

SUBJECT AREA TO BE ADDRESSED: Definitions and registration of course providers.

SPECIFIC AUTHORITY: 455.2123, 455.2179, 455.225, 455.227, 489.507(3) FS.

LAW IMPLEMENTED: 455.2123, 455.2179, 489.513(3), 489.517, 489.531, 489.533 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Spivey, Executive Director, Electrical Contractors Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

Section II Proposed Rules

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Managing General Agents	4-221.003
Actively Engaged in Business; Place Suitably Designated; Accessible to Public	4-221.051
Permanent Office Records Required	4-221.055
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Pre-numbered Receipt as Evidence of Payment	4-221.115
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Indemnity Agreement; Form	4-221.140
Use of Credit Cards and Cash Advance Facilities in Conjunction With Issuing Bail Bonds	4-221.145
Department May Request Information	4-221.150

PURPOSE AND EFFECT: The purpose and effect of the rules are to conform existing rules with statutory changes to Chapter 648, Florida Statutes, adopted in CS/SB 1916, effective July 1, 2002, and to clarify and update the rule chapter.

SUMMARY: The rules provide for the appointment of a primary agent, requirements for temporary bail bond agents, revisions to collateral and premium receipts, provisions for surrender form and revisions regarding the use of credit cards.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 648.26, 648.26(1)(a) FS.

LAW IMPLEMENTED: 624.307(1), 626.601, 626.744, 648.25, 648.25(9), 648.27, 648.29, 648.295, 648.33, 648.34, 648.355, 648.36, 648.387, 648.388, 648.421, 648.44, 648.44(1)(i), 648.44(6), 648.442, 648.442(2), 648.4425, 648.48 FS.

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

TIME AND DATE: 10:00 a.m., August 20, 2002

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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 the person listed above.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Glenda Ostreich, Bail Bond Section, Bureau of Agent and Agency Investigations, Division of Agent and Agency Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0320, (850)413-5660

THE FULL TEXT OF THE PROPOSED RULES IS:

4-221.003 Managing General Agents.

All insurers regularly engaged in the bail bond business in this state shall have a licensed and appointed managing general agent who is a licensed and appointed bail bond agent in this state, and who shall be responsible for the supervision of their bail bond agents. The records of all bail bonds written in this state must be made available within 48 hours after being requested by the Department. Failure to provide documents when requested will result in the managing general agent and insurer being subject to administrative action.

Specific Authority 648.26 FS. Law Implemented 648.25, 648.27, 648.388, 648.48 FS. History--New 4-14-97, Amended.

4-221.051 Actively Engaged in Business; Place Suitably Designated; Accessible to Public.

~~Section 648.34(2)(c), Florida Statutes, is interpreted to mean that Every bail bond agent must be actively engaged in the bail bond business that business; in that a building place of business suitably designated as a bail bond agency, which such must be maintained open and accessible to the public to render service during reasonable business hours.~~

(1) Each ~~bail bond agency such place of business~~, and each branch office, shall be in the active full-time charge of a licensed and appointed primary bail bond agent as required by Section 648.387, Florida Statutes.

(2) Each ~~bail bond agency such place of business~~ and each branch office shall have a separate and distinct entrance easily accessible to the public and used by the bail bond agent in the regular course of their business dealings with the public. ~~The Such~~ entrance shall be suitably designated by a sign or other display, readable from a reasonable distance, which provides at a minimum the agency business name and the name of every individually licensed bail bond agent, and temporary bail bond agent employed at that agency location such place. Additionally, if a bail bond agency business is located in a building ~~or structure~~ which maintains a uniform office directory on its premises, the directory shall provide at a minimum the current name of that bail bond agency business.

(3) As used in this rule, the term "reasonable business hours" means at least eight hours daily between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday, except for legal holidays.

(4)(a)1. A temporary bail bond agent must be employed shall work at least ~~thirty~~ (30) hours per week, which is to be considered working full-time and shall be physically accompanied by the supervising bail bond agent or bail bond agent from the same agency as required by Sections 648.25(9) and 648.355(8), Florida Statutes.

2. A temporary bail bond agent shall be employed and receive a salary or wages as required by law.

3. The supervising bail bond agent shall file monthly a certified report under oath on form DI4-XXX, (rev. _____), "Temporary Bail Bond Agent Employment Report", which is adopted and incorporated herein by reference, with the Department of Insurance, Bail Bond Section, 200 East Gaines Street, Tallahassee, Florida 32399-0320.

Specific Authority 648.26 FS. Law Implemented 648.25(2), 648.34(2)(c), 648.355, 648.387, 648.44(6) FS. History—Repromulgated 12-24-74, Amended 7-27-78, 12-23-82, Formerly 4-1.04, 4-1.004, Amended 4-14-97, 7-2-98, _____.

4-221.055 Permanent Office Records Required.
~~Pursuant to Section 648.36, Florida Statutes, Each licensee bail bond agent~~, as a minimum requirement for permanent office records shall maintain:

(1) A daily bond register which shall be the book of original and permanent record of all bonds or undertakings executed by the licensee which shall state the number of the Power of Attorney form, date bond was executed, name of principal, amount of bond, premium charged, premium reported to surety company, security or collateral received, indemnity agreements, disposition of bond, and date of disposition.

(2) An individual file or envelope for each principal for whom bond is made which shall contain the original application for bail bond or undertaking, copy of premium receipt, copy of collateral receipt, copy of a bond discharge, if issued, security or collateral affidavit, where security or collateral is located, information as to any security or consideration received by the agency or licensee in connection with each particular bail bond or undertaking and purpose for which it was received, receipt or release executed by the person or persons posting security or collateral evidencing the return of such security or collateral and indemnity agreement as executed by co-indemnitors.

Specific Authority 648.26 FS. Law Implemented 648.25, 648.34, 648.36(4) FS. History—Repromulgated 12-24-74, Formerly 4-1.01, Amended 9-10-91, Formerly 4-1.001, Amended 4-14-97, _____.

4-221.060 Notice of Change of Address.

Each licensee under Chapter 648, Florida Statutes, shall notify in writing the Department of Insurance, Bail Bond Section Coordinator, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-032000, insurer, managing general agent and the clerks of each court in which they are registered, of a change of ~~each their principal~~ business address, telephone number, or name of each agency or firm for which they write bonds within ten (10) working days of such change.

Specific Authority 648.26 FS. Law Implemented 648.421 FS. History—New 12-23-82, Formerly 4-1.17, Amended 9-10-91, Formerly 4-1.017, Amended 4-14-97, _____.

4-221.070 Build-up Funds; Reporting.

(1) All insurers authorized to write bail bonds in this state ~~and managing general agents~~, who maintain build-up trust accounts pursuant to Section 648.29, Florida Statutes, shall annually file with the Department on or before March 1 of each year a certified statement listing each build-up trust account established on behalf of ~~any each~~ bail bond agent or agency and the balance therein as of January 1 of that year. The statement shall be printed on 8 1/2" x 11" paper. The first page of the statement shall contain the name, address, and phone number of the insurer ~~or managing general agent~~, and the name and title of the person who certified the statement. The statement shall further list the name of each bail bond agent or agency, the name of the financial institution where the account is maintained, the account number, and the balance therein. The statement shall then be certified by the person who prepared and reviewed the accuracy of the statement.

(2) Build-up funds collected by an insurer ~~or managing general agent~~ shall not exceed 40 percent of the premium for each bond written. The exact amount shall be designated in the agent's or agency's contract agreement with the insurer ~~or managing general agent~~. References to "points" in such an agreement are the equivalent to increments of 10%. Therefore 1 pt = 10%, 2 pts = 20%, 3 pts = 30% and 4 pts = 40% of the premium. Amounts deposited in a build-up account are

cumulative over the duration of the contractual agreement and may exceed 40 percent of total premiums written that are currently outstanding at any given time.

Specific Authority 648.26 FS. Law Implemented 648.29 FS. History--New 9-10-91, Formerly 4-1.021, Amended 4-14-97, _____.

4-221.095 Soliciting Business.

(1) No person shall directly or indirectly solicit business in or on the property or grounds of a jail, prison, or other place where prisoners are confined, or in or on the property or grounds of a court or any building housing courtrooms.

(2) For the purposes of this rule, solicit shall include:

(a) Displaying, wearing, or distributing any item which directly or indirectly advertises bail bond services; or

(b) Approaching anyone or urging, enticing, luring, or inviting anyone to approach a bail bond agent to use their services.

(c) Parking a motor vehicle, which displays the name of a bail bond agent, a bail bond agency, or any other information advertising bail bond services.

(d) Passing out business cards unless requested by the principal or indemnitor or other print advertising by any licensee or unlicensed persons in jails, courthouses, or other immediate areas as described in paragraph (3). Print advertising allowed in the telephone book is yellow page advertising.

(e) Only the state issued or approved identification which includes a citation of the licensee's arrest powers ~~or jail approved identifications~~ may be worn in the locations described in paragraph (3).

(f) Loiter in any of the areas described in paragraph (3).

(3) For the purposes of this rule, the property or grounds of a court, jail, prison, or other place where prisoners are confined shall include all parking lots and parking spaces adjacent to such places or adjacent to public walkways or public streets adjacent to such places.

Specific Authority 648.26(1)(a) FS. Law Implemented 648.44(1)(b), ~~648.44(1)(a)~~ FS. History--New 12-23-82, Formerly 4-1.18, Amended 11-5-89, Formerly 4-1.018, Amended 4-14-97, _____.

4-221.100 Terms and Conditions of Contract; Surrender Forms.

(1) The terms and conditions of all contracts entered into between a principal and a surety for a bail bond shall set forth the bond number, the date, the amount of the premium and the name of the surety company as follows; ~~on the form prescribed by the Department, to wit:~~

TERMS AND CONDITIONS

The following terms and conditions are an integral part of this application for appearance bond No. _____ dated _____ for which _____ Surety Company or its agent shall receive a premium in the amount of _____ (\$) Dollars, and the parties agree that said appearance bond is

conditioned upon full compliance by the principal of all said terms and conditions and is a part of said bond and application therefore.

1. _____ Surety Company, as bail, shall have control and jurisdiction over the principal during the term for which the bond is executed and shall have the right to apprehend, arrest and surrender the principal to the proper officials at any time as provided by law.

2. In the event surrender of principal is made prior to the time set for principal's appearances, and for reasons other than as enumerated below in paragraph 3, then ~~principal shall be entitled to~~ a refund of the bond premium shall be made to the person listed on the premium receipt.

3. It is understood and agreed that the happening of any one of the following events shall constitute a breach of principal's obligations to _____ Surety Company hereunder, and _____ Surety Company shall have the right to forthwith apprehend, arrest and surrender principal, and principal shall have no right to any refund of premium whatsoever. Said events which shall constitute a breach of principal's obligations hereunder are:

(a) If principal shall depart the jurisdiction of the court without the written consent of the court and _____ Surety Company, or its Agent.

(b) If principal shall move from one address to another within the State of Florida without notifying _____ Surety Company or its Agent in writing prior to said move.

(c) If principal shall commit any act which shall constitute reasonable evidence of principal's intention to cause a forfeiture of said bond.

(d) If principal is arrested and incarcerated for any offense other than a minor traffic violation.

(e) If principal shall make any material false statement in the application.

INFORMATIONAL NOTICE

For complaints or inquiries, please contact:

Florida Department of Insurance

Bail Bond Section

200 E. Gaines St.

Tallahassee, FL 32399-0320

(850)413-5660

Signed, sealed and delivered this _____ day of _____, ~~20~~ 19 _____

Signature of Applicant _____

Mailing address _____

(2) Any bail bond agent who surrenders or recommends a defendant prior to a forfeiture shall execute form DI4-XXX (7/2002) titled "Statement of Surrender Form." The licensee shall provide a copy to the defendant, and maintain a copy in the file of the defendant.

Specific Authority 648.26 FS. Law Implemented 648.4425 FS. History—Repromulgated 12-24-74, Formerly 4-1.16, Amended 9-10-91, Formerly 4-1.016, Amended _____.

4-221.110 Premium Shall Be Term Charge; Premium Refund; When.

The premium permitted under Chapter 648, Florida Statutes, shall be a term charge for the term of the bond. No additional premium shall be charged in the event of a rewrite of a bond based on the same case number except that in the event the amount of the bond has been increased, an additional premium based on the rates in current use for the amount of the increase may be charged. The licensed bail bond agent shall refund the entire premium charged for the bond when it is found that the surety had no liability under the bond because the defendant does not come under the jurisdiction of the court to which the defendant is returnable or is not released from custody except where a bond is written to allow the defendant to serve a sentence in another jurisdiction. The defendant shall be entitled to the return of premium when surrendered by the surety or bail bond agent at any time prior to the final termination of the surety's liability on the bond; provided that the defendant shall not be entitled to a return of the premium where the defendant violates the contract with the surety. ~~Upon request of the principal, indemnitor or the Department the bondsman shall provide in writing the factual basis for the surrender of the principal and the specific provisions of the contract with the surety that were violated, if any.~~

Specific Authority 648.26 FS. Law Implemented 624.307(1), 648.295, 648.33 FS. History—Amended 7-1-69, Repromulgated 12-24-74, Formerly 4-1.09, Amended 9-10-91, Formerly 4-1.009, Amended 4-14-97, _____.

4-221.115 Pre-numbered Receipt as Evidence of Payment. Every bail bond agent who accepts money or any other consideration for any bail bond or undertaking which they execute, must for each and every payment received give to the person or persons paying the money or giving the consideration a pre-numbered receipt as evidence of payment which receipt shall state the date, name of the principal, amount of money or consideration received and purpose for which received, number of Power of Attorney form attached to the bond, penal sum of the bond, and name of person making payment or giving consideration. Every receipt must contain the name, address and telephone number of both the surety company and agent. Every such bail bond agent must retain, in the individual file for each defendant, a duplicate copy of each receipt issued as part of their records pursuant to Section 648.36, Florida Statutes.

Specific Authority 648.26 FS. Law Implemented 648.295, 648.36 FS. History—Repromulgated 12-24-74, Formerly 4-1.02, Amended 9-10-91, Formerly 4-1.002, Amended 4-14-97, _____.

4-221.120 Pre-numbered Receipt as Evidence of Collateral.

(1) Every bail bond agent who accepts any type of collateral in conjunction with a bail bond or undertaking which they execute, must for such collateral received give to the

person or persons giving the collateral a consecutively pre-numbered receipt as evidence thereof. ~~The Such~~ receipt shall state:

- (a) ~~T~~he date,
- (b) ~~N~~ame of the principal,
- (c) ~~D~~etailed description of collateral received,
- (d) ~~W~~hether the collateral will be maintained in the custody of the bail bond agent, managing general agent or surety company,
- (e) ~~N~~umber of Power of Attorney form attached to the bond, and
- (f) ~~T~~he name of the person placing the such collateral in the bail bond agent's trust.

(2) All receipts must contain the name, address and telephone number of both the surety company and agent.

(3) The receipt shall ~~also~~ state that for any complaints or inquiries, you may contact the Department of Insurance, Bail Bond Section, 200 E. Gaines Street, Tallahassee, FL 32399-0320, (850)413-5660.

(4) Every ~~such~~ bail bond agent shall retain, in the individual file for each defendant, a duplicate copy of each receipt issued as part of their records pursuant to Section 648.36, Florida Statutes.

(5) ~~The Such~~ receipt shall be separate from and not part of the premium receipt referred to in Rule 4-221.115, F.A.C. 120.

(6) A temporary bail bond agent is prohibited from handling or accepting collateral until a properly executed receipt has been issued by a licensed and appointed bail bond agent as provided in this rule.

Specific Authority 648.26 FS. Law Implemented 648.25(9), 648.36, 648.442(2) FS. History—New 12-23-82, Formerly 4-1.021, Amended 9-10-91, Formerly 4-1.0021, Amended 4-14-97, _____.

4-221.140 Indemnity Agreement; Form.

No indemnity agreement shall be entered into between a principal and surety or any agent of the surety, and no application shall be accepted by a bail bond agent, engaged in the bail bond business, or a surety company, for a bail bond in which an indemnity agreement is required between a principal and a surety, or any agency of such surety, unless the such indemnity agreement reads as follows:

“For good and valuable consideration, the undersigned principal hereby agrees to indemnify and ~~or~~ hold harmless, the surety company or its agent for any and all losses not otherwise prohibited by law, or rules of the Department and regulations promulgated under any applicable statute.”

Specific Authority 648.26 FS. Law Implemented 648.442 FS. History—Repromulgated 12-24-74, Formerly 4-1.15, 4-1.015, Amended 4-14-97, _____.

4-221.145 Use of Credit Cards and Cash Advance Facilities in Conjunction with Issuing Bail Bonds.

(1) For the purposes of this rule, a cash advance facility shall mean any person, as defined in Section 624.04, Florida Statutes, who advances cash or issues a draft, check or other

instrument to a credit card holder, charges the credit card holder's account for the amount of the advance, and charges a fee, commission, or any other form of consideration to the credit card holder for each cash advance transaction.

(2) A bail bond agent may provide access to a cash advance facility in his office. With respect to the issuance of a bail bond and to the maintenance of a cash advance facility system on the premises of a bail bond office, no bail bond agent shall directly or indirectly enter into any arrangement with a cash advance facility whereby the bail bond agent accepts anything of value from the cash advance facility, and no bail bond agent shall charge any person a fee for the use of the cash advance facility, in excess of the amount of the premium, ~~and transfer fee if applicable, and collateral security if applicable,~~ authorized by law to be charged for the issuance of a bail bond.

(3) The amount of the service charge imposed on the credit card customer by a cash advance facility shall be prominently and conspicuously posted in the office of the bail bond agent and each credit card customer who uses the cash advance facility shall be informed by the bail bond agent of the facility's applicable service charge in advance of completing the transaction.

(4) A bail bond agent may directly enter into an arrangement with a credit card facility in order to charge a credit card holder's account for the issuance of a bail bond.

(a) A bail bond agent may not charge or receive a transfer fee, or any other additional fee, surcharge or commission, for the use of a credit card if the bail bond agent accepts payment by credit card. Any fee or discount points which may be charged to the bail bond agent by the credit card facility or organization shall be borne by the bail bond agent and shall not be passed on to any person involved in the bail bond transaction. This paragraph does not prohibit a bail bond agent from charging a fee on a transfer bond in accordance with Rule 4-221.105, F.A.C. 060.

(b) A bail bond agent may not deduct a transfer fee, or other additional fee, surcharge or commission, from the amount of collateral charged, except as provided in Section 648.571(3)(b), Florida Statutes, at the time the collateral is returned.

(c) The credit card fee referenced in Section 648.571(3)(b)1, Florida Statutes, is the fee charged by the credit card issuer.

Specific Authority 648.26(1)(a) FS. Law Implemented 648.33, 648.44(1)(i) FS. History--New 11-5-89, Formerly 4-1.020, Amended 4-14-97, _____.

4-221.150 Department May Request Information.

The Department may request any licensee or insurer a bail bond agent or managing general agent to furnish them with any information concerning the bail bond business of any such licensee or insurer which it deems necessary.

Specific Authority 648.26 FS. Law Implemented 626.601, 626.744, 648.27, 648.36 FS. History--Repromulgated 12-24-74, Formerly 4-1.10, Amended 9-10-91, Formerly 4-1.010, Amended 4-14-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Glenda Ostreich, Bail Bond Section, Division of Agent & Agency Services, Department of Insurance
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Phil Fountain, Assistant Director, Division of Agent & Agency Services
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 11, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 31, 2002

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Governing the Procedure for Submittal and Review of Local Government Comprehensive Plans and Amendments	9J-11
RULE TITLES:	RULE NOS.:
Purpose	9J-11.001
Submittal Requirements for Proposed Local Government Comprehensive Plans	9J-11.004
Submittal Requirements for Proposed Local Government Comprehensive Plan Amendments	9J-11.006
Action Upon Receipt of Proposed Local Government Comprehensive Plan Amendment	9J-11.009
Review of Proposed Local Government Comprehensive Plan or Proposed Plan Amendment	9J-11.010
Local Government Adoption of the Comprehensive Plan or Plan Amendment and Submittal for the Compliance Review	9J-11.011
Compliance Review and Notice of Intent	9J-11.012
Local Government Adoption of Comprehensive Plan Compliance Agreement Amendment(s) and Transmittal to the Department	9J-11.0131
Evaluation and Appraisal Reports and Evaluation and Appraisal Report-Based Amendments	9J-11.018
Action to Require Local Government to Submit Land Development Regulations for Review	9J-11.019
Action to Review Land Development Regulations	9J-11.020
Submittal Requirements for Public Schools Interlocal Agreement and Amended Agreements	9J-11.022

PURPOSE, EFFECT AND SUMMARY: To revise the rule to conform to current statutory requirements. The revisions of Chapter 9J-11, F.A.C., pertaining to local government comprehensive plans, including submittal requirements, action

upon receipt, review requirements and notices of intent. The revision of Chapter 9J-11, F.A.C., pertaining to the evaluation and appraisal report submittal and review requirements. The requirements pertaining to the submittal, action upon receipt, review and notice requirements for public school interlocal agreements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 120.53(1)(b), 163.3177(8),(9),(10), 163.3177, 163.3184(1),(3),(16), 163.3187, 163.3191(12), 163.3202 FS.

LAW IMPLEMENTED: 163.3167, 163.3167(2),(3), 163.3171, 163.3174, 163.3177, 163.3177(1),(4),(7), (9),(10), (14)-(16), 163.3177, 163.3178, 163.3181, 163.3184, 163.3184(1)-(10), (14)-(16), 163.3187, 163.3187(1),(2),(5),(6), 163.3189, 163.3191, 163.3202, 380.06(6) FS.

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

TIME AND DATE: 9:00 a.m. – 11:00 a.m., August 19, 2002

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

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ray Eubanks, Community Program Administrator, Division of Community Planning, Bureau of State Planning, Plan and DRI Processing Unit, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 or (850)922-1767, Suncom 292-1967, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ray Eubanks, Community Program Administrator, Division of Community Planning, Bureau of State Planning, Plan and DRI Processing Unit, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE FULL TEXT OF THE PROPOSED RULES IS:

9J-11.001 Purpose.

This Chapter establishes procedures for the submittal and review of local government comprehensive plans, plan amendments, land development regulations and evaluation and appraisal reports pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, and Chapter 9J-5,

Florida Administrative Code. It specifies the documents and information to be submitted for review at the time plans, plan amendments, land development regulations ~~and~~ evaluation and appraisal reports and public schools interlocal agreements are submitted to the Department for review. It describes the actions the Department takes upon receipt of the submitted documents and information, or when a plan or element or evaluation and appraisal report or public schools interlocal agreement is not submitted. It also describes the procedures the Department follows for review of plans and plan amendments and procedures for the issuance of a notice of intent and sufficiency finding for an evaluation and appraisal report and consistency finding for a public schools interlocal agreement.

Specific Authority 163.3177(9) FS. Law Implemented 163.3177(9), 163.3177, 163.3181, 163.3184, 163.3187, 163.3191 FS. History–New 9-22-87, Amended 11-10-93, 11-6-96, 1-8-01, _____.

9J-11.004 Submittal Requirements for Proposed Local Government Comprehensive Plans.

(1) No change.

(2) ~~The local government shall submit three copies of a~~All comprehensive plan materials, including graphic and textual materials and support documents ~~shall be submitted~~ directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team and one copy directly to the appropriate agencies listed in subsection 9J-11.009(6), Florida Administrative Code. Each proposed comprehensive plan shall be accompanied by the following documents:

(a) through (b) No change.

(c) ~~Ten copies of T~~he comprehensive plan including goals, objectives, policies, maps, and support documents which include data and analyses specified in section Rules 9J-5.005 and subsection 9J-5.021(4), Florida Administrative Code. Summaries of support documents may be submitted consistent with subsection Rule 9J-5.005(2), Florida Administrative Code;

(d) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3167(2), 163.3177(1),(4)(b),(7),(9), 163.3184(2),(3),(14),(15), 163.3191 FS. History–New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 4-8-99, _____.

9J-11.006 Submittal Requirements for Proposed Local Government Comprehensive Plan Amendments.

(1) The local government shall submit three copies of ~~e~~Each proposed amendment including applicable supporting documents which include data and analyses ~~shall be submitted~~ directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team, and one copy ~~sent~~ directly to the appropriate agencies listed in subsection 9J-11.009(6), Florida Administrative Code regional planning council, water management district(s), Department of Transportation and Department of Environmental Protection. Proposed plan amendments, except those discussed under the exemption provisions of subparagraph Rule 9J-11.006(1)(a)7.,

Florida Administrative Code, below, shall be consolidated into a single submission for each of the two plan amendment adoption times during the calendar year. The comprehensive plan submitted pursuant to Section 163.3167, Florida Statutes, shall be counted as one of the two plan amendment adoption times during the calendar year; however, only the submittal requirements of Rule 9J-11.004, Florida Administrative Code, must be followed.

For each proposed plan amendment submittal package, the local governing body shall submit:

(a) through 1. No change.

2. The date or dates on which the local governing body held the public hearing at which the transmittal of the plan amendment to the Department was approved and the date that the proposed amendment and one copy of each item specified under paragraphs Rules 9J-11.006(1)(a), (b), (c) and (d), Florida Administrative Code, was submitted to the appropriate agencies listed in subsection 9J-11.009(6), Florida Administrative Code regional planning council and water management district(s), and Department of Transportation and Department of Environmental Protection;

3. A summary of the plan amendment content and effect and whether ~~or not~~ the local government requests that the Department review the proposed amendment;

4. through 7.m. No change.

n. Directly related to providing transportation improvements as provided for in subsection 163.3187(1)(k), Florida Statutes;

o. An amendment adopting a public educational facilities element pursuant to subsections 163.3177(5) and 163.3187(1)(k), Florida Statutes;

p. An amendment to the future land use map identifying school sites pursuant to subsections 163.3177(6)(a) and 163.3187(1)(l), Florida Statutes;

q. An amendment to the Intergovernmental Coordination Element pursuant to subsection 163.3177(6)(h)4.b., Florida Statutes;

r. An amendment adopting a boating facility siting plan or policy pursuant to subsection 380.06(24)(k)1., Florida Statutes.

8. Whether the local government has sent a copy of its complete adopted comprehensive plan including amendments with all support documents which includes data and analyses to all of the review agencies listed in subsection Rules 9J-11.009(6)(8)(a) through (h), Florida Administrative Code. If the plan amendment is being submitted pursuant to Section 163.3191, Florida Statutes, verify that copies of the Evaluation and Appraisal Report have been submitted to agencies listed in subsection 9J-11.009(6), Florida Administrative Code. The Department will not process a proposed amendment and the review time for the amendment shall not begin if copies of the entire element being amended are not transmitted unless the local government has provided the Department with a

transmittal letter certifying that the plan and Evaluation and Appraisal Report, if applicable, has been sent to the review agencies, with a copy of the letter sent to each agency;

9. No change.

10. The name, title, address, telephone number ~~and~~ facsimile number, and e-mail address, if any, of the person for the local government who is familiar with the proposed amendment(s) and is responsible for ensuring that the materials transmitted are complete.

~~(b) The local government shall submit to the Department a total of six copies of the proposed amendment package. The proposed amendment package shall include all proposed text, maps and support documents which includes data and analyses, as reflected on new pages of the affected element in a strike through and underline format or similar easily identifiable format identifying the plan amendment number on each page affected. These number and format requirements also apply to development of regional impact amendments, small scale amendments, emergency amendments, amendments pursuant to a joint planning agreement, amendments that are the result of a compliance agreement, or amendments for the location of a state correctional facility.~~ In the case of future land use plan map amendments, the following additional information must be provided:

1. through 5. No change.

(c) ~~Six~~ Copies of staff, local planning agency and local governing body recommendations and ~~six~~ copies of support document(s) or summaries of the support documents on which the recommendations regarding the proposed plan amendment(s) are based;

(2) Any plan amendment which is not identified as an exemption listed in subparagraph 9J-11.006(1)(a)7., Florida Administrative Code as directly related to a development of regional impact, including substantial deviations and Florida Quality Developments, a proposed small scale development, a compliance agreement, an intergovernmental coordination element revision to adopt changes pursuant to subsection 163.3177(6)(h)1.a., b., c. and d., Florida Statutes, an emergency, or the location of a state correctional facility, will be considered to be an amendment submitted for one of the two times per calendar year that plan amendments may be adopted. This provision is not to preclude the allowed exemptions from being included in the consolidated single submission for each of the two plan amendment adoption times during the calendar year. All exemptions must be clearly identified.

(3) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3177(9), 163.3184(1),(2),(3),(15), 163.3187(1),(2),(5), 163.3191, 380.06(6) FS. History—New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 4-8-99, 1-8-01.

9J-11.009 Action Upon Receipt of Proposed Local Government Comprehensive Plan Amendment.

(1) The Department shall review the material submitted to ensure completeness. The Department's determination that the package is complete will occur within five working days from receipt of the proposed amendment package. The Department's completeness determination date is the date the Department determines that the package is complete.

(a) When a proposed plan amendment submittal package does not include all the information required by Rule 9J-11.006, Florida Administrative Code, the Department will send a notice to the local government and review agencies listed in subsection 9J-11.009(6), Florida Administrative Code, the appropriate regional planning council, water management district(s), Department of Transportation and Department of Environmental Protection within five working days of receipt of the proposed plan amendment. The Department's notice will identify the additional information required.

(b) The proposed plan amendment will not be processed for review until three ~~six~~ copies of the required information is received by the Department ~~to distribute for review~~ with a written statement by the local government that copies of the additional information have also been submitted to the review agencies listed in subsection 9J-11.009(6), Florida Administrative Code ~~appropriate regional planning council, water management district(s), Department of Transportation and Department of Environmental Protection~~. The time period to determine whether a review will be done as specified in subsections 163.3184(6)(a) and (b), Florida Statutes, will not commence until all required information is transmitted by the local governing body to the Department with a written statement by the local government that it has also transmitted the necessary information to the other agencies.

