EXTINGUISHERS AND SYSTEMS BEING SERVICED.~~

~~ABCD 15. FACILITIES FOR LEAK TESTING OF PRESSURIZED EXTINGUISHERS.~~

~~ABCD 16. NITROGEN WITH REGULATOR AND INDICATOR. REGULATOR NOT TO EXCEED 1500 PSI — MINIMUM 500 PSI. THE INDICATING GAUGE FOR THE REGULATOR SHALL HAVE A SECOND GAUGE OF THE SAME TYPE AND RANGE FOR THE PURPOSE OF MONITORING ACCURACY.~~

~~ABCD 17. ADAPTERS, FITTINGS AND SUFFICIENT TOOLS AND EQUIPMENT FOR PROPERLY SERVICING AND/OR RECHARGING ALL EXTINGUISHERS AND PRE-ENGINEERED SYSTEMS BEING SERVICED AND RECHARGED.~~

~~ABCD 18. SAFETY CAGE FOR HYDROSTATIC TESTING OF LOW PRESSURE CYLINDERS.~~

~~D 19. SCALES WITH DIVISIONS OF NOT MORE THAN 1/2 POUND AND MINIMUM 150 POUNDS FOR WEIGHING CHEMICAL RECHARGING. MUST BE CERTIFIED ANNUALLY OR TESTED FOR ACCURACY CHAPTER 5F 4, FLA. ADMIN. CODE.~~

~~D 20. CABLE CRIMPING TOOL (WHERE REQUIRED).~~

~~D 21. COCKING LEVER (WHERE REQUIRED).~~

~~D 22. PIPE VISE, DIES, REAMER, ETC.~~

~~D 23. STOCK OF SUPPLIES FOR SYSTEMS WHICH ARE BEING INSTALLED AND SERVICED.~~

~~ABCD 24. INSTALLATION, MAINTENANCE AND RECHARGE MANUALS FOR EXTINGUISHERS AND SYSTEMS BEING SERVICED AND INSTALLED.~~

~~ABCD 25. CLOSED RECOVERY SYSTEM FOR REUSING DRY CHEMICAL.~~

~~ABC 26. NFPA 10, AS ADOPTED IN 4A 21.202, NFPA 96 AS ADOPTED IN 4A 21.302, CGA, C-6, C-6.1, CFR 49, PARTS 100-177, AND 29 FOR CLASS "A" ONLY CGC C-1. D 27. NFPA 12, 2000, 12A, 12B, 34, 17, 17A, 96, 2001, CFR PARTS 100-177, AND 29, AS ADOPTED IN RULE 4A-21.302.~~

~~ABCD 28. CLOSED RECOVERY SYSTEM FOR REMOVAL AND RECHARGE OF HALON AS REQUIRED IN NFPA 10, 1994 EDITION.~~

~~ABCD 29. INVOICES PROPERLY KEPT AND PRINTED.~~

~~D 30. SYSTEM INSPECTION REPORTS.~~

~~(13)(12)~~ Any change of corporate officers must be reported in writing to the Division of State Fire Marshal division within 14 days. This change does not require a revised application.

~~(14)(13)~~ All requirements set forth in this rule, except the dealer training and examination requirements, shall be met by any corporation, firm, association, state agency, or its subdivision, if the license requested is for work to be performed by that corporation, firm, association, state agency or its subdivision upon its own properties and for its own use, pursuant to the provisions of Section 633.061, Florida Statutes.

~~(15)(14)~~ Revised license and permit.

(a) through (e) No change.

(f) No licensee shall conduct his or her licensed business under a name other than the name which appears on his or her license.

Specific Authority 633.01 FS. Law Implemented 633.061 FS. History—New 2-7-89, Amended 10-20-93, 10-2-96, 6-8-98, _____.

4A-21.103 Permit.

(1) The applicant shall submit an application on a form furnished by the Division of State Fire Marshal division which shall conform with Section 633.061, Florida Statutes, Form DI4-31, "Application for Fire Equipment Permit," revised and dated 11/99 4/93, which is incorporated herein by reference, which is available from the Bureau of Fire Prevention, Regulatory Licensing ~~and Statistics Section~~, 200 East Gaines Street, Tallahassee, Florida 32399-0300, identifying the class permit requested.

(2) No change.

(3) The application shall be accompanied by two current color passport photographs, along with a photocopy of the applicant's drivers license or identification card issued by the Florida Department of Highway Safety and Motor Vehicles at least 2" x 2" in size, which shall be of sufficient quality to allow the applicant to be recognized from it.

(4) No change.

(5) The applicant shall successfully complete a prescribed training course offered by the Florida State Fire College ~~or an equivalent course approved by the State Fire Marshal.~~

(6) Upon successful completion of the prescribed training course, the applicant will be administered an examination testing his or her competency and knowledge of the tasks to be performed pursuant to the class permit requested.

(7) Upon successful completion of the application and examination, a permit and photo identification card will be issued.

(8) No change.

(9) A permit shall be valid solely for use by the holder thereof in his or her employment by the licensee under whose license the permit was issued. A permittee changing his or her place of employment shall obtain a new permit under the license of the licenseholder at the new place of employment. The licensee shall retain the permit and photo identification card of an individual leaving his or her employ and shall forward it to the Division of State Fire Marshal division with notification that the individual is no longer employed within fifteen days of termination of employment. The Division of State Fire Marshal division will then change the records to reflect the status of the permit.

(10) Any fire equipment permittee employed by a licensed dealer holding a Halon Exemption, must file an affidavit as required by Section 633.061(1)(e), Florida Statutes, on form DI4-, "Fire Equipment Permit Halon Exemption Affidavit" as adopted and incorporated herein by reference furnished by the Division of State Fire Marshal.

Specific Authority 633.01 FS. Law Implemented 633.061 FS. History—New 2-7-89, Amended 10-20-93, _____.

4A-21.104 Prescribed Training Course for Portable Fire Extinguisher Licenses and Permits.

(1) The prescribed training course shall ~~may~~ be taken at the Florida State Fire College in Ocala ~~or at another facility approved by the State Fire Marshal in accordance with the procedures in subsection (4), below.~~

(2) The procedure regarding the course at the Florida State Fire College is as follows:

(a) All applicants for licenses and permits shall apply to the Regulatory Licensing ~~and Statistics Section~~, Bureau of Fire Prevention in Tallahassee.

(b) Both the application fee and the exam fee shall be submitted to the Regulatory Licensing Section Bureau.

(c) Once an application is complete and acceptable, the applicant will be scheduled for the next available course at the Florida State Fire College. The Regulatory Licensing Section Bureau will send a roster to the Florida State Fire College notifying telling the Florida State Fire College of the identity of the persons who to expect for each offering of the course.

(d) No applications for licensure shall be sent to the Florida State Fire College. No one whose name is not on the roster prepared by the Regulatory Licensing Section Bureau in Tallahassee will be admitted to the course at the Florida State Fire College.

(e) The charge for the course is \$150.00 and is a nonrefundable fee. This fee must be paid directly to the Florida State Fire College 15 calendar days prior to the date of the scheduled course at the beginning of the course.

(f) The Florida State Fire College will stock all the required study materials. Copies of the required Florida Statutes and of the required State Fire Marshal's Rules will be free. All other material will be available at cost. If the required study material is purchased directly from the Florida State Fire College, then the Florida State Fire College must be paid directly. The application packet will contain a list of study material.

(g) No change.

(h) Applicants will be tested daily on course materials. A passing score will be 70%. Each applicant will be tested on material related to the class of license or permit for which he or she has applied.

(i) At the conclusion of the 40 hour course of instruction, those applicants who have successfully completed the course, receiving an average score of 70% on the daily examinations, will be given the State Certification Examination for the license or permit for which she/he has applied. Those persons attending the course for purposes of continuing education shall receive 20 hours of continuing education credit upon successful completion of the course.

(j)(+) A passing score for the state certification exam is 70%. Scores on the test will be mailed by the Florida State Fire College to the Regulatory Licensing Section Bureau in Tallahassee. The Regulatory Licensing Section Bureau will then notify each applicant of the score by mail within five working days from the date of receipt in the Regulatory Licensing Section and will proceed to issue the license or permit to those who have passed. No results will be given by telephone.

(k) Anyone failing to successfully complete the course will be rescheduled at intervals no fewer than 30 days.

(l)(+) Anyone failing the exam will be permitted to take the exam at intervals of no fewer than thirty (30) days.

(k) Persons interested in taking the course but not wishing to be licensed as a fire equipment dealer or permittee may take the course. These persons shall apply to the Bureau in Tallahassee and will be scheduled for the next available course. Persons not wishing licensure shall pay the course fee to the Fire College. In addition, persons not wishing licensure but wishing to take the test at the end of the course shall pay the exam fee in advance to the Bureau in Tallahassee.

~~(l) All persons taking the course and passing the exams shall be issued a Certificate of Training by the Fire College. The successful completion of this training shall be good for one year for testing purposes.~~

~~(m) Anyone wishing to upgrade a license or permit must meet the requirements of Section 633.061, Florida Statutes may do so by complying with requirements of Section 4A-21.108 or 4A-21.109.~~

~~(3) An applicant must submit an examination filing fee for each examination administered by the division pursuant to Sections 633.061(3)(c)5. and (3)(d)1., Florida Statutes.~~

~~(4) Persons wishing to offer the portable extinguisher course as an approved equivalent to the course offered at the Fire College in Ocala shall take the following steps and upon the successful completion of those steps shall be approved to offer the course:~~

~~(a) Inform the Regulatory Licensing and Statistics Section, Bureau of Fire Prevention, by letter, of his desire to offer the course;~~

~~(b) Contact the Chief of the Bureau of Fire Standards and Training (Fire College) in Ocala and receive approval of the person who will be teaching the course and of the facilities at which the course will be taught;~~

~~(c) Submit a proposed curriculum to the Regulatory Licensing and Statistics Section, Bureau of Fire Prevention which curriculum shall, at a minimum, cover all the material in the curriculum taught at the Fire College, and shall also submit a proposed schedule for offering the course, which shall, at a minimum, be at least 40 hours in duration; and~~

~~(d) Receive a letter from the Regulatory Licensing and Statistics Section, Bureau of Fire Prevention approving offering the course.~~

~~(5) Persons wishing to offer the portable extinguisher course as an approved equivalent to the course offered at the Fire College need not be licensed as a fire equipment dealer nor is a presently or previously licensed dealer precluded from offering the course, except under the circumstances described in the next sentences. Any person licensed or permitted to engage in the fire equipment business under the provisions of Section 633.061, F.S., who has had administrative action taken against him for violations of the statutes, rules, codes, or standards regulating his activities under that license or permit, regardless of whether or not a formal administrative complaint was filed, shall be ineligible to apply to offer nor shall be in any way associated with offering the course until two years after any fine imposed has been paid or after any period of probation, suspension, or revocation has been completed satisfactorily. Any licensed or permitted person who, during the two year period following the completion of any punishment imposed, commits other violations of the statutes, rules, codes or standards regulating his activities under that~~

~~license or permit shall be deemed not to have completed the two year period satisfactorily and a new two year period will start to run from the discovery of the violation.~~

Specific Authority 633.01 FS. Law Implemented 633.061 FS. History--New 2-7-89, Amended 10-20-93, _____.

4A-21.106 Transferring a License.

A fire equipment dealer license is not transferable to another person or business organization. Any individual who wishes to change company affiliation must comply with Section 633.061, Florida Statutes 4A-21.102.

Specific Authority 633.01 FS. Law Implemented 633.061 FS. History--New 2-7-89, Amended 10-20-93, _____.

4A-21.107 Transferring a Permit.

A fire equipment permit is not transferable to another person or business organization. Any individual who wishes to change company affiliation must comply with Section 633.061, Florida Statutes 4A-21.103.

Specific Authority 633.01 FS. Law Implemented 633.061 FS. History--New 2-7-89, Amended 10-20-93, _____.

4A-21.108 Upgrade of License.

~~(1) The applicant shall submit an application on a form furnished by the division which shall conform to Section 633.061, Florida Statutes, identifying the class license requested.~~

~~(2) The application shall be accompanied by a fee as prescribed in Section 633.061(1), Florida Statutes, for the type license requested.~~

~~(3) A non-refundable fee as prescribed in Section 633.061(3)(e)5., Florida Statutes, shall accompany each application requiring an examination.~~

~~(4) The person signing the application shall submit evidence of experience as a permitholder or a combination of experience and education as prescribed in Section 633.061, Florida Statutes. The person signing the application shall successfully complete an examination testing competency and knowledge of the task to be performed pursuant to the class of license requested. An individual who has not attended a 40 hour training course within five years from the date of request to upgrade, must comply with the training requirements of Section 4A-21.104. The applicant must submit a Certificate of Completion of the 40 hour course with the upgrade request.~~

~~(5) The applicant shall successfully complete an examination testing his competency and knowledge of the tasks to be performed pursuant to the class of license requested.~~

~~(6) Upon successful completion of the competency examination, the applicant must provide evidence of insurance coverage as required by Section 633.061(3)(e)3., Florida Statutes.~~

~~(7) When the applicant has completed the requirements in subsections (1) through (6), above, a pre license inspection will be conducted to determine that the equipment requirements have been met as required in Rule 4A-21.102(11).~~

~~(8) Each license application shall be accompanied by at least one application for an individual to obtain a permit pursuant to the provisions of Rule 4A-21.103.~~

~~(9) Upon satisfactory completion of the application, examination, insurance and equipment requirements, a license will be issued.~~

Specific Authority 633.01 FS. Law Implemented 633.061 FS. History--New 2-7-89, Amended 10-20-93, Repealed.

4A-21.109 Upgrade of Permit.

~~(1) The applicant shall submit an application on Form DI4-31, Application for Fire Equipment Permit, adopted as in 4A-21.103, furnished by the division which shall conform to Section 633.061, Florida Statutes, identifying the class permit requested.~~

~~(2) The application shall be accompanied by a fee as prescribed in Section 633.061(2), Florida Statutes, for the type permit requested.~~

~~(3) A non-refundable fee as prescribed in Section 633.061(3)(d)1., Florida Statutes, shall accompany each application requiring an examination.~~

~~(4) The person signing the application shall successfully complete an examination testing competency and knowledge of the tasks to be performed pursuant to the class of permit requested. An individual who has not attended a 40 hour training course within five years from the date of request to upgrade, must comply with the training requirements of Section 4A-21.104. The applicant must submit a Certificate of Completion of the 40 hour course with the upgrade request.~~

~~(5) Upon satisfactory completion of the application and examination requirements, a permit will be issued.~~

Specific Authority 633.01 FS. Law Implemented 633.061 FS. History--New 2-7-89, Amended 10-20-93, 10-2-96, Repealed.

4A-21.110 Duplicate License or Permit.

~~A duplicate license or permit must be obtained to replace a lost or destroyed license or permit. A written request must be submitted to the division stating that the license or permit has been lost or destroyed along with a fee as prescribed in Sections 633.061(1)(e) and (2)(e), Florida Statutes, and requesting the duplicate.~~

Specific Authority 633.01 FS. Law Implemented 633.061 FS. History--New 2-7-89, Amended 10-20-93, Repealed.

4A-21.113 Required Continuing Education.

~~(1) Licenseholders and permitholders shall complete a continuing education course or combination of courses in compliance with Section 633.061, Florida Statutes this rule within 5 years following initial licensure or within 5 years of~~

~~the completion of the required continuing education. If a licenseholder or permit holder loses his license or permit through administrative action or for failure to renew, and subsequently becomes licensed or permitted again, the date of the subsequent licensure or permitting shall start a new 5-year period during which continuing education will be required.~~

(2) The continuing education course or combination of courses shall be related to the scope of license or permit held fire equipment business. This course or combination of courses shall be a total of 40 contact hours in duration.

(3) The course or combination of courses shall be conducted by persons approved by the Regulatory Licensing Section Division. Approval of such persons shall be based on the person's training, experience, and expertise in the subject of the course. The instructor must be a professional educator, a certified fire equipment dealer, or a similar authority in the field.

~~(4) The course or combination of courses shall be conducted at facilities approved by the Division. Approval of such facilities shall be based on the requirements necessary to assure that the subject of the course is properly and adequately presented. To the extent applicable to the subject of the course, the factors to be taken into consideration shall include, but shall not be limited to:~~

~~(a) The physical condition of the classroom with regard to seating capacity, adequacy of lighting, heating, and ventilation; and~~

~~(b) Adequacy of written instructional materials and any audio visual aids.~~

~~(4)(5) The course or combination of courses shall be approved by the Regulatory Licensing Section Division. The number of contact hours assigned to any course shall be determined by the Regulatory Licensing Section Division based on course content; and length, degree of difficulty, and any other factors which will result in an informed and appropriate decision. No contact hour credit will be assigned for registration periods; coffee breaks; meals; keynote speakers; and similar non-substantive time periods.~~

(5) Requests for approval of a course shall be submitted on Form DI4-394, Revised 03/00 "Request for Approval of Fire Equipment Continuing Education Course Work" as adopted and incorporated herein by reference. Forms are available from and submission shall be sent to: Regulatory Licensing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0342. The application shall include:

(a) The total number of classroom hours;

(b) The course outlines of the content of the course and an hourly breakdown of total number of classroom hours;

(c) The name and qualifications of the instructor;

(d) A written description of any audio visual aids and;

(e) A copy of all instructional materials, manuals, audio cassettes, videos or handouts must be attached.

(f) The number of classroom hours must be devoted to course content and does not include registration periods, meals and keynote speakers or any similar nonsubstantive time periods.

(6) The Division of State Fire Marshal shall approve continuing education courses which relate to the technical fire protection skills of fire equipment dealers and permittees which contain educational content to improve the quality of work being performed. Courses not offered by the State Fire Marshal shall be submitted by an interested person for approval for credit toward the continuing education requirement either before or after the course has occurred. Anyone submitting a course for approval after the course has occurred is cautioned that no assumptions can be made as to the number of contact hour credits which will be assigned to the course by the Division. Submissions shall be on Form DI4-394, "Request for Approval of Fire Equipment Continuing Education Coursework," as adopted and incorporated herein by reference, and shall include sufficient information on which to base a decision. Forms are available from and submissions shall be sent to: Regulatory Licensing and Statistics Section, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0300. Examples of courses which may be approved include, but are not limited to: NAFED meetings; Florida Fire Equipment Dealer Association meetings; NFPA meetings and seminars; and training sessions conducted by fire equipment systems manufacturers. At the conclusion of each approved course, the organization or company offering the course shall inform the Bureau that the course was completed and of any deviations from the outline as approved and shall supply the Bureau with a sign-in sheet or roster check-off sheet to confirm attendance.

(7) Each approved course will be assigned a course number and the course will be identified by course title as submitted and the number of continuing education hours awarded. A listing of approved courses will be available from the Regulatory License Section, the course list will include the course number, the course title, the course submitter, and the type course (portable or preengineered systems).

(8) At the conclusion of each approved course, the organization or person offering the course shall inform the Division of State Fire Marshal that the course was completed and shall supply the Division of State Fire Marshal with a sign in sheet or roster. The sign-in sheet or roster shall identify the course by course number and course title, and shall require every person to print their name, list their license or permit number and sign their name.

(9) Each person who completes an approved course shall be issued a certificate of completion by the course provider. The certificate shall include the course number, course title and the number of continuing education hours.

~~(10)(7)~~ Each licenseholder or permitholder is responsible for attending the appropriate course or courses and for maintaining proof of completion of the course or courses. ~~Such proof shall be in the form of copies of certificates awarded; transcripts; or similar material.~~ The Bureau will not accept any proof of completion except that submitted in accordance with subsection ~~(11)(8)~~, below.

~~(11)(8)~~ At least 30 days before the expiration of a 5 year period, ~~The~~ the licenseholder or permitholder shall submit proof of completion of the required course or courses to the ~~Regulatory Licensing Section Bureau~~ on Form DI4-393, "Fire Equipment Continuing Education Coursework," revised and dated ~~03/00 8/93~~, as adopted and incorporated herein by reference. Form DI4-393 may be obtained by writing Bureau of Fire Prevention, Regulatory Licensing ~~and Statistics~~ Section, 200 East Gaines Street, Tallahassee, Florida 32399-0300. Each licenseholder or permitholder will be notified by the ~~Regulatory Licensing Section Bureau~~, in writing, if the continuing education course work submitted does not satisfy as to whether or not the coursework satisfies the continuing education requirement in Section 633.061(3)(a), Florida Statutes. No notification will be given over the telephone.

~~(12)(9)~~ Any licenseholder or permitholder who does not complete the continuing education requirements of Section 633.061, Florida Statutes ~~requirement during the 5 year period~~ shall not have his or her license or permit renewed. If the license or permit is not renewed, the former licenseholder or permitholder shall perform no work for which a license or permit is required. A former licenseholder or permitholder wishing to become licensed again shall meet the requirements of Section 633.061, Florida Statutes ~~Rules 4A-21.102 and 4A-21.103.~~

Specific Authority 633.01 FS. Law Implemented 633.061 FS. History—New 2-7-89, Amended 10-20-93,_____.

4A-21.114 Insurance Requirements.

(1) The Fire Equipment Dealer A, B, C and D licensed pursuant to Section 633.061, Florida Statutes, shall provide evidence of current and subsisting insurance coverage meeting the requirements of Section 633.061, Florida Statutes, to the State Fire Marshal on a Form DI4-28, "Insurance Certificate Fire Equipment Dealer", revised and dated ~~10/99 9/93~~, as adopted and incorporated herein by reference. This form is available from the Regulatory Licensing ~~and Statistics~~ Section, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0300.

(2) through (3) No change.

Specific Authority 633.01 FS. Law Implemented 633.061 FS. History—New 10-20-93, Amended_____.

4A-21.203 Standards of National Fire Protection Association Adopted.

Licensed fire equipment dealers are required to install, inspect, maintain, or recharge portable fire extinguishers in accordance with NFPA 10, Standard for Portable Fire Extinguishers, 1998 ~~1994~~ edition, which is hereby adopted and incorporated herein by reference. The provisions of NFPA 10, 1998 ~~1994~~ edition, are mandatory. Copies of NFPA 10, 1998 ~~1994~~ edition, may be obtained from: National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

Specific Authority 633.01 FS. Law Implemented 633.01, 633.065, 633.071, 633.081, 633.083 FS. History—New 2-7-89, Amended 10-20-93, 10-2-96, 6-8-98,_____.

4A-21.237 Inspection, Maintenance and Hydrostatic Tests; Recharge, Repair, Replacement.

(1) through (3) No change.

(4) Parts of portable fire extinguishers which have been replaced, excluding chemical portable fire extinguishers, shall be returned to the owner or owners of the fire equipment to be disposed of at his, her, or their discretion.

Specific Authority 633.01, FS. Law Implemented 633.01, 633.061, 633.081 FS. History—New 10-18-67, Amended 8-15-85, Formerly 4A-21.37, 4A-21.037, Amended 2-7-89, 10-23-93,_____.

4A-21.238 Inspection, Maintenance and Hydrostatic Tests; Replacement While Recharging.

No licenseholder shall remove or permit any of his or her employees to remove any in-service fire extinguisher from its designed location for maintenance purposes without first meeting the requirements of NFPA 10, 1998 edition ~~Section 4.4.1.4 of NFPA 10, 1988 edition.~~

Specific Authority 633.01 FS. Law Implemented 633.01, 633.061, 633.081 FS. History—New 10-18-67, Formerly 4A-21.38, 4A-21.038, Amended 2-7-89,_____.

4A-21.240 Standard Service Tags, Requirements.

Each portable extinguisher which has been subjected to any type of service shall have an approved standard record tag securely attached thereto, before being placed into service. Standard service tags shall not be attached to fire extinguishers which do not comply with this rule or the standards adopted herein, until the violation is corrected in accordance with Section 633.071, Florida Statutes. The standard service tag on a fire extinguisher shall indicate that the person, whose name and permit number appear on the tag, has serviced the fire extinguisher in compliance with these rules and the standards adopted herein. Only the person performing the service shall prepare and affix the appropriate service tag as provided by this rule chapter.

Specific Authority 633.01 FS. Law Implemented 633.01, 633.061, 633.081 FS. History—New 10-18-67, Formerly 4A-21.40, 4A-21.040, Amended 8-15-85, 2-7-89, 10-20-93,_____.

4A-21.241 Standard Service Tags, Specifications.

(1) Service Tags, Annual Maintenance.

(a) through (c) No change.

(d) The size of the standard service tags, pressure sensitive labels or decals shall be a minimum size of no less than 2 1/2" and no greater than 3" by no less than 5 1/4" and no greater than 5 3/4" approximately 2 1/2" x 5 1/4".

(e) No change.

(f) The name, license number, street address and telephone number of the company or organization performing said service must be printed on the front center section of the service tag, pressure sensitive label or decal.

(g) No change.

(2) Internal ~~Record Tags~~, 6-year Maintenance, Record Tags.

~~(a) A verification of service collar meeting the requirements of NFPA 10, 1998 edition. An internal record tag shall be provided each time an extinguisher is opened for any type of service or for any purpose. Verification service collars shall include only the month and year the service was performed and the permit number of the person performing the service. A new verification service collar shall be provided for an extinguisher each time an extinguisher is opened for any type of internal service or for any other purpose. No advertisement or any other information shall be included on the verification service collar.~~ The following types of extinguishers are excepted from this requirement: carbon dioxide extinguishers; halogenated vaporizing liquid fire extinguishers; external cartridge operated extinguishers; and extinguishers containing water.