(2) When a proposed plan amendment submittal package includes all the information required by Rule 9J-11.006, Florida Administrative Code, the Department will send a notice to the local government and review agencies listed in subsection 9J-11.009(6), Florida Administrative Code, the appropriate regional planning council, water management district(s), Department of Transportation and Department of Environmental Protection within five working days of receipt of the complete proposed amendment submittal package. The notice to review agencies shall include the date that their comments are due to the Department pursuant to subsection 163.3184(4), Florida Statutes, and this comment due date shall be based upon the completeness determination date as provided for in subsection 9J-11.009(1), Florida Administrative Code. The time period to determine whether a review will be done as specified in subsections 163.3184(6)(a) ~~and (b)~~, Florida Statutes, will begin upon the transmittal by the local governing body to the Department, of a complete amendment submittal package. The transmittal date shall be the United States Mail postmark or other similar official

transmittal date of the mail company. Hand delivered documents shall be considered transmitted on the date of receipt by the Division of Community Planning.

(3) If the local government requests a review of the amendment in its transmittal letter, the Department will initiate its review after determination by the Department that the submitted package is complete pursuant to subsection 9J-11.006(1), Florida Administrative Code ~~proceed with the steps set out in Rule 9J-11.009(7), Florida Administrative Code, and will notify the appropriate regional planning council, water management district(s), Department of Environmental Protection, and Department of Transportation and any other person who has requested notice of an affirmative decision to proceed with the review.~~

(4) ~~If the local government has not requested a review of the amendment in its transmittal letter, the Department receives a request to review from the appropriate regional planning council or an affected person (within 30 calendar days of transmittal of the proposed amendment) or the Department elects to review the amendment, the Department will notify the local government and review agencies listed in subsection 9J-11.009(6), Florida Administrative Code, of its decision to review within 35 calendar days of the Department's completeness determination date as provided for in subsection 9J-11.009(1), Florida Administrative Code. An affected person requesting a review must provide as part of their written request, a statement of facts sufficient to show that the person making the request is an affected person, as defined in subsection 163.3184(1)(a), Florida Statutes. The Department may reject a request to review by an individual if it determines there are insufficient facts to demonstrate that the person is an affected person. The request shall be sent to: Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team, will request that the appropriate water management district(s), Department of Transportation and Department of Environmental Protection transmit a recommendation and the basis for the recommendation to the Department, as to whether the Department should review the proposed amendment, within 21 days after transmittal of the complete proposed amendment package by the local governing body. The Department will notify the local government, the appropriate regional planning council, water management district(s), the Department of Environmental Protection, and Department of Transportation and any other person who has requested notice of an affirmative decision by the Department to review the amendment within 30 days of transmittal of the complete proposed amendment by the local governing body to the Department. If the Department decides to review the amendment, it will proceed with the steps set out in subsection 9J-11.009(7), Florida Administrative Code.~~

(5) ~~If no requests are received to review the proposed amendment and the Department elects not to review the amendment, the Department will notify the local government and review agencies listed in subsection 9J-11.009(6), Florida Administrative Code, of its decision not to review within 35 calendar days of the Department's completeness determination date as provided for in subsection 9J-11.009(1), Florida Administrative Code. Upon receipt of the notification of the decision not to review, the local government may proceed to adopt the amendment. The appropriate regional planning council, an affected person, or the local government can request a review by submitting a written request to the Department with a notice to the local government, and any other person who has requested notice, within 30 days after transmittal of the complete amendment package by the local governing body to the Department. An affected person requesting a review must provide as part of their written request, a statement of facts sufficient to show that the person making the request is an affected person pursuant to paragraph 163.3184(1)(a), Florida Statutes. The Department may reject a request to review by an individual if it determines there are insufficient or contrary facts to demonstrate that the person is an affected person. The request shall be sent to: Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. The Department will notify the local government, the appropriate regional planning council, water management district(s), Department of Environmental Protection, and Department of Transportation and any other person who has requested notice of the decision to review the amendment. If an affirmative decision is made to review the amendment, the Department will proceed with the review steps set out in subsection 9J-11.009(7), Florida Administrative Code.~~

(6) ~~If review is not requested by the local government, the regional planning council, or any affected person and if the Department decides not to review, the Department will notify the local government, the appropriate regional planning council, water management district(s), Department of Transportation and Department of Environmental Protection. Upon receipt of the notification of the decision not to review, the local government may proceed immediately to adopt the amendment.~~

(7) ~~The review of a proposed plan amendment may begin at one of four times. First, when the local government requests a review of a proposed plan amendment in the transmittal letter, the Department shall initiate the review within five working days of determining that a review of an amendment will be conducted by transmitting copies of the plan amendment to review agencies as indicated below for their review and written response. Second, if the local government does not request a review of the amendment in the transmittal letter and the Department decides to review the entire amendment package, the Department shall initiate the review within five working days of determining that a review of the~~

~~entire amendment package will be conducted by transmitting copies of the plan amendment to review agencies as indicated below for their review and written response. Third, when either the regional planning council, an affected person or the local government subsequent to the transmittal letter requests a review of the entire amendment package, the Department shall initiate the review within five working days of determining that a review of the entire amendment package will be conducted by transmitting copies of the plan amendment to review agencies as indicated below for their review and written response. Fourth, when either the Department, the regional planning council, an affected person, or the local government subsequent to the transmittal letter requests a review of a portion of the proposed amendment package, the Department shall initiate the review and the amendments subject to the review shall be sent to the other review agencies as indicated below within five working days of determining that a review of a portion of the amendment package will be conducted. In case of a transmitted plan amendment which contains multiple, individual amendments which can be clearly and legally separated and distinguished for the purpose of determining whether to do a review of the proposed amendment, the Department may separate out these individual amendments for the purpose of proceeding with a review or notifying the local government that it may proceed to adopt designated individual amendments. The other review agencies may include:~~

- ~~(a) The appropriate county land planning agency;~~
- ~~(b) Florida Department of State;~~
- ~~(c) Florida Fish and Wildlife Conservation Commission;~~
- ~~and~~
- ~~(d) Florida Department of Agriculture and Consumer Services, Division of Forestry.~~

~~(6)(8) Within five working days of receipt of the complete submittal package, in the case of the adoption of a plan for a newly created jurisdiction identified by the legislature as having to adopt a plan, the local government Department shall transmit three copies of plans, parts of plans, or plan amendments to the Department and one copy directly to the various agencies and governments, as appropriate, for their review and written response. These agencies and governments may include, but not be limited to, the following:~~

- ~~(a) The appropriate regional planning council agency;~~
- ~~(b) The appropriate county (municipal plans only) land planning agency;~~
- ~~(c) The Department of Environmental Protection;~~
- ~~(d) The Department of Transportation;~~
- ~~(e) The appropriate water management district(s);~~
- ~~(f) Florida Department of State;~~
- ~~(g) Florida Fish and Wildlife Conservation Commission (county plans only); and~~
- ~~(h) The Department of Agriculture and Consumer Services, Division of Forestry (county plans only) and;~~

(i) Office of Educational Facilities of Commissioner of Education (if related to the public educational facilities element pursuant to Section 163.31776, Florida Statutes).

~~(7)(9)~~ In cases where a local government transmits multiple individual amendments that can be clearly and legally separated and distinguished for the purpose of determining whether to review the proposed amendment and as referenced in Section (7) above, by which the Department pursuant to sSection 9J-11.010, Florida Administrative Code, elects to reviews several of the amendments pursuant to Section 163.3184(3)(d), Florida Statutes, and the local government chooses to immediately adopt the remaining amendments not reviewed by the Department, the amendments immediately adopted and any amendments reviewed by the Department which the local government subsequently adopts shall together constitute one amendment cycle for purposes of meeting the twice yearly amendment mandates of Section 163.3187(1), Florida Statutes.

Specific Authority 163.3177(9) FS. Law Implemented 163.3167(2),(3), 163.3177(9), 163.3184(2),(3),(4),(5),(6) FS. History—New 9-22-87, Amended 11-10-93, 11-6-96, 4-8-99, 1-8-01.

9J-11.010 Review of Proposed Local Government Comprehensive Plan or Proposed Plan Amendment.

(1) If the review is for a plan or if a decision has been made to review a plan amendment under Rule 9J-11.009, Florida Administrative Code, the Department shall review each comprehensive plan or amendment to determine whether it is consistent with the requirements of Sections 163.3177, 163.31776, 163.3178, 163.3180, 163.3184, 163.3187, 163.3189 and 163.3191, Florida Statutes, Chapter 9J-5, Florida Administrative Code, the State Comprehensive Plan and the appropriate strategic regional policy plan.

(2) No change.

(3) The Department, within 60 30 calendar days of the Department's completeness determination date as provided for in subsection 9J-11.009(1) after the deadline for receipt of written responses from the appropriate reviewing agencies listed in Rule 9J-11.009(3) and 9J-11.009(8), Florida Administrative Code, the Director, Division of Community Planning, or the Director's designee shall send the Department's its objections, recommendations and comments report to the local governing body. For the information of the local government, the Department will attach a copy of the written responses received from the reviewing agencies. The Department will send a copy of its objections, recommendations and comments report to the appropriate review agencies specified in subsections Rules 9J-11.009(7), 9J-11.009(6)(8) and 9J-11.010(5), Florida Administrative Code.

(4) through (6) No change.

(7) For plan or plan amendments, the agencies listed in subsection 9J-11.009(6), Florida Administrative Code, appropriate regional planning council, water management

~~district(s), Department of Transportation, Department of Environmental Protection and the public are required by Section 163.3184(4), Florida Statutes, to provide a written response to the Department within 30 calendar days as specified in subsection 9J-11.009(2) from initiation of the review of the proposed amendment. The initiation of the review period shall be based upon the estimated receipt date of the complete amendment by other review agencies as named in subsection 9J-11.009(7), Florida Administrative Code. This time period is established under Rule 9J-11.010(8), Florida Administrative Code, and will be provided to the above noted agencies by the Department's notice under subsection 9J-11.009(3), (4) or (5), Florida Administrative Code. Such response must be signed by an agency head or authorized individual(s). The written response shall be addressed to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team.~~

~~(8) The review agencies and local governments pursuant to subsection 9J-11.009(7) or (8), Florida Administrative Code, as applicable, are required to provide pursuant to Section 163.3184(4), Florida Statutes, a written response to the Department. Such response must be signed by an agency head or authorized individual(s). The written response shall be addressed to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. The date the agencies and governments receive the plan, element or amendments shall be deemed to be the fifth calendar day after the day the Department mails the plan, element or amendments. The Department shall calculate the response deadlines for the agencies and governments from this estimated receipt date.~~

Specific Authority 163.3177(9) FS. Law Implemented 163.3177(9),(10), 163.3184(1)(b),(6)(a),(b),(c), 163.3189(2) FS. History—New 9-22-87, Amended 11-10-93, 11-6-96, 4-8-99.

9J-11.011 Local Government Adoption of the Comprehensive Plan or Plan Amendment and Submittal for the Compliance Review.

(1) through (2) No change.

(3) In the case of a comprehensive plan submitted pursuant to Subsection 163.3167(2), Florida Statutes, the local government shall have 120 calendar days to adopt, or adopt with changes, the proposed comprehensive plan after the receipt of the objections, recommendations and comments report from the Department pursuant to Subsection 163.3184(7)(a), Florida Statutes. In the case of a proposed amendment other than those submitted pursuant to Section 163.3191~~87~~, Florida Statutes, the local government has 60 calendar days to adopt, adopt with changes, or not adopt the proposed amendment after receipt of the objections, recommendations and comments report from the Department pursuant to Subsection 163.3184(7)(a), Florida Statutes. In the case of a plan amendment submitted pursuant to Section 163.3191, Florida Statutes, the local government shall have

120 calendar days to adopt, adopt with changes, or not adopt the proposed amendment after receipt of the objections, recommendations and comments report from the Department pursuant to Subsection 163.3184(7)(a), Florida Statutes.

(4) No change.

(5) The local government shall submit, within ten working days after adoption, three copies of all comprehensive plan and plan amendment materials, including graphic and textual materials and support documents directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team and one copy directly to the appropriate agencies listed in subsection 9J-11.009(6), Florida Administrative Code, and local governments or any other interested parties that have filed a written request with the governing body for a copy of the plan or amendment. The local government must ensure that the review agencies copy of the adopted plan remain complete by also transmitting copies of each subsequently adopted plan amendment and related documents to review agencies at the time of each adoption.

(a) The local government shall submit a transmittal letter signed by the chief elected official or the person designated by the local government specifying the following:

1. The newspaper, meeting the size and circulation requirements of subsection 163.3184(15)(e), Florida Statutes, in which the Department should publish the required Notice of Intent pursuant subsection 163.3184(8)(b), Florida Statutes;

2. The adoption ordinance number(s) and adoption date of the plan or amendment package;

3. Certification that the adopted amendment, including data and analysis, has been sent to the appropriate agencies listed in subsection 9J-11.009(6), Florida Statutes;

4. If the plan amendment is unchanged and was not subject to review or objections, a statement requesting expedited publication of notice of intent. The transmittal letter shall include the following language: The comprehensive plan amendment package was adopted without revision from the proposed amendment package and no objections were raised by an affected party, the amendment was not reviewed by the Department or if reviewed no objections were raised. Based upon these facts, we request expedited publication of a Notice of Intent pursuant to Section 163.3184(8), Florida Statutes.

5. A summary of the package which shall include:

a. A listing of additional changes made in the adopted plan or amendment which were not previously reviewed by the Department. This listing shall include the identification of the specific portions that were changed with reference to appropriate pages. New text in the plan or amendment should be underlined and items deleted should be stricken through.

b. A listing of findings of the local governing body, if any, which were not included in the adoption ordinance and which provided the basis of the adoption of a proposed plan or plan amendment or the determination not to adopt the proposed plan amendment.

c. A statement indicating the relationship of the additional changes not previously reviewed by the Department to the objections, recommendations and comments report.

d. A listing of proposed amendments previously reviewed by the Department in the current cycle of amendments which were not adopted by the local government.

6. The name, title, address, telephone number, facsimile number, and e-mail address, if any, of the person for the local government who is familiar with the adopted amendment(s) and is responsible for ensuring that the materials transmitted are complete.

(b) The adopted amendment package shall included the following:

1. All the adopted text in strike-through and underline format or similar easily identifiable format identifying the new text that has been adopted;

2. In the case of a future land use map plan amendment, the adopted future land use map reflecting the changes made when adopted. The map amendments shall be submitted on maps that indicate the ordinance number and date of each amendment update. Also, it is not mandatory that completely reprinted future conditions maps be provided unless major, jurisdiction-wide changes are made. Appropriately labeled and cross-referenced maps may be acceptable;

3. A copy of the executed ordinance adopting the comprehensive plan or amendment(s);

4. A copy of the sign-in forms which legibly indicate the name and address of individuals who expressed a desire to receive a courtesy information statement at the proposed and adoption hearings pursuant to subsection 163.3184(15)(c), Florida Statutes. In the event no individuals sign up to receive a courtesy information statement, indicate on the sign-in form that no requests were made and include the form in the transmittal package;

5. Data and analysis. Each adopted plan or plan amendment must be supported by data and analysis in accordance with subsection 9J-5.005(2), Florida Administrative Code. If the original data and analysis or the data and analysis of a previous amendment or data and analysis submitted with the material transmitted pursuant to paragraphs 9J-11.004(2)(c) and 9J-11.006(1)(b) or Rule 9J-11.007, Florida Administrative Code, support the amendment, no additional data and analysis is required to be submitted to the Department unless the previously submitted data is no longer the best available existing data. The newly submitted data and analysis must reflect the best available data and analysis at the time the adopted amendment is submitted to the Department. If a local government relies on original plan data and analysis or the data and analysis of a previous amendment to support an amendment, it shall provide to the Department, at the time of the adopted submittal, a reference to the specific portions of the previously submitted data and analysis on which the local government relies to support the material.

6. Copies of the comprehensive plan pages that contain the newly adopted comprehensive plan amendments replacing the existing comprehensive plan pages in a manner that will update the plan and incorporate all plan amendments. To avoid reprinting all pages in the plan, it is permissible to number pages that contain additions or deletions to be inserted in the plan with the appropriate page number followed by decimals or some other equivalent sub-numbering system. These pages shall include the amendment ordinance number and adoption dates.

7. A new cumulative table of contents that includes all comprehensive plan amendments shall be submitted with each plan amendment package, and it shall indicate the revision date and ordinance numbers. The table of contents page(s) shall include the most recent amendment date.

~~Within ten working days after adoption, the local government shall submit a transmittal letter signed by the chief elected official or the person designated by the local government, which designates the newspaper, meeting the size and circulation requirements of subsection 163.3184(15)(c), Florida Statutes, in which the Department should publish the required Notice of Intent pursuant to subsection 163.3184(8)(b), Florida Statutes, and enclose three copies of the adopted comprehensive plan and the data and analysis or in the case of adopted amendment(s), three copies of the adopted amendment(s) and the data and analysis in strike through and underline format or similar easily identifiable format identifying the new text that has been adopted, indicating the adoption ordinance number, adoption date and plan amendment number on each page, and in the case of a future land use map plan amendment, three copies of the adopted future land use map reflecting the changes made when adopted, and a copy of the executed ordinance adopting the comprehensive plan or amendment(s) to the Department. Each adopted plan amendment must be supported by data and analysis in accordance with subsection 9J 5.005(2), Florida Administrative Code. If the original plan data and analysis or the data and analysis of a previous amendment or data and analysis submitted with the material transmitted pursuant to paragraphs 9J 11.004(2)(c), 9J 11.006(1)(b) or Rule 9J 11.007, Florida Administrative Code, support the amendment, no additional data and analysis is required to be submitted to the Department unless the previously submitted data is no longer the best available existing data. The newly submitted data and analysis must reflect the best data available at the time the adopted amendment is submitted to the Department. If a local government relies on original plan data and analysis or the data and analysis of a previous amendment to support an amendment, it shall provide to the Department, at the time of the adopted submittal, a reference to the specific portions of the previously submitted data and analysis on which the local government relies to support the amendment. This material shall be sent directly to the Florida Department of Community Affairs, Division of Community Planning, Plan~~

~~Processing Team. In addition, the local governing body shall transmit a copy of the adopted amendment and the data and analysis or reference the existing data and analysis to the appropriate regional planning council. The local government shall also transmit this material to review agencies listed in subsection 9J 11.009(8), Florida Administrative Code, and local governments or any other interested parties that have filed a written request with the governing body for a copy of the plan or amendment. The local government must ensure that the review agencies copy of the adopted plan remain complete by also transmitting copies of each subsequently adopted amendment and related documents to the review agencies at the time of each adoption. The transmittal letter to the Department shall certify that the adopted amendment, including the data and analysis have been sent to each of the above entities, as appropriate. In addition the following items shall be submitted with the adopted comprehensive plan or amendment:~~

~~(a) A listing of additional changes made in the adopted plan or amendment which were not previously reviewed by the Department. This listing shall include the identification of the specific portions that were changed with reference to appropriate pages. If possible, new text in the plan should be underlined and items deleted should be struck through.~~

~~(b) A listing of findings of the local governing body, if any, which were not included in the ordinance and which provided the basis of the adoption of a proposed plan or plan amendment or the determination not to adopt the proposed plan amendment.~~

~~(c) A statement indicating the relationship of the additional changes not previously reviewed by the Department to the objections, recommendations, and comments report from the Department.~~

~~(d) A listing of proposed amendments previously reviewed by the Department in the current cycle of amendments which were not adopted by the local government.~~

~~(e) The local government shall submit copies of the comprehensive plan pages that contain the newly adopted comprehensive plan amendments and are to replace the existing comprehensive plan pages in a manner that will update the plan and incorporates all plan amendments. To avoid reprinting all pages in the plan, it is permissible to number pages that contain additions or deletions to be inserted in the plan with the appropriate page number followed by decimals or some other equivalent subnumbering system. These pages shall include the amendment ordinance number and adoption date.~~

~~(f) A new cumulative table of contents that includes all comprehensive plan amendments shall be submitted with each plan amendment package, and it shall indicate the revision date and ordinance numbers. The table of contents page(s) shall include the most recent amendment date.~~

~~(g) Map amendments shall be submitted on maps that indicate the ordinance number and date of each amendment update. Also it is not mandatory that completely reprinted future conditions maps be provided unless major, jurisdiction wide changes are made. Appropriately labeled and cross referenced insert maps may be acceptable.~~

(6) through (10) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3167(3), 163.3177(9), 163.3184(1)(b),(2),(6),(7),(15),(16), 163.3187(1), 163.3189, 163.3191, 380.06(6) FS. History--New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 4-8-99, 1-8-01,_____.

9J-11.012 Compliance Review and Notice of Intent.

(1) Upon receipt of the adopted plan or amendment, the Department shall send a letter acknowledging receipt and requesting any missing documentation. Upon receipt of the complete plan or amendment package pursuant to subsection Rule 9J-11.011(5), Florida Administrative Code, the Department shall review the plan or amendment to determine compliance and shall issue a Notice of Intent to find the plan or amendment;

(a) In compliance within 20 calendar days after receipt of the complete adopted amendment, if the adopted transmittal letter correctly states that the plan amendment is unchanged and was not subject of review or objections pursuant to subsection 163.3184(7)(b), Florida Statutes, or;

(b) In compliance or not in compliance within 45 calendar days after receipt of the complete adopted amendment, unless the amendment is the result of a compliance agreement entered into pursuant to Section 163.3184(16), Florida Statutes, in which case the time period for review and determination is 30 days. The review period shall run from the determination of completeness pursuant to subsection 9J-11.012(1), Florida Administrative Code receipt of all documentation. If the Department did not, and was not, requested to review the proposed plan or plan amendment, the Department’s review must be based solely on the adopted plan or plan amendment.

(2) The Department will publish a Notice of Intent in a newspaper of general circulation in the local government’s jurisdiction from which the plan or element originates in the manner required by subsection 163.3184(8)(c)(b), Florida Statutes, and will include, but not be limited to, the following information:

(a) through (e) No change.

(3) A copy of the Notice of Intent will be mailed to the local government, the review agencies listed in subsection Rule 9J-11.009(6)(8), Florida Administrative Code, and to persons who request a copy of the notice. Requests for a copy of a Notice of Intent shall be in writing and shall be sent directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team and shall specify the plan or amendment by the name of the local government and by ordinance number or other formal designation.

(4) through (5) No change.

(6) If a Notice of Intent is issued to find the adopted plan or amendment not in compliance, the Department will forward a copy of the Notice of Intent to the Division of Administrative Hearings, Department of Management Services, requesting a hearing. During the review period provided in subsection Rule 9J-11.012(1), Florida Administrative Code, the Department shall issue a written Statement of Intent describing how each portion of a comprehensive plan or plan amendment alleged to be not in compliance is not consistent with one or more provisions of Sections 163.3177, 163.31776 when local government adopts an educational facilities element, 163.3178, 163.3180, 163.3191 and 163.3245, Florida Statutes, the state comprehensive plan, the appropriate strategic regional policy plan, or Chapter 9J-5, Florida Administrative Code, and a statement of remedial actions that the local government may complete in order to bring the plan into compliance. A copy of the Statement of Intent shall be mailed to the local government and to persons who requested a copy of the Notice of Intent. The Department shall file a petition requesting an administrative hearing and relief with the Division of Administrative Hearings. The petition shall incorporate the issues contained in the Statement of Intent, and the Statement of Intent and the Notice of Intent shall be filed with the petition. The administrative law judge shall submit the recommended order to the Administration Commission for final agency action.

(7) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3177(9), 163.3184(8),(9),(10) FS. History--New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 7-21-97, 4-8-99, 1-8-01,_____.

9J-11.0131 Local Government Adoption of Comprehensive Plan Compliance Agreement Amendment(s) and Transmittal to the Department.

(1) No change.

(2) The local government shall hold a single adoption public hearing pursuant to the following requirements:

(a) through (b) No change.

(c) The public hearing advertisement shall be published in a newspaper of general circulation in the local government jurisdiction. The advertisement shall meet the requirements of subsection 163.3184(15)(c)(e), Florida Statutes.

(3) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3184(16)(d) FS. History--New 11-10-93, Amended 11-6-96, 4-8-99,_____.

9J-11.018 Evaluation and Appraisal Reports and Evaluation and Appraisal Report-Based Amendments.

(1) PURPOSE AND INTENT. The procedures and criteria in this section shall guide the preparation, transmittal, adoption and sufficiency review of local government comprehensive plan evaluation and appraisal reports and evaluation and appraisal report-based plan amendments submitted pursuant to

Section 163.3191, Florida Statutes, Subsection 163.3184(5), Florida Statutes, and Chapters 9J-5 and 9J-33, Florida Administrative Code.

(2) TRANSMITTAL REQUIREMENTS FOR PROPOSED EVALUATION AND APPRAISAL REPORT.

(a) If local government elects to submit a proposed Evaluation and Appraisal Report 90 days prior to the evaluation and appraisal report schedule, the local planning agency shall prepare and transmit a proposed evaluation and appraisal report to the local governing body for review and adoption, and contemporaneously send a copy to the Department and each review agency as listed under subsection Rule 9J-11.009(6)(8)(a) thru (h), Florida Administrative Code Rules. The local planning agency shall submit a transmittal letter which specifies the date or dates on which the local planning agency held the public hearing and the date that the proposed evaluation and appraisal report was transmitted to each review agency as listed under subsection Rule 9J-11.009(6)(8)(a) thru (h), Florida Administrative Code. At a minimum, the format and content of the proposed report will include a table of contents; numbered pages; element headings; section headings within elements; a list of included tables, maps and figures; titles and sources for all included tables, maps and figures; where applicable, maps shall include major natural and man-made geographic features, city, county and state lines; maps shall contain a legend indicating a north arrow, map scale and date; a preparation date; and the name of the preparer.

(b) through (c) No change.

(d) The appropriate reviewing agencies as listed under subsection Rule 9J-11.009(6)(8)(a) thru (h), Florida Administrative Code, must provide written comments to the Department within 30 days after receipt of the proposed report pursuant to Section 163.3191(5), Florida Statutes.

(e) No change.

(3) SUBMITTAL REQUIREMENTS FOR ADOPTED EVALUATION AND APPRAISAL REPORT.

(a) Within 90 days after receiving the proposed evaluation and appraisal report from the local planning agency, the local governing body shall adopt, or adopt with changes, the proposed evaluation and appraisal report. Within ten working days of adoption of the report, the local governing body shall submit three copies of the adopted report to the Department. If a proposed report was provided, the local government shall provide a copy of the report to the reviewing agencies which provided comments for the proposed report to the local government. If a proposed report was not provided pursuant to Section 163.3191(5), Florida Statutes, the local government shall provide a copy of the report to all reviewing agencies as listed under subsection Rule 9J-11.009(6)(8)(a) thru (h), Florida Administrative Code, including adjacent local governments.

(b) through (d) No change.

(4) CRITERIA FOR DETERMINING SUFFICIENCY OF ADOPTED EVALUATION AND APPRAISAL REPORTS.

(a) through (c) No change.

(d) If the local governing body fails to adopt the evaluation and appraisal report by the established adoption date, the local governing body is prohibited from amending its comprehensive plan, except for amendments described in subsections Sections 163.3187(1)(b) or (h), Florida Statutes, until such time as the local governing body adopts and submits an evaluation and appraisal report to the Department.

(e) through (f) No change.

(5) SUBMITTAL REQUIREMENTS FOR PROPOSED AND ADOPTED EVALUATION AND APPRAISAL REPORT-BASED AMENDMENTS.

(a) through (b) No change.

Specific Authority 163.3177(9), 163.3191(12) FS. Law Implemented 163.3187(6), 163.3191 FS. History--New 11-6-96, Amended 4-8-99, _____.

9J-11.019 Action to Require Local Government to Submit Land Development Regulations for Review.

(1) The Department may shall not require a local government to submit one or more land development regulations for review if unless it has reasonable grounds to believe that the local government has completely failed to adopt one or more of the regulations required by Section subsection 163.3202(2) or subsection 163.3202(6), Florida Statutes.

(2) through (5) No change.

Specific Authority 163.3202(5) FS. Law Implemented 163.3202 FS. History--New 11-6-96, Amended 4-8-99, _____.

9J-11.020 Action to Review Land Development Regulations.

(1) The Department shall have 30 calendar days from receipt of the local government's land development regulations to determine whether the local government has completely failed to adopt the regulations required by Section subsection 163.3202(2) or subsection 163.3202(6), Florida Statutes. The Department shall consult with appropriate local government officials during this period to assure that the local government has opportunities to discuss any of the regulations in question.

(2) through (4) No change.

Specific Authority 163.3202(5) FS. Law Implemented 163.3202 FS. History--New 11-6-96, Amended _____.

9J-11.022 Submittal Requirements for Public Schools Interlocal Agreement and Amended Agreements.

(1) PURPOSE AND INTENT. This section shall guide the preparation, transmittal, adoption and consistency review of public schools interlocal agreement submitted pursuant to Section 163.31777, Florida Statutes.

(2) SUBMITTAL REQUIREMENTS FOR PUBLIC SCHOOLS INTERLOCAL AGREEMENT AND AMENDED AGREEMENTS.

(a) The county and municipalities located within the geographic area of a school district must submit the interlocal agreement required by Section 163.31777, Florida Statutes, in accordance with the submission schedule published by the state planning agency. A draft proposed interlocal agreement may be submitted to the Department for informal review.

(b) The local government shall submit three copies of the executed interlocal agreement or amended agreement to the Department, one copy to the Office of Educational Facilities and SMART Schools Clearinghouse.