(b) ~~The approved standard internal record tag shall be at least 1/2" x 3" on durable material either white or yellow in color with a pressure sensitive adhesive backing conforming to the standards of U. L. No. 969.~~

~~(c) Internal record tags shall bear the following information:~~

- ~~1. Permit number of the person who performed the service.~~
- ~~2. Day, month and year that the service was performed.~~

~~(d) A new internal record tag shall be provided for an extinguisher each time internal service is performed for any purpose.~~

~~(e) Internal record tags shall be affixed in the following manner:~~

- ~~1. Any tag previously attached shall be removed prior to affixing a new tag.~~
- ~~2. The area to which the tag is to be adhered shall be cleaned to remove all residue of any kind, including old adhesive from a previously attached tag.~~
- ~~3. The tag shall be placed within 1" of the top of the siphon tube below the valve assembly.~~

~~4. The adhesive side of the tag shall be tightly adhered against the tube, in accordance with the manufacturer's recommended procedures.~~

~~5. The tag shall be pressed and adhered solidly around the tube and the information must remain accessible and legible at all times. Under no circumstances shall the required information be written directly on the siphon tube.~~

Specific Authority 633.01 FS. Law Implemented 633.01, 633.071, 633.081 FS. History--New 10-18-67, Amended 12-30-70, 8-15-85, Formerly 4A-21.41, 4A-21.041, Amended 2-7-89, 10-20-93,_____.

4A-21.242 Hydrostatic Tests.

(1) Hydrostatic tests shall be conducted in accordance with the procedures in NFPA 10, as adopted in 4A-21.203 and CFR 49 AND CGA C-1, C-6, C-6.1 and C-6.3.

Specific Authority 633.01 FS. Law Implemented 633.01, 633.071, 633.081 FS. History--New 10-18-67, Amended 8-15-85, Formerly 4A-21.42, 4A-21.042, Amended 2-7-89, 10-20-93,_____.

4A-21.245 Hydrostatic Tests; Record Tag.

The hydrostatic test record tag shall comply with the requirements of NFPA 10 as adopted in 4A-21.203 and CFR 49 and CGA C-1, C-6, C-6.1 and C-6.3. It shall remain adhered to the extinguisher for the required period of time. It shall not corrode. It shall not fade, wash away, or otherwise become illegible.

Specific Authority 633.01 FS. Law Implemented 633.01, 633.071, 633.081 FS. History--New 10-18-67, Formerly 4A-21.45, 4A-21.045, Amended 2-7-89, 10-20-93,_____.

4A-21.249 Leak Tests; Tamper Indicators or Seals to be Replaced.

The leak test shall be performed ~~either~~ by following the manufacturer's recommendations ~~or by totally immersing the extinguisher in water horizontally.~~ Any tamper indicators or seals shall be replaced each year or after recharging a portable fire extinguisher. Tamper indicator pull pressure or break pressure shall not exceed 15 pounds.

Specific Authority 633.01 FS. Law Implemented 633.01, 633.061, 633.071, 633.081 FS. History--New 10-18-67, Formerly 4A-21.49, 4A-21.049, Amended 2-7-89, 10-20-93,_____.

4A-21.251 Invoices.

Invoices shall include the business name, physical business address and license number of the fire equipment dealer. The license number on the invoice shall coincide with the permit number on the tags which are attached to the extinguishers being invoiced for service. Invoices for servicing fire extinguishers shall include serial numbers of each extinguisher and identify, per serial number, along with the services performed and any parts replaced for each extinguisher. This information is permitted to ~~may~~ be on a separate uniform size sheet attached to the invoice.

Specific Authority 633.01 FS. Law Implemented 633.01, 633.061, 633.065, 633.071 FS. History--New 2-7-89, Amended 10-20-93,_____.

4A-21.302 Standards of National Fire Protection Association to be Complied With.

The following standards of the National Fire Protection Association are applicable to Part III of this rule chapter and shall be complied with and are hereby adopted and incorporated by reference:

(1) NFPA 12 – ~~2000~~ ~~1993~~, Standard on Carbon Dioxide Extinguishing Systems.

(2) NFPA 12A – ~~1997~~ ~~1992~~, Standard on Halon 1301 Fire Extinguishing Systems.

~~(3) NFPA 12B – 1990, Standard on Halon 1211 Fire Extinguishing Systems.~~

~~(3)(4)~~ NFPA 17 – ~~1998~~ ~~1994~~, Standard for Dry Chemical Extinguishing Systems.

~~(4)(5)~~ NFPA 17A – ~~1998~~ ~~1994~~, Standard for Wet Chemical Extinguishing Systems.

~~(5)(6)~~ NFPA 96 – ~~1998~~ ~~1994~~, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations. Section 7-2.2 of NFPA 96 applies prospectively only. Existing installations are permitted to remain in place subject to the approval of the authority having jurisdiction.

~~(6)(7)~~ NFPA 2001 – ~~2000~~ ~~1996~~, Standard on Clean Agent Fire Extinguishing Systems.

(7) NFPA 34 – 1995, Standard for Dipping and Coating Processes Using Flammable or Combustible Liquids.

Specific Authority 633.01 FS. Law Implemented 633.01, 633.061, 633.081 FS. History–New 10-18-67, Amended 8-15-85, Formerly 4A-21.57, 4A-21.057, Amended 2-7-89, 10-20-93, 10-2-96, 6-8-98,_____.

4A-21.303 Standard Service Tag.

(1) A standard service tag shall be affixed to pre-engineered fire protection systems when the system is found to be in compliance with Chapter 633, F.S., this rule and the standards adopted herein. The standard service tag on a pre-engineered fire protection system shall indicate that the person, whose name and permit number appear on the tag, has serviced the system in compliance with this rule and the standards adopted herein.

(2) through (3) No change.

(4) The verification service collar requirements ~~internal tag requirements~~ of Rule 4A-21.241(2) shall be applicable to pre-engineered fire protection systems.

(5) through (6) No change.

Specific Authority 633.01 FS. Law Implemented 633.01, 633.071, 633.081 FS. History–New 8-15-85, Formerly 4A-21.58, 4A-21.058, Amended 2-7-89, 10-20-93,_____.

4A-21.304 Installation; Service.

(1) No change.

(2) Whenever a pre-engineered system is installed, inspected, repaired, maintained or otherwise serviced, the permittee shall complete an inspection report containing, at a minimum, the information in paragraphs (a) through (o), in this subsection. One copy shall be signed by and delivered to the

owner or the representative of the owner of the facility in which the system was installed. The other copy shall be retained in the fire equipment dealer's files for a period of not less than three years after the last inspection.

(a) through (d) No change.

(e) method, style and degree of actuation;

(f) reference to drawing number, ~~and~~ page number, and date of ~~in~~ the manufacturer's manual;

(g) through (j) No change.

(k) a drawing of a new installation; a first inspection; or whenever changes are made. The drawing shall include the following as a minimum:

1. Sizes of the hood, plenum, and ducts.

2. Sizes, types and locations of cooking appliances.

3. Positions of all nozzles, identification of nozzles, their distances from the hazards that they protect.

4. Positions of all detectors.

5. Diagram of the entire piping installation.

6. Table(s) containing the as-built installation specifications to coincide with the manufacturer's installation manual specification table(s). ~~(the drawing shall include the size of the hood and the size of the ducts); and the size and type of all appliances protected;~~

(l) through (n) No change.

(o) the permittee's name, signature and permit number; the date and time of inspection; and the customer's signature.

Specific Authority 633.01 FS. Law Implemented 633.01, 633.071, 633.081 FS. History–New 2-7-89, Amended 10-20-93,_____.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Fire Protection System Contractors and Systems	4A-46
RULE TITLES:	RULE NOS.:
Testing	4A-46.015
Insurance Requirements	4A-46.016
Required Continuing Education	4A-46.017
Standards of the National Fire Protection Association to Be Complied With	4A-46.035
Installation Requirements for Automatic Sprinkler Systems Employing Water as the Extinguishing Agent	4A-46.040
Inspection, Testing and Maintenance Requirements for Fire Protection Systems	4A-46.041
PURPOSE AND EFFECT: The changes have the following purposes and effects:	

1. Update NFPA and other sources previously adopted in the rules.

2. Streamline and update requirements for taking courses and examinations in conjunction with the Florida State Fire College to make them more easily accessible by the public.

3. Make technical changes such as changing the outdated name of the Section to the current name.

4. Update rules to accommodate changes in the statutes.

5. Repeal unnecessary and/or outdated rule sections, subsections, and paragraphs.

SUBJECT AREAS TO BE ADDRESSED: Fire Protection System Contractors and Systems.

SPECIFIC AUTHORITY: 633.01(1), 633.517 FS.

LAWS IMPLEMENTED: 471.025, 553.79, 633.051, 633.065, 633.082, 633.521, 633.539, 633.547 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW.

TIME AND DATE: 9:00 a.m., February 12, 2001

PLACE: Gore Building, 201 West Broward Blvd., Room 104A, Fort Lauderdale, Florida

TIME AND DATE: 8:30 a.m., February 13, 2001

PLACE: Twin Lakes County Complex, 6700 Clark Road, Sarasota, Florida

TIME AND DATE: 8:30 a.m., February 14, 2001

PLACE: Florida State Fire College Auditorium, 11655 N. W. Gainesville Road, Ocala, Florida

TIME AND DATE: 8:30 a.m., February 16, 2001

PLACE: Conference Center, Florida State University, Panama City Campus, 4750 Collegiate Drive, Panama City, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Terry Hawkins, Safety Program Manager, Bureau of Fire Prevention, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342, (850)413-3644

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Millicent King, (850)413-3619.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4A-46.015 Testing.

(1) An applicant who has been qualified to challenge an examination will be notified in writing of available examination dates and examination locations at a division district office. Upon receipt of a written request for a specific examination date, the applicant will be sent a notice of exam date, time and location at least seven days prior to the scheduled exam. The applicant will be expected to challenge the exam on that day unless he or she submits a written waiver of his or her right to challenge the exam on that day and requests a later date. The Regulatory Licensing License and Statistics Section will schedule an applicant for a later day

upon receipt of a written request. The applicant will also be permitted to challenge the examination at the Regulatory Licensing License and Statistics Section's offices in Tallahassee if the applicant makes a request for such testing in writing and receives written notification when the next available scheduled examination will be held in Tallahassee.

Specific Authority 633.01, 633.517(1) FS. Law Implemented 633.521 FS. History--New 10-14-86, Amended 12-21-88, 8-1-90, 10-20-93, 10-2-96, 6-8-98, _____.

4A-46.016 Insurance Requirements.

(1) The Fire Protection System Contractor I, II, III, IV, or V licensed pursuant to Section 633.521, Florida Statutes, shall provide evidence of current and subsisting insurance coverage meeting the requirements of Section 633.521, Florida Statutes, to the State Fire Marshal on Form DI4A-25, Certificate of Insurance Fire Protection System Contractor, revised and dated 10/99 8/93, as adopted and incorporated herein by reference. This form is available from the Regulatory Licensing and Statistics Section, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342 32399-0300.

(2) The licensed Fire Protection System Contractor I, II, III, IV, or V shall be responsible to ensure current and subsisting insurance coverage meeting the requirements of Section 633.521, Florida Statutes, is on file with the State Fire Marshal.

(3) Failure to provide evidence of insurance coverage within 30 days of the expiration date of the policy or within 30 days of a notice to provide evidence of coverage shall result in administrative proceedings pursuant to Section 633.547, Florida Statutes.

Specific Authority 633.01, 633.517(1) FS. Law Implemented 633.521, 633.521(4) FS. History--New 10-20-93, Amended _____.

4A-46.017 Required Continuing Education.

(1) Certificateholders shall complete a continuing education course or combination of courses in compliance with Section 633.537, Florida Statutes, within each license period year which begins July 1 and expires June 30.

(2) The continuing education course or combination of courses shall be in a fire protection discipline related to the Certificate of Competency held by the Fire Protection System Contractor. This course or combination of courses shall be a total of 24 contact hours in duration.

(3) The course or combination of courses shall be conducted by persons approved by the Regulatory Licensing Section Division. Approval of such persons shall be based on the person's training, experience and expertise in fire protection under Florida law. The instructor must be a professional educator, certified fire protection system contractor or a similar authority in the field.

(4) Written instructional materials and any audio-visual aids must provide instruction relevant to fire protection under Florida law.

(5) The course or combination of courses shall be approved by the Regulatory Licensing Section ~~Division~~. The Regulatory Licensing Section ~~Division~~ shall approve any course, seminar, or conference in the technical areas provided by any university, community college, vocational-technical center, public or private school, firm, association, person, corporation or entity which meets the criteria provided in this rule.

(6) Courses shall be submitted for approval for credit toward the continuing education requirement.

(a) Requests for approval shall be submitted on Form DI4-1239 03/00 ~~(6/97)~~, "Request for Approval of Fire Protection System Contractor Continuing Education Coursework" as adopted and incorporated herein by reference.

(b) Forms are available from and submissions shall be sent to: Regulatory Licensing ~~and Statistics~~ Section, 200 East Gaines Street, Tallahassee, Florida 32399-0342.

(c) Each certificateholder shall be notified by the Regulatory Licensing ~~and Statistics~~ Section, in writing if the coursework does not satisfy the continuing education requirement in Section 633.537, Florida Statutes. No notification will be given over the telephone.

(d) The application shall include:

1. the total number of classroom hours,
2. the course outline, with a breakdown of the time schedule, of the contents of the course,
3. the name and qualifications of instructors,
4. a written description of any audio-visual aids, and
5. a copy of any instructional materials, manuals, audio cassettes, videos or handouts must be attached.

(e) The number of classroom hours must be devoted to course content and does not include registration periods, meals, and keynote speakers or similar nonsubstantive time periods.

(f) Examples of courses which will be approved if the criteria and procedures of this rule are met:

1. Florida Fire Sprinkler Association meetings;
2. American Fire Sprinkler Association meetings;
3. NFPA meetings and seminars; and
4. training sessions conducted by manufacturers.

(g) The Regulatory Licensing Section ~~Division~~ shall approve continuing education courses which relate to the technical fire protection skills of certificateholders which contain educational content to improve the quality of a contractor's fire protection performance.

(h) Each approved course will be assigned a course number and the course will be identified by course title as submitted and the number of continuing education hours awarded. A listing of approved courses will be available from the Regulatory Licensing Section, the course list will include the course number, the course title, the course submitter and the type course.

~~(i)(h)~~ At the conclusion of each approved course, the organization or person offering the course shall inform the Regulatory Licensing Section ~~division~~ that the course was completed and shall supply the Regulatory Licensing Section ~~Division~~ with a sign-in sheet or roster. The sign-in sheet or roster shall list the course number and course title, and shall require every person to print their name, list their contractor's certificate number and sign their name.

~~(j)(i)~~ Each person who completes an approved course shall be issued a certificate of completion. The certificate of completion shall contain the name and license number of the person who completed the course. The certificate shall include the name of the course and the course number assigned by the Regulatory Licensing Section ~~Division~~.

(7) Each certificateholder is responsible for attending the appropriate course or courses and for maintaining proof of completion of the course or courses. Such proof shall be in the form of copies of certificates of completion awarded. The Regulatory Licensing ~~and Statistics~~ Section will not accept any proof of completion except that submitted in accordance with subsection (8) below.

(8) Prior to the annual expiration of the Certificate of Competency, the certificateholder shall submit proof of completion of the required course or courses to the Regulatory Licensing ~~and Statistics~~ Section. Submissions shall be submitted on a "Fire Protection System Contractor Continuing Education Coursework" form, DI4-1240 (03/00) ~~(8/96)~~ as adopted and incorporated herein by reference. Forms are available from and submissions shall be sent to: Regulatory Licensing ~~and Statistics~~ Section, 200 East Gaines Street, Tallahassee, Florida 32399-0342. Each certificateholder will be notified by the Regulatory Licensing ~~and Statistics~~ Section, in writing, if the coursework does not satisfy the continuing education requirement in Section 633.537, Florida Statutes. No notification will be given over the telephone.

(9) No change.

Specific Authority 633.01, 633.517(1) FS. Law Implemented 633.521, 633.537 FS. History--New 10-2-96, Amended 6-18-97, 6-8-98, _____.

4A-46.035 Standards of the National Fire Protection Association to Be Complied With.

(1) The following standards of the National Fire Protection Association which are hereby adopted and incorporated herein by reference shall be complied with by all those holding certificates of competency as fire protection system contractors pursuant to the provisions of Chapter 633, Florida Statutes:

- (a) NFPA 11, 1998 ~~1994~~ Edition, Standard for Low Expansion Foam ~~and Combined Agent Systems~~.
- (b) NFPA 11A, 1999 ~~1994~~ Edition, Standard for Medium and High Expansion Foam ~~Systems~~.
- (c) NFPA 12, 2000 ~~1993~~ Edition, Standard on Carbon Dioxide Extinguishing Systems.

(d) NFPA 12A, 1997 ~~1992~~ Edition, Standard on Halon 1301 Fire Extinguishing Systems.

~~(e) NFPA 12B, 1990 Edition, Standard on Halon 1211 Fire Extinguishing Systems.~~

~~(e)(f)~~ NFPA 13, 1999 ~~1994~~ Edition, Standard for the Installation of Sprinkler Systems.

~~(f)(g)~~ NFPA 13D, 1999 ~~1994~~ Edition, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured ~~Mobile~~ Homes.

~~(g)(h)~~ NFPA 14, (2000) ~~1996~~ Edition, Standard for the Installation of Standpipe and Hose Systems.

~~(h)(i)~~ NFPA 15, 1996 ~~1990~~ Edition, Standard for Water Spray Fixed Systems for Fire Protection.

~~(i)(j)~~ NFPA 16, 1999 ~~1995~~ Edition, Standard for the Installation of ~~for Deluge~~ Foam-Water Sprinkler Systems and Foam-Water Spray Systems.

~~(j)(k)~~ NFPA 17, 1998 ~~1994~~ Edition, Standard for Dry Chemical Extinguishing Systems.

~~(k)(l)~~ NFPA 17A, 1998 ~~1994~~ Edition, Standard on Wet Chemical Extinguishing Systems.

~~(l)(m)~~ NFPA 20, 1999 ~~1993~~ Edition, Standard for the Installation of Centrifugal Fire Pumps.

~~(m)(n)~~ NFPA 22, 1998 ~~1996~~ Edition, Standard for Water Tanks for Private Fire Protection.

~~(n)(o)~~ NFPA 24, 1995 Edition, Standard for the Installation of Private Fire Service Mains and Their Appurtenances.

~~(o)(p)~~ NFPA 72, 1999 ~~1993~~ Edition, National Fire Alarm Code ~~Standard for the Installation, Maintenance and Use of Protective Signalling Systems.~~

~~(p)(q)~~ NFPA 96, 1998 ~~1994~~ Edition, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations.

~~(q)(r)~~ NFPA 214, 1996 ~~1992~~ Edition, Standard for Water Cooling Towers.

~~(r)(s)~~ NFPA 231, 1998 ~~1995~~ Edition, Standard for General Storage ~~Indoor.~~

~~(s)(t)~~ NFPA 231C, 1998 ~~1995~~ Edition, Standard for Rack Storage of Materials.

~~(t)(u)~~ NFPA 231D, 1998 ~~1994~~ Edition, Standard for Storage of Rubber Tires.

~~(u)(v)~~ NFPA 232, 1995 Edition, Standard for Protection of Records ~~Record Protection.~~

~~(v)(w)~~ NFPA 409, 1995 Edition, Standard on Aircraft Hangars ~~for Protection of Aircraft Hangars.~~

~~(w)(x)~~ NFPA 13R, 1999 ~~1994~~ Edition, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and including four Stories in Height.

~~(x)(y)~~ NFPA 25, 1998 ~~1995~~ Edition, Standard for the inspection, testing, and maintenance of Water-based Fire Protection Systems.

~~(y)(z)~~ NFPA 2001, (2000) ~~1996~~ Edition, Standard on Clean Agent Fire Extinguishing Systems.

(z) NFPA 230, 1999 Edition, Standard on Fire Protection of Storage.

Specific Authority 633.01 FS. Law Implemented 633.01, 633.051, 633.065, 633.082 FS. History—New 12-21-88, Amended 7-19-89, 8-1-90, 10-20-93, 10-2-96, 6-8-98, _____.

4A-46.040 Installation Requirements for Automatic Sprinkler Systems Employing Water as the Extinguishing Agent.

(1) Fire protection system contractors installing an automatic sprinkler system employing water as the extinguishing agent shall supervise and be responsible for the complete system, except that a contractor installing the underground pipe shall supervise and be responsible only for the portion he or she installs and the contractor installing the remaining portion of the system shall be responsible only for his or her portion of the work. The contractor shall be responsible to install the complete system in compliance with the National Fire Protection Association standards adopted pursuant to Rule 4A-46.035, except that if a contractor installs the underground pipe he or she shall be responsible for that portion of the system, and the contractor installing the remaining portion shall be responsible for the system from the point of connection to the underground throughout the remainder of the system.

(2) No change.

(3) In order to ensure that sufficient water is available at the point-of-service to provide the water inside the facility as required by the plans, the contractor who installs the underground portion shall be responsible for conducting the acceptance tests required by ~~Section 1-11~~, NFPA 13 and shall personally, sign and maintain on file the Contractor's Material and Test Certificate for Underground Piping as specified in NFPA 13, as adopted in Rule 4A-46.035.

(a) If the above ground pipe is installed by a contractor other than the one who installed the underground, the contractor shall be responsible to obtain a copy of the underground certificate from the underground contractor and maintain it on file before connection to the underground is made. If the contractor is unable to obtain the certificate, the contractor ~~he~~ shall notify the State Fire Marshal.

(4) through (5) No change.

(6) The contractor whose name appears on the application for the building permit shall be responsible for the acceptance tests which are required in NFPA 13, ~~Section 1-11~~. The contractor shall complete all portions of the Contractor's Material and Test Certificate(s) that are related to the system being tested. The contractor shall sign and date the test certificates. In cases where there is no ~~may not be a~~ building permit, the contractor that supervised the installation shall be responsible for the performance of these duties.

(7) through (8) No change.

Specific Authority 633.01 FS. Law Implemented 471.025, 553.79(6), 633.065, 633.547(2)(e), 633.539 FS. History—New 12-21-88, Amended 8-1-90, 10-20-93, _____.

4A-46.041 Inspection, Testing and Maintenance Requirements for Fire Protection Systems.

The contractor I or II shall submit in writing to the State Fire Marshal the names, addresses, and evidence of NFPA 25 training ~~and addresses~~ of all individuals in his or her employ that are performing inspections of fire protection systems. In addition, the licensed contractor I or II shall submit a current color passport photograph of each inspector. The contractor shall not allow any individual to perform inspections under his or her certificate until that individual has been listed with the State Fire Marshal. The Regulatory Licensing Section shall issue an identification card to each inspector. The identification card is not a license. The contractor shall be responsible for each listed individual's inspections until he or she has requested in writing that the State Fire Marshal delete the individual from his or her list of inspectors and returned the inspector identification card within fifteen days of the inspectors termination.

(1) A Fire Protection Contractor contracting to perform inspecting, testing, and maintenance service on a fire protection system shall comply with the requirements of the applicable NFPA standard as adopted in 4A-46.035.

(2) Each system that has been inspected, tested, or maintained by a fire protection contractor, or his or her designated inspector, shall have a record tag of durable and weather resistant material placed on the riser or control device. The tag at "Figure A" shall include the following:

(a) Name, address and contractor license number and address of company.

(b) through (f) No change.

(3) The contractor shall maintain in his or her file all records of any fire protection system having been serviced.

(4) No change.

(5) The contractor or the his designated inspector shall complete in detail the an inspection reports as required in the 1998 Edition of NFPA 25 report that outlines all points of the inspection, test, and maintenance as required by the applicable NFPA standards. A copy of which shall be provided to given to the owner at the completion of each inspection performed.

(6) The inspection report shall include detailed explanation of any deficiencies. The report shall indicate if the inspection is a weekly, monthly, quarterly or annual inspection. The inspection report shall include the name of the registered inspector, the inspector registration number, signature, the date and time of inspection, and the signature of the owner or the owner's representative.

Specific Authority 633.01 FS. Law Implemented 471.025, 553.79(6), 633.065, 633.547(2)(e) FS. History—New 10-20-93, Amended _____.

DEPARTMENT OF LAW ENFORCEMENT

RULE CHAPTER TITLE: RULE CHAPTER NO.:

False Reports of Bombing, Etc.,

Reward For Information

Relating Thereto

11-2

RULE TITLES:

RULE NOS.:

Form of Claim and Endorsements

11-2.002

Notification of Competing Claimants

11-2.003

Judicial Review

11-2.004

PURPOSE AND EFFECT: Establishes procedures for a person to collect a reward pursuant to s. 790.164, F.S.

SUBJECT AREA TO BE ADDRESSED: Procedures for collecting the statutory reward for information leading to the arrest and conviction of persons making false reports of bombings or other violence to state owned property.

SPECIFIC AUTHORITY: 790.164 FS.

LAW IMPLEMENTED: 790.164 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, February 13, 2001

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11-2.002 Form of Claim and Endorsements.

A person making claim for the \$5,000 reward provided for by Section 790.164, Florida Statutes, shall utilize the Claim of Reward form, FDLE-OGC Form #1, rev. January 2001 and incorporated by reference and; the Law Enforcement Endorsement form, FDLE-OGC Form #2, rev. January 2001 and incorporated by reference, both of which can be obtained from the arresting agency, and the Prosecutor's Endorsement form, FDLE-OGC Form #3, rev. January 2001 and incorporated by reference, form which can be obtained from the prosecuting office. FDLE has samples of these forms which may be requested obtained from the Department of Law Enforcement, Office of General Counsel, P. O. Box 1489, 408 North Adams Street, Tallahassee, Florida 32302-1489.

Specific Authority ~~790.164(2)(c)~~ 943.03(4) FS. Law Implemented 790.164 FS. History—New 3-2-77, Formerly 11-2.02, Amended.

11-2.003 Notification of Competing Claimants.

The law enforcement agency receiving a claim for reward under this rule chapter shall promptly review its records of the case with the view of ascertaining whether any other informants may have any potential claim to the reward. The respective merits of the claims shall not be considered. If any other potential claimants can be identified and located without undue difficulty, they shall be notified that a reward in which they may have an interest is being claimed. Thereafter it shall be the responsibility of the ~~competing~~ claimant(s) to pursue their own claims. In order to give all claimants an opportunity to present their claims, however, the prosecutor shall not endorse any claim until sixty days after the first claim in the case was presented to the law enforcement agency.

Specific Authority ~~790.164(2)(c)~~ 943.03(4) FS. Law Implemented 790.164 FS. History—New 3-2-77, Formerly 11-2.03, Amended.

11-2.004 Judicial Review.

After the prosecuting officer has completed his endorsement, the claim with endorsements shall be returned to the claimant. Thereafter, the claimant must file a civil action in the circuit court within whose jurisdiction the arrest or conviction occurred. The Claim of Reward, Law Enforcement Endorsement, and Prosecutor's Endorsement prescribed in Rule 11-2.002, or documents containing substantially the same information, shall be made exhibits and incorporated into the pleadings. The state attorney for that circuit will be served and shall, if appropriate, respond to the suit on behalf of the State of Florida. Competing claims should be consolidated. The courts' judgment or decree of eligibility for the reward, if any, shall be forwarded to the Florida Department of Law Enforcement, Office of General Counsel, P. O. Box 1489, Tallahassee, Florida 32302-1489.

Specific Authority ~~790.164(2)(c)~~ 943.03(4) FS. Law Implemented 790.164 FS. History—New 3-2-77, Formerly 11-2.04, Amended.

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Salary Incentive Program	11B-14
RULE TITLE:	RULE NO.:
General Program Provisions	11B-14.002

PURPOSE AND EFFECT: To allow a training center director designee to verify Commission-approved advanced and career development training courses; to revise form CJSTC-63 by adding "or designee" on the signature line, changing "attest" to "affirm" in line # 13, correcting capitalization, and adding the "Accrediting Commission of Career Schools and Colleges of Technology" to the list of accrediting associations; to revise form CJSTC-67 by adding the "I hereby affirm..." verbiage above the signature line and a "processed fingerprint column,

and to add rule language that lists federal and private institutions and related programs recognized for salary incentive credit.

SUBJECT AREA TO BE ADDRESSED: Training center director designee and form revisions.

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

LAW IMPLEMENTED: 943.22 FS.

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

TIME AND DATE: 9:00 a.m., February 13, 2001

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

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting Donna Hunt, (850)656-9597 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-14.002 General Program Provisions.

(1) through (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 by the training center director or designee, defined in Rule 11B-21.005(3)(a), F.A.C., for submission to Commission staff by completing a Training Report form CJSTC-67, revised December 6, 2000, September 1, 1999, hereby incorporated by reference, pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures Manual, revised January 1999 and October 13, 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). A copy of the Training Report form showing successful completion of an approved course shall ~~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 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. The following programs have been approved by the Commission and are recognized for advanced training that enhances an officer's knowledge, skills, and abilities for the job performed. Individuals successfully completing the following programs may submit documentation to Commission staff for recognition of salary incentive credit:

Federal or Private Training Institutions	Program Code	Program Hours
(a) <u>Federal Bureau of Investigation's National Academy</u>	700	320
(b) <u>S.P.I. Administrative Officers' Course</u>	701	320
(c) <u>National Institute of Corrections</u>	702	320
(d) <u>Police Executive Institute</u>	703	320
(e) <u>National Sheriff's Institute</u>	704	320
(f) <u>Northwestern Traffic Institute</u>	705	320
(g) <u>Federal Bureau of Prisons</u>	706	320
(h) <u>IPTM Principles of Police Management</u>	707	80
(i) <u>IPTM Police Traffic Management</u>	708	80
(j) <u>IPTM Supervising a Selective Traffic Law Enforcement Program</u>	709	40
(k) <u>IPTM Police Executive Development</u>	710	40
(l) <u>IPTM Electronic Spreadsheet for the Police Manager</u>	711	40
(m) <u>Federal Bureau of Investigation's National Executive Institute</u>	712	80
(n) <u>Senior Management Institute for Police</u>	713	80
(o) <u>S.P.I. Police Executive Development</u>	714	80
(p) <u>N.I.C. Planning of New Institutions</u>	715	40
(q) <u>N.I.C.ACM: Managing the Organization</u>	716	80
(r) <u>N.I.C. Correctional Management</u>	717	80
(s) <u>N.I.C. Training for Staff Trainers</u>	718	40
(u) <u>N.I.C. Legal Issues for Institutional Personnel</u>	719	40
(v) <u>FDLE Senior Leadership Program</u>	720	320
(w) <u>S.P.I. Command Officer Development</u>	721	400

(5) All claimed eligibility for educational salary incentives shall be verified by the agency administrator or its designee for submission to Commission staff by completing a reported to Commission staff by the employing agency by submitting an official Higher Education for Salary Incentive Report form CJSTC-63, revised December 6, 2000, October 27, 1998, hereby incorporated by reference. The information on the CJSTC-63 form may be electronically transmitted submitted via the Commission's Automated Training Management System (ATMS). 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 (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, 8-22-00,_____.

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Certification of Criminal Justice

Training Instructors 11B-20

RULE TITLES: RULE NOS.:

Minimum Requirements for General

Certification of Instructors 11B-20.001

Revocation of Instructor Certification 11B-20.0012

Commission Instructor Certification Categories 11B-20.0013

Minimum Requirements for High-Liability and Specialized Topics Instructor Certification

11B-20.0014

Minimum Requirements to Instruct the CMS

Application-Based Basic Recruit

Training Programs 11B-20.0015

Inspection of Instructor Certification

Applications 11B-20.0016

Duration and Renewal of Instructor

Certifications 11B-20.0017

Commission Instructor Certification

Application 11B-20.0018

PURPOSE AND EFFECT: 11B-20.001: (1): Clarifies the process for a training center director to receive and review an applicant's request for instructor certification. (2): Organizes the minimum requirements for General Instructor Certification; addresses the equivalency of training issue that requires courses to be "comparable in content"; requires that the training center director or designee, which is defined in Rule 11B-21.005(3)(a), F.A.C. be a Commission-certified training instructor when supervising an instructor applicant's internship; requires that an internship course be at least 2-hours in length; requires the instructor to review student evaluations using form CJSTC-81; adds a training center director's

designee to the Instructor Competency Checklist form CJSTC-81; removes redundant rule language; clarifies rule language. (3): Revises form CJSTC-82 and CJSTC-71. 11B-20.0012: Makes rule revisions for clarification and continuity; adds the definition of "Gross Incompetence"; and establishes that an instructor whose certification has been revoked shall not be eligible to instruct Commission-approved courses; and disallows "exemption" or faculty status for an instructor whose certification has been revoked. 11B-20.0013: The proposed rule language outlines all instructor certifications recognized by the Commission. 11B-20.0014: This rule section was created to specifically address instructor certifications; removes rule language in Rule 11B-20.001, regarding work experience of 3 years, for insertion into Rule 11B-20.0014; establishes that an applicant who requests to obtain instructor certification for the High-Liability and Specialized Topics of Instruction are required to meet all Commission requirements for a General Instructor Certification, and shall also require that the applicant successfully complete the Commission's instructor course unique to the specific high-liability and specialized topic. Removes rule language from Rule 11B-20.001, regarding law enforcement driving, firearms, defensive tactics, and medical first responder instructor certification requirements, for insertion into Rule 11B-20.0014; establishes requirements to teach the Commission-approved Medical First Responder Course; establishes requirements to teach law topics, radar, laser, canine, and human diversity training for Commission-approved training courses. 11B-20.0015: Establishes a general instructor Transition Course as a requirement to teach the new CMS Application-Based Basic Recruit Training Programs; requires that currently certified instructors who wish to instruct vehicle operations, firearms, defensive tactics, and medical first responder shall also attend a "transition course" to be eligible to teach the new CMS Application-Based Basic Recruit Training Programs; and informs instructors that high-liability transition training shall be included in the new CMS Instructor Training Course, for the respective high-liability training requested. 11B-20.0018: Outlines the instructor application process, with training center directors verifying that applicants have met all training requirements (language taken from JAPC-approved CJSTC P&P G-1.1) and revises form CJSTC-71 to allow a director's designee to sign the form. 11B-20.0016: Outlines Commission staff's process for the review and approval of instructor applications and revises the return address on form CJSTC-271. 11B-20.0017: Outlines the requirements and process for instructor certification renewals.

SUBJECT AREA TO BE ADDRESSED: Commission instructor certification categories; selection of instructional personnel; minimum requirements for general certification of instructors; minimum requirements for High-Liability and Specialized Topics of Instruction; instructor certification requirements for the Application-Based Basic Recruit Training

Curricula; inspection of training school instructor applications; duration and renewal of Commission-approved instructor certifications; and revocation of instructor certifications.

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

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

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

TIME AND DATE: 9:00 a.m., February 13, 2001

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

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, 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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

(1) General Instructor Applicants shall meet the following requirements for instructor certification. Except as otherwise provided in this rule chapter 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. 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) ~~The applicant shall demonstrate methods of instruction.~~

(a)(b) Successful completion of The applicant shall have completed the Commission-approved 80-hour Instructor Techniques Course through a Commission-certified criminal justice training school or successful completion of an equivalent instructor training course, within four (4) years of the date of application. The training center director shall

~~evaluate 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. The training center director shall exempt an applicant from topics in the 80-hour authorize the applicant to complete only those portions of the current Commission-approved Instructor Techniques Course when the applicant has provided documentation of an equivalent instructor training course in which the applicant is deficient.~~

~~(b)(e) Successful completion of an internship. The internship shall be supervised by the training center director or designee, defined in Rule 11B-21.005(3)(a), F.A.C., who is currently a Commission-certified criminal justice training school instructor. The training center director or designee shall evaluate the applicant's instructional abilities by completing an Instructor Competency Checklist form CJSTC-81, revised December 6, 2000, hereby incorporated by reference. The form CJSTC-81 shall be maintained in the instructor's file at the training school. The applicant shall demonstrate applicable competencies listed on form CJSTC-81. The applicant shall serve an internship under the supervision of a training center director or designee, who shall evaluate the applicant's instructional abilities by completing an Instructor Competency Checklist form CJSTC-81, revised July 2, 1998, hereby incorporated by reference, which shall be maintained in the instructor's file. The applicant shall demonstrate all applicable competencies listed on the Instructor Competency Checklist form CJSTC-81. The internship shall not be included in the Commission-approved 80-hour Instructor Techniques Course. The training center director shall determine the length of the course to be used for internship, which shall be a minimum of two (2) hours, and the composition of the internship, which shall be based on the applicant's experience, education, and other pertinent credentials. The length and composition of the internship shall be in written form and maintained as part of the applicant's instructor file at the training school. The instructor applicant shall be evaluated by the students taught by that instructor. A Commission-certified instructor shall review the student's evaluation with the instructor applicant and shall document the review on form CJSTC-81. The training center director shall maintain these evaluations in the instructor's file for a minimum of one (1) year or until the Trust Fund Administration Section reviews the evaluations.~~

~~(d) Each instructor shall be evaluated periodically by students taught by that instructor. The training center director shall maintain these evaluations in the instructor's file for one year.~~

~~(c)(e) Any applicant seeking a certificate as an instructor shall be affiliated with a Commission-certified criminal justice training school, or a school whose application for such certification is being processed by the Commission. The director of the training school shall make a recommendation for certification after reviewing the credentials and evaluating~~

~~the instructional abilities of the applicant. The training center director or designee, shall sign the Instructor Certification Application form CJSTC 71, to certify to the Commission that each recommended applicant complies with (1)(g) herein.~~

~~(f) Documentation of sufficient knowledge of a subject matter. The applicant shall have completed three (3) years work experience in the field of instruction for which certification is sought, prior to signing the Instructor Certification Application. The applicant shall document their history based on training, education, experience, or professional credentials, and proficiency skills standards, suitable to the topic of instruction for which certification is being sought. The training center director shall document experience in the subject matter.~~

~~(d)(g) Possess good moral character as defined in Rule 11B-27.0011(4), F.A.C., as applied to applicants and certified instructors. Applicants requesting instructor certification and instructors requesting renewal of certification shall: Good Moral Character. On or after the effective date of this rule section, any individual seeking certification or recertification as a Commission certified criminal justice training instructor shall sign an Instructor Certification Application form CJSTC 71 that affirms the following qualifying factors to be true:~~

~~1. The individual has Not have been convicted of any felony or of a misdemeanor involving perjury or false statement, or has received a dishonorable discharge from any of the Armed Forces of the United States, and;~~

~~2. The individual has not; After July 1, 1981, any person who has pled guilty or nolo contendere to or has been found guilty of any felony or of a misdemeanor involving perjury or a false statement is not eligible for instructor certification, notwithstanding suspension of sentence or withholding of adjudication.~~

~~3. Notwithstanding paragraphs one (1) and two (2) of this rule section, any person who has pled nolo contendere to a misdemeanor involving a false statement, prior to December 1, 1985, and has had such record sealed or expunged shall not be deemed ineligible for instructor certification.~~

~~(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, 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. The new Instructor Competency Checklist shall be maintained in the instructor's file.~~

2. ~~The applicant shall demonstrate proficiency in each specialized topic for which certification is being sought, pursuant to Rule 11B-35.0024, F.A.C., and shall be recorded on the following applicable proficiency checklist forms:~~

a. ~~Firearms Basic Recruit Performance Evaluation form CJSTC 4, January 1, 1997, hereby incorporated by reference.~~

b. ~~First Responder to Medical Emergencies Basic Recruit Performance Evaluation form CJSTC 5, August 1, 1993, hereby incorporated by reference.~~

c. ~~Defensive Tactics Basic Recruit Performance Evaluation form CJSTC 6, revised November 18, 1998, hereby incorporated by reference.~~

d. ~~Law Enforcement Driving Instructor Performance Evaluation form CJSTC 7A, November 18, 1998, hereby incorporated by reference.~~

e. ~~Laser and Radar Speed Measurement Device Instructor Field Evaluation form CJSTC 10, July 1, 1995, hereby incorporated by reference.~~

f. ~~General Duty K-9 Team Proficiency Demonstration form CJSTC 83, revised June 17, 1998, hereby incorporated by reference.~~

g. ~~Firearms Chemical Agent Exposure Training Evaluation form CJSTC 4A, January 22, 1998, hereby incorporated by reference (Optional is not mandated evaluation form).~~

3. ~~An Applicant who fails to demonstrate proficiency pursuant to (2)(b)1., herein, shall meet the requirements of (1)(a)-(c),(e) and (f), herein.~~

4. ~~An Applicant who fails to demonstrate proficiency, pursuant to (2)(b)2., herein, for any specialized topics in which certification is sought, shall meet the requirements established for certification in such specialized topics, pursuant to (4) herein.~~

(e) ~~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.~~

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

(a) ~~The applicant instructor is a full-time instructor at an accredited community college, college, or university. The training center director shall document the applicant's 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, revised December 6, 2000 October 1, 1993, hereby incorporated by reference, which shall be maintained on file in the instructor's file at the training school. 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 applicant instructor is a full-time vocational-technical instructor. The training center director shall document the applicant's instructor's full-time status and identify the name and location of the vocational-technical institution by completing an Instructor Exemption form CJSTC-82, which shall be and maintained in the instructor's file at the training school. 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) ~~The applicant If an instructor holds a current and valid instructor certification from another state or the military, and the applicant shall completes an internship outlined in 11B-20.001(1)(b), F.A.C. The training center director shall include a copy of the applicant's instructor's out-of-state or military certification, documentation describing the internship, completion of the Instructor Competency Checklist form CJSTC-81, and the Instructor Exemption form CJSTC-82, which and the confirming documentation shall be maintained in the instructor's file at the training school.~~

(d) ~~The applicant shall have completed a minimum of forty (40) hours of training, above the Basic Recruit Training level, and one (1) year of work experience in the If an instructor is uniquely qualified in a specific subject matter to be instructed; The training center director shall document the instructor's applicant's unique qualifications by completing an Instructor Exemption form CJSTC-82, which and the confirming documentation shall be maintained in the instructor's file at the training school.~~

(e) ~~Notwithstanding the above exemptions, an individual who has had any certification issued by the Commission revoked or who has voluntarily relinquished any certification issued by the Commission shall not instruct Commission-approved training courses. If an instructor is teaching as a result of exceptional circumstances, the instructor shall be qualified in the specific subject matter to be taught regardless of the exceptional circumstance. The training center director shall document the qualifications of the instructor by completing an Instructor Exemption form CJSTC-82, shall document the exceptional circumstance for which the instructor is teaching, and the confirming documentation shall be maintained in the instructor's file.~~

(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 Section (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, hereby incorporated by reference.

(b) Firearms Instructor Certification. An applicant shall have successfully completed the Commission approved Firearms Instructor course through a Commission-certified criminal justice training school, to include a comprehensive examination and demonstration of proficiency recorded on a Firearms Basic Recruit Performance Evaluation form CJSTC 4, to be certified to instruct specific firearms topics.

(c) Law Enforcement Driving Instructor Certification. An applicant shall have successfully completed the Commission approved Law Enforcement Driving Instructor course through a Commission-certified criminal justice training school, which shall include a comprehensive examination and demonstration of proficiency by successful completion of four out of five runs (80%) for each exercise, and recorded on a Law Enforcement Driving Instructor Performance Evaluation form CJSTC 7A, to be certified to instruct specific law enforcement driving topics.

(d) Medical First Responder Instructor Certification:

1. An applicant shall be a certified emergency medical technician, certified paramedic, licensed physician, registered nurse, or a member of the Armed Forces of the United States on active duty, who at the time they became a member was entitled to practice as an Emergency Medical Technician (EMT) or paramedic in Florida, pursuant to Chapter 401, Part III, F.S., or

2. An applicant shall have successfully completed the Commission approved Medical First Responder course effective July 1998, which shall include a comprehensive examination and demonstration of proficiency, recorded on a First Responder to Medical Emergencies Basic Recruit Performance Evaluation form CJSTC 5; and

3. An applicant shall possess a valid CPR instructor certification from the American Red Cross, the American Heart Association, or the National Safety Council, to be certified to instruct Medical First Responder procedures.

(e) Defensive Tactics Instructor Certification. An applicant shall have successfully completed the Commission approved Defensive Tactics Instructor course through a Commission-certified criminal justice training school, which shall include a comprehensive examination and demonstration of proficiency, recorded on a Defensive Tactics Basic Recruit Performance Evaluation form CJSTC 6, to be certified to instruct specific defensive tactics topics.

(f) Canine Team Instructor Certification. An applicant shall have successfully completed the Commission approved Canine Team Instructor course through a Commission-certified criminal justice training school, and fulfilled training and experience criteria pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures Manual, to be certified to instruct canine team training.

(g) Human Diversity Instructor Certification. An applicant shall have successfully completed the Commission approved 24-hour Human Diversity Program included in the Commission's Basic Recruit Training Program, and the 20-hour Human Diversity Train the Trainer course through a Commission-certified criminal justice training school, to be certified to instruct human diversity topics.

(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.

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.

(5) An Application for Instructor Certification Deficiency Notification form CJSTC 271, January 21, 1999, hereby incorporated by reference, shall be completed by Commission staff 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.

(6) Denial of Certification. An application for certification as a Commission-certified criminal justice training school instructor shall be denied by the Commission if the applicant fails to meet the qualifications pursuant to this rule chapter. Commission staff shall forward to the applicant a "notice of

intent to deny certification" which shall specify the grounds for denial. A denial of application shall be processed pursuant to Chapter 120, F.S.

~~(7) 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: Bureau of Standards, Forms and Manual Liaison.~~

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), 943.14(3) FS. History--New 7-21-82, Formerly 11B-20.01, Amended 10-26-88, 5-14-92, 12-8-92, 1-10-94, 1-2-97, 7-7-99, 8-22-00, _____.

11B-20.0012 Revocation of Instructor Certification.

(1) The Criminal Justice Standards and Training Commission has the authority to revoke an instructor's certification when the following circumstances exist. The certification of a criminal justice training instructor shall be revoked if an instructor fails to maintain the requirements pursuant to Rule 11B-20.001(1)(g), F.A.C., or, who:

(a) The instructor w~~ill~~fully compromises the security and confidentiality of examinations or grading keys developed and used in Commission-approved criminal justice training courses, or engages in any other conduct that subverts or attempts to subvert the Criminal Justice Standards and Training Commission State Officer Certification Examination process, or:

(b) The instructor w~~ill~~fully compromises or circumvents the trainee attendance requirements set forth in Rule 11B-35.001(8)-(9)(7)-(8), F.A.C.; or

(c) The instructor w~~ill~~fully compromises or circumvents the trainee performance requirements pursuant to Rule 11B-35.0022, F.A.C.; or

(d) The instructor i~~ntentionally~~ntentionally and materially falsifies criminal justice documentation; or:

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

(f) The instructor c~~ommits~~ommits an act or acts establishing a "lack of good moral character," as defined in Rule 11B-27.0011(4), F.A.C., and pursuant to 11B-20.001(1)(g), F.A.C.

(2) through (3) No change.

(4) Notwithstanding Rule 11B-20.001(2), F.A.C., an individual whose instructor certification is revoked or is voluntarily relinquished shall not instruct Commission-approved training courses.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.14(3) FS. History--New 10-26-88, Amended 1-2-97, 7-7-99, 8-22-00, _____.

11B-20.0013 Commission Instructor Certification Categories.

Except as otherwise provided in this rule section or by law, individuals who instruct Commission-approved training courses pursuant to Rule 11B-35.002, F.A.C., at or through a Commission-certified criminal justice training school, shall be certified by the Commission. Instructor applicants who request to be certified by the Criminal Justice Standards and Training Commission may request certification in the following categories of certification:

(1) General Instructor Certification.

(2) High-Liability Instructor Certifications.

(a) Law Enforcement Driving Instructor Certification.

(b) Firearms Instructor Certification.

(c) Defensive Tactics Instructor Certification.

(d) Medical First Responder Instructor Certification.

(3) Specialized Topics Instructor Certifications.

(a) Law Topics Instructor Certification.

(b) Speed Measurement Instructor Certification.

(c) Canine Team Instructor Certification.

(d) Human Diversity Instructor Certification.

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), 943.14(3) FS. History--New _____.

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

(1) High-Liability and Specialized Topics Instructor Certification. Applicants shall meet the following requirements for certification:

(a) Hold or be eligible for a Criminal Justice Standards and Training Commission General Instructor Certification, pursuant to Rule 11B-20.001, F.A.C., or have on file at the training school a completed Instructor Exemption form CJSTC-82.

(b) Complete three (3) years work experience in the field of instruction for which certification is sought. The instructor applicant shall document his or her instructor qualifications based on training, education, experience, or professional credentials, and proficiency skill standards suitable to the topic of instruction for which certification is sought. The training center director shall review and maintain all documentation in the instructor's file at the training school. In addition, the instructor applicant shall successfully complete the current Commission-approved instructor training course for the high-liability and specialized topics of instruction for which the applicant is seeking certification, if applicable.

(2) High Liability Instructor Certifications. Applicants shall meet the following requirements for high-liability certification:

(a) Law Enforcement Driving Instructor Certification. To obtain certification to instruct law enforcement vehicle operations, the instructor applicant shall successfully complete the Commission-approved Law Enforcement Driving Instructor Course through a Commission-certified criminal justice training school, successfully demonstrate all proficiencies, and successfully complete four (4) out of five (5) runs (80%) for each exercise, and record the results on a Law Enforcement Driving Instructor Performance Evaluation form CJSTC-7A, November 18, 1998, hereby incorporated by reference.

(b) Firearms Instructor Certification. To obtain certification to instruct firearms topics, the instructor applicant shall successfully complete the Commission-approved Firearms Instructor Course through a Commission-certified criminal justice training school, successfully demonstrate all proficiencies in firearms training, and record the results on a Firearms Basic Recruit Performance Evaluation form CJSTC-4, January 1, 1997, hereby incorporated by reference. Demonstration of proficiency shall include a handgun and shotgun using the Commission-approved course of fire.

(c) Defensive Tactics Instructor Certification. To obtain certification to instruct in criminal justice defensive tactics, the instructor applicant shall obtain certification as a Commission-approved General Instructor, successfully complete the Commission-approved Criminal Justice Defensive Tactics Instructor Course through a Commission-certified criminal justice training school, successfully demonstrate all proficiencies in the area of criminal justice defensive tactics, and record the results on a Defensive Tactics Basic Recruit Performance Evaluation form CJSTC-6, November 18, 1998, hereby incorporated by reference.

(d) Medical First Responder Instructor Certification. To obtain certification to instruct high-liability topic medical first responder the applicant shall:

1. Successfully complete the Commission-approved Medical First Responder Course, successfully demonstrated all proficiencies in the medical first responder skills with the results recorded on the Medical First Responder Basic Recruit Performance Evaluation form CJSTC-5, August 1, 1993, hereby incorporated by reference, and hold a valid CPR Instructor Certification recognized by the Commission; or

2. Be a certified emergency medical technician, certified paramedic, licensed physician, certified physician assistant, registered nurse, or is a member of the Armed Forces of the United States on active duty who was entitled to practice as an Emergency Medical Technician (EMT), or is a paramedic in Florida as described in Chapter 401, F.S., Part III, and holds a valid CPR Instructor Certification recognized by the Commission.

(3) Specialized Topics Instructor Certifications.