(c) For each executed interlocal agreement or amended agreement submittal package, the local governing body shall submit:

1. A transmittal letter from the local government or its designee which shall specify the following:

a. The date the interlocal agreement or amended agreement was executed;

b. The parties executing the agreement;

c. A summary of any waivers which have been granted by the Department pursuant to Subsection 163.31777(1)(c), Florida Statutes;

d. Certification that the interlocal agreement or amended agreement has been sent to the Office of Educational Facilities and SMART Schools Clearinghouse.

e. The name, title, address, telephone number, facsimile number, and e-mail address, if any, of the local government official or authorized agent who is familiar with the interlocal agreement or amended agreement and is responsible for ensuring that the materials transmitted are complete.

2. A copy of the executed interlocal agreement or amended agreement.

(d) Amendments to the public schools interlocal agreements shall be submitted pursuant to this section, and shall be transmitted to the Department within 30 days of the amended agreement's execution date.

(3) ACTION UPON NON-RECEIPT OF PUBLIC SCHOOL INTERLOCAL AGREEMENT OR AMENDED AGREEMENT.

If the local government's executed interlocal agreement is not timely submitted to the Department for review, the Department shall, within 15 working days after the deadline for submittal, issue to the local government and the district school board a Notice to Show Cause why sanctions should not be imposed for failure to submit an executed interlocal agreement by the deadline established by the Department.

(4) ACTION UPON RECEIPT OF PUBLIC SCHOOLS INTERLOCAL AGREEMENT OR AMENDED AGREEMENT.

(a) The Department shall review the material submitted to ensure that all the applicable materials are included in the submittal package submitted for review. The Department will send a notification to the local government upon submission of a complete submittal.

(b) If the interlocal agreement or amended agreement submittal package does not include the required information listed in subsection 9J-11.022(2), Florida Administrative Code, the Department will immediately notify the local government of the deficient items.

(c) The Office of Educational Facilities and SMART Schools Clearinghouse shall submit any comments or concerns regarding the executed interlocal agreement or amended agreement to the Department within 30 days after receipt of the executed interlocal agreement or amended agreement.

(d) The Department shall review the executed interlocal agreement or amended agreement to determine whether it is consistent with the requirements of subsection 163.31777(2), Florida Statutes, the adopted local government comprehensive plan and other requirements of law. Within 60 days after receipt, the Department shall publish a notice of intent in the Florida Administrative Weekly and shall post a copy of the notice on the Department's internet site stating whether the interlocal agreement or amended agreement is consistent or inconsistent.

(e) An affected person, as defined by subsection 163.3184(1)(a), Florida Statutes, has standing to initiate an administrative proceeding challenging the Department's notice.

(f) If the Department enters a final order finding that the executed interlocal agreement or amended agreement is inconsistent with the requirements of subsection 163.31777(2), Florida Statutes, the Department shall forward it to the Administration Commission, which may impose sanctions against the local government pursuant to subsection 163.3184(11), Florida Statutes, and may impose sanctions against the district school board by directing the Department of Education to withhold from the district school board an equivalent amount of funds for school construction available pursuant to Sections 235.187, 235.216, 235.2195 and 235.42, Florida Statutes.

Specific Authority 163.31777 FS. Law Implemented 163.31777 FS. History—
New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ray Eubanks, Community Program Administrator, Division of Community Planning, Bureau of State Planning, Plan and DRI Processing Unit, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sonny Timmerman, Director, Division of Community Planning, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 14, 2002

DEPARTMENT OF LAW ENFORCEMENT

RULE CHAPTER TITLE: False Reports of Bombing, Etc., Reward for Information Relating Thereto
RULE CHAPTER NO.: 11-2

RULE TITLE: Judicial Review
RULE NO.: 11-2.004

PURPOSE AND EFFECT: To clarify the procedures for reward for false bomb threat claims.

SUMMARY: The proposed revision will permit a claimant to file a claim in civil or criminal circuit court.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 790.164 FS.

LAW IMPLEMENTED: 790.164 FS.

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

TIME AND DATE: 10:00 a.m., Wednesday, August 21, 2002
PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 3rd Floor, Quad C, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Fern Rosenwasser, Assistant General Counsel, Office of General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7676

THE FULL TEXT OF THE PROPOSED RULE IS:

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 petition ~~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, F.A.C., 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, 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 943.03(4) FS. Law Implemented 790.164 FS. History–New 3-2-77, Formerly 11-2.04, Amended 7-29-01, _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 17, 2002

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

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

RULE TITLES: Definitions
RULE NOS.: 11B-14.001

General Program Provisions 11B-14.002

Authorized Salary Incentive Payments 11B-14.003

Annual Salary Incentive Compensation Report 11B-14.005

PURPOSE AND EFFECT: Revisions to this rule chapter are necessary to update definitions, create a new section that outlines the statutorily mandated Annual Salary Incentive Compensation Report that adds the inactive advanced training courses eligible for salary incentive payments, and revise forms.

SUMMARY: Revisions to this rule chapter are made to update definitions, create a new section that outlines the statutorily mandated Annual Salary Incentive Compensation Report that lists the inactive advanced training courses eligible for salary incentive payment; and add rule references to forms in Rule Chapter 11B-14, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

LAW IMPLEMENTED: 943.22 FS.

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

TIME AND DATE: 10:00 a.m., August 21, 2002

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, persons 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)410-8615 (Voice) or (850)656-9597 (TDD).

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

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-14.001 Definitions.

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

(1) "Career Development Training Course" means any course in the Career Development Training Program approved by the Commission and consists ~~consisting~~ of advanced or technical training. ~~On and after July 1, 1985, the definition shall be, "those courses related to promotion to a higher rank or position,"~~ pursuant to Section 943.17(1)(c), F.S.

(2) "Federal or Private Training" means a training program approved by the Commission to enhance an officer's knowledge, skills, and abilities for the job performed and is approved by the Commission for salary incentive payment. Commission-approved Federal or Private Training Programs are listed in subsection 11B-14.002(3), F.A.C.

~~(3)(2)~~ "Advanced Training Course" ~~on or after July 1, 1985,~~ means, "a course in the Advanced Training Program approved by the Commission," which enhances an officer's knowledge, skills, and abilities for the job performed, pursuant to Section 943.17(1)(b), F.S.

~~(4)(3)~~ "Annual Salary Incentive Compensation Report Reporting Document" means, "a computerized report prepared annually," that lists for each agency the name of its officers, date of employment, and correct monthly payments by the type of salary incentive an officer is eligible to receive, and contains the required signature lines, pursuant to Section 943.22(2)(i), F.S.

(5) "Officer" means an individual who meets the statutory requirements pursuant to Chapter 943.13, F.S.

(6) "Educational Training" means an associate's degree, equivalent, or bachelor's degree pursuant to Section 943.22(2)(b),(c), F.S.

(7) "ATMS" means the Commission's Automated Training Management System.

(8) "Basic recruit training program" shall mean Commission-approved Basic Recruit Training Programs for law enforcement, correctional, and correctional probation officers.

(9) For advanced training courses the terms "successfully completed" and "successfully complete" are defined as being denoted with a "Pass" on the Training Report form, CJSTC-67, revised February 7, 2002, hereby incorporated by reference, or for federal or private training programs, a letter from the agency head attached to the Certificate of Completion that confers the successful completion of a federal or private training program.

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

11B-14.002 General Program Provisions.

(1) Section 943.22, F.S., establishes the Salary Incentive Program requirements for continued professional development of a full-time officer who is eligible to receive maximum aggregate monthly salary incentive payments in the amount of \$130 for completion of the Law Enforcement Basic Recruit Training, Advanced and Career Development Training Courses, Federal or Private Training Programs, Educational Training, and the Law Enforcement Basic Recruit Training Programs pursuant to Section 943.22(2)(a), F.S. ~~The Salary Incentive Program shall not be used to circumvent any current or planned annual base salary increases, pursuant to Section 943.22(2)(g), F.S. Additionally, agency financial records shall be maintained to separately identify gross salary and salary incentive payments.~~

~~(2) Section 943.22(2)(i), F.S., requires an employing agency, defined in Rule 11B-14.001, F.A.C., to submit reports annually containing information that is applicable to the~~

~~compensation of its full time officers. This provision shall be satisfied by preparation of a report by Commission staff for submission to each agency for agency review and validation. This report shall be submitted to Commission staff with any additions, deletions, and corrections, and shall be signed by the agency fiscal agent, chief administrator, or their designees.~~

~~(2)(3) All Commission approved Career Development Training Courses, as defined in Rule 11B-14.001(1), F.A.C., and Advanced Training Courses, as defined in Rules 11B-14.001(3) and 11B-35.006, F.A.C., that have been successfully completed, as defined in Rule 11B-14.001(9), F.A.C., by eligible officers 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 the training center director's designee, defined in Rule 11B-21.005(8)(3)(a), F.A.C.; To verify successful completion of an approved Advanced or Career Development Training Course, and to authorize salary incentive payments, a Training Report form, CJSTC-67, shall be electronically transmitted to Commission staff through the Commission's ATMS, for submission to Commission staff by completing a Training Report form CJSTC 67, revised December 6, 2000, 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 CJSTC 67 showing successful completion of an approved course shall be used as the verifying document to authorize payment of appropriate training salary incentive monies.~~

~~(3)(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. Eligible officers who request to receive salary incentive payments credit for a programs listed in subsections (a)-(v) below herein, shall submit to Commission staff a written request for salary incentive credit from the officer's agency administrator and submit a copy of the officer's Certificate of course Completion that indicates the hours completed. Commission staff shall evaluate the request and determine whether the program in question qualifies for training salary incentive monies. The following Federal or Private Training has programs have been approved by the Commission and is are recognized for advanced training that enhances an officer's knowledge, skills, and abilities for the job performed. Individuals successfully completing Federal or Private Training shall the following programs may submit~~

documentation to Commission staff for a determination of course completion eligibility entitling the individual to recognition of salary incentive payments credit, however, the cost of these courses are not approved for expenditure from the Criminal Justice Standards and Training Trust Fund Officer Training Monies pursuant to Rule Chapter 11B-18, F.A.C.:

<u>Federal or Private Training</u>	<u>Program Code</u>	<u>Program Hours</u>
(a) Federal Bureau of Investigation's National Academy	700	320
(b) S.P.I. Administrative Officers' Course	701	320
(c) National Institute of Corrections	702	320
(d) Police Executive Institute	703	320
(e) National Sheriff's Institute	704	320
(f) Northwestern Traffic Institute	705	320
(g) Federal Bureau of Prisons	706	320
(h) IPTM Principles of Police Management	707	80
(i) IPTM Police Traffic Management	708	80
(j) IPTM Supervising a Selective Traffic Law Enforcement Program	709	40
(k) IPTM Police Executive Development	710	40
(l) IPTM Electronic Spreadsheet for the Police Manager	711	40
(m) Federal Bureau of Investigation's National Executive Institute	712	80
(n) Senior Management Institute for Police	713	80
(o) S.P.I. Police Executive Development	714	80
(p) N.I.C. Planning of New Institutions	715	40
(q) N.I.C. ACM: Managing the Organization	716	80
(r) N.I.C. Correctional Management	717	80
(s) N.I.C. Training for Staff Trainers	718	40
(t) N.I.C. Legal Issues for Institutional Personnel	719	40
(u) FDLE Senior Leadership Program	720	320
(v) S.P.I. Command Officer Development	721	400

(4) Full-time officers are eligible to receive training and educational salary incentive payment based on their date of certification, provided the officer notifies the agency of his or her eligibility to receive salary incentive payments.

(5) Training Salary Incentive Payments. 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 Higher Education for Salary Incentive Report form, CJSTC-63, revised December 6, 2000, hereby incorporated by reference. The information on the CJSTC-63 form may be electronically transmitted 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.

(a) The date of eligibility for salary incentive payments shall be determined by:

1. The date of successful completion of a Commission-approved training course, pursuant to subsection 11B-14.001(9), F.A.C., indicated on the Training Report form, CJSTC-67, which has been issued by a Commission-certified training school, or the date of certification, whichever is later.

2. The date indicated on a Commission-approved training Certificate(s) of Completion, or the date of certification, whichever is later.

3. No other date shall be used to calculate training salary incentive payments.

(b) The initial salary incentive payment paid to local officers shall be pro-rated or no payment paid for the initial month of eligibility. Salary incentive payments paid to officers employed by the State of Florida shall begin in the first full calendar month following the initial date of eligibility.

(c) An officer who has been previously employed by another agency shall be paid salary incentive payments beginning on the day the officer becomes employed by an agency.

(d) Salary incentive monies for Advanced Training Courses are transferable from one discipline to another.

(6) Educational Salary Incentive Payments. Salary incentive payments shall begin on or after the date of eligibility specified in the documentation authorizing salary incentive payments, and the payments shall be determined as follows:

(a) State Officers. Educational salary incentive payments shall not be paid to state officers whose class specifications require a minimum of a 4-year degree or higher, pursuant to Section 943.22(2)(e), F.S. The date of successful completion of an approved training course indicated on a copy of the Training Report form CJSTC-67, issued by the training school, or the date of certification for employment, whichever is dated later.

(b) To claim eligibility for educational salary incentive payment, an officer shall provide the employing agency an official transcript(s) issued by the institution conferring the degree, or provide academic credit for successful completion of courses. The date indicated on a Commission-approved training certificate, or the date of certification for employment, whichever is later.

(c) The employing agency is responsible for ensuring that the documents submitted for educational salary incentive payments are authentic and accurately reflect the credit given for academic courses successfully completed by the officer, and shall submit or electronically transmit through the Commission's ATMS to Commission staff, a completed Higher Education for Salary Incentive Report, form CJSTC-63, revised February 7, 2002, hereby incorporated by reference. For educational salary incentive, the date indicated on the transcript approval or certification for employment, whichever is later.

(d) Educational salary incentive payments shall begin on or after the date of notice of eligibility indicated on the transcript approval or the date of certification, whichever is later, pursuant to Section 943.22(2)(f), F.S., and no other date shall be used to calculate training salary incentive payments. No other date shall be used to calculate salary incentive monies.

(e) 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. Pursuant to Section 943.22(2)(f), F.S., retroactive payments are not authorized.

(7) Retroactive salary incentive payments are not authorized, pursuant to Section 943.22(2)(f), F.S. Educational salary incentive payments shall not be provided to state officers whose class specifications require a minimum of a four year degree or higher, pursuant to Section 943.22(2)(e), F.S.

(8) Agency financial records shall be maintained to separately identify gross salary and salary incentive payments. Salary incentive payments paid to officers employed by the State of Florida shall begin in the first full calendar month following the initial date of eligibility.

(9) The employing agency shall maintain all documents related to salary incentive eligibility and payments in the officer's file. Initial salary incentive payments made to local officers shall be paid by one of the following methods:

(a) Pro-rated for the initial month of eligibility, or

(b) No payment for the initial month of eligibility.

(10) Officer Suspension or leave of absence. When an officer is suspended without pay, or takes any leave of absence without pay, the salary incentive payment for the month in which the suspension or leave of absence occurs, shall be pro-rated by the number of days or hours paid within the pay

period. Salary incentive payments for subsequent months shall be withheld. When the officer returns to employment, salary incentive payments shall resume and continue ~~in a normal fashion~~, beginning on the date the officer returns to employment.

(11) Separating State and Local Officers. Salary incentive payments paid to separating state and local officers shall be pro-rated by the number of days or hours worked within the month of separation.

(12) An officer that is paid while on workers' compensation is entitled to salary incentive payments in the same proportion as a paid salary, pursuant to Section 943.22(2)(h), F.S. The officer's training record maintained by Commission staff shall reflect the officer's eligibility for salary incentive monies. Eligibility for educational salary incentive monies shall be transferable regardless of the discipline in which the officer obtains employment. Salary incentive monies for Advanced Training Courses are transferable from one discipline to another.

(13) The employing agency is responsible for ensuring that the documents submitted for educational salary incentive monies are authentic and accurately reflect the credit given for academic courses successfully completed by the officer.

(13)(14) In the event a state agency is not making the required salary incentive payment to any eligible officer, the Commission shall notify the Executive Office of the Governor of the discrepancy and request that appropriate action be taken to ensure compliance, pursuant to Section 943.22(2)(j), F.S.

(14)(15) Sheriffs eligible to qualify for special qualification salary, pursuant to Sections 943.253, F.S., and ~~Section~~ 145.071, F.S., may request salary incentive payment pursuant to Section 943.22(2)(d), F.S., and shall be entitled to salary incentive payment credits under the programs provided in subsection (3)(4) of this rule section. However, any executive or management courses completed to satisfy the requirements of Section 145.071, F.S., regarding special qualification salary for sheriffs, shall not be credited for salary incentive payments. Commission staff shall provide sheriffs with documentation that verify the number of hours credited for salary incentive payments pursuant to Section 943.22(2)(d), F.S., and the number of hours credited toward continuing education pursuant to Section 145.071(2)(c), F.S.

(15)(16) All Forms 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 ~~Director's Office~~, Forms Liaison.

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, 7-29-01, _____.

11B-14.003 Authorized Salary Incentive Payments.

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

(1) Pursuant to Section 943.22(2)(a), F.S., the sum of \$25 each month for basic salary incentive payments monies shall be paid to a full-time law enforcement, or a concurrently certified officer who was previously eligible to receive such payments. Additionally, upon the reactivation of certification, any individual eligible as specified in this subsection paragraph, shall again be entitled to basic salary incentive payments monies. A correctional or correctional probation officer shall not be entitled to basic salary incentive payments monies, regardless of their employment or certification date.

(2) Pursuant to Section 943.22(2)(b), (c), F.S., the maximum amount of educational salary incentive payments monies an officer may receive shall be limited to \$80 each month for a bachelor or higher degree. Full-time officers who possess an associate degree or equivalent, or a higher degree from an accredited post-secondary institution, are eligible for educational salary incentive payments, however, state officers whose job specifications require a four-year degree are not eligible to receive educational salary incentive payment pursuant to Section 943.22(2)(e), F.S. Pursuant to Section 943.22, F.S., the employing agency is responsible for verifying that the accrediting association is recognized.

(3) Section 943.22(1)(c), F.S., defines an associate college degree or equivalent as "graduation from an accredited community college or successful completion of 60 semester hours or 90 quarter hours and eligibility to receive an associate degree." To qualify for educational salary incentive payment, a letter from the awarding institution shall be submitted to the employing criminal justice agency stating that the hours completed by the officer are equivalent to a two-year degree and would qualify the officer for a degree if the institution had a two-year degree program.

(4)(3) Pursuant to Section 943.22(2)(d), F.S., officers shall receive the sum of \$20 each month for each successfully completed 80-hour unit of Advanced or Career Development Training, which has been verified by the agency through ATMS successfully completed. Commission staff shall recognize, only once, the successful completion of any specific training course for salary incentive payment training salary incentive monies.

(4) Pursuant to Section 943.22(2)(e), F.S., the maximum aggregate amount allowed under the provisions of the Salary Incentive Program, shall be limited to \$130 each month.

(5) The maximum amount of salary incentive payments an officer is entitled to receive each month is based on the completion of the following Commission-approved training:

<u>Commission-Approved Training</u>	<u>Maximum Salary Incentive Payment</u>
(a) <u>Basic Recruit Training</u>	<u>\$25.00</u>
(b) <u>Career Development Training</u>	<u>\$120 maximum</u>
<u>Courses on or before June 30, 1985</u>	
<u>Advanced Training Courses on or after</u>	
<u>July 1, 1985 Federal or Private Training</u>	
(c) <u>Educational Training, if applicable</u>	<u>\$30 for a two-year degree</u>
	<u>\$80 for a four-year degree</u>
(d) <u>Combination of Training and Education</u>	<u>\$130 maximum</u>
Specific Authority 943.03(4), 943.12(1), 943.22(2)(h) FS. Law Implemented 943.22 FS. History--New 9-11-79, Amended 1-13-81, 5-16-83, 9-1-83, 4-26-84, 1-7-85, Formerly 11B-14.03, Amended 7-13-87, 1-2-97, 7-7-99, 8-22-00,_____.	

11B-14.005 Annual Salary Incentive Compensation Report.

(1) Employing agencies shall be responsible for the correct salary incentive payments to full-time officers pursuant to 943.22(j), F.S., and shall annually submit to the Commission a Salary Incentive Compensation Report that contains information relative to compensation of full-time officers pursuant to paragraph 943.22(2)(i), F.A.C.

(2) Salary incentive courses successfully completed by an officer are reported on the Annual Salary Incentive Compensation Report and are denoted by a code that corresponds with the course code reported by a Commission-certified training school or a code that corresponds with federal or private training.

(3) The active advanced training courses approved for salary incentive payments are listed in subsection 11B-35.006(4), F.A.C.

(4) The following inactive advanced training courses were eligible for salary incentive payments for the dates as indicated:

<u>Course Title</u>	<u>Course Code</u>	<u>Course Hours</u>	<u>Inactive</u>
*Refresher	003	40	11/1/79
*Intermediate	004	80	11/1/79
*Advanced	005	40	11/1/79
*Executive Development: Base	008	40	10/1/85
<u>The Nature of Management Responsibilities</u>	009	40	7/1/88
<u>Developing a Philosophy of Management</u>	010	40	7/1/88
<u>Instructor Techniques, effective 10/1/79</u>	015	40	10/1/85
*Crime Scene Procedure	017	40	7/1/88
*General Criminal Investigation Techniques	018	40	7/1/88
*Officer Skills Improvement and Stress Reduction	028	40	7/1/88
*Police Officer Procedures and Techniques	029	40	7/1/88
*Introduction to Police Operations and Leadership	030	40	7/1/88
*Crime Scene Photography, effective 7/1/85	031	40	7/1/88
*Crimes Against Property	034	40	7/1/88
*Confidential Informants and Other Source of Information	035	40	7/1/88
*Crime Prevention	037	40	7/1/88
*Traffic Accident Investigation	038	40	7/1/88
<u>Traffic Homicide Investigation</u>	039	40	7/1/88
*Surveillance Techniques	040	40	7/1/88

* <u>Environmental Law Enforcement and Investigation</u>	041	40	10/1/85
* <u>Marine Enforcement and Investigation</u>	042	40	7/1/88
* <u>Economic Crimes – An Overview</u>	043	40	7/1/88
* <u>Economic Crimes – Crime Scheme Identification</u>	044	40	10/1/85
* <u>Economic Crimes – Frauds and Schemes</u>	045	40	7/1/88
* <u>Economic Crimes – Tangible Property Frauds and Schemes</u>	046	40	10/24/86
* <u>Crimes Against Persons</u>	048	40	7/1/88
* <u>Tactical Police Driving</u>	049	40	7/1/88
<u>Field Training Officer 40 hours</u>	051	40	7/1/02
<u>Crime and the Elderly</u>	052	40	7/1/88
* <u>Correctional Operations</u>	059	40	7/1/88
* <u>Counseling and Communication Skills Program</u>	060	40	7/1/88
* <u>Supervisory Training – See Course 006</u>	061	40	10/1/85
* <u>Management Training – See Course 007</u>	062	40	10/1/85
* <u>Crisis Management Training – See Course 053</u>	063	40	10/1/85
* <u>Stress Awareness and Resolution – See Course 050</u>	064	40	10/1/85
* <u>Self Defense and Use of Force</u>	065	40	7/1/88
* <u>First Responder to Medical Emergencies</u>	066	40	7/1/91
* <u>Firearms Qualification</u>	067	40	9/30/83
* <u>Residential Security</u>	069	40	7/1/88
* <u>Commercial Security</u>	070	40	7/1/88
* <u>Developing and Managing Crime Prevention Programs</u>	071	40	7/1/88
* <u>Community Relations</u>	075	40	10/24/86
* <u>Health Training</u>	076	40	10/1/85
* <u>Proficiency Skills Enhancement, effective 4/25/85</u>	078	40	7/1/88
* <u>Prevention of Delinquency and Juvenile Victimization, effective 4/25/85</u>	079	40	7/1/88
* <u>Instructor Techniques, effective 7/1/85</u>	081	80	7/1/88
* <u>Foreign Language Skills, effective 7/25/85</u>	082	80	7/1/88
* <u>Advanced Neighborhood Watch, effective 7/25/85</u>	083	40	7/1/88
* <u>Models for Management</u>	084	40	7/1/87
* <u>Background Investigations</u>	086	40	7/1/88
* <u>Investment in Excellence, effective 3/17/86</u>	089	40	7/1/88
* <u>Fingerprints Science, effective 10/24/86</u>	092	120	7/1/88
* <u>Learning To Supervise, effective 4/25/85</u>	200	40	7/1/88
* <u>Learning To Manage, effective 4/25/85</u>	201	40	7/1/88

Specific Authority 943.03(4), 943.12(1), 943.22(2)(i) FS. Law Implemented 943.22 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Manager, Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 17, 2002

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Criminal Justice Standards and Training Trust Fund	11B-18
RULE TITLES:	RULE NOS.:
Operational Definitions	11B-18.003
Regional Training Areas	11B-18.004
Establishment of Regional Training Councils	11B-18.005
Regional Training Council Meetings	11B-18.0051
Development of Budgets	11B-18.0052
Officer Training Monies Budget and Expenditure Categories	11B-18.0053
Expenditure of Funds	11B-18.007
Development of Officer Training Monies Budgets and Required Reports	11B-18.0071
Areas of Responsibility	11B-18.008
Applicability, Contractual Obligations	11B-18.009
Criminal Justice Standards and Training Commission Fiscal Program Audits and Instruction and Facility Evaluations	11B-18.010

PURPOSE AND EFFECT: Revisions to this rule chapter are necessary to revise the operational definitions and clarify and re-structure existing rule sections for ease of understanding.

SUMMARY: Revisions to this rule chapter are made to clarify rule language; repeal Rule 11B-18.007, F.A.C., Expenditure of Funds, and replace with Rule 11B-18.0053, F.A.C., Officer Training Monies Budget and Expenditure Categories and Rule 11B-18.0071, F.A.C., Development of Officer Training Monies Budgets and Required Reports; add Rule 11B-18.010, F.A.C., Criminal Justice Standards and Training Commission Fiscal and Program Audits and Instruction and Facility Evaluations; update the state law enforcement agency list in Rule 11B-18.005, F.A.C.; revise operational definitions; and add rule references to the incorporated forms in Rule Chapter 11B-18, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

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

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

TIME AND DATE: 10:00 a.m., August 21, 2002
 PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, persons 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)410-8615 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

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

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-18.003 Operational Definitions.

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

(1) through (4) No change.

(5) "Criminal Justice Standards and Training Trust Fund" means "Officer Training Monies" ~~appropriated the fund established~~ by the Legislature to provide Commission-approved Advanced and Specialized Training for Law Enforcement, correctional, and correctional probation officers, and provide enhancements to Commission certified public criminal justice training schools when approved by the Legislature, pursuant to Section 943.25(2), F.S.

(6) No change.

(7) "Distribution Formula" means the Commission-approved distribution formula established in this rule chapter ~~that is used~~ to calculate the distribution of Officer Training Monies trust fund monies to the training regions pursuant to Section 943.25(5)(b), F.S.

(8) "Encumbered Funds" means Officer Training Monies ~~those funds~~ that have been obligated during a given fiscal year by proper execution of a purchase order or other formal agreement that is enforceable as a contract for disbursement of those funds.

(9) No change.

(10) "Local Regional Training Council" means a Regional Training Council established pursuant to Section 943.25(5), F.S., and is composed of representatives of

Commission-certified ~~public criminal justice~~ training schools, and local law enforcement and local correctional agencies within a region.

(11) through (15) No change.

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

(17) "Specialized Training Program Courses." defined in Rule 11B-35.007, F.A.C., are Commission-approved courses delivered through ~~means those courses approved by the Commission for trust fund expenditures that are developed and sponsored by~~ a Commission-certified ~~public criminal justice~~ training school, that demonstrate and demonstrate job relevance, instructional quality, and training needed at the local level.

(18) "State Regional Training Councils" means the two ~~(2)~~ training councils, one ~~(1)~~ of which is comprised of representatives from state law enforcement agencies, and the other from the Florida Department of Corrections.

(19) "Year End Fiscal Report" means the report prepared at the close of the budget cycle, which is used to advise Commission staff and the Commission of all expended, encumbered, and unexpended Officer Training Monies funds within the operating budget.

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

(21) "Emergency Budget Amendment" means a transfer of Officer Training Monies funds from one budget category to another budget category, which requires a revision to the ~~Commission approved~~ expenditure formula.

(22) "Advanced Training Course" on or after July 1, 1985, means a course in the Advanced Training Program approved by the Commission that enhances an officer's knowledge, skills, and abilities for the job performed, pursuant to Section 943.17(1)(b), F.S., and for the purpose of this Rule Chapter, shall mean Commission-approved training courses.

(23) "Commission-certified training school" shall mean a training school pursuant to Section 943.10(16), F.S.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.25(4), 943.12(5) FS. (Supp. 1998). History--New 1-13-81, Amended 7-28-82, 1-26-83, 1-7-85, 1-28-86, Formerly 11B-18.03, Amended 7-13-87, 5-23-88, 12-13-92, 1-2-97, 7-7-99, 8-22-00, _____.

11B-18.004 Regional Training Areas.

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

(1) Region I.

(a) No change.

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

(2) Region II.

(a) No change.

(b) Commission-certified ~~public criminal justice~~ training schools within Region II: Chipola Junior College Criminal Justice Training Center, Gulf Coast Community College Criminal Justice Training Academy, and Washington-Holmes Technical Center Criminal Justice Program.

(3) Region III.

(a) No change.

(b) Commission-certified ~~public criminal justice~~ training school within Region III: Tallahassee Community College/Pat Thomas Law Enforcement Academy.

(4) Region IV.

(a) No change.

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

(5) Region V.

(a) No change.

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

(6) Region VI.

(a) No change.

(b) Commission-certified ~~public criminal justice~~ training schools within Region VI: Central Florida Community College Criminal Justice Institute and Withlacoochee Vocational Technical Institute/Criminal Justice Training Academy.

(7) Region VII.

(a) No change.

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

(8) Region VIII.

(a) No change.