(a) Law Topics Instructor Certification. To obtain certification to instruct Commission-approved law topics of Arrest Laws, Attempt, Conspiracy and Solicitation, Burden of Proof, Civil and Criminal Liability, Classification of Offenses, Constitutional Law, Constitutional Law Overview, Court Rules and Trial Procedures, Court Structure, Elements of a Crime, Evidence Concepts, Evidence Rules, Intent, Legal Defense, Legal Show-up, Legal Line-up, Parties to a Crime, Probable Cause, Search and Seizure Concepts, Stop and Frisk Laws, and Use of Force, the applicant shall possess substantial law training and experience of a minimum of fifteen (15) semester hours or college credit law courses, to include constitutional law and criminal law with a grade of "C" or above, and possesses six (6) months of criminal justice experience.

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

1. Radar Instructor. An instructor applicant shall have successfully completed the Commission-approved 40-hour Radar Speed Measurement Instructors Training Course for law enforcement officers at a Commission-certified criminal justice training school. A certified radar instructor is certified by the Commission to instruct the Radar Operator's Course and the Radar Instructor Course.

2. Laser Instructor. An instructor applicant shall have successfully completed the Commission-approved 40-hour Radar Speed Measurement Instructor Training Course and the 24-hour Laser Speed Measurement Device Transition Instructor Course at a Commission-certified criminal justice training school. A certified laser instructor is certified by the Commission to instruct the 12-hour Laser Speed Measurement Device Transition Operator's Training Course, the 40-hour Laser Speed Measurement Operator's Training Course for law enforcement officers, and the 24-hour Laser Speed Measurement Device Instructor Transition Course.

(c) Canine Team Instructor Certification. An instructor applicant shall have successfully completed the Commission-approved Canine Team Instructor Course through a criminal justice agency or a Commission-certified criminal justice training school, demonstrate proficiency, and record the results on a General K-9 Team Proficiency Demonstration form CJSTC-83, revised June 17, 1998, hereby incorporated by reference. An instructor applicant who applies for a Canine Team Instructor Certification shall receive a letter of recommendation from an agency administrator verifying that the instructor applicant does not have a sustained complaint(s) of excessive force. Additionally, an instructor applicant who applies for a 400-hour Canine Team Instructor Certification shall be required to possess the following minimum training and experience:

1. A minimum of five (5) years experience as a law enforcement, military law enforcement, or correctional officer and a minimum of three (3) years canine experience which shall be documented.

2. Successful completion of the Commission-approved 400-hour Canine Team Training Course or the 400-hour United States Police Canine Association Canine Team Course.

(d) Human Diversity Instructor Certification. An instructor applicant shall have successfully completed the following training courses through a Commission-certified criminal justice training school to be certified to teach Human Diversity Topics of Instruction:

1. The Commission-approved 24-hour Human Diversity Awareness Course, which is the same course taught in the Commission's Basic Recruit Training Program, and

2. The Commission-approved 20-hour Human Diversity Train-the-Trainer Course.

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

11B-20.0015 Minimum Requirements to Instruct the CMS Application-Based Basic Recruit Training Programs.

(1) General Instructor Certification. Commission-certified General Instructors who instruct the Commission's Curricula Maintenance System (CMS) Application-Based Basic Recruit Training Programs shall successfully complete the CMS General Instructor Transition Course.

(2) High-Liability Instructor Certifications. Commission-certified high-liability instructors who instruct Commission-approved high-liability training courses for vehicle operations, firearms, defensive tactics, and medical first responder in the CMS Application-Based Basic Recruit Training Programs, shall successfully complete the CMS General Instructor Transition Course and the CMS Transition Course specific to the high-liability topic of instruction.

(3) An individual who possesses a general instructor certification and intends to instruct the CMS Application-Based Basic Recruit Training Programs in the high-liability training areas and does not currently possess a high-liability instructor certification, shall complete the CMS General Instructor Transition Course and the respective Commission-approved high-liability training course. Training courses that include transition learning are:

<u>Course Name</u>	<u>Course Number</u>
<u>(a) CMS Law Enforcement Vehicle Operations Instructor Course</u>	<u>800</u>
<u>(b) CMS Firearms Instructor Training Course</u>	<u>801</u>
<u>(c) CMS Defensive Tactics Instructor Course</u>	<u>802</u>
<u>(d) CMS Medical First Responder Course</u>	<u>803</u>

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

11B-20.0016 Inspection of Instructor Certification Applications.

(1) Commission staff shall, upon receipt of an Instructor Certification Application form CJSTC-71, revised December 6, 2000, hereby incorporated by reference, inspect an applicant's file within 30 days. The form CJSTC-71 shall be inspected for any apparent errors or omissions and additional information shall be requested, if needed, pursuant to Section 120.60, F.S.

(2) Upon approval of form CJSTC-71, the effective date of the instructor certification shall be the date the form is signed by Commission staff. The certification shall be forwarded to the requesting training school.

(3) Upon noting any apparent errors or omissions, Commission staff shall complete an Application for Instructor Certification Deficiency Notification form CJSTC-271, revised December 6, 2000, hereby incorporated by reference, and forward a copy to the submitting training school. Within 90 days of receipt of form CJSTC-271, the applicant shall satisfy the deficiency. Failure to submit documentation of satisfaction of the deficiency within 90 days by the applicant shall result in denial of the application. Upon denial of an application an individual must reapply for certification.

Specific Authority 120.60(1), 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 120.60(1), 943.12(3),(9), 943.14(3) FS. History--New

11B-20.0017 Duration and Renewal of Instructor Certifications.

Upon approval of an Instructor Certification Application form CJSTC-71, by Commission staff, an instructor's certification expires four (4) years from the date the form is signed by Commission staff.

(1) High-Liability and Specialized Topics instructor certifications shall expire on the date an individual's General Instructor Certification expires.

(2) An instructor whose General Instructor Certification has expired shall meet the requirements for certification pursuant to Rule 11B-20.001(1),(b)-(d), F.A.C.

(3) An instructor whose High-Liability and Specialized Topics Instructor Certification has expired shall meet the requirements for certification pursuant to (2) of this rule section, and shall demonstrate proficiency pursuant to Rule 11B-20.0014, F.A.C., for the applicable High-Liability and Specialized Topics Instructor Certification. An individual who fails to demonstrate proficiency in the subject area for which certification is sought shall successfully complete the appropriate Commission-approved instructor training courses prior to re-applying for instructor certification.

(4) An instructor's certification shall be renewed within six months prior to the expiration date by submitting an updated form CJSTC-71 to the training center director or designee. The updated form shall be inspected pursuant to Rule 11B-20.001, F.A.C.

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

11B-20.0018 Commission Instructor Certification Application.

All applications submitted for Commission instructor certification shall be verified by the training center director or designee for submission to Commission staff by completing an Instructor Certification Application form CJSTC-71 pursuant with the requirements of Rule 11B-20.001, F.A.C. The training center director shall maintain all documentation that verifies the instructor's qualifications in the instructor's file at the training school.

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

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 TITLE: RULE NO.:

Criminal Justice Training School

Requirements for Certification 11B-21.005

PURPOSE AND EFFECT: To add new rule language for basic abilities testing effective 1/1/2002 for all Commission-certified criminal justice training schools; rule language regarding the equipment requirement when teaching defensive tactics; and to define employment and job responsibilities for a training center director "designee."

SUBJECT AREA TO BE ADDRESSED: Training school requirements for certification.

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

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

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

TIME AND DATE: 9:00 a.m., February 13, 2001

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

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, 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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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 shall meet Commission requirements. Commission staff shall document on the Training School Classroom Facility Requirement form CJSTC 205, October 1, 1999, hereby incorporated by reference, compliance with the following:

(a) No change.

(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, October 1, 1999, hereby incorporated:

1. through 7. No change.

8. Restrooms, drinking water, and a rain-resistant shelter shall be provided when the range is in use for Criminal Justice Standards and Training Commission training purposes for personnel engaged in training on the driving range.

(c) 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, October 1, 1999, hereby incorporated, shall be completed by Commission staff specifying that each defensive tactics area shall include the following training equipment:

1. Cushioned floor matting that is at least 80 square feet in size for every two (2) students actively and physically engaged in defensive tactics instruction.

2. through 3. No change.

(d) 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, October 1, 1999, hereby incorporated by reference, documenting the following:

1. through 9. No change.

10. Restrooms, drinking water, and a rain-resistant shelter shall be provided when the range is in use for Criminal Justice Standards and Training Commission training purposes for personnel engaged in firearms training on the range.

11. through 13. No change.

(2) No change.

(3) Employed Personnel. All Commission-certified criminal justice training schools shall employ personnel who meet Commission requirements documented on a Staffing Requirements form CJSTC-204, October 1, 1999, 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 preparation of required reports and records, assuring quality of instruction, administration, and security of examinations. A training center director's designee shall be employed full-time with faculty or administrative status, whose responsibilities are the management and quality control of the criminal justice training program.

(b) through (d) No change.

(4) through (8) No change.

(9) Basic Abilities Testing Requirements. Effective January 1, 2002, all criminal justice training schools certified by the Commission shall:

(a) Adopt a Commission-approved basic abilities test as an entry requirement into a basic recruit training program.

(b) Require, for admission into a Basic Recruit Training Program, a passing score from a Commission-approved basic abilities test which shall be accepted by any Commission-certified criminal justice training school. A passing score is valid one (1) year from the date of the test.

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

(d) Not enter into a contract with any testing vendor for a period longer than the Commission's testing cycle of three (3) years.

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

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Certification and Employment or

Appointment 11B-27

RULE TITLES: RULE NOS.:

Certification, Employment or Appointment, and

Terminating Employment or Appointment

of Officers 11B-27.002

High School Graduation or Equivalent 11B-27.0021

Revocation or Disciplinary Actions; Disciplinary

Guidelines; Range of Penalties; Aggravating

and Mitigating Circumstances 11B-27.005

Canine Team Certification 11B-27.013

PURPOSE AND EFFECT: 11B-27.002, 27.0021, and 27.013:

To revise the Physician's Assessment form CJSTC-75 to require that the physician approve an officer to be capable or not capable of performing the essential functions of a job for which he or she has been selected, to add "designee" to the signature block of the Equivalency of Foreign and Non-Public High School Curriculum form CJSTC-35 and the General Duty K-9 Team Application form CJSTC-70, update the acceptable passing score for the General Education Development (GED) Tests, and to make grammatical and clarification revisions. 11B-27.005: (1)(a): Changed "and" to "or" because the disciplinary action would be one or the other, not both.

SUBJECT AREA TO BE ADDRESSED: Certification of criminal justice officers and revision of Commission forms.

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

LAW IMPLEMENTED: 943.12(3), 943.13, 943.13(3), 943.133, 943.139, 943.1395, 943.17 FS.

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

TIME AND DATE: 9:00 a.m., February 13, 2001

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

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, 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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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 (c) No change.

(d) A Physician's Assessment form CJSTC-75, revised December 6, 2000, April 11, 1999 and Patient Information form CJSTC-75A, revised March 11, 1999, 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) through (i) No change.

(2) through (5) No change.

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

11B-27.0021 High School Graduation or Equivalent.

(1) No change.

(2) A Commission-certified criminal justice training school or a Regional Criminal Justice Selection Center, established pursuant to Section 943.256, F.S., shall evaluate non-public high school and foreign high school curricula, and shall complete an Equivalency of Foreign and Non-Public High School Curriculum form CJSTC-35, revised December 6, 2000, August 5, 1998, hereby incorporated by reference. Form CJSTC-35 shall be maintained in the officer's employing agency file.

(3) The successful completion of the General Education Development (G.E.D.) Tests, in accordance with the Florida Department of Education Rule 6A-6.021, F.A.C. with an aggregate score of 225 on all five sections of the test, and no score below 40 on any single section, shall be considered the equivalent of a high school graduation, and may be used in lieu of the requirement established in paragraph (1) of this rule section.

(4) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.13(3) FS. History--New 10-6-82, Amended 1-7-85, Formerly 11B-27.021, Amended 7-7-99, _____.

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

(1) For the purpose of implementing the provisions of Rule 11B-27.004(7), F.A.C. "significant agency action" is defined as follows:

(a) For an offense that would be sanctioned by suspension of certification under these guidelines herein: Suspension from duty without pay for at least one (1) day, or and any change in assignment or duties that results in reduction in compensation, or termination from employment.

(b) No change.

(2) through (9) No change.

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

11B-27.013 Canine Team Certification.

(1) through (2) No change.

(3) For those applicants who are seeking initial certification or recertification, and who have met all certification requirements pursuant to paragraph (4) of this rule section, 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 December 6, 2000, June 16, 1998, hereby incorporated by reference, which shall certify that the applicant is eligible for certification by the Commission.

(4) through (6) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17) FS. History--New 3-29-89, Amended 12-13-92, 1-2-97, 7-7-99, 8-22-00, _____.

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.:

State Officer Certification Examination

General Eligibility Requirements 11B-30.006

State Officer Certification Examination and

Retake Eligibility Requirements for

Individuals Completing the Traditional

Basic Recruit Training Program Prior to

September 1, 2001 11B-30.0061

State Officer Certification Examination and

Retake Eligibility Requirements for

Individuals Completing a Basic Recruit

Training Program on or after

September 1, 2001 11B-30.0062

CMS Application-Based State Officer

Certification Examination and Retake

Eligibility Requirements 11B-30.0063

Application for the State Officer Certification Examination and Notification Process	11B-30.007
Examination Accommodations for Applicants with Disabilities	11B-30.0071
State Officer Certification Examination Site Administration	11B-30.008
Applicant Conduct at Test Site and Notice of Protection of Program Privileges	11B-30.009
Applicants Charged with Violations; Right of Hearing	11B-30.010
Examination Scoring and Grade Notification	11B-30.011
Post Review of Examination Questions, Answers, Papers, Grades, and Grading Key	11B-30.012
Challenge to Examination Results; Right of Hearing	11B-30.013
Application-Based Officer Certification Examination	11B-30.014

PURPOSE AND EFFECT: Revised the following forms: Application for Officer Certification Examination form CJSTC-500 has been revised to accommodate the CMS Application-Based State Officer Certification Examination, Application for Individuals Requesting Special Testing Accommodations form CJSTC-502 is a new form to comply with the Americans with Disabilities Act; State Officer Certification Examination Grade Review Request form CJSTC-510 was revised to reflect rule revisions in 11B-30.006(2), F.A.C.; State Officer Certification Examination Review form CJSTC-511 was revised to change the title; State Officer Certification Examination Test Results form CJSTC-515 was revised to change the title; and State Officer Certification Examination CJSTC-516 is a new form. 11B-30.006: Clarification of existing rule language. 11B-30.0061: Removed rule language from 11B-30.006(3)-(7), F.A.C., and moved it into 11B-30.0061, F.A.C., to reorganize for clarification of the Traditional Basic Recruit Training Curriculum versus the Application-Based Basic Recruit Training Curriculum in place prior to September 1, 2001. 11B-30.0062: Removed rule language from 11B-30.006(3)-(7), F.A.C., and moved it into 11B-30.0062, F.A.C., to reorganize for clarification of the Traditional Basic Recruit Training Curriculum versus the Application-Based Basic Recruit Training Curriculum in place after September 1, 2001, and to change the previous testing criteria from 5-section testing to 1-section testing. 11B-30.0063: New rule language for the CMS Application-Based State Officer Certification Examination process. 11B-30.007: Removed rule language from 11B-30.006(8)-(10), F.A.C., for insertion into 11B-30.007, F.A.C., to list the examination notification process separately. 11B-30.0071: New rule language for examination accommodations for applicants with disabilities. 11B-30.008, and .009: Housekeeping and clarification revisions. 11B-30.010: Rewrote this rule section and removed the 21-day requirement for filing a written request for a hearing. 11B-30.011: Identifies and clarifies the examination

scoring and grade notification process for the certification examination prior to and after September 1, 2001. 11B-30.012: Clarified and reorganized existing rule language for the examination review process. 11B-30.013: Clarified existing language. 11B-30.014: Repealed this rule language for insertion into 11B-30.0063, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Examination eligibility requirements, examination application notification process, application process for applicants with disabilities, examination site administration, applicant conduct at the examination site, rule language regarding applicants charged with violations, post review of examination and associated documents, challenge to the examination results, CMS application-based officer certification examination.

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

LAW IMPLEMENTED: 943.10, 943.12(18), 943.1397, 943.173 FS.

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

TIME AND DATE: 9:00 a.m., February 13, 2001

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

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting Donna Hunt, (850)656-9597 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

(1) The following individuals are eligible to ~~take sit for the~~ State Officer Certification Examination (SOCE) ~~for the~~ applicable criminal justice discipline:

(a) Individuals who have successfully completed a Commission-approved Traditional Basic Recruit Training Program, pursuant to Rule 11B-35.002(4), F.A.C., or Cross-Over Training Program, pursuant to 11B-35.004(3), F.A.C., or the CMS Application-Based Basic Recruit Training Program, pursuant to Rule 11B-35.002(5), F.A.C., within the past four (4) years.

(b) Inactive Commission-certified Non active Florida certified officers who have a break-in-service of more than four (4) years and have successfully completed a Prior to sitting for the State Officer Certification Examination, these officers shall complete either the Law Enforcement, Correctional, or Correctional Probation Officer Certification Examination Qualification Course, pursuant to Rule 11B-35.008, F.A.C., or a Commission-approved Basic Recruit Training Program, pursuant to paragraph (a) of this rule section, at a Commission-certified criminal justice training school pursuant to Rule 11B-35.008, F.A.C.

(c) Individuals who have successfully completed a comparable Basic Recruit Training Program in another state, or for the Federal Government, and have served as a full-time sworn officers in another state or for the Federal Government for at least one (1) year, in the applicable criminal justice discipline, and are approved for an exemption from completing a Commission-approved Basic Recruit Training Program, pursuant to Rules 11B-35.009 and 11B-35.010, F.A.C., and have Prior to sitting for the State Officer Certification Examination, these individuals shall successfully completed the Officer Certification Examination Qualification Course, in the applicable criminal justice discipline appropriate for the discipline for which the individual is seeking certification, at a Commission-certified criminal justice training school pursuant to Rule 11B-35.008, F. A. C.

(2) Commission-certified criminal justice training schools may order officer certification examination applicant handbooks and an Application for Officer Certification Examination form CJSTC-500, revised December 6, 2000, hereby incorporated by reference, by completing a Training School Examination Supplies Request form CJSTC-514, revised January 21, 1999, hereby incorporated by reference. The request form shall be submitted to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Attn: Certification Examination Section. Students successfully pass the State Officer Certification Examination within four (4) years of graduation from one of the Commission's Basic Recruit Training Programs.

(3) 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 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, 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.

~~(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.~~

~~(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, the applicant shall re-take and successfully complete the Basic Recruit Training Course(s) 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:~~

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

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

(a) The applicant is unable to sit for the State Officer Certification Examination by reason of military service, and provides a copy of military orders or a letter from the applicant's commanding officer to Commission staff; or

(b) The applicant can demonstrate to the satisfaction of Commission staff that serious injury, illness, or other physical impairment to the applicant or a member of the applicant's immediate family, or the death of a member of the applicant's immediate family, made it impossible to sit for the State Officer Certification Examination. Requests shall be substantiated by the following:

1. A statement on official letterhead from the treating physician describing the injury, illness, or physical impairment, and lists the dates of treatment or confinement, and affirms that such injury, illness, or physical impairment made it impossible for the applicant to sit for the State Officer Certification Examination; or

2. A copy of the immediate family member's death certificate; or

3. A statement on official letterhead from the funeral home that was responsible for funeral arrangements for the deceased family member.

(c) If the applicant has been issued a subpoena to appear in court, the applicant shall provide Commission staff with a copy of the subpoenas substantiating the court dates for their appearance in court, and the date the subpoena(s) was issued to the applicant.

(9) Any requests for applicant rescheduling authorized pursuant to paragraph (8) 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) 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) 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) 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 FS. History—New 1-10-94, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00.

11B-30.0061 State Officer Certification Examination and Retake Eligibility Requirements for Individuals Completing the Traditional Basic Recruit Training Program Prior to September 1, 2001.

(1) Individuals who have successfully completed a Commission-approved Traditional Basic Recruit Training Program or Cross-Over Training Program, or Officer Certification Examination Qualification Course Requirements prior to September 1, 2001, shall be allowed to take the State Officer Certification Examination (SOCE).

(2) Should an individual fail all or part of the SOCE, the individual shall be permitted to reapply and retake the SOCE. The re-examination shall include only those section(s) failed in the initial examination.

(3) Should an individual fail all or part of the first re-examination, the individual shall be permitted to reapply and take a second re-examination pursuant to the following:

(a) Enroll in and successfully complete training that corresponds to the examination section(s) failed. However, students who retake Commission-approved High-Liability Training Courses shall be required to successfully pass only the academic portions of the High-Liability Training Course(s) failed.

(b) Submit an Application for Officer Certification Examination form CJSTC-500, which includes submission of a Certificate of Completion from the criminal justice training school the individual attended. The Certificate of Completion shall include: the name of the training school, the applicant's name, the applicable criminal justice discipline, the name(s) and common course number(s) of the remedial courses completed, the training center director's signature, and the completion date of each course.

(c) If remedial training has not been completed at the time an individual submits form CJSTC-500, the individual shall submit a signed letter from the training center director, which shall be written on the training school's letterhead. The letter shall identify all information required on the Certificate of Completion and shall identify the expected completion date of the remedial training. Remedial training shall be completed prior to the date the second re-examination is scheduled.

(d) Applicants who have not completed the required remedial training at the time form CJSTC-500 is submitted, shall submit the documents listed in paragraph (b) of this rule section to the examination administrator on the scheduled test day.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(18), 943.13(10), 943.1397 FS. History—New

11B-30.0062 State Officer Certification Examination and Retake Eligibility Requirements for Individuals Completing a Basic Recruit Training Program on or after September 1, 2001.

(1) Individuals who have successfully completed a Commission-approved Basic Recruit Training Program on or after September 1, 2001, shall be allowed to apply for and take the State Officer Certification Examination (SOCE).

(2) Should an individual fail to achieve an overall passing score for the SOCE, the individual shall be permitted two (2) opportunities to reapply and retake the examination.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(18), 943.13(10), 943.1397 FS. History—New

11B-30.0063 CMS Application-Based State Officer Certification Examination and Retake Eligibility Requirements.

(1) Individuals who have successfully completed the Curriculum Maintenance System (CMS) Application-Based Basic Recruit Training Programs for use as a basic recruit training program for criminal justice officers, pursuant to Rule 11B-35.004(5), F.A.C., shall be allowed to apply for and take the CMS Application-Based State Officer Certification Examination for the discipline in which certification is sought.

(2) Should an individual fail to achieve a passing score on the CMS Application-Based State Officer Certification Examination, the individual shall be permitted two (2) opportunities to reapply and retake the certification examination.

(3) Should an individual fail to pass the CMS Application-Based State Officer Certification Examination after three (3) attempts, the individual shall not be permitted to take the certification examination until the applicant has re-enrolled in and successfully completed the CMS Application-Based Basic Recruit Training Programs for the discipline in which certification is sought.

Specific Authority 943.03(4), 943.12(1),(18) FS. Law Implemented 943.12(18), 943.1397(8), 943.173 FS. History—New

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

(1) If an applicant meets the requirements to sit for the State Officer Certification Examination, Commission staff shall schedule the applicant for the requested examination site and date.

(1)(2) Application to take the State Officer Certification Examination (SOCE) may be made by submitting a completed Application for Officer Certification Examination form CJSTC-500, to the Florida Department of Law Enforcement, Office of Finance and Accounting, Post Office Box 1489, Tallahassee, Florida 32302-1489, and shall be accompanied by a cashiers check, money order, or public agency instrument in the amount of \$100 made payable to the Criminal Justice Standards and Training Trust Fund. A completed application form CJSTC-500 shall be submitted according to the established deadline date. Form CJSTC-500 and the established examination dates may be obtained from a Commission-certified criminal justice training school, or from the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Attn.: Certification Examination Section, Post Office Box 1489, Tallahassee, Florida 32302-1489. If an applicant cannot be scheduled for the examination site and date requested, the applicant shall be scheduled for the first available site and date in the geographical area of the requested site.

(2)(3) Commission staff shall notify the applicant applicants of the testing site and the date and time the SOCE will be administered, of the State Officer Certification Examination, by mail, prior to the date of the examination.

(3) If a mechanical fault, natural event, or other problem associated with the administration of the SOCE occurs, Commission staff shall permit rescheduling of all or part of the examination without further application or cost to the applicant. Commission staff shall notify the applicant when the SOCE is to be rescheduled via the address provided on the applicant form CJSTC-500, within 30 working days of discovery that a problem exists with the administration of the certification examination. Re-scheduling of the SOCE does not constitute a re-examination.

(4) An applicant who has been scheduled to take the State Officer Certification Examination (SOCE) and is unable to take the certification examination on the date scheduled, shall be given the opportunity to submit a request to Commission staff to reschedule the certification examination within sixty days of the missed examination date. Rescheduling that is granted by Commission staff shall be subject to all requirements for eligibility, pursuant to Rule 11B-30.006, F.A.C. An additional application fee shall not be charged. The following conditions shall exist and shall be documented in the applicant's request to reschedule an certification examination date:

(a) Due to military service, an applicant shall provide a copy of military orders, or provide a letter from his or her commanding officer to Commission staff; or

(b) Due to injury, illness, or physical impairment, an applicant shall provide a statement on official letterhead from the treating physician that provides a lists and dates of

treatment or confinement affirming that such injury, illness, or physical impairment made it impossible for the applicant to take the SOCE; or

(c) Due to the death of an immediate family member, an applicant shall provide a copy of the death certificate or a statement on official letterhead from the funeral home responsible for the funeral arrangements; or

(d) Due to a subpoena to appear in court, an applicant shall provide to Commission staff a copy of the subpoena substantiating the court date(s) for the applicant's appearance in court, and the date the subpoena was issued.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(18) FS. History--New 1-10-94, Amended 1-2-97, 7-7-99, 8-22-00, _____.