(b) Commission-certified ~~public criminal justice~~ training schools within Region VIII: Polk Community College Institute of Public Safety ~~Criminal Justice Division~~, and South Florida Community College Criminal Justice Academy.

(9) Region IX.

(a) No change.

(b) Commission-certified ~~public criminal justice~~ training schools within Region IX: Hillsborough Community College Criminal Justice Institute, Manatee Technical Institute Criminal Justice Academy, Pasco-Hernando Community College/Pasco-Hernando Police Academy, and St. Petersburg Junior College Southeastern Public Safety Institute.

(10) Region X.

(a) No change.

(b) Commission-certified ~~public criminal justice~~ training schools within Region X: Sarasota County Technical Institute/Sarasota Criminal Justice Academy and Lee County Vocational High Technical Center (Central)/Southwest Florida Criminal Justice Academy.

(11) Region XI.

(a) No change.

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

(12) Region XII.

(a) No change.

(b) Commission-certified ~~public criminal justice~~ training school within Region XII: Palm Beach Community College Criminal Justice Training Center.

(13) Region XIII.

(a) No change.

(b) Commission-certified ~~public criminal justice~~ training school within Region XIII: Broward Community College Criminal Justice Institute of Public Safety.

(14) Region XIV.

(a) No change.

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

(15) Region XV.

(a) No change.

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

(16) Region XVI.

(a) No change.

(b) Commission-certified ~~public criminal justice~~ training school within Region XVI: Florida Department of Corrections/Florida Corrections Academy.

Specific Authority 943.03(4), 943.12(1),(2) F.S. Law Implemented 943.25(5) F.S. (Supp. 1998) History--New 1-13-81, Amended 7-28-82, 1-7-85, Formerly 11B-18.04, Amended 7-13-87, 1-2-97, 7-7-99, 8-22-00, _____.

11B-18.005 Establishment of Regional Training Councils.

(1) A Regional Training Council is hereby established in each of the regional training areas described in Rule 11B-18.004, F.A.C. The purpose of each Regional Training Council shall be to act as an extension of the Criminal Justice Standards and Training Commission in ~~the~~ planning, programming, and budgeting of Officer Training Monies and the Criminal Justice Standards and Training Trust Fund, and to advise and assist the Commission in developing a plan for assessing regional training and Commission-certified ~~public criminal justice~~ training schools' needs, pursuant to Section 943.25(5), F.S.

(2) No change.

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

(a) through (d) No change.

(e) Florida Fish and Wildlife Conservation Commission.

(f) through (h) No change.

~~(i) Department of Management Services.~~

~~(i)(j) Department of the Lottery.~~

~~(j)(k) Office of the Attorney General.~~

(l) Department of Juvenile Justice.

(m) Department of Banking and Finance.

(4) The State Regional Correctional Officer Training Council shall be comprised of not less than seven ~~(7)~~ representatives, and are appointed by the Secretary of the Department of Corrections.

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

(a) Not more than twelve ~~(12)~~ members, of which not more than six ~~(6)~~ shall be law enforcement officers;

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

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

(d) A single Commission-certified ~~public criminal justice~~ training school, correctional agency, or law enforcement agency shall not have more than one ~~(1)~~ representative unless, in the view of the Commission, the addition of other representatives from the same agency does not adversely impact the representative nature of the Regional Training Council.

(e) At least one ~~(1)~~ of the six law enforcement officers shall be a sheriff; and

(f) At least one ~~(1)~~ of the six law enforcement officers shall be a police chief.

(g) The training center directors of Commission-certified ~~public criminal justice~~ training schools in the region shall elect representatives from their members.

(6) Each agency or Commission-certified ~~public criminal justice~~ training school providing a representative to the State Regional Training Councils or the Local Regional Training Councils, shall designate an alternate representative from the same agency or Commission-certified ~~public criminal justice~~ training school. The alternate shall assume all responsibilities of the primary representative upon notice. The representative's appointment shall not continue after the representative ceases to be employed by the agency represented. The Regional Training Council shall approve appointments of replacement representatives.

(7) Service on a Regional Training Council shall not constitute employment by a state agency or entitle a member to any special compensation, benefits, or privileges. The Commission shall authorize travel costs and per diem, through budget approval, pursuant to Section 112.061, F.S., for chairpersons, fiscal agents, and training center directors who are members of a Regional Training Council, or others authorized pursuant to Section 943.25(5)(e), F.S., and ~~paragraph 11B-18.0053(2)(a) subsection 11B-18.007(5), F.A.C., to attend Officer Training Monies workshops Commission Trust Fund Workshops.~~

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.25(5) FS. History--New 1-13-81, Amended 7-28-82, 1-7-85, (7),(8) Transferred to 11B-18.051, Formerly 11B-18.05, Amended 7-13-87, 5-23-88, 10-17-90, 12-13-92, 1-2-97, 7-7-99, 8-22-00, _____.

11B-18.0051 Regional Training Council Meetings.

(1) Each of the Regional Training Councils established pursuant to Rule 11B-18.005, F.A.C., and Section 943.25(5), F.S., shall elect a chairperson and other officers needed, and shall hold at least two ~~(2)~~ meetings each fiscal year to develop and approve the regional Officer Training Monies Criminal Justice Standards and Training Trust Fund budgets, and may hold other meetings to consider other items pertaining to law enforcement, correctional, or correctional probation officer training. A majority of Regional Training Council members shall be in attendance to constitute a quorum.

(2) Three ~~(3)~~ members or the chairperson of a Regional Training Council may request a meeting.

(3) For the purposes of developing and approving the regional Officer Training Monies Criminal Justice Standards and Training Trust Fund budgets, a quorum of a Regional Training Council's members shall meet, and a majority vote of those members in attendance is required to reach a decision.

(4) No change.

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

11B-18.0052 Development of Budgets.

(1) ~~Officer Training Monies collected pursuant to Section 943.25, F.S., and appropriated by the Legislature to implement Commission-approved training programs and Commission-certified training school enhancements, are public funds and are subject to the State Legislative Budget and Appropriation processes. By July 1 of each year, Commission staff shall notify the training regions shall be notified of the by July 1 of each year regarding the Commission's plan for projected allocation of Officer Training Monies trust fund monies, and the proposed distribution of this allocation to each the training regions, as determined by the Officer Training Monies statewide distribution formula pursuant to subsection 11B-18.003(7), F.A.C. distribution formula in subparagraph (2)(a) of this rule section.~~

(2) The following formulas are used to for calculate the statewide distribution of Officer Training Monies to regions distribution of the Criminal Justice Standards and Training Trust Fund monies to the training regions is as follows:

(a) To determine per capita allocation:

$T/N = P$; where:

T = total ~~Officer Training Monies trust fund monies~~ available for distribution.

N = total full-time officer population ~~based on Commission staff's most recent Trust Fund Report~~ prior to July 1

P = per capita allocation

(b) To determine the regional region allocation:

$P \times N = R$; where:

P = per capita allocation

N = full-time officer population in a region ~~based on Commission staff's most recent Trust Fund Report~~ prior to July 1

R = region allocation

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

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

(5) A Regional Training Council that fails to submit a projected annual operating budget on or before February 1, which shall be prepared on a Criminal Justice Standards and Training Trust Fund Operating Budget form CJSSTC 310, revised August 5, 1998, hereby incorporated by reference, or fails to receive an extension of time for its budget submission,

shall forfeit its opportunity to propose an operating budget for the region. Thereafter, the Commission shall approve the disposition of the funds previously available to the region.

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

(7) ~~All projected operating budgets and amendments shall be approved by Commission staff to ensure compliance with the Criminal Justice Standards and Training Commission Policies and Procedures Manual. Notification of review and approval of projected budgets shall be submitted to each Regional Training Council.~~

(3)(8) ~~All forms and the Criminal Justice Standards and Training Commission Policies and Procedures Manual referenced in this rule 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, Director's Office, Forms and Manual Liaison.~~

Specific Authority 943.03(4), 943.12(1),(2), 943.25(4),(5)(b) FS. Law Implemented 943.25(5) FS. History—New 1-13-81, Amended 7-28-82, 1-26-83, 1-7-85, Formerly 11B-18.052(2)(a),(b), Amended 1-28-86, 7-13-87, 10-17-90, 12-13-92, 1-2-97, 7-7-99, 8-22-00, _____.

11B-18.0053 Officer Training Monies Budget and Expenditure Categories.

(1) A distribution formula has been established by the Criminal Justice Standards and Training Commission to provide guidance to training regions regarding the expenditure of Officer Training Monies in the regions. Any deviations by a region from the distribution formula shall be approved by the Commission. The distribution formula is:

- (a) Category I – Administrative Expenses – 5%
- (b) Category II – Training Expenses – 80%
- (c) Category III – Operating Capital Outlay – 15%

(2) Category I, Administrative Expenses. Administrative Expenses shall be reasonable and an accounting of all expenditures shall be maintained.

(a) Each Region shall not budget more than 5% of the total regional allocation for Administrative Expenses, notwithstanding the following exceptions for additional Officer Training Monies budgeted that exceed the 5% limitation:

1. Support of travel of Regional Training Council Chairpersons, fiscal agents, and training center directors or their designee, to Officer Training Monies workshops conducted by Commission staff; and

2. Support of travel for training center directors to attend Criminal Justice Standards and Training Commission quarterly meetings.

(b) Administrative expenses are divided into two categories:

1. Personal Services. Personal Services are expenses incurred by a Commission-certified training school for full or part-time training school staff, who directly support the administration of Officer Training Monies. Charges shall be proportionate to the individual's time spent in direct support of officer training.

2. Miscellaneous Expenses. Miscellaneous Expenses are administrative expenditures, expended from Officer Training Monies by Commission-certified training schools that are incurred in direct support of officer training. Examples include office supplies and postage.

(c) Officer Training Monies shall not be expended for recurring costs incurred by the training school. Examples include liability insurance, utilities, and office furniture.

(3) Category II, Training Expenses. Each region shall not budget less than 80% of the total regional allocation of Officer Training Monies for the purpose of delivering regional Advanced Training Courses and Specialized Training Program Courses.

(a) Criminal justice officers and support personnel, pursuant to Section 943.10, F.S., are authorized to expend Officer Training Monies to attend Advanced Training Courses and Specialized Training Program Courses delivered through a Commission-certified training school, provided that the support personnel do not displace a certified officer. The Criminal Justice Standards and Training Commission has further authorized the following personnel to attend courses funded with Officer Training Monies:

1. A sworn federal officer, on a space available basis, provided the officer does not displace a Florida officer.

2. Medical examiners personnel with prior written approval from the Regional Training Council.

3. Full-time staff employed by a Commission-certified training school on a space available basis provided the staff does not displace a Florida officer.

(b) Officer Training Monies shall be expended for Advanced Training Courses and Specialized Training Program Courses set forth in Rules 11B-35.006 and 11B-35.007, F.A.C., and shall not be used for reoccurring expenses incurred by a Commission-certified training school.

(c) Each training region shall offer Advanced Training Courses and Specialized Training Program Courses funded with Officer Training Monies, to officers within its respective region, prior to accepting officers or support personnel from other regions.

(d) Criminal justice officers and support personnel located in one region may attend training in a different region. Each region shall make provisions in its operating budget for the reciprocal payment of training provided to officers, pursuant to Section 943.25(6), F.S., and support personnel, defined in Section 943.10(11), F.S., who attend training programs offered in other training regions. Reciprocal payment shall be limited to Commission Category II training costs and each training

region's fiscal agent shall be held accountable for receipt and disbursement of the region's reciprocal funds. Such costs shall be administered and paid by the fiscal agent charged with the responsibility for the reciprocal payment of training.

(e) If Advanced Training Courses and Specialized Training Program Courses are funded with Officer Training Monies, the training and room or board costs may not be assessed against the officer, support personnel, or their employing agency, pursuant to Section 943.25(6), F.S. If an officer is not employed or appointed by an employing agency of Florida, the officer may attend a course funded with Officer Training Monies, provided the officer pays for all training costs associated with course attendance, pursuant to Section 943.25(6)(b), F.S. Reimbursement of these costs, excluding out-of-state tuition, shall be deposited in the Commission-certified training school's Officer Training Monies account.

(4) Category III, Operating Capital Outlay Expenses. Each region shall not budget more than 15% of the total regional allocation to purchase items that are non-consumable and non-expendable. Category III Operating Capital Outlay Expenses fall into the following categories:

(a) "Expense" Operating Capital Outlay. Expense operating capital outlay purchases that cost less than \$500 with a life expectancy of one year or more, shall be limited to items purchased that are required for delivery of Advanced Training Courses and Specialized Training Program Courses. Officer Training Monies shall not be used for training school expenditures used to fulfill the certification and recertification requirements of Rule 11B-21.005, F.A.C.

(b) "Standard" Operating Capital Outlay. Standard operating capital outlay purchases include items with a cost of \$500 or more with a life expectancy of one year or more.

(c) Operating Capital Outlay property purchased for use other than for the direct support of Advanced Training Courses pursuant to Rule 11B-35.006, F.A.C., and Specialized Training Program Courses pursuant to Rule 11B-35.007, F.A.C., are not appropriate purchases.

(d) Operating Capital Outlay property received from a vendor as a purchasing incentive, using Officer Training Monies, shall be reported on a Officer Training Monies Semi-Annual Expenditure Report, form CJSTC-300, revised February 7, 2002, hereby incorporated by reference.

(e) Operating Capital Outlay Property shall not be disposed of or transferred without prior notification to and approval by Commission staff.

1. Useable Operating Capital Outlay Property. Disposal of all usable property shall be offered to other Commission-certified training schools in Florida prior to selling or disposing of the property. To transfer Operating Capital Outlay Property from one training school to another, the transferring training school shall forward to Commission staff a letter identifying the property, the value of the item,

purchase date, present physical location, and proposed transfer location. The training center director and Regional Training Council Chairman shall sign the letter.

2. Obsolete Operating Capital Outlay Property. A Commission-certified training school shall notify Commission staff in writing to request disposal of obsolete property. A written verification of the condition of the property shall be included. Commission staff shall physically view the property and approve the written verification of the condition of the property prior to disposal or trading of the property. Obsolete property may be traded for credit on the purchase of new property. Money received from the disposal of property purchased with Officer Training Monies shall be returned to Commission staff for deposit into the Criminal Justice Standards and Training Trust Fund.

3. Stolen Operating Capital Outlay Property. Notification of stolen property purchased with Officer Training Monies shall include a copy of a police report indicating that the circumstances surrounding the theft were beyond the control of the Commission-certified training school. Should property purchased with Officer Training Monies become lost or stolen through negligence, the training school shall replace the property with the training school's funds.

(f) Audit of Operating Capital Outlay property. Operating Capital Outlay property purchased by a Commission-certified training school, using Officer Training Monies, shall be made available to Commission staff and inventoried during the audit for the fiscal year the property was purchased.

1. A training school shall conduct annual audits of property purchased with Officer Training Monies to include the inventory item, date purchased, property serial number if appropriate, and property number.

2. Annual audits shall be completed and submitted to Commission staff by October 1 each year. Commission staff may also conduct spot inventories, on demand, of items purchased with Officer Training Monies.

3. After the year of purchase, items purchased with a value of \$500 or more, and \$100 or more for hardbound books, shall be inventoried on an annual basis.

4. Weapons shall be inventoried each year regardless of the purchase price.

5. Training schools shall have written procedures on file for the security of all property purchased with Officer Training Monies. Such procedures shall include check-in and check-out procedures and the names of personnel that have access to the property.

Specific Authority 943.03(4), 943.12(1),(2), 943.25(2),(4),(5) FS. Law Implemented 943.25 FS. History--New _____

11B-18.007 Expenditure of Funds.

Specific Authority 943.03(4), 943.12(1),(2), 943.25(4),(5) FS. Law Implemented 943.25 FS. History--New 1-13-81, Amended 7-28-82, 1-7-85, 1-28-86, Formerly 11B-18.07, Amended 7-13-87, 5-23-88, 12-13-92, 5-25-94, 1-2-97, 7-7-99, 8-22-00, Repealed _____

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

(1) Operating Budget. No later than February 1 of each year, the Officer Training Monies Operating Budget, form CJSTC-310, revised February 7, 2002, hereby incorporated by reference, shall be submitted to Commission staff by each Regional Training Council and shall reflect the region's proposed operating budget for the upcoming fiscal year, beginning July 1 and ending June 30 of the next year, based on the Officer Training Monies available and projected for the region pursuant to subsection 11B-18.0052(1), F.A.C. The region shall also include a request to expend the previous year's accrued interest pursuant to subsection (5) of this rule section. Each Regional Training Council is responsible for including in its approved budget, the Criminal Justice Standards and Training Commission's priority budget issues as they relate to the training needs of the region. The region's projected annual operating budget shall list items in order of priority within each budget category as set forth in subsections 11B-18.0053(1) and (2), F.A.C. A region that fails to meet the required deadline, or fails to receive an extension of the submission deadline from Commission staff, shall forfeit the opportunity to propose an operating budget for the region and Commission-certified training schools for that fiscal year. Officer Training Monies forfeited by a region due to noncompliance with the February 1 deadline shall be distributed to other regions in the state based on the statewide distribution formula set forth in subsection 11B-18.0052(2), F.A.C. The fiscal agent shall prepare and submit a Criminal Justice Standards and Training Trust Fund Semiannual Expenditure Report form CJSTC 300, revised August 5, 1998, hereby incorporated by reference, to Commission staff within 45 calendar days following the end of the reporting periods of July 1 through December 31, and January 1 through June 30. This report shall be prepared pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures manual.

(2) Budget Amendment and Programmatic Change. The Officer Training Monies Programmatic Change and Budget Amendment, form CJSTC-302, revised February 7, 2002, hereby incorporated by reference, shall be used by a Commission-certified training school through its Regional Training Council to reflect changes to its annual operating budget. If funds were encumbered prior to the close of the fiscal year for which they were budgeted, the amount(s), purchase order number(s), and the vendor(s) shall be detailed on the Criminal Justice Standards and Training Trust Fund Year-End Fiscal Report form CJSTC 301. The fiscal agent shall prepare and submit a preliminary Year-End Fiscal Report to Commission staff by October 30 of each year.

(a) Unobligated Operating Capital Outlay Purchases. Operating budgets approved by the Criminal Justice Standards and Training Commission that include "unobligated"

Operating Capital Outlay purchases require additional approval prior to expenditure of these funds. A training school shall submit form CJSTC-302, to identify planned expenditures equal to the amounts previously budgeted as unobligated. Form CJSTC-302 shall only be completed when a training school and region requests a revision to its operating budget and the revision does not alter the distribution formula set forth in Rule 11B-18.0053, F.A.C.

(b) Budget Amendment. A budget amendment shall be submitted to Commission staff on form CJSTC-302 when a training school and region request an adjustment to its Commission-approved budget, by transferring funds in one category to a different category, and does not alter the distribution formula set forth in Rule 11B-18.0053, F.A.C.

(c) Emergency Budget Amendment. An Emergency Budget Amendment is an adjustment to the approved regional operating budget that does not meet the Commission's distribution formula. An Emergency Budget Amendment that alters the Commission's distribution formula shall be submitted to Commission staff by a Commission-certified training school through its Regional Training Council, and shall include an explanation as to why the budget amendment is needed. Emergency Budget Amendments shall be submitted at the Criminal Justice Standards and Training Commission's next quarterly Commission meeting. If approval of the budget amendment is required prior to the next scheduled Commission meeting, the Commission Chairman shall approve the Emergency Budget Amendment and report the approved amendment to the full Commission at the next quarterly Commission meeting.

(3) Each Regional Fiscal Agent shall submit an Officer Training Monies Semi-Annual Expenditure Report, form CJSTC-300, to Commission staff twice each fiscal year advising the Commission of administrative, training, and capital outlay property expenditures. Encumbered Officer Training Monies shall not be included on this report. Allocated funds within the operating budget that have not been expended or encumbered as of June 30, and those encumbered funds that have not been expended by December 31 of the following fiscal year, shall be submitted to Commission staff. A final Criminal Justice Standards and Training Trust Fund Year-End Fiscal Report form CJSTC 301, shall be submitted by January 31 of the subsequent calendar year.

(a) Semi-annual Expenditure Reporting Period. Form CJSTC-300 shall be submitted by a training school through the Regional Training Council no later than 45 days after the end of each semi-annual expenditure reporting period.

(b) Semiannual expenditure reporting periods are January 1 through June 30 with a report due date of August 15, and July 1 through December 31 with a report due date of February 15.

(4) Year-End Fiscal Report. Each Regional Fiscal Agent shall submit to Commission staff a completed Officer Training Monies Year-End Fiscal Report, form CJSTC-301, revised

February 7, 2002, hereby incorporated by reference, reporting all expenditures, to include a list of all Operating Capital Outlay property purchased pursuant to subsection 11B-18.0053(4) F.A.C. The report shall be filed by October 30 of each year and shall include interest earned for the previous fiscal year ending June 30.

(a) Encumbered Officer Training Monies. Purchases shall be encumbered by close of the fiscal year, June 30. An encumbered purchase occurs when a purchase order has been issued or a binding contract negotiated prior to the end of the budget year. Purchases that encumber Officer Training Monies shall be received and paid by a training school no later than December 31. If Officer Training Monies are encumbered on June 30, the training school shall submit to Commission staff a "Preliminary" form CJSTC 301, on or before October 30, and a "Final" form CJSTC 301, on or before the following January 30.

(b) Unencumbered Officer Training Monies. Officer Training Monies not expended and not encumbered on June 30, shall be reported on form CJSTC 301 filed by a training school on or before October 30 of each year. The training school shall attach a check or warrant payable to the Criminal Justice Standards and Training Trust Fund in the amount equal to the unexpended unencumbered funds for the year.

(5) Interest Earned. A training school may deposit Officer Training Monies in interest bearing accounts based on the authority granted by the State Comptroller. Interest earned shall be expended consistent with Category II and Category III expenditures set forth in subsections 11B-18.0053(3) and (4), F.A.C., and are not subject to the distribution formula. A separate operating budget for accrued interest shall be submitted by the Regional Training Councils. The training school shall report interest earned and corresponding expenditures to Commission staff on the following forms:

(a) The Officer Training Monies Semiannual Expenditure Report, form CJSTC-300, pursuant to subsection 11B-18.0071(3), F.A.C., submitted to Commission staff no later than 45 days after the end of the two (2) reporting periods of June 30 and December 31, shall include a report of all expenditures made during the interest budget period the interest was accrued. Interest earned by a training school shall be expended by June 30 of the year the Commission approved the expenditure. Interest earned can not be encumbered, and if not expended, shall be returned to the Commission no later than 90 days following June 30, which is the close of the fiscal year.

(b) Year-End Fiscal Report. Each Regional Fiscal Agent shall submit to Commission staff a completed Officer Training Monies Year-End Fiscal Report, form CJSTC-301, reporting all interest expenditures, to include a list of all Operating Capital Outlay property purchased pursuant to subsection 11B-18.0053(4), F.A.C. The report shall be filed by October 30 of each year.

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

11B-18.008 Areas of Responsibility.

With regard to the Criminal Justice Standards and Training Trust Fund Officer Training Monies, the following entities shall have responsibilities outlined in paragraphs (1)-(3)(4) of this rule section.

(1) The responsibilities of Commission staff are to:

(a) Identify Florida's full-time officer population prior to July 1 of each year.

(b) Notify training regions of their projected budget allocation no later than July 1 of each year.

(c) Receive regional projected operating budgets for the next fiscal year no later than February 1 of each year.

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

(e) Notify training regions of their approved legislative appropriation.

(f) Authorize requests for budget amendments approved by the Regional Training Councils that do not alter the Commission approved trust fund formula.

(g) Process requests for emergency budget amendments, which have been approved by the Commission Chairman and are pending final approval by the full Commission.

(h) Approve programmatic changes within budget categories submitted by the regional chairperson or designee.

(i) Approve the disposal of trust fund property with a purchase price of \$500 or above, which has been submitted by the regional chairperson or designee. Notification of obsolete property shall include verification and approval by a Commission Field Specialist. Notification of stolen trust fund property shall include a copy of the police report indicating circumstances beyond the control of the Commission-certified public criminal justice training school.

(j) Report the status of the Criminal Justice Standards and Training Trust Fund at each of the Commission's quarterly meetings.

(k) Review the Semiannual Expenditure Reports submitted by the regional chairperson or designee.

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

(m) Audit any training facility or program and the fiscal agent's accounting records and procedures for compliance with laws, rules, budget provisions, and contractual agreements.

(n) Provide staffing to carry out all proposals, and make recommendations to the Commission regarding final decisions for expenditure of Criminal Justice Standards and Training Trust Fund monies.

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

~~(1)(2) The responsibilities of the Regional Training Councils are to:~~

~~(a) Act as an extension of the administrative arm of the Criminal Justice Standards and Training Commission establishing regional training priorities that conform to the Florida Criminal Justice Standards and Training Commission's Five-Year Plan.~~

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

~~(c) No change.~~

~~(d) Submit to Commission staff, the minutes of each Regional Training Council meeting.~~

~~(e) through (f) No change.~~

~~(2)(3) The responsibilities of the regional fiscal agents are to:~~

~~(a) No change.~~

~~(b) Be responsible for the receipt and disbursement of Officer Training Monies Criminal Justice Standards and Training Trust Fund monies pursuant to Rule Chapter 11B-18, F.A.C., and Section 943.25, F.S. applicable laws, rules, contracts, approved budgets, and local policies and procedures.~~

~~(c) Be responsible for the separate maintenance of financial records, including accrued interest documentation for Officer Training Monies Criminal Justice Standards and Training Trust Fund accounts, and the Commission-certified public criminal justice training schools' property inventories.~~

~~(3)(4) The responsibilities of the Commission-certified public criminal justice training schools are to:~~

~~(a) Develop a training calendar based on regional training priorities that is inclusive of Criminal Justice Standards and Training Commission recommendations and estimated training costs. The training calendar shall adhere to the Regional Training Council's plan, Commission procedures, and the statewide distribution Commission's established formula for Officer Training Monies set forth in subsection 11B-18.0052(2), F.A.C. Criminal Justice Standards and Training Trust Fund expenditures.~~

~~(b) Be responsible for the receipt and payment of Officer Training Monies Criminal Justice Standards and Training Trust Fund monies authorized by a Commission-certified training school's approved annual operating budgets pursuant to Rule Chapter 11B-18, F.A.C., and Section 943.25, F.S. applicable laws, rules, contracts, budgets, and local policies and procedures.~~

(c) through (d) No change.

(e) Begin all trust funded training courses funded with Officer Training Monies on or before June 30 of the current fiscal year.

(f) Receive and separately account for all property purchased with Officer Training Monies Criminal Justice Standards and Training Trust Fund monies pursuant to standard state or local property inventory procedures. Submit to Commission staff an inventory of operating capital outlay items purchased with Officer Training Monies Criminal Justice Standards and Training Trust Fund monies during each fiscal year.

(g) Obtain approval from Commission staff prior to disposing of any property purchased with Officer Training Monies Criminal Justice Standards and Training Trust Fund monies, pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures Manual.

Specific Authority 943.03(4), 943.12(1),(2), 943.25(5) FS. Law Implemented 943.25 FS. History--New 1-13-81, Amended 7-1-81, 7-28-82, 1-7-85, 1-28-86, Formerly 11B-18.08, Amended 7-13-87, 5-23-88, 10-17-90, 12-13-92, 1-2-97, 7-7-99, 8-22-00, _____.

11B-18.009 Applicability, Contractual Obligations.

(1) Officer Training Monies All trust fund budgets approved by the Criminal Justice Standards and Training Commission shall be governed by this rule chapter upon its adoption. Failure to submit required budgets, reports, and other related documents, shall result in subsequent allocations being withheld by the Commission.

~~(2) Commission staff is authorized to adjust budget allocations to reflect funds scheduled for reversion to the Department of Revenue Additional Court Cost Clearing Trust Fund, but which have not yet been returned.~~

~~(2)(3) Receipt of any Officer Training Monies Criminal Justice Standards and Training Trust Fund monies shall be deemed an acceptance of the terms, conditions, and limitations contained in the Commission-approved budget under which they are received. Regional Training Councils or Commission-certified public criminal justice training schools accepting Officer Training Monies Criminal Justice Standards and Training Trust Fund support, on or after the effective date of this rule chapter, shall be deemed to have:~~

~~(a) Agreed to abide by Rules of the Florida Department of Law Enforcement and the Criminal Justice Standards and Training Commission.~~

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

~~(b)(e)~~ Agreed to receive approval from Commission staff prior to disposing of ~~any~~ property secured through Officer Training Monies Criminal Justice Standards and Training Trust Fund monies, pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures Manual.

~~(3)(4)~~ Property acquired by a state, local, or regional entity using Officer Training Monies through the Criminal Justice Standards and Training Trust Fund shall become the property of the local entity, with the exception of Section 943.25, F.S., or other state statutes, this rule, the budget, approved training plan, or a grant that provides to the contrary. However, where a grant, or a portion of a grant from Officer Training Monies the Criminal Justice Standards and Training Trust Fund has been used or applied contrary to these authorities, the state, local, or regional entity shall be deemed to have a contractual obligation to make restitution pursuant to this rule.

Specific Authority 943.03(4), 943.12(1),(2), 943.25(4),(5) FS. Law Implemented 943.25 FS. History--New 1-13-81, Amended 7-28-82, 1-7-85, 1-28-86, Formerly 11B-18.09, Amended 7-13-87, 12-13-92, 1-2-97, 7-7-99, 8-22-00, _____.

11B-18.010 Criminal Justice Standards and Training Commission Fiscal Program Audits and Instruction and Facility Evaluations.

Commission staff conducts a fiscal and program audit and instruction and facility evaluation of training schools within each region. The audit and instruction facility inspection performed by Commission staff shall establish a comprehensive analysis of training schools to ensure compliance with Chapter 943, F.S., and Rule Chapter 11B-18, F.A.C.

(1) Annual Audit.