11B-30.0071 Examination Accommodations for Applicants with Disabilities.

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

(2) An applicant requesting special accommodations shall submit an Application for Individual Requesting Special Testing Accommodations form CJSTC-502, revised December 6, 2000, hereby incorporated by reference, which shall be submitted 45 days prior to the requested State Officer Certification Examination (SOCE) date. The Application for Officer Certification Examination form CJSTC-500 shall be submitted according to the established deadline date for the requested SOCE. The individual shall provide documentation of the disability by an appropriate professional when the disability and the requested accommodations are not obvious. Forms CJSTC-500 and CJSTC-502 may be obtained by writing to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Certification Examination Section, Post Office Box 1489, Tallahassee, FL. 32302-1489, Attention: ADA Coordinator, or by calling 850-410-8600, TDD#: 850-656-9597.

(3) Reasonable and appropriate accommodations to take the State Officer Certification Examination (SOCE) shall be provided for qualifying individuals. All accommodations shall

be directly linked to the amelioration of the identified functional limitations caused by the asserted disability and must be reasonable and effective. Permissible accommodations include:

(a) Flexible Time. Individuals requiring extra time to take the SOCE shall submit a recommendation of such from an appropriate professional, pursuant to paragraph (6)(e) of this rule section. The Commission recognizes that using a live reader takes longer than reading regular print. Untimed certification examinations shall not be provided.

(b) Flexible Setting. Individual and small group settings for administration of the SOCE shall be made available to individuals when such a service is recommended by an appropriate professional.

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

(d) Flexible Format. The test booklet may be produced in large print, high quality regular print, or read aloud.

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

(4) The Commission shall request further evidence for the necessity of the accommodation when the evidence substantiating the need for the accommodation is not complete. The Commission shall request that the individual receive another professional evaluation to verify the disability, which shall be paid by the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, or to determine what accommodations are most appropriate and effective when the initial evaluation is inconclusive, unclear, or does not substantiate the need for the requested accommodation, which shall be paid for by the individual.

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

(6) Definition of Terms.

(a) Person with disabilities means any person who:

1. Has a physical, mental, or specific learning disability, which presently substantially limits one or more major life activities;

2. Has a record of such disability; or

3. Is regarded as having such disability.

(b) Major life activities are activities that an average person can perform with little or no difficulty, for example walking, talking, hearing, breathing, learning, working, caring for one's self, and performing manual tasks.

(c) A person with a physical disability means any person who has a permanent or temporary physical or psychomotor disability. Examples of such a disability under this section include those disabilities that require the use of a wheelchair, braces, or crutches. It also includes individuals with a hearing or sight disability, or those who may need special accommodation to move about.

(d) A person with a learning disability means any person who has a permanent or temporary mental disability, such as brain damage, brain dysfunction, dyslexia, or a perceptual disorder.

(e) For purposes of this rule, "an appropriate professional" is a person licensed, pursuant to Chapters 460 (Chiropractic), 490 (Psychological Services), 458 (Medical Practice), 459 (Osteopathy), 461 (Podiatric Medicine), 463 (Optometry), 468, Part I (Speech-Language Pathology and Audiology), or 490 (Psychological Services), Florida Statutes, or is appropriately licensed in the state in which the certification of disability was performed. Any certification, documentation, or recommendation relating to the individual's disability provided by an appropriate professional, and, pursuant to the requirements of this rule, shall not be extended beyond the scope permitted by the law for that professional or that which the professional knows or has reason to know that he or she is not competent to perform.

Specific Authority 943.03(4), 943.12(1), 943.1397 FS. Law Implemented 943.12(18), 943.1397 FS. History—New

11B-30.008 State Officer Certification Examination Site Administration.

(1) Commission staff examination administrators and proctors are responsible for maintaining secure and proper administration of the State Officer Certification Examination (SOCE). During the administration of the SOCE, applicants shall follow the instructions of the examination administrator and proctors, and shall be permitted to ask questions of the examination administrator relating to the test administration instructions. 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) An applicant who has been scheduled to take the State Officer Certification Examination (SOCE) shall arrive at the scheduled examination site on the designated date and time, and shall present the following documentation to the examination administrator: 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) Valid photo identification. Each time an applicant applies to take the SOCE, the applicant shall present a valid driver's license, state identification card issued by the Florida Department of Highway Safety and Motor Vehicles, a valid military identification, or a state agency identification card. The identification cards shall contain the applicant's first and last name, which shall correspond with the name on the SOCE roster. 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 record of completed training if required pursuant to Rules 11B-30.006 and 11B-30.0061(2),(3), F.A.C. The record of completed training shall be in the form of a Certificate of Completion or a Letter of Completion on the Commission-certified criminal justice training school's letterhead and shall include the applicant's name, the discipline, the completed training, the training completion date, the number of hours completed, and the signature of the training center director. Documentation of completed training may be submitted prior to the SOCE date pursuant to Rule 11B-30.007, F.A.C., or presented to the examination administrator on the day of testing. 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) 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.

(3)(6) An applicant shall not be admitted to the examination administration site after the door to the examination site is closed. Re-scheduling of the State Officer Certification Examination (SOCE), pursuant to this paragraph, does not constitute a re-examination, pursuant to Section 943.1397, F.S. The applicant shall forfeit the examination fee and may re-apply to Commission staff to sit for the examination, and shall again have to comply with all of the provisions of Rule 11B-30.006, F.A.C.

(4)(7) All examination booklets, answer sheets, and other State Officer Certification Examination (SOCE) examination papers and materials are the sole property of the Commission, staff. An applicant shall not remove any of the SOCE examination booklets, answer sheets, or other SOCE 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),(18) FS. Law Implemented 943.12(18) FS. History--New 1-10-94, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00,_____.

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

~~(1) The examination administrator and proctors are Commission staff's designated agents and are responsible for maintaining a secure and proper examination administration.~~

~~(1)(2) The applicant shall not engage Any individual observed to have engaged in conduct that subverts or attempts to subvert the State Officer Certification Examination (SOCE) process;. Conduct that subverts or attempts to subvert the SOCE process includes; shall have their scores on the State Officer Certification Examination withheld or declared invalid, and the individual shall be subject to the imposition of other sanctions by the Commission, pursuant to Section 943.13(7), F.S., and Rule Chapter 11B-27.007, F.A.C.~~

~~(3) Conduct that subverts or attempts to subvert the examination process includes:~~

~~(a) Conduct that violates the security of the State Officer Certification Examination materials are as follows:~~

~~(a)1- Removing from the examination room any of the SOCE materials.~~

~~(b)2- Reproducing or reconstructing any portion of the SOCE examination.~~

~~(c)3- Aiding by any means in the reproduction of any portion of the SOCE examination.~~

~~(d)4- Selling, distributing, buying, receiving, or having unauthorized possession of any portion of a past, current, or future SOCE State Officer Certification Examination.~~

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

~~(2)(b) The applicant shall not violate the standards of State Officer Certification Examination (SOCE) test administration. Violations of test administration include: Conduct that violates the standards of test administration is as follows:~~

~~(a)1- Communication with any other applicant examinee during the administration of the SOCE examination.~~

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

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

~~(d)(e) Failing to comply with the SOCE administrator's instructions. Conduct that violates the applicant identification process is as follows:~~

~~(3) The applicant shall not violate the applicant identification process. Conduct that violates the applicant identification process is as follows:~~

~~(a)1- Falsifying or misrepresenting information required for admission to the State Officer Certification Examination (SOCE).~~

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

~~(c)3- Having an impersonator take sit for the SOCE examination on one's behalf.~~

~~(4) Any violation of the provisions of Rule 11B-30.009(1)-(3), F.A.C., or other irregularity shall be documented in writing by a Commission staff agent(s), and documentation of the violation or irregularity shall be presented to the appropriate regulatory section within the Criminal Justice Professionalism Program for action by Commission staff. A Commission staff agent(s) shall exercise extreme care in their documentation to ensure that the violation is or irregularities are precisely recorded as it was they were witnessed.~~

~~(5) When the Commission finds that an applicant has committed an act that violates paragraphs (1)-(3) of this rule section, the applicant shall:~~

~~(a) Have their State Officer Certification Examination (SOCE) declared invalid;~~

~~(b) Forfeit the application fee;~~

~~(c) Be ineligible to apply to take the SOCE in any discipline for a period of five (5) years;~~

~~(d) Be subject to denial of certification by the Commission pursuant to Rule 11B-27.007, F.A.C.;~~

~~(e) Be subject to disciplinary action taken against any currently held Commission certification.~~

~~(f) Be subject to the imposition of other sanctions by the Commission, pursuant to Section 943.13(7), F.S., and Rule 11B-27, F.A.C. Individuals who engage in conduct that subverts or attempts to subvert the State Officer Certification Examination process, shall at a minimum be ineligible for re-examination for a period of (5) five years, or may be denied certification by the Commission pursuant to Chapter 943, F.S.~~

Specific Authority 943.03(4), 943.12(1),(18), 943.173(3) FS. Law Implemented 943.12(18), 943.13(7), 943.1397(3), 943.173 FS. History--New 1-10-94, Amended 1-2-97, 7-7-99, 8-22-00,_____.

11B-30.010 Applicants ~~Persons~~ Charged with Violations; Right of Hearing.

Should the Commission find that an applicant has violated the provisions of Rule 11B-30.009(2), F.A.C., the Commission shall notify the applicant of the violation by submitting a statement invalidating the applicant's State Officer Certification Examination (SOCE). The statement invalidating the applicant's SOCE shall specify the basis for the Commission's action and shall be forwarded to the applicant. The applicant shall be entitled to a hearing pursuant to the Administrative Procedures Act set forth in Chapter 120, F.S., and the Uniform Rules of Procedures, Rule 28-106, F.A.C.

(1) An applicant charged by Commission staff with a violation of Rule 11B-30.009(2) or (3), F.A.C., may, within 21 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 120.943.12(18), FS. History--New 1-10-94, Amended 7-7-99, 8-22-00.

11B-30.011 Examination Scoring and Grade Notification.

(1) Individuals who graduate from a Commission-approved Traditional Basic Recruit Training Program, pursuant to Rules 11B-35.002(4)(a)-(e), 11B-35.004(3)(a)-(f) and 11B-35.008(1)(a)-(c), F.A.C., prior to September 1, 2001, shall be required to pass all sections of the State Officer Certification Examination (SOCE). The appropriate pass scores identified for the curricula sections for each discipline and grade notification are as follows: Commission staff shall notify the applicant of the examination results approximately 30 days after the examination date.

(a) Law Enforcement:

1. Section 1, CJD-760 Legal 1, CJD-761 Legal 2, and CJD-730 Legal 3, pass score is 79%.

2. Section 2, CJD-763 Interpersonal Skills and CJD-762 Communications, pass score is 78%.

3. Section 3, CJD-734 Law Enforcement Investigations, pass score is 80%.

4. Section 4, CJD-731 Law Enforcement Patrol, pass score is 80%.

5. Section 5, CJD-704 Criminal Justice Defensive Tactics, CJD-705 Criminal Justice Weapons, CJD-723 Vehicle Operations, CJD-732 Law Enforcement Traffic, and CJD-254 Medical First Responder, pass score is 80%.

(b) Correctional:

1. Section 1, CJD-770 Legal 1 and CJD-771 Legal 2, pass score is 80%.

2. Section 2, CJD-773 Interpersonal Skills, pass score is 80%.

3. Section 3, CJD-752 Correctional Operations, pass score is 80%.

4. Section 4, CJD-750 Interpersonal Skills and CJD-772 Communications, pass score is 80%.

5. Section 5, CJD-704 Criminal Justice Defensive Tactics, CJD-705 Criminal Justice Weapons, CJD-254 Medical First Responder and CJD-741 Emergency Preparedness, pass score is 80%.

(c) Correctional Probation:

1. Section 1, CJD-790 Correctional Probation Legal, pass score is 80%.

2. Section 2, CJD-704 Criminal Justice Defensive Tactics, CJD-254 Medical First Responder, CJD-795 Firearms and CJD-791 Correctional Probation Operations, pass score is 80%.

3. Section 3, CJD-792 Correctional Probation Interpersonal Skills and CJD-793 Correctional Probation Communications Skills, pass score is 82%.

4. Section 4, CJD-794 Correctional Probation Supervision, pass score is 85%.

(d) Applicants shall be notified within 30 days of the test date, which shall be submitted by Commission staff on an Applicants State Officer Certification Examination Test Results form CJSTC-515, revised December 6, 2000, hereby incorporated by reference.

(2) Individuals, who graduate from a Commission-approved Basic Recruit Training Programs on or after September 1, 2001, shall be required to pass the State Officer Certification Examination (SOCE) with an overall scale score of 80. Applicants shall be notified within 30 days of the test date, which shall be submitted by Commission staff on an Applicants State Officer Certification Examination Overall Test Results form CJSTC-516, revised December 6, 2000, hereby incorporated by reference. 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),(18) FS. Law Implemented 943.12(18), 943.1397(1) FS. History--New 1-10-94, Amended 1-2-97, 7-7-99, 8-22-00.

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

(1) Individuals who have taken the State Officer Certification Examination (SOCE) shall have the right to review their examination results by submitting a State Officer Certification Examination Grade Review Request form CJSTC-510, revised October 19, 1998, hereby incorporated by reference. To be eligible to file a form CJSTC-510, pursuant to Rule 11B-30.013, F.A.C., the form shall be submitted to Commission staff within 45 calendar days of the individual's SOCE date. Individuals who fail to meet the 45-day deadline shall not be allowed to file a challenge, but may review the SOCE results. Pursuant to Section 119.07(3)(c), F.S.,

~~applicants who have taken the State Officer Certification Examination shall have the right to review a copy of their examination questions and answers.~~

~~(2) State Officer Certification Examination Grade reviews shall be conducted in the presence of a Commission staff during regular work hours at the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, which are defined as 8:00 a.m. through 5:00 p.m., Monday through Friday, excluding official state holidays representative at. Individuals shall be scheduled to review their State Officer Certification Examination (SOCE) grades within 40 calendar days of Commission staff's receipt of the completed form CJSTC-510, a site designated by Commission staff during regular working hours, which are defined as 8:00 a.m. through 5:00 p.m., Monday through Friday, excluding official state holidays.~~

~~(a) The provisions and sanctions of Rules 11B-30.009 and 11B-30-010, F.A.C., shall apply to individuals in an Examination Review Session. In addition, any individual who violates the standards in Rule 11B-30.009, F.A.C., shall be dismissed from the Examination Review Session.~~

~~(b) The individual who requested the grade review shall be provided with the results of the SOCE test results and the State Officer Certification Examination Review form CJSTC-511, revised December 6, 2000, hereby incorporated by reference. The CJSTC-511 form shall be signed by the individual requesting the review and a Commission staff member at the conclusion of the Examination Review Session. Individuals shall not be allowed to bring materials into the Examination Review Session or remove materials provided in the Examination Review Session. All materials used by the participants in the Examination Review Session shall be retained by Commission staff. Only the individual scheduled for the Examination Review Session and a Commission staff member shall be present during a Examination Review Session.~~

~~(c) Prior to any Examination Review Session, all individuals shall acknowledge receipt of these rules and affirm to abide by all such rules in writing.~~

~~(3) Individuals shall be prohibited from leaving an Examination Review Session with any written challenges, grade sheets, or any other examination materials. 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 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) Such review shall be completed within 40 calendar days of Commission staff's receipt of the Grade Review Request form CJSTC-510.~~

~~(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) A Commission staff representative shall remain with the applicant throughout the review process. No person, other than the applicants and Commission staff representatives, shall be allowed to be present during the review.~~

~~(e) The applicant shall not copy questions or answers from the test materials. The applicant may write on a separate paper, in the presence of a Commission staff representative, any questionable item number(s) or other objections to the State Officer Certification Examination.~~

~~(f) The applicant shall be permitted to leave with a form listing the question numbers. All written objections and questions shall remain with a Commission staff representative when leaving the review room. Pursuant to Section 943.173(2), F.S., examination materials are exempt from the provisions of Section 119.07, F.S.~~

~~(g) Upon completion of the review, an Acknowledgment of Exam Review form CJSTC-511, revised October 19, 1998, hereby incorporated by reference, shall be signed by the applicant and a Commission staff representative shall document the starting time and ending time of the review, the materials reviewed, and any other pertinent information about the review session.~~

~~(h) All legible, substantive, and specific objections to the examination or examination portion, for which the applicant failed to achieve a passing score, shall be processed by Commission staff as follows:~~

~~1. To evaluate challenges to the examination, objections to the written examinations shall be evaluated by at least one expert in the field.~~

~~2. If Commission staff determines that the original grade was not rendered pursuant with the grading criteria, the portion or the entire examination, shall be re-scored.~~

~~(4)(i) Commission staff shall notify the individual applicant in writing of the evaluation decision within 30 working days of the examination review date, of the results of the Commission's evaluation of the individual's concerns reported on the State Officer Grade Review Request form CJSTC-510, completion of the evaluation of objections.~~

Specific Authority 943.03(4), 943.12(1),(18) FS. Law Implemented 943.12(18), 943.173 FS. History--New 1-10-94, Amended 1-2-97, 7-7-99, 8-22-00, _____.

11B-30.013 Challenge to Examination Results; Right of Hearing.

Should the Commission deny an individual's State Officer Certification Examination (SOCE) grade review challenge, the Commission shall notify the individual by submitting a statement denying the challenge. The statement shall specify the basis for the Commission's denial and shall be forwarded to the individual. The individual shall be entitled to a hearing pursuant to the Administrative Procedures Act set forth in Chapter 120, F.S., and the Uniform Rules of Procedure, Rule Chapter 28, F.A.C. 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) The hearing request shall be filed with Commission staff no later than 45 calendar days after the examination administration date.

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

(c) 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),(18) FS. Law Implemented 120, 943.12(18) FS. History--New 1-10-94, Amended 1-2-97, 7-7-99, 8-22-00, _____.

11B-30.014 Application-Based Officer Certification Examination.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.173, 943.12(18) FS. History--New 8-22-00, Repealed.

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; Requirements
and Specifications 11B-35.001

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

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

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

Basic Recruit Training Programs for Student
Performance in Comprehensive
End-of-Course Examinations 11B-35.0022

Basic Recruit Training Programs for
Student Transfers 11B-35.0023

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

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

Traditional Basic Recruit Training Programs;
Cross-Over 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

State Officer Certification Examination
Qualification Course Requirements 11B-35.008

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

PURPOSE AND EFFECT: Revised the following forms:
Chemical Agent Exposure Training Evaluation form
CJSTC-4A by removing "Firearms" from the title. This form
will be used for all chemical agent exposures. Specialized
Training Documentation Supplemental form CJSTC-16A by
adding "designee" to the signature line; and Training Report
form CJSTC-67 by adding a new column for "processed
fingerprints" and adding "designee" to the signature line.
11B-35.001: To add new rule language to allow the
Commission to field-test its new Application-Based Basic
Recruit Training Program; and to remove rule language
because of unlawful delegation of authority. 11B-35.0011: To
add new rule language, pursuant with Section 943.17, F.S., that
requires all applicants to pass a basic abilities test prior to entry
into a basic recruit training program effective January 1, 2002.
11B-35.002: To distinguish between "Traditional" Basic
Recruit Training Programs and CMS Application-Based Basic
Recruit Training Programs. 11B-35.0021: To clarify existing
rule language; and to establish an instructor student ratio for
delivery of medical first responder portions of training; and to
define "actively engaged" for firearms and defensive tactics.
11B-35.0022: (1): To establish criteria for development of
examinations; removes obsolete rule language; and clarifies
existing rule language. 11B-35.0023: To specify that the CMS
Application-Based Basic Recruit Training Curricula courses
are not compatible with the Traditional Basic Recruit Training
Programs and are not transferable. 11B-35.0024: To clarify

exiting rule language and remove rule language because of unlawful delegation of authority. 11B-35.006: To add a new advanced training course. 11B-35.007: To add a new specialized training course and remove obsolete rule language. 11B-35.008: To clarify existing rule language and remove obsolete rule language. 11B-35.010: To clarify existing rule language and establish that 12 months of sworn officer experience is required within an 18-month period.

SUBJECT AREA TO BE ADDRESSED: Training program requirements and specifications, basic abilities requirements for admission into Commission-approved basic recruit training programs, basic recruit training programs for all disciplines, student to instructor ratios for Commission-approved basic recruit training programs, student performance in end-of-course examinations, student transfers, student performance in high-liability proficiency, knowledge, skills, and abilities, basic, advanced and specialized training programs, officer certification examination qualification course requirements, basic recruit training exemptions.

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

LAW IMPLEMENTED: 943.12, 943.131, 943.1395, 943.17, 943.173, 943.175, 943.1715, 943.25 FS.

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

TIME AND DATE: 9:00 a.m., February 13, 2001

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

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting Donna Hunt at TDD#: (850)656-9597.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

(1) through (4) No change.

(5) Training curricula and delivery requirements shall be maintained for all Commission-approved Basic Recruit Training Courses as follows:

(a) All Basic Recruit Training Courses contained within a Commission-approved Basic Recruit Training Program, and their respective delivery requirements, are available to interested and affected individuals. Copies of the course curricula are maintained within the Criminal Justice Professionalism Program; and

(b) No change.

(6) Curriculum Maintenance System (CMS) Field-Test. The Criminal Justice Standards and Training Commission is currently developing and evaluating the Curriculum Maintenance System (CMS) Application-Based Basic Recruit Training Programs for use as a basic recruit training program for criminal justice officers. The CMS curricula are based on a statewide job-task analysis of each of the criminal justice officer disciplines, and provides an enhanced learning environment for the student, through lesson plans provided for each module, and ensures a "standardized delivery" of statewide training curricula. A CMS field-test utilizing a classroom environment with student participation is necessary to evaluate the program before certain course criteria can be established and final rules adopted. In order to accomplish these goals:

(a) The Commission-authorizes field-testing of the CMS Application-Based Basic Recruit Training Programs effective June 2001.

(b) The Commission approves the CMS Field-Test as a basic recruit training program for law enforcement officers during the field-test period.

(c) Specific conditions for instructor certification and delivery of the curricula will be established, consistent with the completed CMS Curricula Modules. Commission-certified criminal justice training schools shall adhere to the delivery specifications and the instructor requirements outlined in the CMS Curricula Modules. The Commission exempts the training schools, academies and colleges that participate in the field-testing of the CMS Field-Test from the following rules:

1. 11B-20.0014(3)(a) and (3)(d); Minimum Requirements for High-Liability and Specialized Topics Instructor Certification.

2. 11B-35.0022(1) and (2); Basic Recruit Training Programs for Student Performance in Comprehensive End-of-Course Examinations.

3. 11B-35.0024(1) and (4); Basic Recruit Training Programs for Student Performance in High-Liability Proficiency, Skills and Cognitive Abilities.

(d) Exemptions as outlined in paragraph (c) above, shall not apply to courses in the Traditional Basic Recruit Training Program.

(e) Testing of the CMS Field – Test shall be conducted at Commission-certified criminal justice training schools. Individual field tests of the CMS High-Liability Modules may be delivered by any Commission-certified criminal justice

training school. A full field-test of the entire CMS Curricula Modules will be initiated at the following Commission-certified criminal justice training schools:

1. Santa Fe Community College.
2. Broward Community College.
3. St. Petersburg Junior College.
4. Florida Highway Patrol.
5. Polk Community College.
6. Lake County Vocational Technical School.
7. Tallahassee Community College.

(f) Students participating in the field-test of the CMS Application-Based Basic Recruit Training Program shall be students seeking Commission training for the purpose of applying to take the State Officer Certification Examination and seeking employment as a Florida law enforcement officer. Selection of students shall be consistent with the individual agency, community college, or vocational technical school process for selection of students. Students participating in the CMS Application-Based Basic Recruit Training Program shall successfully complete all activities contained within the lesson plans. Students who successfully complete a CMS Application-Based Basic Recruit Training Program are eligible to apply for and take the CMS Application-Based State Officer Certification Examination pursuant to Rule 11B-30.0063, F.A.C.

(g) This rule section shall expire upon Commission acceptance and approval of the basic recruit training curricula for each of the criminal justice disciplines.

(7)(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 December 6, 2000 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, 1998, the information on form CJSTC-67 form shall be required to be electronically transmitted via the Commission's Automated Training Management System (ATMS). 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 shall be subject to audit by Commission staff. Such records shall include:

1. The full legal names of all attending students.
2. through 9. No change.

10. For basic recruit training programs, criminal histories on all applicants pursuant to Section 943.14(8), F.S.

~~(8)(7)~~ Attendance. A student shall not be considered to have successfully completed a Commission-approved training course if there is an unexcused absence from any session of such course.

~~(9)(8)~~ Attendance Records Requirements:

(a) through (c) No change.

~~(d) This policy does not supersede any stricter course attendance requirements established by a Commission-certified criminal justice training school or Local Regional Training Council.~~

~~(10)(9)~~ Florida 4-year accredited colleges and universities approved by the Commission to offer the Correctional Probation Officer Basic Recruit Training Program shall:

(a) through (c) No change.

~~(11)(10)~~ 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 area, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Planning and Evaluation Section Director's Office, Forms and Manual Liaison.

Specific Authority 943.03(4), 943.12(1),(2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History--New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, _____.

11B-35.0011 Basic Abilities Requirements for Applicant Admission into a Law Enforcement, Correctional, and Correctional Probation Basic Recruit Training Programs. In accordance with Section 943.17(1)(g), F.S., all applicants applying for entry into a Commission-approved Basic Recruit Training Program after January 1, 2002, shall obtain a passing score on a Commission-approved Basic Abilities Test for the specified discipline, i.e., law enforcement, correctional, or correctional probation, prior to entering the applicable basic recruit training program.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.17 FS. History--New _____.

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

(1) through (2) No change.

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

(a) through (b) No change.

(c) For each Commission-approved Basic Recruit Training Course, a student shall pass a comprehensive end-of-course examination or examinations.

(d) Only successful completion of Commission-required Basic Recruit Training Courses within each discipline, shall determine a student's eligibility to take sit for the State Officer Certification Examination in a respective discipline.

(4) Traditional 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:

	<u>Minimum Hours</u>	
(a) <u>Traditional</u> Law Enforcement Basic Recruit Training Program.		
Criminal Justice Legal 1	CJD _760	46.0
Criminal Justice Legal 2	CJD _761	48.0
Criminal Justice Communications	CJD _762	56.0
Interpersonal Skills 1	CJD _763	66.0
*Criminal Justice Defensive Tactics <u>that includes the 38-hour Preparation for Defensive Tactics course, effective 7/1/98.</u>	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 (Options: CJT _362 or EMS _ 1059)	CJD _254	48.0
Law Enforcement Legal 3	CJD _730	32.0
Law Enforcement Patrol	CJD _731	64.0
Law Enforcement Traffic	CJD _732	46.0
Vehicle Operations	CJD _723	32.0
Law Enforcement Investigations	CJD _734	64.0
Total		672.0
(b) <u>Traditional</u> Correctional Basic Recruit Training Program.		
	<u>Minimum Hours</u>	
Criminal Justice Legal 1	CJD _770	46.0
Criminal Justice Legal 2	CJD _771	22.0
Criminal Justice Communications	CJD _772	42.0
Interpersonal Skills 1	CJD _773	62.0
*Criminal Justice Defensive Tactics <u>that includes the 38-hour Preparation for Defensive Tactics course, effective 7/1/98.</u>	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 (Options: CJT _362 or EMS _ 1059)	CJD _254	48.0
Interpersonal Skills 2	CJD _750	50.0
Emergency Preparedness	CJD _741	26.0
Correctional Operations	CJD _752	64.0
Total	530.0	
(c) Combination Recruit Training Program		
	<u>Minimum Hours</u>	
Criminal Justice Legal 1	CJD _710	54.0
Criminal Justice Legal 2	CJD _711	52.0

Criminal Justice Communications	CJD _712	62.0
Interpersonal Skills 1	CJD _713	66.0
*Criminal Justice Defensive Tactics <u>that includes the 38-hour Preparation for Defensive Tactics course, effective 7/1/98.</u>	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 (Options: CJT _362 or EMS _ 1059)	CJD _254	48.0
Law Enforcement Legal 3	CJD _730	32.0
Law Enforcement Patrol	CJD _731	64.0
Law Enforcement Traffic	CJD _732	46.0
Vehicle Operations	CJD _723	32.0
Law Enforcement Investigations	CJD _734	64.0
Interpersonal Skills 2	CJD _750	50.0
Emergency Preparedness	CJD _741	26.0
Correctional Operations	CJD _752	64.0
Total		830.0
(d) Associates of Science Criminal Justice Combination Academy Track		
Criminal Justice Legal 1	CJD _700	54.0
Criminal Justice Legal 2	CJD _701	52.0
Criminal Justice Communications	CJD _702	62.0
Interpersonal Skills 1	CJD _703	66.0
*Criminal Justice Defensive Tactics <u>that includes the 38-hour Preparation for Defensive Tactics course, effective 7/1/98.</u>	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 (Options: CJT _362 or EMS _ 1059)	CJD _254	48.0
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) <u>Traditional</u> Correctional Probation Training Program		
Correctional Probation Legal	CJD _790	60.0
Correctional Probation Operations	CJD _791	16.0
Correctional Probation Interpersonal Skills	CJD _792	68.0

Correctional Probation Communication Skills	CJD _793	70.0
Correctional Probation Supervision	CJD _794	54.0
*Criminal Justice Defensive Tactics that includes the 38-hour Preparation for Defensive Tactics course, effective 7/1/98.	CJD _704	106.0
*Includes the 38-hour Preparation for Defensive Tactics Course, effective 7/1/98		
Correctional Probation Firearms	CJD _795	16.0
Medical First Responder (Options: CJT _362 or EMS _ 1059)	CJD _254	48.0
Total		438.0
(f) Application Based Law Enforcement Officer Basic Recruit Training Model Program		
(g) Application Based Correctional Officer Basic Recruit Training Model Program		
(h) Application Based Correctional Probation Officer Training Model Program		
<u>(5) CMS Application-Based Basic Recruit Training Programs</u>		
<u>(a) CMS Application-Based Law Enforcement Officer Basic Recruit Training Program</u>		<u>672.0</u>
<u>(b) CMS Application-Based Correctional Officer Basic Recruit Training Program</u>		<u>530.0</u>
<u>(c) CMS Application-Based Correctional Probation Officer Basic Recruit Training Program</u>		<u>438.0</u>
(6)(5) Commission-approved curricula for courses in the Correctional Probation Officer College-Level Training Program.		
(a) through (b) No change.		
(c) The High-liability Training Courses required as part of the Correctional Probation Officer College-Level Training Program, shall be administered through a Commission-certified criminal justice training school and consist of the following courses:		
Criminal Justice Defensive Tactics that includes the 38-hour Preparation for Defensive Tactics course, effective 7/1/98.	CJD _704	106.0
Correctional Probation Firearms	CJD _795	16.0
Medical First Responder (Options: CJT 362 or EMS _ 1059)	CJD _254	48.0

Specific Authority 943.03(4), 943.12(1),(2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History—New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00,_____.

11B-35.0021 Basic Recruit Training Programs ~~for~~ 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 firearms instructor actively engaged in training on a firearms range. Actively engaged is defined as “a student on the firing range handling a weapon.”

(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. Actively engaged is defined as “a student engaged in the practical performance of any one of the approved defensive tactics techniques.” For instruction of the 38-Hour Preparation for Defensive Tactics Course, the student to instructor ratio shall be two (2) ~~two~~ instructors for each class for the first twenty (20) students ~~actively engaged~~. Each additional twenty (20) students, or any portion thereof, shall require an additional instructor.

(4) No change.

(5) For instruction of medical first responder, at least one (1) Commission-certified Medical First Responder Instructor shall be required for every six (6) students engaged in the practical and performance portions of the training.

Specific Authority 943.03(4), 943.12(1),(2), 943.14(3), 943.17 FS. Law Implemented 943.12(5), 943.17 FS. History—New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00,_____.

11B-35.0022 Basic Recruit Training Programs ~~for~~ Student Performance in Comprehensive End-of-Course Examination or Examinations.

(1) To successfully complete a Commission-approved Basic Recruit Training Course, exclusive of the demonstration of high-liability proficiency skills, pursuant to Rule 11B-35.0024, F.A.C., a student shall achieve a score of no less than 80 percent ~~at least 80 percent~~ on the end-of-course ~~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),(g), or (h); F.A.C., a student shall demonstrate knowledge, skills, and abilities in all assessments included within the curriculum.~~

(2)(3) The training center director or designee is responsible for the development, maintenance, and administration of a the comprehensive end-of-course 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 a the comprehensive end-of-course examination or examinations. Commission-certified criminal justice training schools shall maintain all ~~academy~~ basic recruit training course

examinations in compliance with the administration, confidentiality, and security requirements, pursuant to Rule 11B-35.0085(2) and (3), F.A.C.

~~(3)(4) One student Training center directors may administer only one re-examination is administered for each of the comprehensive end-of-course examination or examinations for Commission-approved Basic Recruit Training Courses; when if the training center director determines that one of the following conditions exists:~~

(a) through (c) No change.

~~(d)(5) Each Commission-certified criminal justice training school shall develop its own administrative procedures for handling a student request for re-examination pursuant to the conditions outlined in (3)(a)-(c) of this rule section. Training School procedures for handling a student request for re-examination, shall be documented and maintained on file at the training school for Commission and student review. 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.~~

~~(4)(6) The training center director shall approve all re-examinations and maintain appropriate documentation on file for Commission review.~~

~~(5)(7) A student may petition the training center director to request consideration for a re-examination.~~

~~(6)(8) If a student does not successfully pass either the comprehensive end-of-course 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, 943.25(5) FS. History—New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, _____.

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

(1) No change.

(2) A student enrolled in a Commission-approved Traditional Basic Recruit Training Program may transfer Commission-approved Basic Recruit Training Courses that have been successfully completed at one Commission-certified criminal justice training school, to another Commission-certified criminal justice training school, if the student has exited the previous training school in “good standing,” which is defined in paragraph (5) of this rule section. Transfer of Commission-approved Basic Recruit Training Courses from one Commission-certified criminal justice training school to another is restricted to Commission-approved Traditional Basic Recruit Training Programs and CMS High-Liability Training Courses.

(3) No change.

(4) When a student has successfully completed courses included in a Commission-approved Traditional Basic Recruit Training Program at two or more Commission-certified

criminal justice training schools, and has met all requirements for completion of such training program, the training school where the student has successfully completed the greatest number of courses in that program, shall, upon receipt of the student records from the other training school(s), submit a Training Report form CJSTC-67 to Commission staff. The training school submitting the Training Report form CJSTC-67, may require the student to demonstrate proficiency in any High-Liability Training Course, not completed at that school, pursuant to Rule 11B-35.0024(1), F.A.C. The training school submitting the Training Report form CJSTC-67, shall provide to the student written evidence of the student’s successful completion of the Traditional 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, 8-22-00, _____.

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

(1) Students enrolled in a Commission-approved Basic Recruit Training Program shall qualify through demonstration and written examination ~~or examinations~~, in the Commission-required high-liability proficiency, knowledge, skills, and abilities, for a respective discipline. The Commission-required High-Liability Training Courses are as follows:

Course Number	Course Name
(a) CJD_704	*Criminal Justice Defensive Tactics <u>that includes the 38-hour Preparation for Defensive Tactics course, effective 7/1/98.</u>
(b) CJD_705	Criminal Justice Weapons
(c) CJD_254 or EMS_ 1059 or CJT_362	Medical First Responder
(d) CJD_723	Vehicle Operations

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

(2) Each Commission-certified criminal justice training school shall establish written policies and procedures that provide remedial training and the opportunity for ~~only one~~ (1) re-examination of required cognitive knowledge for each of the four (4) Commission-required High-Liability Training Courses. Individuals who have failed to successfully demonstrate proficiency, or have failed to successfully demonstrate required knowledge after their second unsuccessful attempt knowledge, skills, and abilities, in a High-Liability Training Course, shall be deemed to have failed the High-Liability Training Course after their second unsuccessful demonstration.

(3) No change.
(4) Each Commission-certified criminal justice training school shall maintain documentation of proficiency demonstration on the following Commission-approved high-liability performance checklist forms:

(a) through (d) No change.
(e) ~~Firearms~~ Chemical Agent Exposure Training Evaluation Form CJSTC-4a, revised December 6, 2000 January 22, 1998, (Optional – is not a mandated evaluation form), hereby incorporated by reference.

~~(5) This policy does not supersede any stricter requalification requirement established by a Commission-certified criminal justice training school or Local Regional Training Council.~~

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, 8-22-00, _____.

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

(1) No change.
(2) For certification as an auxiliary officer, an individual shall meet the requirements outlined in Section 943.13, F.S., successfully complete the Auxiliary Officer Prerequisite Course at a Commission-certified criminal justice training school, and complete the following applicable Commission-approved High-Liability Training Courses for which certification is being sought:

(a) Criminal Justice Weapons
(b) ~~*Criminal Justice Defensive Tactics that includes the 38-hour Preparation for Defensive Tactics course, effective 7/1/98.~~
(c) Vehicle Operations (employing agency requirement)
~~*Includes the 38-hour Preparation for Defensive Tactics course, effective 7/1/98~~

(3) through (5) 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 1-2-97, 7-7-99, 8-22-00, _____.

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

(1) 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, 8-22-00, _____.

11B-35.005 Career Development Training Program.
Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.17(1)(a) FS. History–New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, _____.

11B-35.006 Advanced Training Program.
(1) through (3) No change.

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

Course Number	Course Name	Hours
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 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 *	80 hours
*The previous Traffic Homicide Investigation course number 039 became inactive effective July 1, 1998.		
<u>100</u>	<u>Crimes against the Elderly and Disabled</u>	<u>40 hours</u>

(5) through (8) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(5), 943.17(1)(b) FS. History--New 12-13-92, Amended 1-10-94, 1-2-97, 7-7-99, 8-22-00, _____.

11B-35.007 Specialized Training Program.

(1) No change.

(2) Commission-established categories for a Specialized Training Program are:

(a) through (i) No change.

(j) Community Policing.

(3) through (5) No change.

~~(6) The Commission shall approve or disapprove, on an individual basis, Specialized Training Courses that do not comply with this rule section. The procedures and forms for approval or disapproval may be found in the Criminal Justice Standards and Training Commission Policies and Procedures Manual.~~

~~(6)(7)~~ Criminal Justice Standards and Training Trust Funds may be expended to conduct Commission-approved Specialized Training Courses. Commission requirements for use of trust fund monies shall be expended pursuant to the requirements of Rule Chapter 11B-18, F.A.C. Completion of a Commission-approved Specialized Training Course shall be documented by completing a Specialized Training Documentation form CJSTC-16, and when applicable, completion of a Specialized Training Documentation Supplemental form CJSTC-16A, revised December 6, 2000, July 1, 1989, hereby incorporated by reference.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.175, 943.25 FS. History--New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, _____.

11B-35.008 State Officer Certification Examination Qualification Course Requirements.

(1) through (2) No change.

~~(3) Completion of the Medical First Responder topic area of any qualification course listed in paragraph (1) of this rule section does not lead to Cardio Pulmonary Resuscitation (CPR) certification, unless that course is the full U.S. Department of Transportation First Responder Course.~~

(3)(4) The provisions of Rules 11B-35.001, General Training Programs and Requirements and Specifications; 11B-35.0021, Basic Recruit Training Programs for Student to Instructor Ratios and Minimum Requirements; 11B-35.0022, Basic Recruit Training Programs for Student Performance in Comprehensive End-of-Course Examinations; 11B-35.0023, Basic Recruit Programs for Student Transfer; and 11B-35.0024, Basic Recruit Training Programs for Student Performance in High-Liability Proficiency, Knowledge, Skills, and Abilities, F.A.C., shall be applicable to the training required in this rule section.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.131(2), 943.1395(3), 943.1715 FS. History--New 1-10-94, Amended 1-2-97, 7-7-99, 8-22-00, _____.

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

(1) Policy. An individual who applies for certification as an officer and requests an exemption from completion of a Commission-approved Basic Recruit Training Program is qualified for the exemption if ~~they meet~~ each of the following criteria is met:

(a) No change.

(b) Prior service as a full-time sworn officer in another state or for the Federal Government for at least one year in the applicable criminal justice discipline for which for each of the criminal justice disciplines an officer is requesting requests to claim an exemption.

(2) No change.

(3) Primary Training Topics. The applicant's training record shall reflect successful completion of training for the following minimum primary training topics:

(a) For exemption from the Law Enforcement Basic Recruit Training Program:

1. through 4. No change.

5. Criminal Justice Defensive Tactics, ~~which includes the 38-hour Preparation for Defensive Tactics course, effective 7/1/98.~~

6. through 10. No change.

(b) For exemption from the Correctional Basic Recruit Training Program:

1. through 4. No change.

5. Criminal Justice Defensive Tactics, ~~which includes the 38 hour Preparation for Defensive Tactics course, effective 7/1/98.~~

6. through 7. No change.

(c) For exemption from the Correctional Probation Officer Basic Recruit Training Program:

1. through 3. No change.

4. Criminal Justice Defensive Tactics, ~~which includes the 38 hour Preparation for Defensive Tactics course, effective 7/1/98.~~

5. through 7. No change.

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

(a) Basic Recruit Exemption. An applicant may qualify for exemption from a Commission-approved Basic Recruit Training Program, in the specific discipline, provided the applicant has at least 12 months sworn experience with another state or with the Federal Government. The 12 months sworn experience shall have occurred at no more than two criminal justice agencies over a period not to exceed eighteen months as a full-time sworn officer in the specified discipline. Employment in more than one discipline. An applicant may qualify for exemption from a Commission-approved Basic Recruit Training Program for more than one discipline, if the applicant has been concurrently employed as a full-time sworn officer in two or more disciplines for at least one year.

(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 another state or states, or with the Federal Government, or both. However, the aggregate periods of full-time sworn officer experience shall be at least one year, pursuant to Rule 11B-35.009(1)(g), F.A.C. The applicant may not claim full-time sworn officer experience from more than two (2) previous officer employments.~~

(b)(e) Documentation. The authenticity of documents submitted to the employing agency by an applicant shall be corroborated by the employing agency, by telephonic or written confirmation from each agency or entity from which the applicant claims full-time sworn experience.

(c)(d) Verification. Verification of an applicant's successful completion of the required prior experience, by an employing agency, shall consist of obtaining authentic written copies of one or more of the following:

1. through 4. No change.

(d)(e) Submission of documentation for Commission review. Upon verification of an applicant's exemption from a Commission-approved Basic Recruit Training Program pursuant to this rule section, an employing agency, defined in Rule 11B-35.009(1)(a), F.A.C., on behalf of an applicant

seeking exemption, shall submit to Commission staff a completed Equivalency-of-Training for Out-of-State and Federal Officers form CJSTC-76, revised September 2, 1998, hereby incorporated by reference. All supporting documentation verifying the applicant's comparable basic recruit training and previous experience described in subparagraphs (a) and (b) of this rule section, shall be maintained on file by the employing agency, and submitted for review upon request of Commission staff. Commission 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.

(e)(f) Other prerequisites required for an Application for Officer Certification. Individuals exempt from a Commission-approved Basic Recruit Training Program pursuant to this rule section, shall comply with the training requirements in Rule 11B-35.008, F.A.C., including qualification in the Commission-required high-liability proficiency skills (Vehicle Operations, Criminal Justice Weapons, Criminal Justice Defensive Tactics and Medical First Responder ~~for law enforcement only~~), pursuant to Rule 11B-35.0024, F.A.C., and thereafter, successfully pass the State Officer Certification Examination pursuant to procedures in Rule Chapter 11B-30, F.A.C., prior to application for officer certification.

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, 8-22-00, _____.

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Criminal History Records

Dissemination Policy

11C-6

RULE TITLE:

RULE NO.:

Procedures for Requesting Criminal

History Records

11C-6.004

PURPOSE AND EFFECT: Proposed revisions to Rule 11C-6.004, F.A.C., update forms for obtaining criminal histories through the National Child Protection Act of 1993 as amended, (Foley Act), and section 943.0542, F.S.

SUBJECT AREA TO BE ADDRESSED: The Department's requirements and forms for the dissemination of criminal history records under the National Child Protection Act of 1993, as amended, (Foley Act), and section 943.0542, F.S.

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

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

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

TIME AND DATE: 10:00 a.m., February 13, 2001

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

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11C-6.004 Procedures for Requesting Criminal History Records.

(1) through (3) No change.

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

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

DEPARTMENT OF LAW ENFORCEMENT

Division of Local Law Enforcement Assistance

RULE CHAPTER TITLE: DNA Database Collection RULE CHAPTER NO.: 11D-6

RULE TITLE: Procedure RULE NO.: 11D-6.003

PURPOSE AND EFFECT: Effective July 1, 2000, Section 943.325, F.S., was amended to include persons convicted of burglary among the list of offenders required to submit blood specimens for inclusion in the FDLE DNA Database. In response to the new law, the standard FDLE form utilized by state and local agencies to document each submission of a blood sample to FDLE's DNA Database is updated.

SUBJECT AREA TO BE ADDRESSED: The Department's DNA database collection procedures.

SPECIFIC AUTHORITY: 943.03(4), 943.325(9)(d) FS.

LAW IMPLEMENTED: 943.325 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, February 13, 2001

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe White, Assistant General Counsel, Criminal Justice and Investigations and Forensic Science Program, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11D-6.003 Procedure.

(1) The subject offender must be positively identified in the manner specified by the FDLE Request for DNA Database Entry Form (FDLE/FOR-003, rev. June, 2000 and incorporated by reference) ~~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) No change.

(3) Such samples shall be taken using only the blood sample collection kit approved and provided by the Department of Law Enforcement. Agencies may obtain additional kits from FDLE, DNA Database, P. O. Box 1489, Tallahassee, Florida 32302-1489.

(4) Prior to or immediately after the taking of the samples, the FDLE Request for DNA Database Entry Form (FDLE/FOR-003) ~~FDLE Request for DNA Investigative Support Database Entry Form (FDLE Form DNA-1)~~ must be completed, providing all information requested on the form. The imprinting of the offender's left and right thumbs, by means of an inked impression, in the spaces indicated on the form shall be completed as well. Inked fingerprint impressions must be sufficiently legible for fingerprint classification and comparison purposes. Blood samples accompanied by one or more illegible inked fingerprint impressions are unacceptable for entry into the DNA Database and will be rejected by FDLE. The collecting agency must then submit a new blood sample and completed form. The person taking, or witnessing the taking, of the blood samples shall certify, under oath and before a notary or a law enforcement or correctional officer, as indicated on the form, that two blood samples were in fact taken from the offender thus positively identified. Additional supplies of these forms can be obtained from FDLE, DNA Database, P. O. Box 1489, Tallahassee, Florida 32302-1489.

(5) 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, 8-22-00,_____.

DEPARTMENT OF LAW ENFORCEMENT

Division of Local Law Enforcement Assistance

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Implied Consent and Alcohol

Testing Program 11D-8

RULE TITLES: RULE NOS.:

Definitions 11D-8.002

Approval of Breath Test Methods
and Instruments 11D-8.003

Approval of Alcohol Reference Solution
and Sources 11D-8.0035

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

Agency Inspection of Breath Test Instruments 11D-8.006

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

Agency Retention of Records 11D-8.0075

Breath Test Operator and Agency Inspector 11D-8.008

Qualifications for Instructors 11D-8.010

Blood Samples – Labeling and Collection 11D-8.012

Denial, Revocation, and Suspension of Permits 11D-8.015

Administrative Hearings 11D-8.016

Forms 11D-8.017

PURPOSE AND EFFECT: Proposed revision to the above rules, including substantial rewording, are necessary in order to conform and comply with recent statutory revisions and court decisions, and new developments in the field of alcohol testing.

SUBJECT AREA TO BE ADDRESSED: The Department's rules chapter concerning regulation and implementation of Florida's implied consent and alcohol testing program. The program rules govern definitions of terminology based on academic, scientific and common usage; issuance and regulation of alcohol test permits; approval and evaluation of breath and blood alcohol test methods; approval, use and inspection of breath test instruments and records; collection and preservation of blood samples for alcohol testing; training requirements and qualifications for alcohol test permit holders. SPECIFIC AUTHORITY: 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS.

LAW IMPLEMENTED: 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3), 327.352(1)(e), 327.353(2)(b), 327.354(3) FS.

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

TIME AND DATE: 1:00 p.m., Tuesday, February 13, 2001

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rafael E. Madrigal, Assistant General Counsel, Alcohol Testing Program, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 11D-8.002 follows. See Florida Administrative Code for present text.)

11D-8.002 Definitions.

(1) Acceptable Range – the results of Department inspections and agency inspections must fall within the following ranges at each alcohol vapor concentration: 0.05 g/210L range is 0.045 to 0.055 g/210L; 0.08 g/210L range is 0.075 to 0.085 g/210L; 0.20 g/210L range is 0.190 to 0.210 g/210L; 0.10 g/210L range is 0.095 to 0.105 g/210L. For Alcohol Reference Solutions, the target concentrations must fall within the following ranges: 0.0605 g/100mL range is

0.0586 to 0.0623 g/100mL; 0.0968 g/100 mL range is 0.0938 to 0.0997 g/100mL; 0.1210 g/100mL range is 0.1173 to 0.1246 g/100mL; 0.2420 g/100mL range is 0.2347 to 0.2492 g/100mL.

(2) Accuracy – the nearness of a measurement to its target concentration.

(3) Agency – a criminal justice entity, other than the Department, which conducts breath tests or submits blood samples for alcohol testing pursuant to these rules, or a legal or civilian entity performing duties on behalf of such criminal justice entity.

(4) Agency Inspection – the periodic testing of the calibration and operation of a breath test instrument, including all required preventive maintenance, and performed by a person authorized by the Department.

(5) Agency Inspector – a person who has been issued an Agency Inspector permit by the Department.

(6) Alcohol – ethyl alcohol.

(7) Alcohol Free Test – a result of 0.000 g/210L when using distilled or deionized water.

(8) Alcohol Reference Solution – a mixture of alcohol and water that will have a known alcohol concentration at a specific temperature.

(9) Alcohol Stock Solution – a mixture of alcohol and water at a known concentration used to prepare an alcohol reference solution.

(10) Analyst – a person who meets the Department's requirements to conduct chemical analyses of blood under the provisions of chapters 316, 322, and 327 of the Florida Statutes.

(11) Approved Breath Alcohol Test – a minimum of two samples of breath collected within fifteen minutes, analyzed using an approved breath test instrument, and reported as the breath alcohol level. A valid breath test consists of two results within 0.020 g/210L and taken within fifteen minutes of each other. If the results of the first and second samples are more than 0.020 g/210L apart, a third sample shall be analyzed. Refusal or failure to provide the required number of valid breath samples constitutes a refusal to submit to the breath test. Notwithstanding the foregoing sentence, the result(s) obtained, if proved to be reliable, shall be acceptable as a valid breath alcohol level.

(12) Authorized Repair Facility – a facility certified by the breath test instrument manufacturer to repair such breath test instrument.

(13) Blood – whole blood.

(14) Blood Alcohol Level – the alcohol concentration by weight in a person's blood based upon grams of alcohol per 100 milliliters of blood (g/100mL).

(15) Blood Alcohol Test – analyses of two separate portions of the same blood sample with the results reported as a blood alcohol level. A valid blood alcohol test consists of two results within 0.010 grams of alcohol per 100 milliliters of blood (g/100mL).