(a) Each training school shall be audited annually and shall be scheduled and coordinated with the respective training center director(s), fiscal agent(s) and Regional Training Council Chairperson(s) who are subject to the audit. Training schools that receive a fiscal year perfect audit shall be exempt from an audit in the subsequent fiscal year unless otherwise requested by the training center director. However, a training school may be audited for cause, for example, the removal or death of a training center director, an allegation of fiscal irregularity or impropriety, or the improper expenditure of funds.

(b) The annual fiscal year audit shall be conducted after the June 30 close of the fiscal year.

(c) The audit shall include all transactions for the fiscal year of July 1 through June 30 and may, at the discretion of Commission staff, include a review of current fiscal year activities in progress.

(2) Preliminary Audit Report. Training center director(s), fiscal agent(s), and Regional Training Council Chairperson(s) shall receive a preliminary copy of the fiscal program audits and instruction and facility evaluation prior to its presentation to the Criminal Justice Standards and Training Commission. In

addition to the concerns and recommended actions noted for the fiscal year being audited, Commission staff is authorized to review and include follow-up corrective actions to deficiencies by a Commission-certified training school found in prior year audits. Training school staff and regional personnel are permitted to submit additional information to include in the audit presented to the Commission. The Commission, at its next regularly scheduled quarterly meeting, shall take action on the recommended actions presented in the audit report.

(3) Final Audit Report. The training center director(s), fiscal agent(s), and Regional Training Council Chairperson(s) shall receive a copy of the final audit report within five working days of the quarterly Commission meeting.

(4) Final Audit Response. Each training center director, fiscal agent, and Regional Training Council Chairperson shall provide a written response to Commission staff in response to the audit by the due date included in the audit. The audit response shall include a plan for corrective action and reimbursement of any unauthorized expenditures.

(5) Failure to respond to, and continued non-compliance with applicable Florida Statutes and Commission rules, shall result in punitive action by the Criminal Justice Standards and Training Commission to include:

(a) When training schools fail to respond in writing to the audit, Commission shall write a letter of concern to the administrative head of the training school requesting a written response to the audit.

(b) Failure to return inappropriately expended Officer Training Monies requested in an audit shall result in the Commission withholding the training school's next release of Officer Training Monies.

(c) Continued failure to comply with Chapter 943, F.S. and Rule Chapter 11B-18, F.A.C., shall result in the Commission shall writing a letter of censure to the administrative head of the training school requesting a written plan for compliance with applicable Florida Statutes and Commission Rules.

(d) If compliance is not achieved by following (5)(a)-(c) of this rule section, the Commission shall take disciplinary action pursuant to the disciplinary guidelines set forth in Rule 11B-21.018, F.A.C.

Specific Authority 943.03(4), 943.12(1),(2), 943.25(4),(5) FS. Law Implemented 943.12(5) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Manager, Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 17, 2002

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.:
Definitions and Minimum Requirements for General Certification of Instructors	11B-20.001
Denial and 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
Maintenance and Duration of Instructor Certifications	11B-20.0017
Commission Instructor Certification Application	11B-20.0018

PURPOSE AND EFFECT: Revisions to this rule chapter are necessary to expand the CMS instructor requirements and create a new maintenance process for instructor certification in lieu of expiration, and include Commission certification and maintenance of certification for Alcohol Testing Program instructors.

SUMMARY: Revisions to this rule chapter expand the Curricula Maintenance System (CMS) instructor requirements in Rules 11B-20.001 and 11B-20.0014, F.A.C., change the requirements for instructor certifications by implementing new requirements where instructor certifications are maintained and do not expire; update rule language to reflect the Commission’s new Curricula Maintenance System; and include rule language for Commission-certification and maintenance (the maintenance requires teaching at a training school, continuing education, and proficiency demonstration) of the Alcohol Testing Program’s Breath Test Instructors.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 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.

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

TIME AND DATE: 10:00 a.m., August 21, 2002

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, persons 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)410-8615 (Voice) or (850)656-9597 (TDD).

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

THE FULL TEXT OF THE PROPOSED RULES IS:

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

(1) Definitions:

(a) “Successful completion” of a course is documented as a “Pass” on the completed Training Report, form CJSTC-67, revised February 7, 2002, hereby incorporated by reference.

(b) “Training school” shall mean those training academies and training schools that are certified by the Criminal Justice Standards and Training Commission.

(c) “Instructor” shall mean an individual certified by the Criminal Justice Standards and Training Commission, hereafter referred to as CJSTC, to instruct at Commission-certified criminal justice training schools pursuant to subsection 11B-20.001(2), and Rule 11B-20.0014, F.A.C.

(d) “CMS Training Program” shall mean the CMS Application Based Basic Recruit Training Program.

(e) “ATMS” means the Commission’s Automated Training Management System.

(f) “Basic Recruit Training Programs,” “Advanced Training Courses,” and “Specialized Training Programs” shall mean training administered by training schools pursuant to Rule Chapter 11B-35, F.A.C.

(2)(4) Instructor applicants General Instructor Applicants shall comply with meet the following requirements for General Instructor Certification instructor certification.:-

(a) For the purposes of this rule section, the term "successful completion" of a course is defined as being denoted with a "Pass" on the completed Training Report form CJSTC-67, revised December 6, 2000, hereby incorporated by reference.

~~(a)(b)~~ Successful completion of the ~~Commission-approved~~ 80-hour Instructor Techniques Course delivered through a ~~Commission-certified criminal justice~~ training school or completion of an equivalent instructor training course. Instructor applicants who apply for a General Instructor Certification shall have completed the required instructor training within four years of the date the instructor applicant applies for certification. Instructor applicants who apply after four years shall be required to complete the General Instructor Refresher Training Course. The training center director shall exempt an applicant from topics in the 80-hour Commission-approved Instructor Techniques Course when the applicant has provided documentation of an equivalent instructor training course.

(b) The training center director may authorize the instructor applicant to complete only those portions of the 80-hour Instructor Techniques Course for which the instructor applicant is deficient. The training center director shall evaluate the completion of equivalent instructor training by documenting the instructor applicant's qualifications. Documentation shall include the instructor applicant's training in all of the following competencies:

1. Training liability.
2. Ethics.
3. Human diversity training required by Section 943.1758, F.S.
4. Adult learning theory.
5. Communication skills.
6. Learning aids.
7. Principles of instruction.
8. Lesson plan preparation.
9. Evaluation and measurement.
10. Demonstration of instructional ability.

(c) Successful completion of an internship. An instructor applicant ~~The internship shall be supervised by a the training center director who is currently an instructor or by an instructor designated by the training center director or designee, defined in paragraph 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 February 7, 2002 ~~December 6, 2000~~, hereby incorporated by reference, which ~~The form CJSTC-81 shall be maintained in the instructor's file at the training school. The instructor applicant shall demonstrate applicable competencies listed on 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 and education. The length and composition of the internship shall be in written form and maintained as part of the instructor applicant's instructor file at the training school. The instructor applicant shall be evaluated by his or her the students taught by that instructor. A training center director or an Commission-certified instructor designated by the training center director shall review student evaluations 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) An instructor ~~Any applicant who applies for certification by the Commission seeking a certificate as instructor shall be affiliated with a Commission-certified criminal justice training school, to instruct training courses or a school whose application for such certification is being processed by the Commission.~~

(e) Possess good moral character pursuant to Rule as defined in ~~subsection 11B-27.0011(4), F.A.C., as applied to instructor applicants and certified instructors. Instructor applicants~~ Applicants ~~requesting instructor certification and instructors requesting renewal of certification shall:~~

1. through 2. No change.
3. Notwithstanding ~~subsections 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.

~~(3)(2)~~ An instructor applicant shall be exempt from General Instructor Certification when the instructor applicant has complied with the following conditions, documented on the Instructor Exemption Application, form CJSTC-82, revised February 7, 2002, hereby incorporated by reference a general instructor certification under the following circumstances:

(a) The instructor applicant is a full-time instructor at an accredited community college, college, or university. The training center director shall document the applicant's full-time status and identify the name and location of the college, community college, or university, on by completing an Instructor Exemption form CJSTC-82, revised December 6, 2000, hereby incorporated by reference, which shall be maintained in the instructor's file at the training school.

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

institution ~~on by completing an Instructor Exemption form~~ CJSTC-82, which shall be maintained in the instructor's file at the training school.

(c) The instructor applicant holds a current and valid instructor certification from another state or federal government ~~the military~~, and the instructor applicant completes an internship pursuant to paragraph 11B-20.001(2)(c), F.A.C. ~~outlined in paragraph 11B-20.001(1)(b), F.A.C.~~ The training center director shall include a copy of the instructor applicant's out-of-state or federal government ~~military~~ certification, documentation describing the internship, completion of the Instructor Competency Checklist form CJSTC-81, and the Instructor Exemption form CJSTC-82, which shall be maintained in the instructor's file at the training school.

(d) ~~The instructor applicant shall have completed three years of work experience, as set forth in paragraph 11B-20.0014(1)(b), F.A.C., in the specified subject matter to be instructed. The training center director shall document the instructor applicant's qualifications by completing form CJSTC-82, which shall be maintained in the instructor's file at the training school. 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 specific subject matter to be instructed. The training center director shall document the applicant's qualifications by completing an Instructor Exemption form CJSTC-82, which shall be maintained in the instructor's file at the training school.~~

(e) Notwithstanding the above exemptions, an individual who has had any Commission certification ~~issued by the Commission~~ revoked, or who has voluntarily relinquished any Commission certification ~~issued by the Commission~~, or who has been determined guilty of any of the offenses set forth in paragraph 11B-20.0012(2)(a)-(f), F.A.C., shall not instruct Commission-approved Basic Recruit Training Program Courses, Advanced Training Courses, or Specialized Training Program Courses ~~training courses~~.

(4) CMS General Instructor Applicants shall meet the requirements of subsection 11B-20.001(2) or (3), F.A.C., and complete the CMS General Instructor Transition Course. CMS General Instructors are authorized to instruct the CMS Application-Based Basic Recruit Training Curricula, CMS General Instructor Course, and CMS General Instructor Transition 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 7-21-82, Formerly 11B-20.01, Amended 10-26-88, 5-14-92, 12-8-92, 1-10-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, _____.

11B-20.0012 Denial and Revocation of Instructor Certification.

(1) The Criminal Justice Standards and Training Commission shall deny an instructor applicant's certification if the instructor applicant does not meet the minimum

qualification requirements for General, High-Liability, or Specialized Topics Instruction Certification, pursuant to Rules 11B-20.001 and 11B-20.0014, F.A.C. The Commission shall notify the instructor applicant by sending a "Notice of Intent to Deny Instructor Certification," which shall specify the reason(s) for the denial of instructor certification. The affected party shall have a right to a hearing pursuant to Section 120.57, F.S., upon denial of certification.

~~(2)(4)~~ The Criminal Justice Standards and Training Commission has the authority to revoke an instructor's certification ~~if when the following circumstances exist:~~

(a) The instructor willfully compromises the security and confidentiality of examinations, ~~or grading keys, or CMS test specification~~ 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 willfully compromises or circumvents the trainee attendance requirements set forth in subsection 11B-35.001(11), F.A.C. ~~subsections 11B-35.001(8)-(9), F.A.C.;~~ or

(c) The instructor willfully compromises or circumvents the trainee performance requirements pursuant to subsection 11B-35.001(7) Rule 11B-35.0022, and Rule 11B-35.0024, F.A.C.; or

(d) through (e) No change.

(f) The instructor commits an act or acts establishing a "lack of good moral character," as defined in subsection 11B-27.0011(4), F.A.C.

(3) Allegations of violations against an instructor, pursuant to subsection (2) of this rule section, shall be investigated upon receipt of a written complaint or a violation(s) discovered through an audit. All sustained violations of conduct shall be scheduled before a Commission Probable Cause Determination Hearing.

(4) A training center director, having good cause to believe that an instructor has violated subsection (2) of this rule section, shall conduct a preliminary inquiry and report the findings to Commission staff. An administrative investigation based on the training center director's report shall be conducted, and all sustained violations of conduct shall be scheduled before a Commission Probable Cause Determination Hearing.

~~(5)(2)~~ Should a Commission Probable Cause Determination Hearing ~~Panel of Commission members~~ find probable cause that ~~an Commission-certified criminal justice training~~ instructor has violated subsection paragraph (2)(4) of this rule section, revocation proceedings shall be conducted pursuant to Chapter 120, F.S. ~~Any ground for revocation concerning a Commission-certified criminal justice training instructor made known to Commission staff by a verifiable complaint issued by the training center director, or revealed by~~

~~an audit performed by Commission staff, shall be investigated by Commission staff. A training center director having good cause to believe that a Commission certified criminal justice training instructor has violated paragraph (1) of this rule section, shall promptly notify Commission staff and forward supporting documentation to Commission staff.~~

~~(6)(3) Action Commission action taken by the Criminal Justice Standards and Training Commission, against an officer's certification, pursuant to subsection 11B-27.005(9), F.A.C., shall also be applicable against an officer's instructor certification.~~

~~(7)(4) Notwithstanding subsection 11B-20.001(3), F.A.C., if subsection 11B-20.001(2), F.A.C., an individual whose instructor's certification is revoked, or is voluntarily relinquished, or the instructor has been adjudicated or found to be guilty of an offense, or has plead nolo contendere to any offense set forth in paragraphs 11B-20.0012(2)(a)-(f), F.A.C., the instructor shall not instruct Basic Recruit Training Program Courses, Advanced Training Courses, or Specialized Training Program Courses 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, 7-29-01,

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 Chapter 11B-35, F.A.C., at or through a ~~Commission certified criminal justice~~ training school, shall be certified by the Criminal Justice Standards and Training 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) No change
- (2) CMS General Instructor Certification.
- ~~(3)(2)~~ High-Liability Instructor Certifications.
 - (a) Law Enforcement Vehicle Operations Driving Instructor Certification.
 - (b) CMS Law Enforcement Vehicle Operations Instructor Certification.
 - ~~(c)(b)~~ Firearms Instructor Certification.
 - (d) CMS Firearms Instructor Certification.
 - ~~(e)(e)~~ Defensive Tactics Instructor Certification.
 - (f) CMS Defensive Tactics Instructor Certification.
 - ~~(g)(d)~~ Medical First Responder Instructor Certification.
 - (h) CMS Medical First Responder Instructor Certification.
- ~~(4)(3)~~ Specialized Topics Instructor Certifications.
 - (a) through (d) No change.
 - (e) Breath Test Instructor Certification.

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.14(3) FS. History—New 7-29-01, Amended _____.

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

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

(a) ~~Possess 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 successfully completed the 80-hour Instructor Techniques Course, or have on file at the training school a completed Instructor Exemption form, CJSTC-82. General, High-Liability, and Specialized Topics Instructor Certifications may be applied for at the same time.

(b) Complete three ~~(3)~~ years work experience in the topic 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.~~

(c) The instructor applicant shall successfully complete the instructor training requirements set forth in subsection (2) or (3) of this rule section, for High-Liability and Specialized Topics Instructor Certifications, for which the instructor applicant is requesting certification. The High-Liability Training Courses and requirements are defined in Rule 11B-35.0024, F.A.C. For the purposes of this rule section, the term "successfully complete" is defined as being denoted with a "Pass" on the completed Training Report form CJSTC-67.

(2) High-Liability Instructor Certifications. Instructor applicants applying for a High-Liability Instructor Certification shall have completed the applicable High-Liability Instructor Course within four years of the date the instructor applicant applies for certification. Instructor Applicants shall meet the following requirements for High-Liability Instructor Certification for each topic requested. Applicants shall meet the following requirements for high liability certification:

(a) Law Enforcement Vehicle Operations Driving Instructor Certification. Instructor applicants who request to obtain certification to instruct law enforcement vehicle operations topics in the Traditional Basic Recruit Training Curricula and Law Enforcement Vehicle Operations Instructor Course, pursuant to paragraph 11B-35.0024(3)(h), F.A.C., the instructor applicant shall comply with the requirements for General Instructor Certification, pursuant to subsection 11B-20.001(2), F.A.C., or be exempt from General Instructor Certification pursuant to subsection 11B-20.001(3), F.A.C.:

successfully complete the Commission approved Law Enforcement Vehicle Operations Driving Instructor Course through a Commission certified criminal justice training school; and successfully demonstrate all proficiencies complete a high-liability internship, documented on a High-Liability Internship, form CJSTC-81A, revised February 7, 2002, hereby incorporated by reference, under the supervision of a Law Enforcement Vehicle Operations Instructor who has been approved by the training center director, 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) CMS Law Enforcement Vehicle Operations Instructor Certification. Instructor applicants who request to obtain certification to instruct vehicle operations topics in the CMS Application-Based Basic Recruit Training Curriculum, CMS Law Enforcement Vehicle Operations Instructor Course, and CMS Law Enforcement Vehicle Operations Instructor Transition Course, shall comply with the requirements for CMS General Instructor Certification pursuant to subsection 11B-20.001(4), F.A.C., prior to successfully completing the following training courses through a training school:

1. Instructor applicants who are Law Enforcement Vehicle Operations Instructors shall complete the CMS Law Enforcement Vehicle Operations Instructor Transition Course.

2. Instructor applicants who are not Law Enforcement Vehicle Operations Instructors shall complete the CMS Law Enforcement Vehicle Operations Instructor Course, and shall complete a high-liability internship documented on form CJSTC-81A, under the supervision of a CMS Law Enforcement Vehicle Operations Instructor who has been approved by the training center director.

(c)(b) Firearms Instructor Certification. Instructor applicants who request to obtain certification to instruct firearms topics; in the Traditional Basic Recruit Training Curricula and the Firearms Instructor Course, pursuant to paragraph 11B-35.0024(3)(d), F.A.C., the instructor applicant shall comply with the requirements for General Instructor Certification pursuant to subsection 11B-20.001(2), F.A.C., or be exempted from General Instructor Certification pursuant to subsection 11B-20.001(3), F.A.C., successfully complete the Commission approved Firearms Instructor Course through a Commission certified criminal justice training school, and complete a high-liability internship, documented on a form CJSTC-81A, under the supervision of a Firearms Instructor who has been approved by the training center director, 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.

(d) CMS Firearms Instructor Certification. Instructor applicants who request to obtain certification to instruct firearms topics in the CMS Application-Based Basic Recruit Training Curriculum, CMS Firearms Instructor Course, and CMS Firearms Instructor Transition Course, shall comply with the requirements for CMS General Instructor Certification pursuant to subsection 11B-20.001(4), F.A.C., prior to successfully completing the following training courses through a training school:

1. Instructor applicants who are Firearms Instructors shall complete the CMS Firearms Instructor Transition Course.

2. Instructor applicants who are not Firearms Instructors shall complete the CMS Firearms Instructor Course, and shall complete a high-liability internship, documented on form CJSTC-81A, under the supervision of a CMS Firearms Instructor who has been approved by the training center director.

(e)(c) Defensive Tactics Instructor Certification. Instructor applicants who request to obtain certification to instruct in criminal justice defensive tactics; topics in the Traditional Basic Recruit Training Curricula and the Defensive Tactics Instructor Course, pursuant to paragraph 11B-35.0024(3)(b), F.A.C., the instructor applicant shall comply with the requirements for General Instructor Certification, pursuant to subsection 11B-20.001(2), F.A.C., or be exempt from General Instructor Certification pursuant to subsection 11B-20.001(3), F.A.C., successfully complete the Defensive Tactics Instructor Course, and complete a high-liability internship, documented on form CJSTC-81A, under the supervision of a Defensive Tactics Instructor who has been approved by the training center director 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.

(f) CMS Defensive Tactics Instructor Certification. Instructor applicants who request to obtain certification to instruct defensive tactics topics in the CMS Application-Based Basic Recruit Training Curricula, CMS Defensive Tactics Instructor Course, and CMS Defensive Tactics Instructor Transition Course, shall comply with the requirements for CMS General Instructor Certification pursuant to subsection 11B-20.001(4), F.A.C., prior to successfully completing the following training courses through a training school:

1. Instructor applicants who are Defensive Tactics Instructors shall complete the CMS Defensive Tactics Instructor Transition Course.

2. Instructor applicants who are not Defensive Tactics Instructors shall complete the CMS Defensive Tactics Instructor Course, and shall complete a high-liability internship, documented on form CJSTC-81A, under the supervision of a CMS Defensive Tactics Instructor who has been approved by the training center director.

(g)(d) Medical First Responder Instructor Certification. Instructor applicants who request to obtain certification to instruct in medical instructor topics medical first responder shall comply with the requirements for General Instructor Certification pursuant to subsection 11B-20.001(2), F.A.C., or be exempt from General Instructor Certification pursuant to subsection 11B-20.001(3), F.A.C., prior to successfully completing the following training courses through a training school. To obtain certification to instruct high-liability topic medical first responder the applicant shall:

1. Individuals set forth in this rule section shall possess and maintain a valid CPR instructor certification, which is at minimum, at the "Healthcare Provider Level" with the American Heart Association, American Red Cross, American Safety and Health Institute, or National Safety Council. The following individuals, based on their education and training experience in the United States or its territories, are eligible to instruct the Medical First Responder Course: 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 current CPR Instructor Certification recognized by the Commission; or:

a. Certified emergency medical technicians.

b. Certified paramedics.

c. Licensed physicians, who are actively involved in emergency care and have three years experience in emergency medical care.

d. Licensed physician's assistants, who are actively involved in emergency care and have three years experience in emergency medical care.

e. Registered nurses, who are actively involved in emergency care and have three years experience in emergency medical care.

f. Members of the Armed Forces of the United States on active duty entitled to practice as an Emergency Medical Technician (EMT) or a Florida paramedic set forth in Chapter 401, F.S., Part III.

2. Individuals set forth in this rule section shall possess and maintain a valid CPR instructor certification at the "Healthcare Provider Level" with the American Heart Association, American Red Cross, American Safety and

Health Institute, or National Safety Council and are certified pursuant to Section 943.13, F.S. These individuals shall: Be a certified emergency medical technician, certified paramedic, licensed physician, licensed 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 a paramedic in Florida as described in Chapter 401, F.S., Part III, and holds a current CPR Instructor Certification recognized by the Commission.

a. Have three years experience as a criminal justice officer;

b. Have successfully completed the Medical First Responder Instructor Course pursuant to paragraph 11B-35.0024(3)(f), F.A.C., or have successfully completed a U.S. Department of Transportation recognized medical first responder course.

c. Have successfully demonstrated 100% proficiency in medical first responder skills, with the results recorded on the Medical First Responder Performance Evaluation, form CJSTC-5, revised February 7, 2002, hereby incorporated by reference, and

d. Have successfully completed a high-liability internship documented on form CJSTC 81A, under the supervision of a Medical First Responder Instructor who has been approved by the training center director.

(h) CMS Medical First Responder Instructor Certification. These individuals shall possess a valid CPR instructor certification, which is at minimum, at the "Healthcare Provider Level", with the American Heart Association, American Red Cross, American Safety and Health Institute, or National Safety Council. Instructor Applicants who request to obtain certification to instruct Medical First Responder topics in the CMS Application Based Basic Recruit Training Curriculum, CMS Medical First Responder Instructor Course, and CMS First Responder to Emergencies Instructor Transition Course, Unit 1: Medical First Responder, shall comply with the requirements for CMS General Instructor Certification pursuant to subsection 11B-20.001(4), F.A.C., prior to successfully completing the following training courses through a training school:

1. Instructor applicants who are Medical First Responder Instructors pursuant to paragraph (3)(g) of this rule section shall complete the CMS First Responder to Emergencies Instructor Transition Course, Unit 1: Medical First Responder.

2. Instructor applicants who are not Medical First Responder Instructors shall complete the CMS Medical First Responder Instructor Course, and a high-liability internship documented on form CJSTC-81A, under the supervision of a Commission-certified CMS Medical First Responder Instructor who has been approved by the training center director.

(3) Specialized Topics Instructor Certifications. To obtain certification to instruct in specialized topics the instructor applicant shall meet the following for each specialized topic requested:

(a) Law Topics Instructor Certification for Traditional Basic Recruit Training Programs. Instructor applicants who request ~~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 successfully complete 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 successfully complete 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, with the results recorded on a Laser and Radar Speed Measurement Device Instructor Field Evaluation, form CJSTC-10, revised February 7, 2002, hereby incorporated by reference. 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 successfully complete the Commission-approved Canine Team Instructor Course through a criminal justice agency or a Commission-certified criminal justice training school, and complete an internship documented on a Competency Checklist form CJSTC-81. As part of the required internship, an instructor applicant shall instruct any "course unit" of the Canine Team Training Course or Canine

Team Instructor Course, 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. An Additionally, an instructor applicant who applies for a 40-hour 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 team experience which shall be documented in the instructor applicant's file at the training school.

2. Successful completion of the Commission-approved 40-hour 400-hour Canine Team Training Course or an equivalent course pursuant to subsection 11B-27.013(5), F.A.C. the 400-hour United States Police Canine Association Canine Team Course.

3. Verification that there is not a sustained "excessive use of force" complaint against the instructor applicant at the employing agency or agencies in which the instructor applicant obtained their experience as a criminal justice officer.

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

1. Basic Recruit Human Diversity Awareness Course 24 hours
An instructor who has completed the 24-hour Basic Recruit Human Diversity Awareness Course as a part of the basic recruit training program, shall not be required to repeat the course for application as a Human Diversity Instructor. 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. Human Diversity Train-the-Trainer Course, 20 Hours
The Commission-approved 20-hour Human Diversity Train-the-Trainer Course.

(e) Breath Test Instructor Certification. A Breath Test Instructor shall be certified by the Commission to instruct the Breath Test Operator Course and Agency Inspector Course. Only certified breath test instructors shall instruct such courses.

1. Each Breath Test Instructor Certification applicant, in addition to the requirements set forth in subsection 11B-20.0014(2), F.A.C., shall:

a. Successfully complete the Breath Test Instructor Certification Course through a training school; and

b. Possess a valid Breath Test Operator Permit and a valid Agency Inspector Permit at the time an application for breath test instructor certification is submitted. The work experience set forth in paragraph 11B-20.0014(1)(b), F.A.C., shall include three years as a breath test operator and three years as an agency inspector.

2. Individuals who hold a valid Florida Department of Law Enforcement Alcohol Testing Program Breath Test Instructor Permit and successfully complete the 2002 Breath Test Instructor Update Course, are exempt from the requirements set forth in subparagraph 11B-20.0014(3)(e)1., F.A.C. Alcohol Testing Program staff are also exempt from subparagraph 11B-20.0014(3)(e)1., 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 7-29-01, Amended _____.

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

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3),(9), 943.14(3) FS. History--New 7-29-01, Repealed _____.

11B-20.0016 Inspection of Instructor Certification Applications.

(1) For Instructor applicants who have not been certified by the Commission and who have met the certification requirements set forth in Rules 11B-20.001 and 11B-20.0014, F.A.C., the employing training center director or the training center director's designee shall, 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.

(a) Collect, verify, and maintain on file in the instructor training files at the training school, documentation verifying the instructor's professional expertise, pursuant with Rules 11B-20.001 and 11B-20.0014, F.A.C., for the specific certification being requested.

(b) Sign the instructor application after the instructor applicant has completed a satisfactory internship.

(c) Electronically transmit the information to Commission staff on an Instructor Certification Application, form CJSTC-71, revised February 7, 2002, hereby incorporated by reference, through Commission staff's ATMS.

(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.

(2)(3) If the instructor applicant's file at the training school contains missing or deficient documentation, the instructor applicant and the training school shall be notified of such documentation on the Instructor Certification Deficiency Notification, form CJSTC-271, revised February 7, 2002,

hereby incorporated by reference. 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.

(3) The effective date of the instructor certification shall be the date the application is approved by Commission staff.

(4) The instructor applicant shall satisfy the deficiency(s) by submitting the required documentation to Commission staff within 90 days of the receipt of the Instructor Certification Deficiency Notification Application form CJSTC-271. The Commission has the authority to grant or deny the instructor applicant's certification for failure to meet the 90-day requirement. Upon denial of the application, the instructor applicant may 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 7-29-01, Amended _____.

11B-20.0017 Maintenance and Duration and Renewal of Instructor Certifications.

Documentation for instructors, pursuant to this subsection, shall be maintained in the instructor's file at the respective training school. Additionally, the training school shall submit or transmit to Commission staff, through the ATMS, an Instructor Compliance Application, form CJSTC-84, February 7, 2002, hereby incorporated by reference, to verify compliance with the mandatory retraining requirements. Instructors whose General Instructor Certification or CMS General Instructor Certification has lapsed, shall comply with the requirements for Commission certification pursuant to subsection 11B-20.001(2) or (3), F.A.C. Instructors whose High-Liability or Special Topics Instructor Certification has lapsed shall comply with the requirements for Commission certification pursuant to Rule 11B-20.0014, F.A.C. 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) Instructors shall maintain Good Moral Character Standards pursuant to paragraphs 11B-20.0012(2)(a)-(f), F.A.C. High-Liability and Specialized Topics instructor certifications shall expire on the date an individual's General Instructor Certification expires.

(2) General Instructor Certification. Instructors who possess a General Instructor Certification shall instruct in a Traditional Basic Recruit Training Program Course, Advanced Training Course, or Specialized Training Program Course that

~~is delivered at a training school at least once every four years. An instructor whose General Instructor Certification has expired shall meet the requirements for certification pursuant to paragraphs 11B-20.001(1)(b)-(d), F.A.C.~~

~~(3) CMS General Instructor Certification. Instructors who possess a CMS General Instructor Certification shall instruct in a Basic Recruit Training Program Course, Advanced Training Course, or Specialized Training Program Course that is delivered at a training school at least once every four years. 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) High-Liability Instructor Certification. Commission-certified Instructors who possess a High-Liability Instructor Certification shall comply with the following requirements, every four years, to maintain an active certificate for each high-liability certification. 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.~~

~~1. Instruct in a Basic Recruit Training Program Course, Advanced Training Course, or Specialized Training Program Course through a training school.~~

~~2. Successfully complete continuing education or training approved by the training center director.~~

~~3. Successfully qualify in the high-liability proficiency skills for the instructor certification issued pursuant to Rule 11B-35.0024, F.A.C.~~

~~(5) Specialized Topics Instructor Certification. Instructors who possess a Specialized Topics Certification shall comply with the following requirements, every four years, to maintain certification:~~

~~1. Instruct in a Basic Recruit Training Program Course, Advanced Training Course, or Specialized Training Program Course through a training school.~~

~~2. Successfully complete continuing education or training approved by the training center director. Breath Test Instructors shall successfully complete the Breath Test Instructor renewal course.~~

~~(6) Commission staff and Alcohol Testing Program staff responsible for the oversight of training schools are exempt from the instructor maintenance requirements for Commission certification.~~

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3),(9), 943.14(3) FS. History--New 7-29-01, Amended _____.