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

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

(18) Department – the Florida Department of Law Enforcement.

(19) Evidentiary Breath Test Instrument – a breath test instrument approved by the Department under rule 11D-8.003, and used primarily to conduct alcohol breath tests pursuant to Florida's implied consent laws.

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

(21) Permit – when issued by the Department, certifies that the holder has met all necessary qualifications, remains in full compliance with these rules and is authorized to perform all related duties. A permit is issued only to a qualified applicant and remains valid and in full effect until determined otherwise by the Department. All permits remain the property of the Department and must be surrendered to the Department upon demand.

(22) Precision – an average standard deviation of no more than 0.0042 g/210L, truncating the fifth decimal place.

(23) Reference Sample Device – a device that produces a known vapor concentration by the passage of air through an alcohol reference solution. Also known as a simulator.

(24) Target Concentration – a gas chromatographic result equivalent to a known alcohol vapor concentration. For 0.05 g/210L, the target concentration is 0.0605 g/100mL; for 0.08 g/210L, the target concentration is 0.0968 g/100mL; for 0.10 g/210L, the target concentration is 0.1210 g/100mL; for 0.20 g/210L, the target concentration is 0.2420 g/100mL.

Specific Authority 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS. Law Implemented 316.1932(1)(b)2, 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2), 327.354(3) FS. History--New 10-31-93, Amended 1-1-97, _____.

(Substantial rewording of Rule 11D-8.003 follows. See Florida Administrative Code for present text.)

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

(1) The Department has approved the following method(s) for evidentiary breath testing: Infrared Light Test, also known as Infrared Light Absorption Test.

(2) The Department has approved the following breath test instrument(s) for evidentiary use: CMI, Inc. Intoxilyzer 5000 Series – including any or all instruments using one of the following programs: 5000 Basic Software Program; Florida Software Program; R-Software Program.

(3) The Department has approved the following options for use with Intoxilyzer 5000 Series instruments: keyboard; simulator recirculation; sample capture; pressure switch setting at no less than two inches and no more than six inches.

(4) Any manufacturer requesting approval of a new type or model of evidentiary breath test instrument shall submit the following to the Department:

(a) The method of analysis upon which the instrument is based;

(b) The instrument's model designation;

(c) At least two (2) instruments for evaluation;

(d) A description of the instrument;

(e) The operator's/technician's manual;

(f) A schematic design of the instrument;

(g) The instrument's maintenance manual, if published;

(h) Any accessories and materials necessary to use the instrument for breath testing;

(i) The maximum and minimum temperatures at which the instrument provides accurate results;

(j) The name and description of the software used.

(5) A manufacturer whose instrument has been previously approved by the Department shall notify the Department in writing within sixty days of making any modification or adding a new option to such instrument. The Department shall evaluate such modifications or options to an approved breath test instrument and determine whether they affect the instrument's method of analysis or analytical reliability.

(6) The Department shall conduct evaluations for approval under sections (4) and (5) in accordance with Instrument Evaluation Procedures FDLE/ATP Form 34 – Rev. January 2001.

Specific Authority 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97, _____.

(Substantial rewording of Rule 11D-8.0035 follows. See Florida Administrative Code for present text.)

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

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

(a) The source must prepare alcohol reference solution using only distilled or deionized water;

(b) The source must use reagent grade or U.S.P. punctilious grade ethanol in the preparation of the alcohol reference solution;

(c) The source must be capable of producing a minimum batch volume of 800 bottles, each containing at least 500 milliliters, to produce the following vapor alcohol concentrations: 0.05 g/210L, 0.08 g/210L, and 0.20 g/210L;

(d) The source must have performed and documented tests that justify an expiration date of at least one year from the date of manufacture.

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

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

(b) The Department shall notify the source that the approved lots may be distributed for use in Florida, and shall issue a Certificate of Assurance, FDLE/ATP Form 32 – Rev. January 2001. Upon a determination by the Department that a lot of alcohol reference solution fails to meet the requirements for approval, the Department shall notify the source approved by the Department.

(3) Alcohol reference solution lots approved by the Department shall be used in agency or Department inspections within one (1) year of the date of manufacture.

Specific Authority 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97, _____.

(Substantial rewording of Rule 11D-8.004 follows. See Florida Administrative Code for present text.)

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

(1) The Department shall register and inspect a breath test instrument prior to such instrument being placed into evidentiary use by an agency. The registration shall reflect the registration date, the owner of the instrument, instrument serial number, manufacturer, and model designation. A new registration is required to reflect a change of ownership of an evidentiary instrument.

(2) Registered breath test instruments shall be inspected by the Department at least once each calendar year, and must be accessible to the Department for inspection at any time.

(3) Department inspections shall be conducted in accordance with Department Inspection Procedures FDLE/ATP Form 35 – Rev. January 2001.

Specific Authority 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97,_____.

(Substantial rewording of Rule 11D-8.006 follows. See Florida Administrative Code for present text.)

11D-8.006 Agency Inspection of Breath Test Instruments.

(1) Evidentiary breath test instruments shall be inspected by the agency at least once each calendar month. The agency inspection shall be conducted in accordance with Agency Inspection Procedures FDLE/ATP Form 16 – Rev. January 2001.

(2) The agency must use either alcohol reference solution prepared by the Department or by a source approved by the Department, or alcohol stock solution prepared by the Department. However, the agency must obtain written approval from the Department prior to using alcohol stock solution.

(3) Records of agency inspections shall be maintained for at least three years. Such records shall be provided to the Department upon request.

(4) Evidentiary breath test instruments shall be inspected at the agency facility where evidentiary breath tests are conducted. Whenever an agency relocates an evidentiary breath test instrument for use at another facility, an agency inspection shall be conducted prior to the instrument's removal, and another inspection shall be conducted prior to the instrument's use for evidentiary breath testing at the new facility. A mobile testing unit is considered an agency facility.

(5) Whenever an instrument is taken out of evidentiary use or is sent to an authorized repair facility, the agency shall notify the Department in writing within five business days. The agency shall provide the same notice to the Department when an instrument is returned from an authorized repair facility or is again placed in evidentiary use. An agency inspection must be conducted prior to using the instrument for evidentiary breath testing.

Specific Authority 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97,_____.

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

(1) Evidentiary ~~Evidential~~ breath test instruments shall only be accessible to a person issued a valid permit by the Department and to such other persons who are authorized by the permit holder. Such authorized access shall only be allowed in the presence of a permit holder. This section does is meant to apply only to instruments located within agencies and is not meant to prohibit agencies from sending an instrument away to an ~~manufacturer~~ authorized repair facility or utilizing the instrument for training programs.

(2) through (3) No change.

(4) A breath test operator shall conduct a breath test in accordance with the ~~Operational Procedures Checklist~~ FDLE/ATP Form 23 – Effective January, 1997, which is approved by the Department and is incorporated by reference.

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

Specific Authority 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97,_____.

11D-8.0075 Agency Retention of Records.

(1) Each agency shall maintain all records relating to alcohol breath testing for at least three years from the last entry date.

(2) Breath testing records include documentation pertaining to breath tests conducted, breath test instruments, department and agency inspections, permit holders, and related correspondence from the Department.

(3) The above records shall be made available to the Department upon request.

Specific Authority 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS. Law Implemented 322.63(3), 327.354(3) FS. History—New _____.

(Substantial rewording of Rule 11D-8.008 follows. See Florida Administrative Code for present text.)

11D-8.008 Breath Test Operator and Agency Inspector.

(1) Qualifications for Breath Test Operator Permit – A breath test operator permit shall be issued to a person who meets the following qualifications:

(a) Eighteen (18) years of age or older;

(b) High school diploma or its equivalent;

(c) Present employment by an agency, or the Department, or anticipated employment by an agency documented by a letter from the agency head certifying that the person will be employed by the agency to conduct breath tests or agency inspections;

(d) Successful completion of the breath test operator qualification course approved by the Department and conducted through state community colleges, vocational technical schools, or training centers certified by the Department. Successful completion shall require obtaining a passing score of at least 80% on a written examination, and demonstrating proficiency by:

1. Properly operating an approved breath test instrument in accordance with the Operational Procedures Checklist FDLE/ATP Form 23 – Effective January 1997;

2. Properly completing the operational procedures checklist form, the breath test log, the breath test results affidavit, and the print card.

(e) Submit to the Department a complete written application on the Breath Test Permit Application FDLE/ATP Form 8 – Rev. January 2001, upon successful completion of the breath test operator qualification course, but no later than thirty days after completion.

(2) Qualifications for Agency Inspector Permit – An agency inspector permit shall be issued to a person who meets the following qualifications:

(a) Has been issued a breath test operator permit by the Department valid at the time that the application is submitted;

(b) Successfully completes the agency inspector qualification course approved by the Department conducted through state community colleges, vocational technical schools, or training centers certified by the Department. Successful completion shall require a passing score of at least 80% on a written examination and a demonstration of proficiency by:

1. Proper inspection of an approved breath test instrument in accordance with the Agency Inspection Procedures FDLE/ATP Form 16 – Rev. January 2001;

2. Proper completion of the Agency Inspection Report FDLE/ATP Form 24 – Rev. January 2001;

3. Review of the breath test log to ensure that all necessary information has been correctly recorded.

(c) Submits to the Department a complete written application on the Breath Test Permit Application FDLE/ATP Form 8 – Rev. January 2001, upon successful completion of the agency inspector qualification course, but no later than thirty days after completion.

(3) A breath test operator permit or an agency inspector permit shall be valid for two years from its effective date.

(4) A person qualifies for renewal of a breath test operator permit or agency inspector permit where such person possesses a valid permit and:

(a) Continues to meet the qualifications for such permit;

(b) Successfully completes the applicable renewal training course approved by the Department and conducted through state community colleges, vocational technical schools, or training centers certified by the Department. Successful completion shall require a passing score of at least 80% on a written examination and a demonstration of proficiency as described in subsection (1)(d) or subsection (2)(b) of this rule, whichever is applicable.

(c) Submits to the Department a complete written application on the Breath Test Permit Application FDLE/ATP Form 8 – Rev. January 2001, upon successful completion of the renewal training course, but no later than thirty days after completion.

(5) A renewed permit shall be valid for two years from its effective date. Renewal of an agency inspector permit automatically renews that person's breath test operator permit.

(6) A person whose permit has expired must meet the qualification requirements specified in subsection (1) or (2), whichever is applicable, in order to obtain a valid permit.

(7) A breath test operator or agency inspector must notify the Department in writing of any change of employment within thirty days of such change.

(8) Permits to conduct breath tests and inspect breath test instruments issued pursuant to former 11D-8.008 and 11D-8.009, F.A.C., shall remain valid for up to two years after the effective date of this rule unless such permits otherwise expire or become invalid in accordance with those rules.

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

Specific Authority 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS. Law Implemented 316.1934(3), 322.63(3)(b), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97.

(Substantial rewording of Rule 11D-8.010 follows. See Florida Administrative Code for present text.)

11D-8.010 Qualifications for Instructors.

(1) Persons who conduct Department approved breath test training courses must have a valid instructor permit issued by the Department.

(2) Applicants for instructor permits must meet the following qualifications:

(a) High school diploma or its equivalent;

(b) Two years as a breath test operator and two years as an agency inspector and have valid breath test operator and agency inspector permits;

(c) Possess a valid instructor certification issued by the Criminal Justice Standards and Training Commission;

(d) Successfully complete the instructor qualification course approved by the Department. Successful completion requires a passing score of at least 80% on each written examination, a demonstration of proficiency required for basic breath test operator and agency inspector permits in Rule 11D-8.008, and a demonstration of proficiency to instruct all Department approved breath testing courses;

(e) Submit to the Department a complete written application on the Breath Test Permit Application FDLE/ATP Form 8 – Rev. January 2001, upon successful completion of the instructor qualification course, but no later than thirty days after completion.

(f) Applicants must meet qualifications (a),(b) and (c) prior to attending the instructor qualification course.

(3) In order to remain qualified for an instructor permit, during each calendar year each instructor must successfully complete the instructor update course approved by the Department. Successful completion of the instructor update course automatically renews that person's agency inspector and breath test operator permits.

(4) Instructors must adhere to and comply with the approved curricula and related forms and memoranda when teaching Department approved courses and processing related documentation.

Specific Authority 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS. Law Implemented 316.1934(3), 322.63(3)(b), 327.354(3) FS. History--New 10-31-93, Amended 1-1-97,

(Substantial rewording of Rule 11D-8.012 follows. See Florida Administrative Code for present text.)

11D-8.012 Blood Samples – Labeling and Collection.

(1) Before collecting a sample of blood, the skin puncture area must be cleansed with an antiseptic which does not contain alcohol.

(2) Blood samples shall be collected in a glass vacuum tube or vial which contains a preservative of at least 20mg of sodium fluoride per 10mL tube or vial and an anticoagulant of at least 10mg of potassium oxalate or 10mg EDTA (ethylenediaminetetraacetic acid) per 10mL tube or vial. Compliance with this section is established by the label on the tube or vial or other documentation from the manufacturer or distributor.

(3) Immediately after collection, the tube or vial must be inverted several times to mix the blood with the preservative and anticoagulant.

(4) Blood sample tubes and vials must be labeled with the following information: name of person tested, date and time sample was collected, and initials of the person who collected the sample.

(5) Except during transportation, examination or analysis, blood samples must be refrigerated. Blood samples must be hand-delivered or mailed for initial analysis within thirty days of collection, and must be initially analyzed within sixty days of receipt by the facility conducting the analysis.

(6) Blood samples which are mailed must be sent by express mail, registered mail, or certified mail.

Specific Authority 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS. Law Implemented 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2), 327.354(3) FS. History--New 10-31-93, Amended 1-1-97,

(Substantial rewording of Rule 11D-8.015 follows. See Florida Administrative Code for present text.)

11D-8.015 Denial, Revocation, and Suspension of Permits.

(1) The Department shall deny an application for an original permit or renewal of a permit where the applicant:

(a) Fails to meet any applicable qualification under these rules;

(b) Has been convicted of any of the following offenses in any federal or state court:

1. Any felony;

2. Any misdemeanor involving perjury, false statements or falsification of records;

3. Criminal conviction for any violation of chapter 893, Florida Statutes;

4. Driving under the influence of alcoholic beverages or drugs;

5. Leaving the scene of an accident involving death or serious bodily injury.

(c) Knowingly performing the duties of a breath test operator, agency inspector or instructor without a valid applicable permit.

(2) The Department is authorized to suspend any permit for any of the following reasons:

(a) Failure to prepare and maintain breath or blood testing records as required by these rules;

(b) Failure to continue to meet the qualifications for such permit;

(c) Any violation of these rules, or aiding and abetting any violation of these rules.

(3) The Department is authorized to revoke any permit for any of the following reasons:

(a) Knowingly making a false statement or providing false information on any document required by these rules.

(b) Knowingly making a false statement or providing false information on any application for permit submitted to the Department.

(c) Conviction of any of the following offenses in any federal or state court:

1. Any felony;

2. Any misdemeanor involving perjury, false statements or falsification of records;

3. Driving under the influence of alcoholic beverages or drugs;

4. Leaving the scene of an accident involving death or serious bodily injury;

5. Criminal conviction of any violation of chapter 893, Florida Statutes.

(b) Performing the duties of a breath test operator, agency inspector or instructor with knowledge that the applicable permit is suspended.

(e) Having had the permit previously suspended for any violation of these rules.

(4) The Department is authorized to require a permit holder who violates any of these rules to attend additional training or education related to such permit.

(5) The Department is authorized to invalidate the registration of any evidential instrument for a violation of any rule relating to the use, custody and care of such instrument.

Specific Authority 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS. Law Implemented 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.353(2), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97,_____.

11D-8.016 Administrative Hearings.

All ~~proceedings concerning the hearings of~~ revocation, suspension, ~~or denial, or limitation~~ of permits shall be conducted in accordance with Chapter 120, F.S., and applicable state rules and regulations.

Specific Authority 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS. Law Implemented 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.353(2), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97,_____.

(Substantial rewording of Rule 11D-8.017 follows. See Florida Administrative Code for present text.)

11D-8.017 Forms.

The following forms referenced in these rules are hereby incorporated by reference:

FDLE/ATP Form 8 – Breath Test Permit Application – Revised January 2001.

FDLE/ATP Form 13 – Breath Test Log – Effective January 1997.

FDLE/ATP Form 16 – Agency Inspection Procedures – Revised January 2001.

FDLE/ATP Form 23 – Operational Procedures Checklist – Effective January 1997.

FDLE/ATP Form 24 – Agency Inspection Report – Revised January 2001.

FDLE/ATP Form 32 – Certificate of Assurance – Revised January 2001.

FDLE/ATP Form 34 – Instrument Evaluation Procedures – Revised January 2001.

FDLE/ATP Form 35 – Department Inspection Procedures – Revised January 2001.

These forms may be obtained by contacting the Florida Department of Law Enforcement, Alcohol Testing Program, P. O. Box 1489, Tallahassee, Florida 32302. Agencies will be provided blank forms upon request and without cost for their alcohol testing program use.

Specific Authority 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS. Law Implemented 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2)(b), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97,_____.

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiners Commission

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Organization 11G-1

RULE TITLE: RULE NO.:

District Medical Examiners, Associate

Medical Examiners 11G-1.002

PURPOSE AND EFFECT: In compliance with Chapter 120, removes specific criteria for appointment of an Associate Medical Examiner.

SUBJECT AREA TO BE ADDRESSED: Associate Medical Examiner appointment.

SPECIFIC AUTHORITY: 406.04 FS.

LAW IMPLEMENTED: 112.313, 406.02, 406.06, 406.17 FS.

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

TIME AND DATE: 10:00 a.m., February 13, 2001

PLACE: Florida Department of Law Enforcement, Conference Room, Quad C, 3rd Floor, 2331 Phillips Road, Tallahassee, Florida 32308

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-8337 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jim Luten, Staff, Medical Examiners Commission, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11G-1.002 District Medical Examiners, Associate Medical Examiners.

(1) No change.

(2) A District Medical Examiner may appoint such Associate Medical Examiners as needed, to serve at the pleasure of the DME. ~~An Associate Medical Examiner (AME) must be a Medical Doctor or, a Doctor of Osteopathy or a Doctor of Dental Surgery.~~

(3) through (11) No change.

Specific Authority 406.04 FS. Law Implemented 112.313, 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, 8-22-00,_____.

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiners Commission

RULE CHAPTER TITLE: Standard Investigation Procedures
 RULE CHAPTER NO.: 11G-2

RULE TITLES: Physical Evidence
 RULE NOS.: 11G-2.004
 Practice Guidelines 11G-2.006

PURPOSE AND EFFECT: Amendments to Rules establish parameters or guidelines of practice or standards of conduct relating to examinations, investigations, or autopsies performed by medical examiners.

SUBJECT AREA TO BE ADDRESSED: The Department's rule chapter concerning the standard investigative procedures to be followed by district Medical Examiner Offices.

SPECIFIC AUTHORITY: 406.04 FS.

LAWS IMPLEMENTED: 406.075, 406.11, 406.13 FS.

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

TIME AND DATE: 10:00 a.m., February 13, 2001

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-8337 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jim Luten, Staff, Medical Examiners Commission, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11G-2.004 Physical Evidence.

(1) Definitions. The following definitions apply to this section: Physical Evidence is an item or items taken during an investigation which is believed to be pertinent to the determination of the cause and manner of death or to subsequent questions arising in subsequent litigation.

(a) "Body part". The entire head, an entire extremity, a portion of an extremity that includes a hand or foot, or the torso, of a dead human body. For human skeletal remains a body part is defined as a nearly complete skull, or most of the bones of extremity, or most of the bones of the torso.

(b) "Organ". An entire internal viscus, such as a brain, heart, larynx, lung, stomach, or uterus of a dead human body.

(c) "Tissue". A representative sample of a body part or organ, constituting a minority of the volume or mass of the part or organ.

(d) "Embedded tissue". Tissue which has been embedded in paraffin blocks, or the like, for the purpose of histological study.

(e) "Sections". Tissue mounted on glass slides for the purpose of histological staining.

(f) "Stained sections". Sections which have been stained for the purpose of microscopic examination.

(g) "Fluid". Liquid from a blood vessel, body cavity, hollow viscus, hematoma, or abscess of a dead human body. Fluids include blood, vitreous humor, bile, gastric content, urine, cerebrospinal fluid, and effusions.

(h) "Specimen". A body part, organ, tissue, fluid, embedded tissue, section, or stained section; or a swab from a body part, organ, tissue, or body surface.

(i) "Physical evidence". An item or items taken during an investigation which is believed to be pertinent to the determination of the cause of death, manner of death, identification of the deceased, determination of disease, injury or intoxication, or which is taken to answer anticipated questions in any investigation. Includes specimens.

(j) "Retained". With respect to specimens, kept by the medical examiner after the release of the remains to the next of kin.

(k) "Research". Any one of the following:

1. Procedures designed for therapy or resuscitation, performed on a dead human body for experiment or practice, unrelated to the determination of cause of death, mechanism of death, manner of death, presence of disease, injury, or intoxication, or identification of the deceased.

2. Testing of body parts or organs for purposes unrelated to the determination of cause of death, manner of death, presence of disease, injury, intoxication, or identification.

3. Testing of tissues or fluids by an experimental scientist that results in no report to the medical examiner.

(l) "Next of Kin". "Legally authorized person" as defined by s. 470.002 (18), Florida Statutes.

(2) The medical examiner shall seize such physical evidence as shall be necessary to determine the cause and manner of death, presence of disease, injury, intoxication, and identification of the decedent, or to answer questions arising in criminal investigations, and shall label, prepare, analyze, examine, and catalog such evidence as needed. Specimens are physical evidence taken from the body during an investigation and may include gross tissue, embedded tissue, stained and unstained sections, swabs, smears, blood, urine, bile, liver, gastric, and ocular fluid.

(3) Examination for alcohol and appropriate chemical and drug concentrations shall be done in all deaths resulting from violence to persons over ten years of age, when death occurs within twelve hours of injury. The medical examiner shall

~~seize such physical evidence as shall be necessary to determine the cause and manner of death and shall label, prepare, analyze, examine, and catalog such evidence as needed.~~

~~(4) Physical Evidence shall be retained by the medical examiner as follows in the records of: Examination for alcohol and appropriate chemical and drug concentrations shall be done in all deaths resulting from violence in persons over ten years of age, when death occurred within twelve hours of injury.~~

~~(a) Stained sections shall be preserved indefinitely and embedded tissue preserved for at least ten (10) years;~~

~~(b) All other specimens shall be retained for one year, and afterwards at the discretion of the medical examiner.~~

~~(c) All other physical evidence not released to another investigative agency or to the owner shall be retained for one year, and afterwards at the discretion of the medical examiner.~~

~~(5) Requests for independent examination and analysis of physical evidence in the custody of the medical examiner shall be allowed by the medical examiner under his supervision and control in a manner designed to provide maximal preservation of the physical evidence. Unless compelling reasons dictate, irreplaceable, non-duplicable and non-divisible physical evidence such as embedded tissue shall not be released for independent analysis and examination. Physical Evidence shall be retained in the records of the medical examiner as follows:~~

~~(a) Stained sections shall be preserved indefinitely and embedded tissue preserved for at least ten (10) years;~~

~~(b) All other specimens shall be retained for one year, and afterwards at the discretion of the medical examiner.~~

~~(c) All other physical evidence not released to another investigative agency or to the owner shall be retained for one year, and afterwards at the discretion of the medical examiner.~~

~~(6) Physical evidence specimens no longer required to be retained by the medical examiner shall be disposed of. Requests for independent examination and analysis of physical evidence in the medical examiner records shall be allowed by the medical examiner under his supervision and control in a manner designed to provide maximal preservation of the physical evidence. Unless compelling reasons dictate, irreplaceable, unduplicable, and nondivisible physical evidence such as embedded tissue shall not be released for independent analysis and examination.~~

~~(7) Procedures Concerning Body Parts. Physical evidence specimens no longer required to be retained by the medical examiner shall be disposed of.~~

~~(a) Human remains released by a medical examiner to the next of kin shall include all body parts unless the next-of-kin explicitly agree to claim an incomplete body.~~

~~(b) If human remains recovered by the medical examiner are incomplete owing to dismemberment or decomposition, and there is a possibility that further body parts will be~~

discovered subsequently, the next-of-kin shall be given the choice of claiming incomplete remains, or waiting to claim the remains until further parts are recovered.

(c) If a body part such as a skull requires special examination, release of the remains should be delayed until the special examination is completed unless the next-of-kin explicitly choose to claim incomplete remains.

(d) Body parts retained by the medical examiner shall be subsequently released to the next-of-kin or disposed of pursuant to the wishes of the next-of-kin.

(e) Body parts not claimed by the next-of-kin are considered biomedical waste [s. 381.0098(2)(a), F.S.] and shall be destroyed by legally prescribed means, at the expense of the medical examiner.

(f) Evidentiary aspects of retained body parts shall be preserved by documentation by writing, photography, radiography or other indirect means, or by retention of tissue samples. Body parts themselves shall not be retained as evidence for legal proceedings.

(g) Permission of the next-of-kin is not required to retain organs, tissues, sections, or fluids for the determination of cause of death, manner of death, disease, injury, intoxication, or identification of the deceased.

(h) Permission of the next-of-kin is not required to destroy retained organs, tissues, sections, or fluids.

(8) Research.

(a) Permission of the next-of-kin is required for:

1. Retention of specimens solely for the purpose of research.

2. Research procedures, designed for therapy or resuscitation, performed on a dead human body for experiment or practice, unrelated to the determination of cause of death, mechanism of death, manner of death, presence of disease, injury, or intoxication, or identification of the deceased.