11B-20.0018 Commission Instructor Certification Application.

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3),(9), 943.14(3) FS. History--New 7-29-01, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Manager Vickie Marsey Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 17, 2002

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Certification of Criminal Justice

RULE CHAPTER NO.:

Training Schools 11B-21

RULE TITLES: Local Advisement and Definitions 11B-21.001

Criminal Justice Training Schools' Request for

Certification, Expansion of Certification, and Re-certification 11B-21.002

Certification Codes 11B-21.004

Criminal Justice Training School Requirements

for Certification and Re-certification 11B-21.005

Criminal Justice Training School Satellite

Facilities and Equipment Requirements 11B-21.0051

Denial of Certification or Renewal

of Certification 11B-21.017

Criminal Justice Training School Disciplinary

Guidelines and Revocation of Certification 11B-21.018

Criminal Justice Training School Inspections 11B-21.019

PURPOSE AND EFFECT: Revisions to this rule chapter are

necessary to restructure the rule chapter for ease of

understanding; clarify existing rule language; incorporate

certification requirements into the facility inspection forms;

clarify the requirements for satellite training facilities; and

expand the disciplinary guidelines for training schools to

include probation and suspension of certification.

SUMMARY: Revisions to this rule chapter are made to add

definitions to Rule 11B-21.001, F.A.C.; repeal Rule

11B-21.004, F.A.C., regarding "certification codes," and

incorporate its language into Rule 11B-21.001, F.A.C., Local

Advisements and Definitions, and group related subjects into a

better format; streamline Rule 11B-21.005, F.A.C., by

incorporating the facility requirements into Commission forms

currently incorporated in this rule section; repeal Rule

11B-21.017, F.A.C., and incorporated its language into Rule 11B-21.002, F.A.C., Criminal Justice Training Schools' Request for Certification, Expansion of Certification, and Re-certification, add the expansion and recertification compliance requirements to Rule 11B-21.002, F.A.C.; remove rule language from subsection 11B-21.005(5), F.A.C., and transfer its rule language to Rule 11B-21.0051, F.A.C., Criminal Justice Training School Satellite Facilities and Equipment Requirements; add additional requirements regarding satellite training facilities and equipment requirements to Rule 11B-21.0051, F.A.C.; and add rule references to the incorporated forms in Rule Chapter 11B-21, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

LAW IMPLEMENTED: 943.12(3),(5),(7), 943.14, 943.17(1)(g), 943.25(5),(9) FS.

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

TIME AND DATE: 10:00 a.m., August 21, 2002

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

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, persons 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)410-8615 (Voice) or (850)656-9597 (TDD).

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-21.001 Local Advisement and Definitions.

(1) "Training school" shall mean those training academies and training schools that are certified by the Criminal Justice Standards and Training Commission.

(2) "Training program(s)" shall mean Commission-approved training administered by Commission-certified criminal justice training schools pursuant to Rule Chapter 11B-35, F.A.C.

~~(3)(4) Each Commission-certified criminal justice training school shall establish a method for receiving advisement from the employing agencies served by the training school. The advisement method shall consist of an established advisory committee, a Regional Training Council, or any other method agreed upon by the training school and employing agencies in the service area.~~

~~(4)(2) The purpose of such advisement shall be to provide information concerning training needs, number of trainees to be enrolled, type of training courses to be offered, effectiveness of training, expenditure of Criminal Justice Standards and Training Trust Fund Officer Training Monies, and other information that may be useful to Commission-certified criminal justice training schools.~~

(5) Training School Customer Survey. With respect to the services provided by training schools, an Annual Satisfaction Survey of officer training needs shall be conducted to maintain on-going communication with criminal justice agencies. The Annual Satisfaction Survey shall be distributed to criminal justice agencies and returned to Commission staff for compilation of survey findings. The survey findings shall be forwarded to the respective training schools for review and an annual report containing the compilation of survey findings shall be submitted to the Criminal Justice Standards and Training Commission.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(5),(7), 943.14, 943.25(5),(9) FS. History--New 7-21-82, Amended 1-26-83, 9-1-83, 1-28-86, Formerly 11B-21.01, Amended 1-2-97, 7-7-99.

11B-21.002 Criminal Justice Training Schools' Request for Certification, Expansion of Certification, and Re-certification.

~~(1) Training organizations Training entities requesting a Commission-certified criminal justice training school certification, re-certification, or an expansion of a current certification shall apply to the Commission by completing and submitting to Commission staff a completed an Application for Training School Certification, Re-certification, or Expansion of Certification Application, form CJSTC-29, revised February 7, 2002 April 1, 1994, hereby incorporated by reference. Form CJSTC-29 In all cases, the application for certification shall reflect show that a the certification is for the use of the training organization entities requesting the certification, re-certification, or expansion of a current certification.~~

(2) Pursuant to Section 943.12(7), F.S., the Commission shall authorize the issuance of certificates to criminal justice training schools. A training school shall be categorized as a type "A", "B", or "C" certification and assigned one of the following certification codes: Each Florida 4 year accredited college or university that requests to offer Commission-approved training courses, shall request approval from the Commission. A College and University Program Approval form CJSTC 30, November 1, 1997, hereby

~~incorporated by reference, shall be completed and submitted to Commission staff to request approval to offer Commission approved training courses.~~

~~(a) Type "A" certification grants a training school the authority to deliver basic recruit training for law enforcement, correctional, and correctional probation officers, and Advanced Training Courses and Specialized Training Program Courses set forth in Rule Chapter 11B-35, F.A.C.~~

~~(b) Type "B" certification grants a training school the authority to deliver basic recruit training for law enforcement and Advanced Training Courses and Specialized Training Program Courses set forth in Rule Chapter 11B-35, F.A.C.~~

~~(c) Type "C" certification grants a training school the authority to deliver basic recruit training for correctional and correctional probation officers, Advanced Training Courses and Specialized Training Program Courses set forth in Rule Chapter 11B-35, F.A.C.~~

~~(3) Request for Training School Initial Certification. The training entity requesting training school certification, shall also obtain approval from the Regional Training Council in its area-~~

~~(a) The training organization requesting initial certification shall obtain approval from the Regional Training Council in its area prior to applying for an initial certification, via a Training School Certification, Re-certification, or Expansion of Certification Application, form CJSTC-29.~~

~~(b)(4) A training needs analysis shall be conducted Commission staff shall conduct a training needs analysis for the region or local training area to be served by the organization intended to be served by the training entity requesting training school certification. An inspection shall be conducted of the training organization to ensure compliance with the requirements for certification pursuant to Rule 11B-21.005, F.A.C. An application for certification of a training organization shall be denied by the Commission for any training organization that does not comply with the requirements set forth in Rule 11B-21.005, F.A.C.~~

~~(5) Commission staff shall make a formal recommendation to the Commission based upon the training needs analysis and other pertinent information that may affect the certification of the training entity.~~

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

~~(c)(7) A training organization shall receive a notice of intent to approve or deny certification. If a request for certification is denied, the notice shall specify the grounds for the denial and the denial shall be conducted pursuant to~~

~~Chapter 120, F.S. A training organization Any training school or agency that has been denied Commission certification as a criminal justice training school, and any training school or agency for which Commission certification has lapsed or has been revoked, may reapply or petition the Commission for certification six (6) months after such action is effective. The Commission shall require a hearing, at which time the affected training organization training school or agency shall show cause why its application for certification should be accepted, or its petition granted.~~

~~(d) Commission approval of a training school for delivery of Commission training shall continue in effect for five years beginning with the date of Commission approval.~~

~~(4) Request for Expansion for Certification. A training school that requests expansion of its certification shall follow the procedures in subsection 11B-21.002(2), F.A.C. The expansion portion of the certification shall be treated as an initial certification. The certification expiration date of the expansion shall remain the same as the current expiration date.~~

~~(5) Request for Commission Re-certification.~~

~~(a) A training school that requests continued certification by the Commission shall submit a completed Criminal Justice Training School Certification, Re-certification or Expansion of Certification Application, form CJSTC-29, to Commission staff no later than January 1st of the year of expiration of certification.~~

~~(b) A training school that requests continued certification by the Commission shall be officially evaluated by a Commission-appointed certification team to determine compliance with Commission Rules regarding certificate renewal. The Commission shall deny an application for certification of a training school if the training school has had its certification revoked pursuant to Rule 11B-21.018, F.A.C.~~

~~(c) The certification team shall report its findings to the Commission, along with a formal recommendation regarding the training schools request for re-certification. The certification team shall be comprised of Commission staff and one individual appointed by the Chairman of the training school's Local Advisory Committee, or if there is no Local Advisory Committee, the Chairman of the training school's Regional Training Council.~~

~~(d) A training school shall be given a notice of intent to approve or deny certification. If certification is denied, the notice shall specify the grounds for denial. The denial of an application for renewal of certification shall be conducted pursuant to Chapter 120, F.S. The Commission shall request a hearing and the affected training school shall be required to show cause why its application for renewal of certification should be accepted, or its petition granted.~~

~~(6)(8) All form(s) and the Criminal Justice Standards and Training 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 Director's Office, Forms Liaison.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(3),(7), 943.14 FS. History—New 7-21-82, Amended 1-28-86, Formerly 11B-21.02, Amended 12-13-92, 1-2-97, 7-7-99, 8-22-00, _____.

11B-21.004 Certification Codes.

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

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

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

(1) Provide criminal justice training to criminal justice agencies and officers in its service area. 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:

(2) Comply with the requirements set forth in Rule Chapter 11B-35, F.A.C., when delivering Commission-approved training.

(3)(a) Comply with the classroom facility requirements set forth in the Training School Classroom Facility Requirements, form CJSTC-205, revised February 7, 2002, hereby incorporated by reference. State Requirements for Educational Facilities (SREF), pursuant to Department of Education's Rule 6A 2.0111, F.A.C., effective April 28, 1997, for compliance with building codes for educational facilities, and with local and state regulations relating to fire, health, and building standards, as such standards are applicable to public access facilities. Specific requirements relating to occupancy, lighting, floor space, equipment, and library access, are included in the Criminal Justice Standards and Training Commission Policies and Procedures Manual, revised October 13, 1999, hereby incorporated by reference. If a Commission-certified training school's facilities have been found non-compliant with the Commission's requirements, Commission staff shall document on the Training School Classroom Facility Requirements form CJSTC 205 specific areas of non-compliance. Within 30 days of the original notification, Commission staff shall conduct a re-inspection. Non-compliance issues that are unresolved shall be documented by Commission staff on a Non-Compliance Follow-up form CJSTC 206, October 1, 1999, hereby incorporated by reference. A training school shall correct all non-compliance issues, documented on a Training School

Classroom Facility Requirements form CJSTC 205, within 30 days of notification by Commission staff or prior to the subsequent use of the training school's facility.

(4)(b) Comply with the driving range, facility, and student to instructor ratio requirements set forth in the Driving Range Facility Requirements, form CJSTC-202, revised February 7, 2002, hereby incorporated by reference, when conducting Commission-approved vehicle operations training. Should any driving range proposed for construction after July 1, 1988, deviate from the standards set forth in form CJSTC-202, plans for such construction shall be submitted to Commission staff for initial review, and then to the Commission for final approval or disapproval. Justification for such construction shall include a statement of explanation and supporting documentation justifying the need to deviate from the established standard. A recommendation for deviation from the Commission's driving facility requirement shall ensure that vehicle operation training exercises can be safely and effectively performed. 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. A paved area at least 300 feet by 600 feet in size surrounded by an unobstructed run-off area.

2. A paved skid pad area at least 24 feet by 200 feet in size situated off public roadways.

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

4. All ranges, regardless of the date of construction, shall be secured by barriers from through traffic while training is being conducted on the range.

5. Warning signs posted at all vehicle access points to the driving range shall clearly identify the area as a "law enforcement training driving range" and restrict access to criminal justice trainees, criminal justice instructors and personnel authorized by the training center director.

6. Each driving range shall be equipped with at least 100 orange or yellow traffic cones of a minimum height of 12 inches, 2 fire extinguishers rated at 10 BC, or its equivalent, and an emergency first aid kit.

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

~~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.~~

~~(5)(e) Comply with the defensive tactics equipment, facility, and student to instructor ratio requirements set forth in the Defensive Tactics Requirements, form CJSTC-203, revised February 7, 2002, hereby incorporated by reference, when conducting Commission-approved defensive tactics training. 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. One set of handcuffs with a handcuff key and a police training baton, or other such impact weapon for every two (2) students actively and physically engaged in defensive tactics instruction.~~

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

~~(6)(d) Comply with the equipment, facility, and student to instructor ratio requirements set forth in the Firing Range Facility Requirements, form CJSTC-201, revised February 7, 2002, hereby incorporated by reference, when conducting Commission-approved firearms training. Firearms training shall be supervised directly by a Commission-certified firearms instructor and the instructor shall have access to at least one firearms range designed for criminal justice firearms instruction. A 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. Each firing range shall be designed with a bullet impact back stop that will stop and render harmless, bullets fired into it from handguns or shotguns from the firing positions at the firing line, without ricocheting projectiles or debris, or striking individuals at the firing line.~~

~~2. Each firing range shall have a minimum of five (5) firing positions with two (2) targets for each position that are color coded or numbered.~~

~~3. Barriers used from a firing position shall be securely braced.~~

~~4. Targets shall be illuminated by natural or artificial light so as to be clearly visible from all firing positions.~~

~~5. Each firing range shall be designed to accommodate a range supervisor, and provide an observation position for the range supervisor that allows an unobstructed view, simultaneously, of all firing positions, all targets, and the bullet impact back stop.~~

~~6. Each firing range shall be equipped with an operational public address system of sufficient volume, to be audible to individuals wearing ear plugs or other hearing protection while firearms are being discharged.~~

~~7. When in use, a firing range shall be equipped with an operational telephone or radio communications and an industrial first aid kit.~~

~~8. Access to the firing range shall be restricted to criminal justice trainees, criminal justice instructors, and personnel authorized by the training center director, when firearms training is being conducted.~~

~~9. Warning signs posted at all access points to the firing range shall clearly identify the area as a criminal justice training firing range.~~

~~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.~~

~~11. Firing ranges and associated equipment shall be maintained in proper working order to ensure safety of shooters and instructors.~~

~~12. Indoor firing ranges shall rely on the manufacturer's specifications for safety and efficient range operation.~~

~~13. All firearms training shall be conducted under the direct supervision of the training center director or designee.~~

~~(7) Comply with the equipment, facility, and student to instructor ratio requirements set forth in the Medical First Responder Requirements, form CJSTC-208, February 7, 2002, hereby incorporated by reference, when conducting Commission-approved medical first responder training.~~

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

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

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

~~(8)(3) Employed Personnel. All Commission-certified criminal justice training schools shall comply with the employ personnel who meet Commission requirements set forth in the documented on a Staffing Requirements form, CJSTC-204, revised February 7, 2002 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 ~~a~~ 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 Commission-approved training programs 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 training center director or interim training center 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 Commission-approved 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 Commission-approved the criminal justice training program.

(b) At least one ~~(4)~~ full-time clerk or administrative assistant assigned to report to the training center director, whose responsibilities are limited restricted to providing clerical and administrative assistance to the director. Two ~~(2)~~ or more individuals may perform such clerk or administrative assistant duties, provided that the aggregate personnel time dedicated to these duties, is equivalent, at minimum, to a full-time position.

(c) At least two ~~(2)~~ full-time criminal justice training instructors or instructional coordinators positions assigned to report solely to the training center director. One coordinator position can be composed of two or more instructional coordinators ~~Three (3) or more individuals may perform such instruction and instructional coordination duties~~, provided that the aggregate personnel time dedicated to these duties is equivalent, ~~at minimum~~, to one two (2) full-time positions. In the absence of the director, at least one ~~(4)~~ full-time instructor, ~~and~~ instructional coordinator, or ~~another~~ individual specifically designated by the director, shall be accessible while criminal justice training is being administered, and shall be responsible for quality control.

~~(d) Instructors who teach Commission-approved training programs shall comply with the provisions in Chapter 11B-20, F.A.C.~~

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

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

~~(a) At least one individual responsible for teaching and coordinating law instruction.~~

~~(b) At least one individual responsible for teaching and coordinating criminal justice investigation.~~

~~(c) At least one individual responsible for teaching and coordinating criminal justice applied human behavior.~~

~~(d) At least one individual responsible for teaching and coordinating law enforcement and correctional procedures.~~

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

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

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

~~(8) A Commission-certified criminal justice training school shall abide by all of the requirements for administration and instruction of Commission-approved training courses. Commission staff shall document all course and instructor monitoring on the Training School Contact Report form CJSTC 200, October 1, 1999, hereby incorporated by reference.~~

(10)(9) Basic Abilities Testing Requirements pursuant to Section 943.17(1)(g), F.S. Effective January 1, 2002, all criminal justice training schools certified by the Commission that provide Basic Recruit Training Programs shall:

(a) Adopt a Commission-approved basic abilities test as an entry requirement into a Basic Recruit Training Program, and not enter into a contract with any testing vendor for a period longer than the Commission's testing cycle of three years 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 two years ~~one (1) year~~ from the date of the test.

(c) No change.

~~(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, 7-29-01, _____.

11B-21.0051 Criminal Justice Training School Satellite Facilities and Equipment Requirements.

(1) A satellite facility shall be defined as a training facility or location that is not part of the immediate premises of a training school and is not used to comply with a training school's certification requirements. A high-liability satellite training facility shall comply with the facility and equipment requirements set forth in subsection 11B-21.019(1), F.A.C. Such training schools utilizing satellite training facilities, inclusive of high-liability facilities, to deliver training, shall:

(a) Provide notification, in writing, via e-mail, or telephonic communication, pursuant to subsection 11B-35.001(2), F.A.C.

(b) Identify active satellite locations by the type of facility and street address, and certify in writing to Commission staff prior to July 1 of each fiscal year that its designated satellite training facility complies with Rule 11B-21.005, F.A.C. Training schools shall notify Commission staff of any new satellite sites and the satellite site's compliance with the Commission's requirements, prior to delivering training.

(c) Comply with Rule 11B-21.005, F.A.C., for the delivery of training at satellite sites. Only those sites that submit notification to Commission staff, set forth in subsection 11B-35.001(2), F.A.C., regarding notification of scheduled courses, shall be approved to instruct training at a satellite facility.

(d) Obtain approval from the affected Regional Training Council(s) and local training school prior to delivery of training at a satellite site outside its service area. Notification of such action shall be submitted to Commission staff.

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 _____.

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

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(3),(7), 943.14 FS. History—New 9-17-89, Amended 1-2-97, 7-7-99, 8-22-00, Repealed _____.

11B-21.018 Criminal Justice Training School Disciplinary Guidelines and Revocation of Certification.

(1) The certification of a ~~Commission-certified criminal justice~~ training school shall be revoked, suspended, or placed on probation if any of the following violations occur:

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

(b) ~~Failure If a Commission-certified criminal justice training school fails~~ to comply with Rule Chapter 11B-18, F.A.C., that regulates the administration, expenditure, and accounting of Criminal Justice Standards and Training Trust Funds Officer Training Monies.

(c) ~~Failure If a Commission-certified criminal justice training school fails~~ to notify the Commission of acts committed by Commission-certified ~~criminal justice~~ training instructors that constitute grounds for revocation of instructor certification pursuant to Rule 11B-20.0012, F.A.C.

(d) ~~Failure If a Commission-certified criminal justice training school fails~~ to comply with trainee attendance and performance standards pursuant to subsections 11B-35.001(7)-(8), F.A.C.

(e) ~~Failure If a Commission-certified criminal justice training school fails~~ to comply with the Criminal Justice Standards and Training Commission rules and Policies and Procedures Manual that regulate Commission-approved training programs pursuant to Rule Chapters 11B-21, 11B-30, and 11B-35~~30~~, F.A.C.

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

(a) through (b) No change.

(3) Should the Commission revoke the certification of a ~~Commission-certified criminal justice~~ training school, Commission staff shall schedule an audit and inventory pursuant to Sections 943.12 (3) and 943.25(4), F.A.C., of class file documentation, monies, equipment, and property that have ~~has~~ been acquired by the training school with Criminal Justice Standards and Training Trust Fund Officer Training Monies monies. The ~~This~~ audit and inventory shall be conducted within thirty ~~(30)~~ calendar days from the date the Commission took action on the training school's certification and as follows:

(a) A training school shall submit to Commission staff unexpended Criminal Justice Standards and Training Trust Fund Officer Training Monies for deposit into the trust fund

~~within thirty calendar days of the date of the audit and inventory. A team composed of Commission Field Services and Trust Fund staff shall conduct the audit and inventory.~~

~~(b) A training school shall transfer. Upon completion of the audit and inventory, the training school shall submit any unexpended Criminal Justice Standards and Training Trust Fund monies, and return any equipment and or property acquired with Criminal Justice Standards and Training Trust Fund Officer Training Monies trust fund monies to Commission staff within thirty calendar days of the audit and inventory completion date the designated Commission Field Specialist. The transfer of property purchased with Trust Fund monies shall be completed within thirty (30) calendar days from the date the audit and inventory is completed.~~

~~(c) A training school shall submit to Commission staff. In addition, within thirty (30) calendar days from the completion date of the audit and inventory, the Commission certified eriminal justice training school shall submit to the designated Commission Field Specialist, the class file records necessary to verify student attendance and performance for at any Commission-approved training course conducted by a the training school, or provide written documentation that the training school shall honor all requests for information and verification of data contained in the class files.~~

~~(d) Commission staff shall coordinate with representatives of the affected Regional Training Council to schedule appropriate disposition of Officer Training Monies, trust fund equipment and property, and criminal justice training class file records. Upon receipt of property, monies, equipment, or class file records from a criminal justice training school whose certification has been revoked, the designated Commission Field Specialist shall meet with representatives of the affected Regional Training Council to schedule a disposition of the property.~~

(4) A training school entity whose Commission certification has been revoked, may reapply or petition the Commission for certification pursuant to the provisions of paragraph subsection 11B-21.002(2)(d)(7), F.A.C.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(3), 943.14 FS. History--New 10-17-90, Amended 12-13-92, 8-7-94, 1-2-97, 7-7-99, 8-22-00,_____.

11B-21.019 Criminal Justice Training School Inspections. Section 943.12(7) authorizes the Criminal Justice Standards and Training Commission to issue certificates to criminal justice training schools. These training schools shall abide by the requirements for administration and instruction of Commission-approved training pursuant to Rule Chapters 11B-21 and 11B-35, F.A.C.

(1) A comprehensive inspection of training schools shall be conducted annually, at minimum by Commission staff, to ensure compliance with Rules 11B-21.005 and 11B-21.0051, F.A.C. The training center director or designee shall sign the following applicable form(s):

- (a) Firing Range Facility Requirements, form CJSTC-201.
- (b) Driving Range Facility Requirements, form CJSTC-202.
- (c) Defensive Tactics Requirements, form CJSTC-203.
- (d) Medical First Responder Requirements, form CJSTC-208.

(2) Random inspections shall be conducted by Commission staff of classroom facilities, courses in session, and staffing requirements, and shall be documented on the following applicable form(s):

- (a) Course Monitor, form CJSTC-200, revised February 7, 2002, hereby incorporated.
- (b) Staffing Requirements, form CJSTC-204.
- (c) Training School Classroom Facility Requirements, form CJSTC-205

(3) Training schools shall correct the areas of non-compliance within 30 days from the date the training schools are notified or prior to the subsequent use of the facilities for delivery of training.

(4) Commission staff shall conduct a re-inspection of the areas of non-compliance that were recorded on the form(s) to ensure corrective action has taken place and shall complete a Non-Compliance Follow-up Report, form CJSTC-206, revised February 7, 2002, hereby incorporated by reference.

(5) The Commission chairman shall be notified of continued non-compliance of training schools regarding "deficiency(ies)" recorded and "complaint(s)" opened pursuant to Rule 11B-21.018, F.A.C. Notification of an "Official Inquiry" shall be provided to the training school.

(6) Findings resulting from the Commission's complaint process shall be used by the Commission in determining whether probable cause exists to issue an administrative complaint seeking revocation of a certificate, or a statement denying a request for certification or re-certification.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(3),(7), 943.14 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Manager, Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 17, 2002

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Certification and Employment or Appointment	11B-27
RULE TITLES:	RULE NOS.:
Moral Character	11B-27.0011
Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers	11B-27.002
High School Graduation or Equivalent	11B-27.0021
Fingerprint Processing and Criminal Record Results	11B-27.00211
Maintenance of Officer Certification	11B-27.00212
Temporary Employment Authorization	11B-27.00213
Background Investigations	11B-27.0022
Controlled Substance Testing Procedures	11B-27.00225
Issuance and Maintenance of Certification	11B-27.0023
Reactivation of Certificate	11B-27.0026
Duty to Report, Investigations, Procedures	11B-27.003
Probable Cause Determination	11B-27.004
Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances	11B-27.005
Canine Team Certification	11B-27.013

PURPOSE AND EFFECT: Revisions to this rule chapter are necessary to expand rule language regarding good moral character, fingerprint process, maintenance of officer certification, and officer discipline penalty guidelines; and incorporate new forms.

SUMMARY: Revisions to this rule chapter are made to streamline rule sections by repealing Rule 11B-27.0023, F.A.C., Issuance and Maintenance of Certification and incorporates its rule language into Rule 11B-27.00201, F.A.C.; relocate sub subparagraph 11B-27.002(1)(h)1.-4., F.A.C., concerning temporary employment authorizations into Rule 11B-27.00202, F.A.C.; relocate sub subparagraph 11B-27.002(1)(c)1.-3., F.A.C., into Rule 11B-27.00211, F.A.C., concerning officer fingerprint process; expand violations that constitute failure to maintain good moral character; clarify rule language regarding the maintenance of officer certification, fingerprint process and criminal history record results, and penalty guidelines for new offenses; clarify canine team certification by defining canine team evaluators; incorporate the "Authority for Release of Information, form CJSTC-58," and the Equivalency of Training Proficiency of

Demonstration, form CJSTC-76A required by statute; and add rule references to the incorporated forms in Rule Chapter 11B-27, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

LAW IMPLEMENTED: 943.12, 943.12(3),(17), 943.13, 943.13(3),(7),(11), 943.131, 943.133, 943.135, 943.139, 943.1395, 943.1395(3),(5),(7),(8), 943.17, 943.17(1)(a), 943.1701, 943.1715, 943.1716, 943.253 FS.

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

TIME AND DATE: 10:00 a.m., August 21, 2002

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, persons 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)410-8615 (Voice) or (850)656-9597 (TDD).

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

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-27.0011 Moral Character.

(1) For the purpose of certification, employment, or appointment, pursuant to procedures established by paragraph 11B-27.002(1)(g) and Rule 11B-27.00225, F.A.C., the employing agency is responsible for conducting a thorough background investigation to determine the moral character of an applicant, pursuant to Section 943.13(7), F.S.

(2) No change.

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

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

(a) No change.

(b) The perpetration by an officer of an act that would constitute any of the following misdemeanor or criminal offenses whether criminally prosecuted or not:

1. Sections 316.193, 316.1935, 327.35, 414.39, 741.31, 784.011, 784.03, 784.047, 784.048, 784.05, 790.01, 790.10, 790.15, 790.27, 794.027, 796.07, 800.02, 800.03, 806.101, 806.13, 810.08, 812.014, 812.015, 812.14, 817.235, 817.49, 817.563, 817.565, 817.567, 817.61, 817.64, 827.04, 828.12, 831.30, 831.31(1)(b), 832.05, 837.012, 837.05, 837.06, 839.13, 839.20, 843.02, 843.03, 843.06, 843.085, 847.011, 856.021, 870.01, 893.13, 893.147, 914.22, 934.03, 944.35, 944.37, and 944.39, F.S.

2. No change.

3. The perpetration of an act in any jurisdiction other than the State of Florida, which if committed ~~committed~~ in the State of Florida would constitute any offense listed in this rule section.

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

1. Excessive use of force, defined as a situation in which an officer uses a “level of force” inappropriate with the circumstances presented at the time of the incident. In the administrative review of “use of force” for officer disciplinary cases, the Commission applies the Commission’s “Recommended Response to Resistance Use of Force and Levels of Resistance Matrix,” form CJSTC-85, revised February 7, 2002, January 1999, hereby incorporated by reference, to evaluate “use of force” circumstances presented in a disciplinary case.

2. No change.

3. Having an unprofessional relationship with an inmate, detainee, probationer or parolee, or community controllee. An unprofessional relationship is defined as:

a. No change.

b. Engaging in physical contact not required in the performance of official duties, and is defined as kissing, fondling of the genital area, buttocks, or breasts, massaging or similar touching, holding hands, any other physical contact normally associated with the demonstration of affection; or sexual misconduct as applied to all certifications, which is defined in Section 944.35(3), F.S.

4. Sexual harassment pursuant to and consistent with decisions interpreting 29 C.F.R. 1604.11, including unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when the harassment involves physical contact or misuse of official position and when:

a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; or

b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

c. No change.

5. Engaging in sex while on duty, or at any time the officer is acting under the color of authority as a Commission-certified criminal justice officer.