(b) Permission of the next-of-kin is not required for:

1. The utilization of specimens for teaching and educational purposes, or publication in scientific or medical publications, when the specimens were retained for the determination of cause of death, manner of death, disease, injury, intoxication, identification of the deceased, or preservation of evidence.

2. The utilization of medical examiner records for teaching and educational purposes, or publication in scientific or medical publications, when the records were created in the course of medical examiner death investigations.

Specific Authority 406.04 FS. Law Implemented 406.11, 406.13 FS. History—New 10-18-81, Formerly 11G-2.04, Amended 8-27-87, 10-14-96,_____.

11G-2.006 Practice Guidelines.

The duties and standards of care of a medical examiner are to be consistent with those contained in the "Practice Guidelines of the Florida Association of Medical Examiners," which publication is dated 9-29-99 and is hereby incorporated by reference.

Specific Authority 406.04 FS. Law Implemented 406.075, 406.11, 406.13 FS. History-New

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

DOCKET NO.: 01-02R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Florida Forever Land Acquisition and Management 18-24

RULE TITLES: RULE NOS.:
Definitions 18-24.001

Public Purposes and Categories of Lands
Qualifying for Purchase 18-24.002

Submittal and Processing of Acquisition
Proposals 18-24.003

Standards and Criteria for Evaluation
and Ranking 18-24.004

Project Design and Establishment of
Project Boundaries 18-24.005

Board of Trustees Consideration 18-24.006

PURPOSE AND EFFECT: To implement the Florida Forever Act, s. 259.105, F.S., and related sections.

SUBJECT AREA TO BE ADDRESSED: Procedures for solicitation and standards and criteria for evaluation, selection, and ranking of Florida Forever land acquisition projects by the Acquisition and Restoration Council and the Board of Trustees of the Internal Improvement Trust Fund.

SPECIFIC AUTHORITY: 259.035(1),(4), 259.105(9),(18) FS.

LAW IMPLEMENTED: 259.035, 259.04, 259.041, 259.045, 259.07, 259.105 FS.

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

TIME AND DATE: 1:00 p.m., February 12, 2001

PLACE: Withlacoochee State Forest Training Center, 25059 Childs Road, Brooksville, FL 34601

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: O. Greg Brock, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, (850)487-1750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Asbestos Consultants/Asbestos Consultant Examination

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Miscellaneous Businesses and Professions – Asbestos Consultants 61E-1

PURPOSE AND EFFECT: The Department is considering amending the above referenced rule chapter relating to the regulation of asbestos abatement. The purpose is to update statutory cross-references; repeal provisions relating to random audits; update provisions for testing to provide for computer based testing; provide for the content of the asbestos abatement project designer course; revise requirements related to training programs and providers; and revise provisions relating to financial responsibility, public liability, property damage insurance, and the licensing and renewal of business organizations and qualifying agents.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development addresses the regulation of asbestos abatement.

SPECIFIC AUTHORITY: 455.203, 455.2035, 469.008, 469.011 FS.

LAW IMPLEMENTED: 455.271, 469.003, 469.004, 469.005, 469.006, 469.007, 469.008, 469.009, 469.012, 469.013, 469.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tom Thomas, Assistant General Counsel, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE TITLE: RULE NO.:

Requirement for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrom (HIV/Aids) for Continuing Education 61G3-16.0091

PURPOSE AND EFFECT: The Board proposes development of procedure relating to requirement for instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrom (HIV/AIDS) for Continuing Education.

SUBJECT AREA TO BE ADDRESSED: Requirement for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrom (HIV/AIDS) for Continuing Education.

SPECIFIC AUTHORITY: 455.2228, 476.064(4) FS.

LAW IMPLEMENTED: 455.2228 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Julie Baker, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE TITLE:

RULE NO.:

Human Immunodeficiency Virus and Acquire

Immune Deficiency Syndrom (HIV/AIDS)

Education Provider Requirements

61G3-16.0092

PURPOSE AND EFFECT: The Board proposes the development of procedures relating to requirement for instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrom (HIV/AIDS) Education Provider Requirements.

SUBJECT AREA TO BE ADDRESSED: Human Immunodeficiency Virus and Acquire Immune Deficiency Syndrom (HIV/AIDS) Education Provider Requirements.

SPECIFIC AUTHORITY: 455.2228, 476.064(4) FS.

LAW IMPLEMENTED: 455.2228 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Julie Baker, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE TITLE:

RULE NO.:

Barber License Biennial Renewal Fee

61G3-20.009

PURPOSE AND EFFECT: The Board proposes the development of an amendment to address the Barber License Biennial Renewal Fee.

SUBJECT AREA TO BE ADDRESSED: Barber License Biennial Renewal Fee.

SPECIFIC AUTHORITY: 476.064(4), 476.154, 476.192 FS.

LAW IMPLEMENTED: 476.154, 476.192, 476.144 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Julie Baker, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE TITLE:

RULE NO.:

Suspension

61G18-15.009

PURPOSE AND EFFECT: The Board proposes to create a new rule, numbered 61G18-16.009, which will provide language for the suspension of a permit.

SUBJECT AREA TO BE ADDRESSED: Suspension.

SPECIFIC AUTHORITY: 474.206, 474.215 FS.

LAW IMPLEMENTED: 474.215 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sherry Landrum, Executive Director, Board of Veterinary Medicine, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G18-15.009 Suspension.

If the Board determines that a period of suspension against a permit is appropriate, such suspension shall be for one year.

Specific Authority 474.206, 474.215 FS. Law Implemented 474.215 FS. History-New.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 99-27R

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Permits 62-4

RULE TITLE: RULE NO.:

Antidegradation Permitting Requirements;

Outstanding Florida Waters; Outstanding
National Resource Waters;

Equitable Abatement 62-4.242

PURPOSE AND EFFECT: The Federal Clean Water Act requires states to conduct a comprehensive review of their surface water quality standards every three years ("triennial review"). The proposed rule development and associated public workshops are intended to meet this requirement. Preliminary issues that have been identified and may be addressed under this rulemaking include the State's antidegradation policies for surface waters.

SUBJECT AREA TO BE ADDRESSED: These workshops are being conducted as part of a comprehensive review of State surface water quality standards. Subject matter will include, but is not limited to, issues concerning the State's antidegradation policies for surface waters. Note that the public workshops will also include discussion of Chapter 62-302, FAC (notice published separately).

SPECIFIC AUTHORITY: 373.016, 373.171, 403.061, 403.062, 403.087, 403.088, 403.504, 403.704, 403.804, 403.805 FS.

LAW IMPLEMENTED: 373.016, 373.171, 403.021, 403.061, 403.087, 403.088, 403.101, 403.111, 403.121, 403.141, 403.161, 403.182, 403.502, 403.702 FS.

THE DEPARTMENT ALSO ANNOUNCES PUBLIC WORKSHOPS FOR RULE DEVELOPMENT TO BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 6:00 p.m., Monday, February 12, 2001

PLACE: Pensacola Junior College, Room 252, Hagler Auditorium, 1000 College Boulevard, Pensacola, Florida

TIME AND DATE: 1:00 p.m., Wednesday, February 14, 2001

PLACE: City of Jacksonville, City Hall, St. James Building, Committee Room B, 117 W. Duval Street, Jacksonville, Florida

TIME AND DATE: 7:00 p.m., Monday, February 19, 2001

PLACE: City of Fort Lauderdale City Commission Chambers, City Hall, 100 N. Andrews Avenue, Fort Lauderdale, Florida

If an Americans With Disabilities Act accommodation is needed to participate in this activity, please contact Linda Harvey, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE WORKSHOP AGENDA IS: Eric Shaw, Division of Water Resource Management, Mail Station 3570, Florida

Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-9929

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 98-52R

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Surface Water Quality Standards 62-302

PURPOSE AND EFFECT: The Federal Clean Water Act requires states to conduct a comprehensive review of their surface water quality standards every three years ("triennial review"). The proposed rule development and associated public workshops are intended to meet this requirement. Issues that have been identified and will be discussed under this rulemaking include dissolved metals criteria, unionized ammonia, antidegradation policy, criteria table (Rule 62-302.530, F.A.C.) changes, and site specific alternative criteria (SSACs).

SUBJECT AREA TO BE ADDRESSED: These workshops are being conducted as part of a comprehensive review of State surface water quality standards. Subject matter will include, but is not limited to, issues concerning dissolved metals criteria, unionized ammonia, antidegradation policy, criteria table (Rule 62-302.530, F.A.C.) changes, and site specific alternative criteria (SSACs). During the rule development process, the Department may decide to amend any or all of the rule sections contained in Chapter 62-302 of the Florida Administrative Code. Note that the public workshops will also include discussion of Rule 62-4.242, F.A.C. (notice published separately).

SPECIFIC AUTHORITY: 403.061, 403.062, 403.087, 403.088, 403.504, 403.704, 403.804, 403.805 FS.

LAW IMPLEMENTED: 373.414, 403.021, 403.031, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088, 403.101, 403.141, 403.161, 403.182, 403.201, 403.502, 403.504, 403.702, 403.708, 403.802, 403.918 FS.

THE DEPARTMENT ALSO ANNOUNCES PUBLIC WORKSHOPS FOR RULE DEVELOPMENT TO BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 6:00 p.m., Monday, February 12, 2001

PLACE: Pensacola Junior College, Room 252, Hagler Auditorium, 1000 College Boulevard, Pensacola, Florida

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PLACE: City of Jacksonville, City Hall, St. James Building, Committee Room B, 117 W. Duval Street, Jacksonville, Florida

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If an Americans With Disabilities Act accommodation is needed to participate in this activity, please contact Linda Harvey, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND COPY OF THE WORKSHOP AGENDA IS: Eric Shaw, Division of Water Resource Management, Mail Station 3570, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-9929

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: RULE NO.:

Criteria for Selection of Examiners
and Consultants

64B13-4.005

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address additional requirements for examiners and provide clarification that consultants engaged in professional education may not serve as examiners for the practical portion of the licensure examination.

SUBJECT AREA TO BE ADDRESSED: Criteria for examiners and consultants.

SPECIFIC AUTHORITY: 456.017(1)(b) FS.

LAW IMPLEMENTED: 456.017(1)(b) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: RULE NO.:

Certified Optometrist Examination

64B13-10.0015

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to incorporate the certification examination criteria recommended by the Office of Examination Services.

SUBJECT AREA TO BE ADDRESSED: The Certified Optometrist Examination.

SPECIFIC AUTHORITY: 463.005(1), 456.017(1),(2) FS.

LAW IMPLEMENTED: 463.0055, 456.017(1),(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT 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 questions which test the applicant's knowledge of systemic general and ocular pharmacology with particular emphasis on the topical application ~~and side effects~~ of pharmaceutical agents. All questions on the certification examination must test the applicant to ensure his or her ability to use ocular pharmaceutical agents and systemic medications that have ocular implications. Each question on the examination shall be given equal weight. A score of 70 percent shall be required to pass the certification examination.

(a) The emphasis on topical application of pharmaceutical agents is defined as 85 percent of all questions on the examination. A total of 15 percent of the examination shall focus on systemic medications with ocular implications.

(b) The 80 items on the certification examination are distributed according to the following six content areas:

<u>1. Group A: Basic Pharmacology (Route of Delivery, Drug Interaction or Side Effects, or Mechanism of Action)</u>	<u>Number of Items on the Examination : 8</u>
<u>2. Group B: Diagnostics (Mydriatics, Cycloplegics, Anesthetics, Dyes, or Neurological Testing Agents.)</u>	<u>Number of Items on the Examination : 8</u>
<u>3. Group C: Anti-Glaucomas (Topicals or Systemics with Ocular Implications.)</u>	<u>Number of Items on the Examination: 20</u>
<u>4. Group D: Anti-Infectives (Anti-Bacterials, Anti-Virals, Topicals, or Systemics with Ocular Implications.)</u>	<u>Number of Items on the Examination: 20</u>
<u>5. Group E: Anti-Inflammatory/ Anti-Allergy Steroidal and Non-Steroidal (Topicals, or Systemics with Ocular Implications.)</u>	<u>Number of Items on the Examination: 20</u>

6. Group F: Miscellaneous
(Any otherwise unclassified
drug, Topicals or Systemics
with Ocular Implications.)

Number of Items on the Examination: 4

(c) Each question on the examination shall be given equal weight. A score of 70 percent shall be required to pass the certification examination.

(2) The Certified Optometrist Examination shall be offered for administration at least once every calendar year and shall be offered in conjunction with every administration of the licensure examination.

(a) A licensed practitioner may take any administration of the Certified Optometrist Examination for which he or she is approved.

(b) An applicant for licensure may take only the Certified Optometrist Examination administered in conjunction with the licensure examination for which applicant has been approved.

(c) An applicant's score on the Certified Optometrist Examination shall be valid for a period of two years following the date of the examination. An applicant who has taken the licensure examination shall not be eligible to become a Certified Optometrist until such time as the applicant becomes a licensed optometrist and has a valid passing score on the Certified Optometrist Examination.

(3) Any licensed practitioner who has failed the Certified Optometrist Examination may submit to a reexamination. Reexamination shall be conditioned upon filing a new application and payment of a new examination fee equivalent to the examination fee set forth in Rule 64B13-6.001(9).

(4) The Board adopts by reference Rule 64B-1.010, Florida Administrative Code, of the Department of Health as its rule governing examination security and monitoring for the Certified Optometrist Examination.

Specific Authority 463.005(1), 456.017(1),(2) FS. Law Implemented 463.0055, 456.017(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, 7-12-00,_____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Citations

RULE NO.: 64B13-15.009

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment intended to address the failure to respond to a continuing education audit a violation appropriate for issuance of a citation.

SUBJECT AREA TO BE ADDRESSED: Citation violations.

SPECIFIC AUTHORITY: 463.005, 456.077 FS.

LAW IMPLEMENTED: 456.077 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-15.009 Citations.

(1) through (3) No change.

(4) Pursuant to Section 456.077, Florida Statutes, the Board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare; or, if there is a substantial threat to the public health, safety, and welfare, such potential for harm has been removed prior to the issuance of the citation. The Board hereby designates the following as citation violations which shall result in a penalty of two hundred fifty dollars (\$250.00).

(a) through (d) No change.

(e) Failure to respond to a continuing education audit as required by Rule 64B13-5.001, F.A.C.

(5) through (7) No change.

Specific Authority 463.005, 456.077 FS. Law Implemented 456.077 FS. History--New 1-1-92, Formerly 21Q-15.009, 61F8-15.009, 59V-15.009, Amended 3-21-00,_____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Pharmacists Newly Licensed

RULE NO.: 64B16-26.100

PURPOSE AND EFFECT: The Board proposes to amend this rule to increase the initial fee for newly licensed pharmacists.

SUBJECT AREA TO BE ADDRESSED: Fee Increase.

SPECIFIC AUTHORITY: 456.013(2), 465.005 FS.

LAW IMPLEMENTED: 456.013(2), 465.008 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-26.100 Pharmacists Newly Licensed.

(1) No change.

(2) Newly licensed pharmacists shall submit an initial fee of \$190.00, ~~\$105.00~~.

Specific Authority ~~456.013 455.564(2)~~, 465.005 FS. Law Implemented ~~456.013 455.564(2)~~, 465.008 FS. History--New 3-19-79, Formerly 21S-6.04, Amended 1-7-87, 12-29-88, 10-16-90, Formerly 21S-6.004, Amended 1-10-93, Formerly 21S-26.100, 61F10-26.100, 59X-26.100, Amended _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Consultant Pharmacist Registration
RULE NO.: 64B16-26.300

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to the requirements of a consultant pharmacist.

SUBJECT AREA TO BE ADDRESSED: Consultant pharmacist registration.

SPECIFIC AUTHORITY: 465.005, 465.0125 FS.

LAW IMPLEMENTED: 465.0125 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-26.300 Consultant Pharmacist Registration.

(1) through (2) No change.

(3) Upon receipt of proof satisfactory to the Board that the consultant pharmacist meets the requirements of subsection (2), the Board shall issue a consultant pharmacist license and register the applicant as a consultant pharmacist in the official records of the Florida Board of Pharmacy with the proviso that designation as the consultant pharmacist of record for a permitted facility, required by rule to employ a consultant pharmacist, requires that the consultant pharmacist must have completed or immediately begin a period of assessment and evaluation, which may be fulfilled by one of the following as a prerequisite or co-requisite:

(a) The period of assessment and evaluation may be fulfilled by the licensee who is a consultant of record and is responsible to sign all pertinent records by completing assignments and performing various consultant of record activities under the guidance or evaluation of a Florida Consultant Pharmacist who is experienced as a pharmacist of record in a Florida Institutional Pharmacy for a minimum of two years and in good standing with the Board. After a period of not less than six months the supervising consultant certifies to the Board that the licensee has successfully completed the required assignments and experiential activities, OR

(b) The licensee may complete this requirement prior to accepting a position as a consultant of record by assisting a consultant of record who is responsible to sign or co-sign all pertinent records. After a period of not less than six months the supervising consultant certifies to the Board that the licensee has successfully completed the required assignments and experiential activities, OR

(c)(a) practicing practice under the supervision and evaluation of a consultant pharmacist of record in good standing at the same institution for a period of not less than six months, OR,

(b) through (d) renumbered (d) through (f) No change.

(g)(e) The written assignments required by subsections (d),(e), and (f),(b),(c), and (d) above shall be completed and sent to the board office within six months of assuming consultant pharmacist of record responsibilities for the permit.

(4) through (9) No change.

Specific Authority 465.005, 465.0125 FS. Law Implemented 465.0125 FS. History--New 5-19-72, Revised 4-19-74, Repromulgated 12-18-74, Amended 10-17-79, 4-8-80, 7-29-81, 7-1-83, 4-10-84, 4-30-85, Formerly 21S-1.26, 21S-1.026, Amended 7-13-91, 10-14-91, Formerly 21S-26.300, 61F10-26.300, Amended 9-19-94, 3-28-95, 3-10-96, Formerly 59X-26.300, Amended _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Transfer of Prescriptions
RULE NO.: 64B16-27.105

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text for clarity.

SUMMARY: The Board is amending this rule to change the word "state" to "jurisdiction".

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: 465.005, 465.0155 FS.

LAW IMPLEMENTED: 465.026 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE
DEVELOPMENT WILL BE AVAILABLE, UPON
REQUEST, ONE WEEK PRIOR TO THE WORKSHOP.
P.O. S 6480 F02427

(1) A pharmacist or registered pharmacy intern acting under the direct personal supervision of a Florida registered pharmacist may transfer a valid prescription which is on file in another pharmacy in this state or any other jurisdiction state if such transfer is consistent with the conditions set forth in Section 465.026, Florida Statutes. Prior to dispensing, the pharmacist or pharmacy where the prescription is on file shall be notified verbally, or by any electronic means that the former prescription must be voided.

Specific Authority 465.005, 465.0155 FS. Law Implemented 465.026 FS. History—New 1-3-79, Formerly 21S-1.33, 21S-1.033, Amended 7-30-91, Formerly 21S-27.105, 61F10-27.105, Amended 9-19-94, Formerly 59X-27.105, Amended 6-15-98, _____.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 1, 2000

Centers Program 64C-6

LAW IMPLEMENTED: 383.171, 383.19 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Teresa Morris, R.N., Children's Medical Services, Department of Health, 4025 Bald Cypress Way, Bin #A06, Tallahassee, Florida 32399-1707, (850)245-4444, Ext. 2265

Marine Species in Fresh Water Prohibited 68B-4.012

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

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

(1) Powerheads

(a) No person shall use any powerhead to harvest any fish in state waters. Powerheads may be possessed while diving in state waters for the purpose of personal protection.

(b) The possession of any fish that has been harvested with a powerhead, aboard a vessel fishing or at rest in state waters, shall constitute a violation of this subsection.

(c) The term "harvest" for purposes of this subsection means the catching or taking of a fish by killing or wounding it, followed by a reduction of such fish to possession.

(d) This subsection shall not be construed to effect the repeal of subsection (5) of Section 370.08, Florida Statutes.

(2) Rebreathers

(a) No person diving in state waters by means of a rebreather shall harvest any marine species. Use of rebreathers for any nonconsumptive purpose is allowed in state waters.

(b) The possession of any fish that has been harvested by a person diving in state waters by means of a rebreather, aboard a vessel fishing or at rest in state waters, shall constitute a violation of this subsection.

(c) The term "harvest" for purposes of this subsection means the catching or taking of a marine species by any means, followed by a reduction of the species to possession, whether or not the species has been killed or wounded.

(3) Spearfishing: No person shall harvest or attempt to harvest any marine species by the use of any hand or mechanically propelled, single or multi-pronged spear or lance, barbed or barbless, while diving in fresh water.

PROPOSED EFFECTIVE DATE: July 1, 2001.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-26-92, Amended 7-15-96, 1-1-97, Formerly 46-4.012, Amended 7-1-01.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Mullet

RULE TITLE:

Allowable Harvesting Gear

RULE NO.:

68B-39.0047

PURPOSE AND EFFECT: The purpose of this rule development effort is to prohibit the spearfishing of mullet in fresh water. This will clarify that mullet can only be taken by spearfishing in saltwater, eliminating a conflict with fresh water rules that prohibit the possession of spear guns in or upon the fresh waters of the state.

SUBJECT AREA TO BE ADDRESSED: Spearfishing of mullet in fresh water.

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

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

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

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, (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:

68B-39.0047 Allowable Harvesting Gear.

(1) The harvest or attempted harvest of any mullet by or with the use of any gear or method other than the following is prohibited.

(a) Cast net with a stretched length (the distance from the horn at the center of the net, with the net gathered and pulled taut, to the lead line) no greater than 14 feet, provided that no more than two such nets shall be fished from any vessel at any time.

(b) Beach or haul seine with a total area (mesh area plus the area of any other attached material that adds to the fishing surface of the net) no larger than 500 square feet, provided that no more than two such nets unconnected shall be fished from any vessel at any time.

(c) Until January 1, 2000, skimmer net meeting the following specifications:

1. No skimmer net shall have an opening larger than 28 feet around the perimeter.

2. No more than two skimmer nets shall be attached to or fished from a single vessel.

3. No skimmer net shall have a total area (mesh area plus the area of any other attached material that adds to the fishing surface of the net) larger than 500 square feet. No skimmer net shall be longer than 30 feet long in a stretched condition.

4. The bag of any skimmer net shall be constructed of no smaller than #12 dipped nylon mesh. The use of monofilament netting material in any part of the net is prohibited. The mesh size in the final 8 feet of the net shall not exceed 3 1/2 inches stretched mesh and the mesh size in the remainder of the net shall not exceed 4 1/2 inches stretched mesh.

5. No skimmer net shall come in contact with the sea bottom while being deployed from a vessel under power.

(d) Hook and line gear.

(e) Spearing; except spearfishing is prohibited in fresh water.

PROPOSED EFFECTIVE DATE: July 1, 2001.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-3-97, Amended 1-1-98, 11-16-98, 12-31-98, -12-2-99, Formerly 46-39.0047, Amended 7-1-01.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Library and Information Services

RULE TITLE: Library Grant Programs

RULE NO.: 1B-2.011

PURPOSE AND EFFECT: The proposed amendment revises the guidelines and forms for the Florida Library Literacy Grant Program.

SUMMARY: Florida Library Literacy Grant Program: The proposed amendment revises the Guidelines and Application to reflect an emphasis on the adult learner.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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 within 21 days of this notice.

SPECIFIC AUTHORITY: 257.14, 257.191, 257.24, 257.41(2), 240.5186 FS.

LAW IMPLEMENTED: 257.12, 257.15, 257.16, 257.17, 257.171, 257.172, 257.18, 257.19, 257.191, 257.192, 257.195, 257.21, 257.22, 257.23, 257.24, 257.25, 257.40-.42 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., February 19, 2001

PLACE: Board Room, State Library of Florida, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barratt Wilkins, Director, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)487-2651, Suncom 277-2651

THE FULL TEXT OF THE PROPOSED RULE IS:

1B-2.011 Library Grant Programs.

(1) through (2)(d) No change.

(e) The Florida Library Literacy Grants Guidelines and Application, effective 4-4-00, Amended which contain instructions and applications (Form #DLIS/FLL01), effective 4-4-00, Amended; Mid Year Report (Form #DLIS/FLL02), effective 4-4-00, Amended; and Annual Report (Form #DLIS/FLL03), effective 4-4-00, Amended.

(f) No change.

(3) through (4) No change.

Specific Authority 257.14, 257.191, 257.24, 257.41(2), 240.5186 FS. Law Implemented 257.12, 257.15, 257.16, 257.17, 257.171, 257.172, 257.18, 257.19, 257.191, 257.195, 257.21, 257.22, 257.23, 257.24, 257.25, 257.40-.42 FS. History—New 1-25-93, Amended 7-17-96, 4-1-98, 2-14-99, 4-4-00, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marian A. Deeney

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barratt Wilkins, Director, Division of Library and Information Services, and Katherine Harris, Secretary of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 17, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 26, 2001

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Standards for Processed

RULE CHAPTER NO.:

Citrus Products 20-64

RULE TITLES: Orange Juice

RULE NOS.: 20-64.0081

Orange Juice Marked with Florida Sunshine

Tree or Florida Citrus Growers'

Certification Mark 20-64.0082

Sanitary Requirements 20-64.020

PURPOSE AND EFFECT: Would remove regulations relating to fresh squeezed citrus juices from this chapter dealing with processed citrus products. Petition for rule amendment filed by Florida Gift Fruit Shippers Association and Florida Citrus Packers asks that these regulations be rewritten an rule chapter relating specifically to fresh squeezed citrus juices.

SUMMARY: Removes standards and regulations relating to fresh squeezed citrus juices from rule chapter dealing with processed citrus products.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been 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: 601.10(7), 601.11 FS.

LAW IMPLEMENTED: 601.10(7), 601.11, 601.48 FS.