6. False statements during the employment application process.

7. Conduct that subverts or attempts to subvert, the State Officer Certification Examination process pursuant to subsections 11B-30.009(1)-(3), F.A.C.

8. Conduct that subverts or attempts to subvert the Basic Abilities Test process pursuant to subsections 11B-35.0011(1)-(5), F.A.C.

~~9.8.~~ Conduct that subverts or attempts to subvert the examination process, for Commission-approved training at a Commission-certified ~~criminal justice~~ training school ~~or an~~ or an employing agency promotional examination process which shall include the following:

a. through (i) No change.

j. Having an impersonator take sit ~~for~~ the examination on one’s behalf.

k. Disrupting the test administration.

l. Revealing the test questions or other information that would compromise the integrity of the examination.

10. Any overt, conspicuous, or public act of a sexual or simulated sexual nature which is likely to be observed by others.

11. Willful failure of the agency head to comply with Chapter 943, F.S., as it pertains to the Criminal Justice Standards and Training Commission or Commission rules.

12. Making a false statement(s) of fact, under oath, as to misconduct related to an agency duty with the intent to mislead or deceive. “Agency duty” means any duty as defined by the agency head, or his or her designee.

(d) No change.

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

(6) Commission staff's decision Upon receipt of information pertaining to an officer's misconduct, including violations of (4)(b) or (4)(c) of this rule section, Commission staff shall review the information to determine whether to initiate a Commission Probable Cause Determination shall be probable cause review based upon the following conditions:

(a) through (f) No change.

(7) Forms 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 Director's Office, Forms and Manual Liaison.

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

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

(1) Certification or Reactivation of Certification. Prior to submitting an application for certification or reactivation of certification for a law enforcement, correctional, or correctional probation officer, the employing agency shall collect and, verify, and have on record, documents establishing that an applicant has complied with ~~met~~ the requirements of Sections 943.13(1) through (11), F.S.; Verified documents shall be maintained in the officer's training file at the employing agency. The following documents are required for verification of an applicant's compliance with this rule section. to include the following requirements:

(a) Evidence of the applicant's age and citizenship verified by any of the following documents: means pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures Manual.

1. Copy of birth certificate; or

2. Copy of court documentation that attests to birth; or

3. Current and valid U.S. passport that indicates U.S. citizenship and birth date; or

4. Report of Birth Abroad of a Citizen of the United States, issued by a U.S. Consular Office; or

5. Certificate of Naturalization from the United States Department of Immigration and Naturalization.

(b) Evidence that the applicant is a high school graduate or its equivalent pursuant to Rule subsection 11B-27.0021(4), F.A.C.

(c) Evidence that a An Applicant Fingerprint Card, FBI form FD-258, January 1999, hereby incorporated by reference, that has been processed by the Florida Department of Law Enforcement and the Federal Bureau of Investigation or the Florida Department of Law Enforcement, if identified as a single state offender or multi-state offender, pursuant to Rule

11B-27.00211, F.A.C, with the Criminal Justice Standards and Training Commission Policies and Procedures Manual. An Applicant Fingerprint Card shall be processed in conjunction with an officer's employment or appointment, regardless of the existence of an officer's processed Applicant Fingerprint Card from a previous employment or appointment.

1. If the applicant meets the necessary qualifications established by statute or this rule section, the employing agency may employ or appoint the applicant as an officer, provided that a computerized Florida criminal history check has been made and the results are on file with the employing agency. Pursuant with Section 943.13(5), F.S., upon receipt of the processed Applicant Fingerprint Card, the employing agency shall notify the Commission by submitting a Fingerprint Notification form CJSTC-62, revised October 27, 1998, hereby incorporated by reference. The information on the CJSTC-62 form may be electronically transmitted via the Commission's Automated Training Management System (ATMS).

2. Any employment or appointment of an officer without a processed Applicant Fingerprint Card, shall not exceed a period of one (1) calendar year from the original date of employment or appointment, and shall terminate upon return of the processed Applicant Fingerprint Card documenting failure of the officer to meet the necessary qualifications, whichever occurs first. To document compliance of the officer to meet the necessary qualifications in cases where the processed Applicant Fingerprint Cards have not been received within the allotted time, a subsequent employment or appointment by the same agency shall not be approved until such time Commission staff receives notification that the processed Applicant Fingerprint Cards are on file with the employing agency.

3. Should an officer separate from employment prior to the employing agency receiving the processed Applicant Fingerprint Cards, and upon receipt there is an indication the officer has failed to meet the necessary qualifications, the separating agency shall immediately notify Commission staff and provide a copy of any documents that establish non-compliance of the officer to meet the necessary qualifications.

(d) A Physician's Assessment, and Patient Information form CJSTC-75, revised February 7, 2002, hereby incorporated by reference, and Patient Information Medical History Questionnaire form CJSTC-75A, revised February 7, 2002 December 6, 2000, hereby incorporated by reference, or an equivalent form signed by a physician or physician assistant licensed in the United States or its territories, verifying the applicant's fitness to perform the duties of an officer pursuant to Section 943.13(6), F.S. A copy of the officer's position description shall be reviewed by the physician to ensure that the applicant can meet the physical standards required of the position showing that the applicant has met the medical

standards required by the Commission. ~~The completed and signed A Physician's Assessment and Patient Information form CJSTC-75 and 75A forms or equivalent, shall be completed with each new employment or appointment of an officer, and shall not be completed more than one year prior to 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) Evidence, by verification of military records, that the individual has not received a dishonorable discharge from any of the Armed Forces of the United States, pursuant to paragraph 11B-27.0022(2)(c), F.A.C.

(f) An Affidavit of Applicant, form CJSTC-68, revised February 7, 2002 ~~January 21, 1999~~, hereby incorporated by reference, executed by the applicant attesting that attests the applicant complies with ~~meets~~ the employment or appointment qualifications pursuant to Sections 943.13(1) through (10), F.S.

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

(h) Evidence that the applicant has successfully completed a the Basic Recruit Training Program, pursuant to Rules 11B-35.002, 11B-35.003, 11B-35.004, F.A.C., and in the discipline for which certification is being sought, pursuant to Sections 943.17(1) and (3), F.S., or is being employed or appointed pursuant to Section 943.131, F.S., and the applicant has successfully passed the State Officer Certification Examination for the discipline for which certification is being sought pursuant to Section 943.13(10), F.S. paragraph 11B-35.002(2)(c), F.A.C. ~~If the applicant is exempt from the Basic Recruit Training Program pursuant to Section 943.131(2), F.S., and Rule 11B-35.010, F.A.C., the employing agency who initially employed the applicant as an officer shall maintain on file a copy of a completed Equivalency of Training and Out-of-State and Federal Officers form CJSTC-76, revised September 2, 1998, hereby incorporated by reference, and additional documentation maintained on file pursuant to paragraphs 11B-35.010(2)(b) and (c), F.A.C.~~

1. Pursuant to Section 943.131, F.S., an agency may temporarily employ or appoint a person who complies with the qualifications for employment pursuant to Sections 943.13(1) (8), F.S., but has not fulfilled the requirements of Sections 943.13(9) and (10), F.S. by completing a Temporary Employment Authorization Statement form CJSTC-65, revised October 27, 1998, hereby incorporated by reference. ~~On or~~

~~after January 1, 1995, any agency making application to temporarily employ an individual, who has had a previous Temporary Employment Authorization registered with the Commission in the same discipline, may do so only if the individual was previously certified as a full or part-time officer, or was previously hired under a Temporary Employment Authorization (TEA), but has separated from the employing agency, or discontinued training while still in good standing, and has had a break in service from the last employment of a minimum of four (4) years. Such individual shall comply with the firearm requirements established in the Criminal Justice Standards and Training Commission Policies and Procedures Manual pursuant to Section 943.17(1)(a), F.S., and shall enroll in a Basic Recruit Training Program within 180 days of employment, or in the first training program offered in the geographic area.~~

~~2. Individuals who are employed on a Temporary Employment Authorization shall remain on it until such time they successfully complete a Basic Recruit Training Program.~~

~~3. If a trainee is unable to complete the course included in a Basic Recruit Training Program for which the trainee is enrolled in, the training center director may assign a grade of "I" for incomplete on the final grade report for that course.~~

~~4. Upon successful completion of a Basic Recruit Training Program, the applicant has 180 days in which to pass the State Officer Certification Examination.~~

(2) The employing agency head is required to execute and maintain a Registration of Employment Affidavit of Compliance, form CJSTC-60, revised February 7, 2002, hereby incorporated by reference, attesting to compliance by the employing agency with the following requirements:

(a) For law enforcement, correctional and correctional probation officer applicants who have not been previously certified and who have complied with the certification requirements pursuant to Section 943.13(1) through (10), F.S., the employing agency shall certify to the Commission that the applicant is eligible for certification by submitting to Commission staff or electronically transmitting through the Commission's Automated Training Management System (ATMS), a completed Officer Certification Application, form CJSTC-59, revised February 7, 2002, hereby incorporated by reference. Upon receipt of an Officer Certification Application Deficiency Notification, form CJSTC-259, revised February 7, 2002, the employing agency shall maintain on file, a copy of form CJSTC-59 and any other employment documentation. The employing agency shall submit a copy of form CJSTC-259 and the missing or deficient documentation to Commission staff within 90 days of the date the form was signed and issued to the agency. Failure by the employing agency to submit missing or deficient documentation within the required 90 days may result in denial of an applicant's request for certification. An officer applicant shall not work in a sworn capacity prior to meeting the requirements of Sections 943.13 and 943.131, F.S.

(b) Name changes shall be verified by the employing agency through verification of information on legal documents such as a marriage license or official name change documents. To document an officer's name change, a completed Name Change Application, form CJSTC-79, revised February 7, 2002, hereby incorporated by reference, and a copy of supporting documentation shall be submitted to Commission staff.

~~(3)(i) The employing agency administrator shall provide to Commission staff documentation that will allow verification that all appointed or employed officers have met the requirements of Section 943.13, F.S. Commission staff shall document compliance with Eemployment requirements pursuant to Section 943.13, F.S., shall be documented on an Agency New Hire Report, form CJSTC-207, revised February 7, 2002 October 1, 1999, hereby incorporated by reference.~~

(a) The files of newly hired officers are subject to an on-site inspection by Commission staff to ensure compliance with the requirements of Chapter 943, F.S., and Rule Chapter 11B-27, F.A.C. The following documents shall be reviewed for completeness:

1. A Registration of Employment Affidavit of Compliance form CJSTC-60.

2. An Employment Background Investigative Report, form CJSTC-77, revised February 7, 2002, hereby incorporated by reference.

3. An Affidavit of Applicant form CJSTC-68.

4. A Temporary Employment Authorization Statement, form CJSTC-65, revised February 7, 2002, hereby incorporated by reference.

5. Proof of age documentation.

6. Proof of citizenship documentation.

7. Legal document(s) for name change.

8. High School Diploma, GED, and Equivalency of Foreign and Non-Public High School Curriculum, form CJSTC-35, revised February 7, 2002, hereby incorporated by reference, pursuant to subsection 11B-27.0021(1), F.A.C.

9. A current military identification or the most recently issued Military Status DD214 form; or

10. A Civil Applicant Response form, with any FBI supplied criminal history record attached and a Florida Department of Law Enforcement (FDLE) Customer Summary Report and Transaction Listing form, with any FDLE supplied criminal history record attached, or the applicant's fingerprint card attached to a FDLE supplied single-state or multi-state offender criminal history record.

11. An Equivalency of Training, form CJSTC-76, revised February 7, 2002, and an Equivalency of Training Proficiency of Demonstration, form CJSTC-76A, effective July 1, 2002, pursuant to Section 943.131(2), F.S., hereby incorporated by reference for Florida and out-of-state officers.

12. Results of the State Officer Certification Examination for training completed after June 30, 1993.

13. A Physician's Assessment form CJSTC-75 and Patient Information form CJSTC-75A, or equivalents.

14. Drug screen results of at least a 7-panel test pursuant to paragraph 11B-27.00225(2)(d), F.A.C.

15. An Affidavit of Separation, form CJSTC-61, revised February 7, 2002, and Affidavit of Separation Supplement, form CJSTC-61A, revised February 7, 2002, hereby incorporated by reference, if the officer has separated employment with the agency.

(b) Commission staff shall conduct a re-inspection of the noted deficiencies, which shall be recorded on the Agency New Hire Report form CJSTC-207 within 90 days of the initial inspection.

1. If the deficiency(s) has been resolved prior to the re-inspection, Commission staff shall record the correction on form CJSTC-207.

2. If the deficiency(s) has not been resolved on or before the re-inspection date, the agency head shall provide Commission staff with a timeline for resolution of the noted deficiency(s) in the officer's file.

3. If the deficiency(s) noted in the officer's file remains unresolved, the Criminal Justice Standards and Training Commission Chairman shall notify the agency head, in writing, that the Registration of Employment Affidavit of Compliance, form CJSTC 60, that has been signed by the agency head or its designee confirming agency compliance with Section 943.133(2), F.S., is in fact not in compliance, and as such, is in violation of subparagraph 11B-27.0011(4)(c)11., F.A.C., and Section 837.06, F.S.

4. If the deficiency(s) noted in the officer's file remains uncorrected, the name of the agency and the deficiency(s) noted shall be included in the Commission's quarterly report for further action.

~~(2) On or before September 1, the employing agency administrator shall annually file documentation with the Commission to verify that all officers employed or appointed as of June 30th of the year have satisfied the requirements of Section 943.13, F.S. Documentation shall include the officers' name, social security number, and employment status with the employing agency, as either a full-time, part-time, or auxiliary officer.~~

(4)(3) An individual shall who successfully complete a completes a Florida Basic Recruit Training Program pursuant to Rules Chapter 11B-35.002, 11B-35.003, 11B-35.004, F.A.C., or former Rule 11B-29.002, F.A.C., pass the State Officer Certification Examination, and gain employment as an officer within four years of starting the required training program. An individual who is not employed as an officer in the discipline for which training was completed within four years of the date of beginning such training shall comply with the following and who is thereafter not employed on or before

four (4) years of the completion of such training as an officer in the discipline for which training was completed, shall comply with the following:

(a) No change.

~~(b) Shall demonstrate proficiency in each of the high liability proficiency skills applicable to that discipline, and~~

~~(b)(c) Shall successfully pass the State Officer Certification Examination.~~

~~(5)(4) Officer Separation from Employment or Appointment. An Upon an officer's separation from employment or appointment, the agency shall immediately notify the Commission pursuant to Section 943.139, F.S. Notice shall be made by the employing or appointing agency to Commission staff by submitting an Affidavit of Separation, form CJSTC-61, shall be completed by the employing agency and immediately submitted to Commission staff revised October 27, 1998, hereby incorporated by reference. The information on the CJSTC 61 form may be electronically submitted via the Commission's Automated Training Management System (ATMS).~~

~~(6)(5) An completed Affidavit of Separation Supplement, form CJSTC-61A, revised December 17, 1997, hereby incorporated by reference, shall be completed and submitted to Commission staff, along with form CJSTC-61, whenever there is a separation involving a violation of Section 943.13(4), F.S., or while being investigated for an alleged moral character violation, with form CJSTC-61, or may be electronically submitted via the Commission's ATMS as follows:~~

~~(a) If an officer voluntarily separates or retires from an agency while undergoing an investigation for a violation of Chapter 943.13(4), F.S., or~~

~~(b) For violation of moral character standards defined by subsection 11B-27.0011(4), F.A.C., or is terminated from an agency for violation of Section 943.13(4), F.S., or~~

~~(c) For violation of moral character standards as defined by subsection 11B-27.0011(4), F.A.C.~~

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, 7-29-01, _____.

11B-27.0021 High School Graduation or Equivalent.

(1) A high school graduate shall be an individual who has graduated from a high school, and has been awarded a standard diploma, pursuant to Section 232.246(1), (5), and (6), F.S., within the United States or its territories, and the school is a public or private school, which has been accredited by an accrediting agency, and is recognized by the Florida Department State Board of Education for accreditation purposes. Individuals, who have successfully completed a non-public high school, or foreign high school, or home school curriculum, shall possess a diploma or verification of

successful completion of home school education program pursuant to Section 232.0201, F.S., that substantially meets the requirements of Section 232.246 942.256, F.S.

(2) An employing agency ~~A Commission certified criminal justice training school~~ or a Regional Criminal Justice Selection Center, established pursuant to Section 943.246, F.S., shall evaluate non-public high school and foreign high school curricula, as provided for in subsection (1) of this rule section, and shall complete an Equivalency of Foreign and Non-Public High School Curriculum form CJSTC-35, revised December 6, 2000, hereby incorporated by reference, which Form CJSTC-35 shall be maintained in the officer's employing agency file.

(3) Successful completion of ~~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.,~~ shall be considered the equivalent of a high school diploma for purposes of graduation, and may be used in lieu of the requirement established in subsection (1) of this rule section.

(4) In the absence of proof of successful high school graduation or General Education Development Tests, the following shall be acceptable as meeting the minimum educational requirements:

(a) ~~An Associate's Degree or~~ Transcript verification of successful completion of at least 30 semester hours or 45 quarter hours one (1) year of college work, or an associate or higher degree from an accredited institution pursuant to defined in Section 943.22(1), F.S., or licensed by the Florida Board of Independent Colleges and Universities; or

(b) 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, 7-29-01, _____.

11B-27.0021 Fingerprint Processing and Criminal Record Results.

An employing agency shall maintain on file, at minimum, a Federal Bureau of Investigation Civil Applicant Response form, with any Federal Bureau of Investigation (FBI) supplied criminal history record attached, and a FDLE Customer Summary Report and Transaction Listing form, with any FDLE supplied criminal history record attached, or the applicant's fingerprint card attached to a FDLE supplied single-state or multi-state offender criminal history record, indicating the applicant's fingerprint card has been processed.

(1) The employing agency shall submit for processing an Applicant Fingerprint Card FD-258 to the Florida Department of Law Enforcement that bears the applicant's currently taken fingerprints. The submission shall include one of the following references: "Law Enforcement Officer Applicant Section 943.13, F.S.," or "Correctional Officer Applicant Section 943.13, F.S.," or "Correctional Probation Officer Applicant Section 943.13, F.S.," in the "Reason Fingerprinted" block of

the FBI Applicant Fingerprint Card. An Applicant Fingerprint Card shall be processed in conjunction with an officer's employment or appointment regardless if the officer has proof of the existence of a processed Applicant Fingerprint Card from a previous employment or appointment.

(2) Private correctional institutions under contract with the Florida Department of Corrections shall obtain blank Applicant Fingerprint Cards from the Department of Corrections. Other private correctional institutions and jails shall obtain blank Applicant Fingerprint Cards from the Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Officer Records Section. A private correctional institution shall submit a completed Applicant Fingerprint Card for processing to the Florida Department of Law Enforcement, User Services Bureau, Post Office Box 1489, Tallahassee, Florida 32302-1489.

(3) The employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, a Fingerprint Notification, form CJSTC-62, revised February 7, 2002, hereby incorporated by reference. A processed Applicant Fingerprint Card shall be completed and the response shall be on file at the agency within one year of the officer's initial employment or appointment. An employing agency is not required to re-fingerprint an individual who has been continuously employed or appointed with the same agency and is seeking certification as a sworn officer with that agency.

(4) Training schools that offer a Commission-approved Basic Recruit Training Program for law enforcement, correctional, or correctional probation officers, or a selection center that provides applicant screening for a training school, shall conduct a criminal history background check of an applicant prior to entrance into such Basic Recruit Training Program. The employing agency shall provide the training school with documentation that an Applicant Fingerprint has been processed, is on file with the employing or appointing agency, and has been verified by the employing or appointing agency to contain no statutory disqualifiers. If the FBI has not returned the Civil Applicant Response to the employing or appointing agency, the agency shall notify the training school that the criminal history background check is incomplete. The employing or appointing agency shall notify the training school upon receipt of the results of the Applicant Fingerprint Card, which shall be maintained in the student's file at the training school.

(5) Applicant Fingerprint Cards processed prior to employment or appointment, in conjunction with the agency's background investigation, and pursuant to Rule 11B-27.0022, F.A.C., shall be considered current when the officer's Applicant Fingerprint Card(s) is processed in conjunction with the new employment or appointment.

(6) An officer's certification shall not be issued by the Commission until he or she is in compliance with the certification requirements pursuant to Section 943.13(1)-(10), F.S., and documentation of a legible processed Applicant Fingerprint Card is on file at the employing agency.

(7) If an officer has been separated for lack of a processed Applicant Fingerprint Card within one year of employment or appointment, the agency shall re-register the officer when the processed Applicant Fingerprint Card response is received from the FBI or FDLE. The re-registration date shall be the date that the FBI or FDLE processed the applicant's fingerprint card(s). An officer who has been separated for not having a processed Applicant Fingerprint Card on file at the employing agency is not authorized to perform the duties of a sworn officer.

(8) Employing agencies shall be notified by Commission staff when an applicant's file does not contain a Fingerprint Notification form CJSTC-62.

(9) An employing agency that does not receive Applicant Fingerprint Card documentation from the FBI or FDLE within three months of submission of the fingerprint card, shall fingerprint the applicant again and resubmit the fingerprint card to FDLE and the FBI. If the FBI has processed the card, the letter from the FBI stating that the individual does not have a criminal history may be accepted as official documentation. The date the letter is postmarked shall be the date recorded on the Fingerprint Notification form CJSTC-62.

(10) Should an officer separate from employment prior to the employing agency's receipt of the officer's processed Applicant Fingerprint Card, and there is an indication that the officer would have failed to meet the employment qualifications pursuant to this Rule Chapter, the separating agency shall immediately notify Commission staff and provide a copy of all documentation that establishes non-compliance of the officer to meet the necessary qualifications.

(11) If a criminal history record, that could preclude employment pursuant to Section 943.13(4), F.S., is received from the FBI or FDLE, the agency shall obtain and maintain in the officer's file, supporting documentation from the court that the final disposition of the case has been resolved and the officer is eligible for employment, pursuant to Section 943.13(4), F.S.

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 _____

11B-27.00212 Maintenance of Officer Certification.

(1) Full-time, part-time, or auxiliary officers shall successfully complete 40 hours of continuing education or training every four years. The expiration date of an officer's mandatory retraining shall be June 30th of the fourth year following the officer's certification.

Example:

<u>Original Officer Certification Date</u>	<u>November 21, 1997</u>
<u>Officer Four-year Anniversary Date</u>	<u>November 21, 2001</u>
<u>Officer Continuing Education or Training Deadline</u>	<u>June 30, 2002</u>

(2) Elected or appointed officials whose mandatory retraining dates have expired on or before the expiration date, pursuant to subsection (1) of this rule section, shall complete the mandatory retraining requirements within four years of the date the individual no longer serves as an elected or appointed official.

(3) Forty hours of continuing education is granted for three semester credit hours or four quarter credit hours of college course work upon successful completion of the course, and provided the credit hours are not used for the purpose of obtaining a degree, which would make the officer eligible for salary incentive payments.

(4) Continuing education or training pursuant to Section 943.135, F.S. Upon an officer's completion of the required continuing education or training the employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, a completed Mandatory Retraining Report, form CJSTC-74, revised February 7, 2002, hereby incorporated by reference.

(5) Statutory mandated continuing training. The following training shall be included as a part of the officer's continuing training:

(a) Domestic Violence Training for Law Enforcement Officers pursuant to Section 943.1701, F.S. Certified law enforcement officers who elect to instruct domestic violence training may substitute completion or instruction of domestic violence training to satisfy the officer's continuing training requirement.

(b) Human Diversity Training pursuant to Section 943.1716, F.S. Officers shall satisfy the continuing human diversity training from the instructional modules contained in paragraphs 11B-35.007(4)(b)-(g), F.A.C. Certified officers who elect to instruct human diversity modules pursuant to Section 943.1716, F.S., may substitute completion or instruction of human diversity training to satisfy the officer's continuing training requirement.

(c) Juvenile Sexual Offender Investigation Training for Law Enforcement Officers pursuant to Section 943.17295, F.S. Certified law enforcement officers who elect to instruct the Juvenile Sexual Offender Investigation training may substitute completion or instruction of this training to satisfy the officer's continuing training requirement.

(d) Discriminatory Profiling and Professional Traffic Stops pursuant to Section 943.1758, F.S. Certified law enforcement officers who elect to instruct Discriminatory Profiling and Professional Traffic Stops may substitute completion or instruction of this training to satisfy the officer's continuing training requirement. The Criminal Justice

Standards and Training Commission shall recognize completion of IPTM's Safe and Legal Traffic Stops Course as satisfying Discriminatory Profiling Training.

(6) Failure to comply with statutorily required continuing education or training. In the event that an officer fails to meet the continuing education or training requirements of Section 943.135, F.S., the officer's certificate shall become inactive until the employing agency provides documentation to Commission staff establishing that the continuing education or training requirements have been satisfied. The Commission's ATMS shall separate an officer from employment if the Mandatory Retraining Report form CJSTC-74 is not received by the June 30th deadline, pursuant to subsection (1) of this rule section.

(7) Individuals who have been separated from an employing agency as an officer for less than four years, and whose certification is inactive for failing to complete the required hours for mandatory training, shall complete the continuing education and training requirements prior to resuming active service with an agency. An officer who requests to claim continuing education and training that was completed during a period when the officer's certification was inactive, shall request approval from the agency head of the prospective employing agency and provide proof that the required continuing education and training was completed. The employing agency shall determine if the education or training requirements have been satisfied pursuant to Section 943.135, F.S., and shall submit to Commission staff, or electronically transmit through the Commission's ATMS, a completed Mandatory Retraining Report form CJSTC-74.

(8) Continuing education or training completed pursuant to subsection (1) of this rule section shall not be eligible for salary incentive payments pursuant to Section 943.135(2), F.S.

(9) Documentation supporting the required training shall be attached to the Mandatory Retraining Report form CJSTC-74, and maintained in the officer's employment file.

(10) A certified officer who has not completed the required continuing education or training on or before the officer's mandatory training deadline, pursuant to subsection (1) of this rule section, shall not perform the duties of a sworn officer.

(11) Inactive Certificate Status. The certificate of any certified officer who has separated from employment or appointment as an officer, and who is not re-employed or re-appointed as an officer by an employing agency in the same discipline within four years after the date of separation, shall become inactive.

(12) Prerequisites for certificate reactivation and reemployment as an officer. To become eligible for reactivation of certification and reemployment in the discipline for which the officer has experienced a break-in-service, pursuant to subsection (10) of this rule section, the officer shall, on or after July 1, 1993, meet the following conditions:

(a) Successfully demonstrate proficiency in the high-liability courses pursuant to Rule 11B-35.0024, F.A.C.

(b) Successfully pass the State Officer Certification Examination pursuant with procedures in Chapter 11B-30, F.A.C., State Officer Certification Examination.

(c) Meet the minimum qualifications described in Rules 11B-27.002, 11B-27.0021, 11B-27.0022, and 11B-27.00225, F.A.C., as evidenced by an employing agency's compliance with Section 943.133(2), F.S.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12, 943.13(11), 943.135, 943.1395(3), 943.1701, 943.1715, 943.1716, 943.253 FS. History—New

11B-27.00213 Temporary Employment Authorization.

A Certificate of Compliance shall not be issued to officers employed on a Temporary Employment Authorization (TEA) prior to meeting the requirements of Section 943.13(1)-(10), F.S.

(1) TEA's shall only be issued pursuant to Section 943.131, F.S. Individuals hired on a TEA shall comply with the firearms training program established by Section 943.17(1)(a), F.S. To employ or appoint an individual on a TEA, who has not completed a Commission-approved Basic Recruit Training Program, the employing agency shall document circumstances for the critical need to employ or appoint such individual on a Temporary Employment Authorization Statement, form CJSTC-65, which shall be maintained in the officer's file at the employing agency.

(2) An agency head may request to waive the firearms training requirement for a TEA by placing a statement in the officers file at the employing agency, which has been signed by the agency head, confirming that the TEA appointed officer shall not be permitted to carry a firearm until the following requirements have been fulfilled:

(a) Classroom Training:

<u>1. Range Safety Rules</u>	<u>1 Hour</u>
<u>2. Legal Aspects of Firearms</u>	<u>2 Hours</u>
<u>3. Introduction to Primary Service Weapon</u>	<u>2 Hours</u>
<u>4. Chemical Agents</u>	<u>1 Hour</u>
<u>5. Introduction to Alternate Service Weapon</u>	<u>2 Hours</u>
<u>Total Hours</u>	<u>8 Hours</u>

(b) Firearms Range Training. The trainee's proficiency demonstration shall be documented on a Firearms Performance Evaluation, form CJSTC-4, February 7, 2002, hereby incorporated by reference, and maintained in the trainee's file at the employing agency. Such instructor shall qualify the trainee with a handgun using the Commission's Basic Recruit Training Firearms Course of Fire, pursuant to form CJSTC-4, and the form shall be maintained in the trainee's file at the employing agency. Trainees shall fire a long gun as prescribed in the Commission-approved Basic Recruit Training Curriculum.

(3) The Commission's ATMS shall separate an officer from employment if the officer's TEA exceeds 180 days without enrollment in a Commission-approved Basic Recruit Training Program or the officer has failed to achieve an acceptable score on the State Officer Certification Examination within 180 consecutive days after successful completion of a Basic Recruit Training Program.

(4) Agencies applying to temporarily employ or appoint an individual who has had a previous TEA registered with the Commission in the same discipline, may do so only if:

(a) The individual was previously certified as a full-time or part-time officer; and

(b) The individual was previously hired pursuant to a TEA and has separated from the employing agency or discontinued training while still in good standing, and has had a break-in-service from the last employment for a minimum of four years. Such individual shall comply with the firearms training requirements pursuant to Rule 11B-35.0024, F.A.C., and Section 943.17(1)(a), F.S., unless the agency head has waived such requirement pursuant to subsection 11B-27.00202(2), F.A.C., and shall enroll in a Commission-approved Basic Recruit Training Program within 180 days of employment in the first training program offered in the geographic area, or in the first assigned state training program for a state officer.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.131, 943.133, 943.139, 943.1395, 943.17(1)(a) FS. History—New

11B-27.0022 Background Investigations.

(1) Pursuant to Section 943.133, F.S., and Rule 11B-27.0011, F.A.C., the employing agency shall conduct a thorough background investigation of each applicant ~~upon certification, employment, or appointment.~~ The agency shall ~~maintain in the applicant's file at the employing agency have on record~~ a summary of the background investigation findings, signed and dated by the investigator and the ~~agency head chief administrator or designee.~~ The summary shall verify that verifies the following information:

(a) Information contained in the Affidavit of Applicant form CJSTC-68, is accurate.

(a)(b) Prior Commission staff has been contacted to verify all prior criminal justice employments of the applicant and the facts and reasons for any prior separations of employment. An officer applicant's prior criminal justice employments shall be verified, including an applicant with no previous Florida employment as an officer.

(b)(e) Processed Applicant Fingerprint Card responses Cards are on file reflecting state and national criminal history record checks. If the processed Applicant Fingerprint Card response has not yet been received, the agency shall maintain on file the FCIC/NCIC criminal history and wanted person responses.

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

~~(d)(e)~~ The applicant is of good moral character.

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

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

(b) ~~Obtain p~~ Previous employment data ~~obtained~~ from prior employers. Criminal justice agencies conducting background investigations have the option of using the Authority for Release of Information, form CJSTC-58, effective August 9, 2001, pursuant to Section 943.13(4), (5), and (7), F.S., hereby incorporated by reference.

(c) ~~Research l~~ Local law enforcement records, Florida Crime Information Center records, National Crime Information Center records, and military records. A copy of the most recently issued DD214, or current military ID shall be maintained in the officer's file at the employing agency. Wording on the DD214 shall document that the discharge was an Honorable discharge. A military discharge that is dishonorable pursuant to Section 943.13(4), F.S., or other than an honorable discharge, shall be investigated by the agency. The agency shall submit a Request Pertaining to Military Record, form OMB No. 3095-0029.

(d) ~~Applicant's response~~ Questioning of the applicant regarding ~~prior any~~ history of ~~prior~~ unlawful conduct.

(e) ~~The applicant's response~~ Questioning of the applicant regarding ~~any~~ unlawful drug use pursuant to subsection 11B-27.0011(2), F.A.C.

(3) ~~The~~ Upon the effective date of this rule section, the employing agency ~~completing the background investigation shall submit to Commission staff or electronically transmit to Commission staff through the Commission's ATMS, a Registration of Employment Affidavit of Compliance form CJSTC-60, revised January 21, 1999, hereby incorporated by reference. The information on form CJSTC 60 may be electronically submitted via the Commission's Automated Training Management System (ATMS). The agency shall also submit or electronically transmit to Commission staff through the Commission's ATMS, a completed original of the~~

Employment Background Investigative Report form CJSTC-77, for each officer employed or appointed, revised September 23, 1999, hereby incorporated by reference. The information on form CJSTC 77 may be electronically submitted via the Commission's ATMS. The original form CJSTC-77 that has been signed and dated by the investigator and the agency head chief administrator or designee, shall be retained in the applicant's file.

Specific Authority 943.03(4) 943.12(1), 943.133(3) FS. Law Implemented 943.133, 943.139 FS. History--New 10-6-82, Amended 1-7-85, Formerly 11B-27.022, Amended 7-13-87, 10-17-90, 5-13-92, 5-14-92, 12-13-92, 9-5-93, 8-7-94, 1-2-97, 7-7-99, 8-22-00, _____.

11B-27.00225 Controlled Substance Testing Procedures.

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

(2) ~~The~~ To ensure the reliability and integrity of the testing process for applicants and officers, the employing agency shall verify the following requirements for the collection and analysis of urine samples:

(a) The procedures for collection sites and specimen collection complies with ~~met~~ the requirements of ~~pursuant to~~ Rule 59A-24.005, F.A.C.

(b) Each applicant gave written consent ~~in writing~~ prior to giving the sample for, collection, ~~of the sample, the~~ analysis for evidence of controlled substances, and the disclosure of the analysis results to the employing agency and to the Commission.

~~(3) To ensure the reliability and integrity of the testing process for applicants and officers, the employing agency shall verify the following conditions:~~

~~(c)(a) The procedures for analyzing and reporting the urine sample were~~ Each urine sample was analyzed consistent with the requirements pursuant to Rule 59A-24.006, F.A.C.

~~(d)(b) The laboratory performing the analysis did analyze the urine sample for the presence of the following seven substances:~~

1. through 7. No change.

~~(e) The levels on the initial screened specimens that were equal to or exceeded the levels pursuant to paragraph 59A-24.006(4)(e), F.A.C., were considered positive and reported for confirmation testing.~~

~~(d) All specimens identified as positive on the initial test were confirmed using gas chromatography and mass spectrometry (GC/MS), or mass spectrometry and mass spectrometry (MS/MS), and all confirmations were performed by quantitative analysis. Levels on confirmation specimens that are equal to or exceed the levels pursuant to paragraph 59A-24.006(4)(f), F.A.C., are considered positive.~~

~~(4) Prior to the transmission of test results to the employer and Commission, both positive and negative test results shall be reviewed and verified by a Medical Review Officer (MRO). Persons facilitating as FRO's shall meet all requirements and qualifications pursuant to Rule 59A-24.008, F.A.C.~~

~~(a) The Medical Review Officer shall review and evaluate the drug test result(s), which are reported out by the laboratory, pursuant to procedures pursuant to Rule 59A-24.008, F.A.C.~~

~~(b) The Medical Review Officer shall prepare and sign a verification letter to the employer and Commission revealing the final verified test result. A copy of the laboratory report form or chain-of-custody form is not suitable for verifying test results.~~

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.13(7), 943.133, 943.1395 FS. History—New 7-13-87, Amended 1-2-97, 7-7-99, 8-22-00, _____.

11B-27.0023 Issuance and Maintenance of Certification.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12, 943.13(11), 943.135, 943.1701, 943.1715, 943.1716, 943.253 FS. History—New 10-6-82, Amended 12-28-83, 1-7-85, 7-1-85, Formerly 11B-27.023, Amended 7-13-87, 5-23-88, 8-30-89, 5-13-92, 5-14-92, 12-13-92, 1-19-94, 8-7-94, 1-2-97, 7-7-99, 8-22-00 Repealed _____.

11B-27.0026 Reactivation of Certificate.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.1395(3) FS. History—New 1-19-94, Amended 1-2-97, 7-7-99, Repealed _____.

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

(1) Pursuant to Section 943.1395(5), F.S., an employing agency shall conduct an investigation when having cause to suspect that an officer it employs does not comply with Sections 943.13(4) or (7), F.S., or subsection 11B-27.0011(4), F.A.C. An investigation shall be conducted and ~~an~~ concluded, when the employing agency has cause to suspect that an officer is in violation of Section 943.13(4), or (7), F.S., or subsection 11B-27.002(9), F.A.C. The agency's investigation and shall contain an official disposition, which it shall report to Commission staff as follows: even though the officer under investigation separates from employment by voluntary resignation, retirement, and or termination. The employing agency shall report all such investigative findings pursuant to subsections (2) and (3) of this rule section.

(2) Upon concluding the investigation:

(a) If the allegations are sustained, the employing agency shall complete an Internal Investigation Report, form CJSTC-78, revised February 7, 2002 ~~29, 1996~~, incorporated by

reference, regardless of whether any civil service appeal, arbitration, employment hearing, administrative, civil, or criminal action is pending or contemplated.

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

~~(b)(e) If the allegations are sustained, and are a violation of Sections 943.13(4) or (7), F.S., or subsection 11B-27.0011(4), F.A.C., the employing agency shall forward to Commission staff the complete investigative package, which shall include the following no later than 45 days after the allegations are sustained:~~

1. through 7. No change.

~~(c) If the allegations are not sustained, unfounded, or the officer has been exonerated, or the allegations that are sustained are only violations of the employing agency's policies, and are not violations of Sections 943.13(4) or (7), F.S., or subsection 11B-27.0011(4), F.A.C., the employing agency shall complete form CJSTC-78 and maintain the form on file at the agency.~~

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

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

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

11B-27.004 Probable Cause Determination.

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

(1) For the purpose of ~~p~~Probable ~~c~~Cause ~~d~~Determinations, the chairperson of the Commission or designee shall appoint Probable Cause Panels of three ~~(3)~~ Commission members and one alternate member, to hold Probable Cause Determination Hearings for terms specified in their appointment, ~~not to exceed the term of the Commission Chairperson.~~ The Commission Chairperson or designee shall appoint a

chairperson for each panel, and the panels shall meet as necessary, ~~or when called by the chairperson of the Commission or the chairperson of the panel.~~

(2) A Probable Cause Determination Hearing is the conclusion of the preliminary investigation, and is not a hearing pursuant to Sections 120.569 and 120.57, F.S. ~~Respondents may submit pertinent written information and documents to the Probable Cause Panel. The panel may allow the respondent to make a brief oral statement that relates directly to the allegations being considered for probable cause. As a non-adversary executive function, witnesses shall not be called testify at a Probable Cause Determination.~~

(3) Each Probable Cause ~~Panel~~ Determination Hearing shall be noticed in the Florida Administrative Weekly pursuant ~~to with procedures established in~~ Section 120.525, F.S. The respondent shall be mailed a prior notice of the Probable Cause Determination Hearing meeting and a subsequent notification of whether or not probable cause was determined by the panel.

(4) No change.

(5) ~~The In lieu of a finding of probable cause, the panel is authorized to may issue a Letter of Guidance to the officer. A Letter of Guidance should only be issued when the panel determines that it is not practical in the best interest of the State to initiate proceedings against an officer's certification. A copy of the Letter of Guidance shall be retained in the officer's file within the Criminal Justice Professionalism Program, Bureau of Standards.~~

(6) ~~The In cases, where the Probable Cause Panel is authorized to offer the respondent the opportunity to enter into an Intervention Program if there would otherwise be a finding of probable cause but the Panel finds that there are significant mitigating circumstances or that the violation is not egregious, and where the evidence presented would otherwise support a finding of probable cause, the panel shall offer the respondent the opportunity to enter into an Intervention Program in lieu of an actual finding of probable cause. The terms and conditions of the Probable Cause Panel's Intervention Programs may include the following are as follows:~~

(a) Successful completion of ~~any Advanced or Career Development~~ training or retraining deemed appropriate by the panel.

(b) through (e) No change.

(f) As a standard condition of the Intervention Program, the respondent shall refrain from any violation of Sections 943.13(4) and (7), F.S., and subsections 11B-27.0011(2) and (4), F.A.C. For the Intervention Program to be a viable alternative in consideration of probable cause, the respondent shall agree to all terms and conditions recommended by the panel. The respondent shall be responsible for successfully completing the terms and conditions of the Intervention Program within a specified period. Once the respondent has reported the successful completion of the terms and conditions to ~~the~~ Commission staff, the matter shall be presented to a

Probable Cause Panel. The panel shall then issue a Letter of Guidance in lieu of a finding of probable cause, pursuant with subsection (5) paragraph (4) of this rule section. Failure of the respondent to either agree to or successfully complete the terms and conditions of the Intervention Program within the specified time frame, shall result in the matter being returned to the Probable Cause Panel for a finding of probable cause and the issuance of an Administrative Complaint.

(7) ~~When In cases where~~ Commission staff ~~determines to~~ initiates a ~~Commission~~ Probable Cause Determination Hearing Panel review, and the respondent has been retained or reinstated by the employing agency, subject to the below listed conditions, Commission staff shall present the matters before a Probable Cause Panel on a consent agenda. The Probable Cause Panel shall issue a Letter of Acknowledgment of agency action in these cases provided that the following conditions shall be satisfied prior to the Probable Cause Determination Hearing. ~~The following conditions shall be satisfied as a precondition to such processing by Commission staff and the Probable Cause Panel:~~

(a) The employing agency shall have taken significant agency action against the respondent pursuant to subsections 11B-27.005(1)-(2), F.A.C.

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

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

(d) No change.

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

(f) No change.

(8) ~~When In cases where~~ Commission staff ~~determines to~~ initiates a ~~Commission~~ Probable Cause Determination Hearing Panel review, and the respondent has been terminated by the employing agency, and subject to the below listed conditions, Commission staff shall present the matters to a Probable Cause Panel on a consent agenda. The Probable Cause Panel shall issue a Letter of Acknowledgment of agency action in these cases provided that the following conditions shall be satisfied prior to the Probable Cause Determination Hearing. ~~The following conditions shall be satisfied as a precondition to such processing by Commission staff and the Probable Cause Panel:~~

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

(b) No change.

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

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

(e) No change.

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

(g) No change.

(9) In cases where the respondent has been terminated or disciplined and is seeking review of that termination or discipline through the administrative or judicial process, the respondent and employing agency shall notify Commission staff of such review, prior to the convening of the Probable Cause Panel. The respondent and employing agency shall also notify Commission staff of the final resolution of the administrative or judicial review. Such notification shall be done within fifteen ~~(15)~~ days of the final resolution. When the administrative or judicial review is pending at the time of the Probable Cause Determination Hearing, any finding of the Probable Cause Panel shall be conditional, except in cases where the respondent is statutorily ineligible to maintain certification, regardless of the outcome of the appeal. Pending final resolution, Commission staff shall hold cases, involving conditional findings, in abeyance without further action.

(10) through (11) No change.

(12) Commission staff shall submit annually to the Commission, a listing of those agencies that fail to impose significant agency disciplinary action pursuant to subsections 11B-27.005(1)~~(2)~~, (2), F.A.C.

(13) No change.

Specific Authority 943.03(4), 943.12(1), 943.1395 FS. Law Implemented 943.1395 FS. History--New 12-13-92, Amended 1-19-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, _____.

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, 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 any change in assignment or duties that results in reduction in compensation, or termination from employment.

(b) No change.

(2) No change.

(3) Pursuant to Section 943.1395(8), F.S., should there be a determination of probable cause that a certificate holder, hereinafter referred to as a ~~a an~~ "certified officer," has failed to maintain compliance with Sections 943.13(4) or (7), F.S., or has failed to comply with a lawful order of the Commission previously entered in a disciplinary hearing, the Commission's revocation or disciplinary proceedings shall be conducted pursuant to Rule Chapter 120, F.S., Administrative Procedure Act, and the Uniform Rules of Procedure, Chapter 28, F.A.C.

(4) The Commission sets forth in paragraphs (5)(a)-(d), of this rule section, a range of disciplinary guidelines from which disciplinary penalties shall be imposed upon certified officers who have been found by the Commission to have violated Section 943.13(7), F.S. The purpose of the disciplinary guidelines is to give notice to certified officers of the range of penalties, or prescribed penalties, that shall be imposed for particular violations of Section 943.13(7), F.S., absent aggravating or mitigating circumstances, as provided in subsection (6) of this rule section. The disciplinary guidelines are based upon a "single count violation" of each provision listed. All penalties at the upper range of the sanctions set forth in the guidelines (i.e., suspension or revocation), include lesser penalties (i.e., reprimand, remedial training, or probation), that may be included in the final penalty at the Commission's discretion.

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

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

<u>Violation:</u>	<u>Recommended Penalty Range:</u>
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1. through 5. No change.	
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6. Introduction of contraband into a jail or prison (944.47, F.S. , and 951.22, F.S.)	Revocation
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7. through 8. No change.	
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(b) For the perpetration by the officer of an act that would constitute any of the misdemeanor offenses, pursuant to paragraph 11B-27.0011(4)(b), F.A.C., but where there was not a violation of Section 943.13(4), F.S., the action of the Commission shall be to impose a penalty ranging from; probation of certification to suspension of certification.

Specific violations and penalties that shall be imposed, absent aggravating or mitigating circumstances, include the following:

<u>Violation:</u>	<u>Recommended Penalty Range:</u>
1. through 9. No change.	
10. Driving or boating under the influence (316.193 and 327.35, F.S.)	Probation of certification with <u>substance abuse</u> counseling
11. No change.	
12. Neglect or r Refusal to a Aid (843.06, F.S.)	Suspension of certification to revocation

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

<u>Violation:</u>	<u>Recommended Penalty Range:</u>
1. through 3. No change	
4. Engaging in sex while on duty, <u>or at any time the officer is acting under the color of authority as a Commission-certified officer.</u>	Suspension of certification to revocation
5. through 6. No change.	
7. Subverting the <u>State Officer Certification Examination Process</u>	Revocation
8. Subverting Commission-approved training or employing agency promotional examination process-	Suspension of certification to revocation
9. <u>Any overt, conspicuous, or public act of a sexual or simulated sexual nature which is likely to be observed by others</u>	<u>Suspension of certification to revocation</u>
10. <u>Willful failure of the agency administrator to comply with Chapter 943, F.S., as it pertains to the Commission or Commission rules</u>	<u>Suspension of certification to revocation</u>
11. <u>Making a false statement(s) of fact, under oath, as to misconduct related to an agency duty, as defined in paragraph 11B-27.0011(12)(c), F.A.C., with the intent to mislead or deceive</u>	<u>Suspension of certification to revocation</u>
12. <u>Conduct that subverts or attempts to subvert the Basic Abilities Test process pursuant to paragraphs 11B-35.0011(1)(a)-(e), F.A.C.</u>	Revocation

(d) Notwithstanding subsection (4); of this rule section, for the unlawful use by a certified officer of any controlled substances specified in Section 893.13, F.S., or Rule 11B-27.00225, F.A.C., pursuant to paragraph 11B-27.0011(4)(d), F.A.C., the action of the Commission, absent clear and convincing evidence of complete rehabilitation and substantial mitigating circumstances, shall be to impose a penalty of revocation.

(6) The Commission shall be entitled to deviate from the disciplinary guidelines in this rule section, upon a showing of aggravating or mitigating circumstances by evidence presented to the Commission, if pursuant to Section 120.57(2), F.S., or to an Administrative Law Judge, if pursuant to Section 120.57(1), F.S., prior to the imposition of a final penalty. The Commission shall base a deviation from the disciplinary guidelines upon a finding of one ~~(4)~~ or more of the following:

- (a) No change.
- 1. through 11. No change.
- (b) Mitigating circumstances:
 - 1. through 3. No change.
 - 4. The length of time the ~~certified~~ officer has been certified by the Commission.
 - 5. through 6. No change.

(7) The Commission shall impose one or more of the following penalties, listed in increasing order of severity:

- (a) No change.
- (b) Successful completion by the certified officer of ~~a any~~ Basic Recruit Training Program, Advanced Training Program, or Career Development Training Program, or such retraining deemed appropriate by the Commission.

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

- 1. Periodic reports from the officer, supervisor, or counselor or; indirect or direct supervision by a Commission-approved supervisor.
- 2. through 3. No change.
- 4. Successful completion of training or retraining specified in paragraphs (5)(b) and (c), of this rule section.
- 5. through 6. No change.
- 7. The effective date of any period of probation imposed on a respondent by the Commission shall begin fifteen days from the filing date of the Final Order, unless such probation is to follow a period of prospective suspension. Commission staff shall monitor the probation status of each officer to ensure compliance with the conditions of probation. Commission staff shall report to the Commission satisfactory completion of probation, as well as any violations of the conditions of probation. If the officer violates any of the conditions of probation, Commission staff shall report the violations to the

Commission for consideration of further disciplinary action, pursuant to ~~subsection paragraph~~ (3) of this rule section, and Section 943.1395(7)(c), F.S.

(d) Suspension of certification and the privilege of employment as an officer for a period not to exceed ~~two (2)~~ years.

(e) No change.

(8)(a) The provisions of subsections (1) through (7) of this rule section, are not intended, and shall not be construed to limit the ability of the Commission to pursue or recommend collateral, civil, or criminal actions when appropriate.

(b) The provisions of subsections (1) through (7) of this rule section, are not intended, and shall not be construed to limit the ability of the Commission to informally dispose of disciplinary actions by stipulation, agreed settlement, or consent order, pursuant to Section 120.57(4), F.S.

(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, 7-29-01, _____.

11B-27.013 Canine Team Certification.

(1) Definitions. ~~The term “canine team” referred to in this rule section, shall refer to a specific person and a specific canine controlled by that person, in the capacity of a handler, working together in the performance of the law enforcement or correctional duties of apprehending suspected criminals. This definition does not include canines used by law enforcement or correctional personnel, who are used exclusively for tracking, explosives detection, or controlled substances detection.~~

(a) “Patrol canine team” shall refer to a certified officer and a specific patrol canine controlled by the handler working together in the performance of law enforcement or correctional duties. This definition does not include canines used by certified officers exclusively for tracking or specific detection, which are excluded from the certification process.

(b) “Patrol canine evaluator” shall refer to a person who is authorized by the Commission to administer the Patrol Duty Canine Team Proficiency Examination to patrol duty canine teams and to attest to the proficiency of the team pursuant with the proficiency examination. The evaluator is also authorized to determine if training submitted by an agency that is requesting certification is equivalent to the Commission-approved 400-hour Canine Team Training Course. The patrol canine evaluator applicant requesting approval of the Commission shall be required to possess the minimum training and experience pursuant to subsection (9) of this rule section, and shall be documented in a request to Commission staff.

(2) Patrol canine team certification requirements. Commission certification of a patrol canine team is not required. Prior to submitting a Patrol Canine Team Certification Application, form CJSTC-70, revised February 7,

2002, hereby incorporated by reference, the agency employing the patrol canine team shall collect and verify, and have on file documents establishing compliance with the requirements of this rule section regardless of where canine training takes place. The duties performed by canine teams may present a high risk of harm to the officer or the public at large, and may in turn increase the potential liability of an employing agency.

(3) Required documentation for certification of a patrol canine team. Documentation of compliance for Commission certification of patrol canine teams shall include: 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, an employing agency shall file with Commission staff a General K-9 Team Application form CJSTC 70, revised December 6, 2000, hereby incorporated by reference, which shall certify that the applicant is eligible for certification by the Commission.

(a) A certificate issued to the canine team by a Commission-certified training school documenting successful completion of the Commission-approved 400-hour Canine Team Training Course; or

(b) Documentation of successful completion of an equivalent training course approved by a Commission-approved evaluator pursuant to subsection (4) of this rule section; and

(c) Documentation of successful completion of the Patrol Canine Team Proficiency Examination administered by two Commission-approved canine team evaluators, one of whom is not affiliated with the Commission-certified training school or the agency conducting the training, and one of who is not affiliated with the agency employing the canine team. A Commission-approved canine team evaluator shall not administer a proficiency examination to a canine assigned to them as a work partner. The proficiency examination shall be documented on the Patrol Duty Canine Team Proficiency Examination and Equivalency, form CJSTC-83, revised February 7, 2002, hereby incorporated by reference.

(4) Equivalency-of-training. Equivalent training shall be reviewed and approved by a Commission-approved evaluator. Equivalent training for a canine team shall comply with the objectives of the 400-hour Canine Team Training Course, with the exception of the administrative block of instruction. It is the responsibility of the employing agency submitting the Patrol Canine Team Certification Application form CJSTC-70, and the evaluator who completes form CJSTC-83, to provide documentation of equivalent training for approval by the evaluator. The Commission shall certify a canine team that meets the following requirements on or after January 1, 1989, by completing a General Duty K-9 Team Application form CJSTC 70, which shall be maintained by the agency employing the canine team:

~~(a) Successful completion of the Commission approved 400-hour Canine Team Training Course instructed by a Commission or United States Police Canine Association certified canine team instructor. In lieu of the instructor's signature on the General Duty K-9 Team Application form CJSTC-70, the following documents shall be accepted:~~

~~1. A letter from the employing agency administrator that documents successful completion of the course, if the canine team training course or equivalency was completed at that agency; or~~

~~2. A Certificate of Completion for the canine team training course, or equivalency, from either the Commission certified criminal justice training school, or from the private provider or facility of the training.~~

~~(b) Successfully demonstrate proficiency, a General Duty K-9 Team Proficiency Examination form CJSTC-83, revised June 17, 1998, hereby incorporated by reference, under the supervision of two (2) certified canine team evaluators, one (1) of whom is not employed by a Commission certified criminal justice training school, or agency, offering the training in all of the following areas:~~

~~1. The handler's ability to control and obtain the obedience of the canine.~~

~~2. The effectiveness of the team in simulated criminal suspect apprehension.~~

~~3. The effectiveness of the team in conducting simulated building searches.~~

~~4. The effectiveness of the team in conducting simulated searches of open areas.~~

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

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

~~(5) Renewal of Certification. Each certification shall lapse if not renewed on December 31 of the year following the year of initial certification. A canine team certification shall lapse should the specific handler and canine, as originally paired at the time of certification, cease to routinely perform canine team functions together.~~

~~(a) A Patrol Canine Team Certification shall lapse if it is not renewed on or before December 31 of the year following the initial certification.~~

(b) If the patrol canine team applying for recertification has not changed or the certification expired, the employing agency requesting renewal of the certification shall submit a Patrol Canine Team Certification Application form CJSTC-70 marked "Renewal," and document canine team proficiency on a Patrol Duty Canine Team Proficiency Examination and Equivalency form CJSTC-83. A patrol canine team certification that has expired shall comply with the requirements of this rule section and submit to Commission staff form CJSTC-70 marked "New."

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

(a) Notification of changes in a canine team assignment shall be submitted to Commission staff in writing to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, provided the handler is not assigned a new patrol canine.

(b) A Commission-certified canine team handler who has been assigned a new patrol canine, shall submit form CJSTC-70, marked "New" and "Canine Team Change" after complying with the requirements of this rule section.

(c) A canine team handler who has not previously been certified by the Commission, shall provide documentation of the patrol canine team's compliance with the requirements set forth in this rule section, regardless of the prior certification of the patrol canine, and shall submit form CJSTC-70, marked "New."

(7) Inspection of patrol canine team applicant files.

(a) Unfavorable Inspection.

(b) Upon issuance of an unfavorable inspection on a Canine Team Certification Deficiency Notification Application form CJSTC-270, revised February 7, 2002, hereby incorporated by reference, a Patrol Canine Team Certification Application form CJSTC-70 shall note the deficiencies.

(c) The employing agency shall receive a Patrol Canine Team Certification if the corrected documentation has been received within the 90-day period or upon a favorable inspection.

(8) Canine Team Evaluators. Prior to being approved by the Commission as a canine team evaluator, the evaluator shall provide documentation verifying that the evaluator applicant has complied with the following requirements:

(a) Documentation of one year experience as a Commission-certified canine team instructor:

(b) Verification that the canine team evaluator applicant has trained a minimum of twelve patrol canine teams, who have successfully completed the Canine Team Proficiency Examination which has been documented on the Patrol Duty Canine Team Proficiency Examination and Equivalency form CJSTC-83. Canines trained exclusively for tracking or specific detection, or a patrol canine assigned to the evaluator applicant as a work partner, shall not be included in this total.

(c) A letter of recommendation for the evaluator applicant from a training center director or agency head.

(d) Request for evaluator status. A letter from the evaluator applicant requesting approval from the Commission as a "canine team evaluator" shall be forwarded to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, P. O. Box 1489, Tallahassee, Florida 32302, Attention Bureau Chief of the Bureau of Standards, for the initial request for approval as a canine team evaluator. The letter shall include the evaluator's full name, and social security number (optional), complete address, and documentation of compliance with the standards set forth in this rule section.

(e) Approval of evaluator status. Upon a review of the documents and determination that the evaluator applicant has complied with the requirements set forth in this rule section, a letter acknowledging approval by the Commission shall be forwarded to the evaluator applicant.

(f) Maintenance of evaluator status. Commission-approved evaluators shall be required to submit a request for continuance as an evaluator, to the address in this rule section within four years of the date of approval, with documentation that verifies the evaluator has completed a minimum of four canine team examinations within the four-year period. The verifying documentation shall be copies of form CJSTC-83 administered by the evaluator. If the Commission-approved evaluator's approval status expires, the evaluator shall comply with the requirements in this rule section.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17) FS. History--New 3-29-89, Amended 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Manager, Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 17, 2002

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
State 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	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

PURPOSE AND EFFECT: Revisions to this rule chapter remove the five-section examination, implement the one-section examination, and implement rules language regarding new statutory language that exempts specific officers from basic recruit training.

SUMMARY: Revisions to this rule chapter are made to revise forms, add form CJSTC-76A, Equivalency of Training Proficiency Demonstration, to comply with new statutory language in Section 943.131(2), F.S., for out-of-state or federal officers or inactive Florida officers exempt from basic recruit training; remove the required 5-section examination in Rule 11B-30.0061 and Rule 11B-30.011, F.A.C., for the Traditional

Basic Recruit Training Program and Examination Scoring and Grade Notification, require individuals who graduate from a Basic Recruit Training Program to pass the State Officer Certification Examination with an overall scale score of 80 or higher; and add rule references to the incorporated forms in Rule Chapter 11B-30, F.A.C., to indicate where the form is incorporated in rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1),(18), 943.1397, 943.173(3) FS.

LAW IMPLEMENTED: 120, 943.10, 943.12(18), 943.13(7),(10), 943.131(2), 943.1397, 943.1397(1),(3),(5), 943.173 FS.

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

TIME AND DATE: 10:00 a.m., August 21, 2002

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

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, persons 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)410-8615 (Voice) or (850)656-9597 (TDD).

THE FULL TEXT OF THE PROPOSED RULES IS:

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

(1) For the purposes of this rule chapter, the terms "successfully completed" and "successfully complete" are defined as being denoted with a "Pass" on the completed Training Report, form CJSTC-67, revised February 7, 2002 ~~December 6, 2000~~, hereby incorporated by reference.

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

(a) Individuals who have successfully completed a Commission-approved Traditional Basic Recruit Training Program, pursuant to subsection 11B-35.002(4), F.A.C., or Cross-Over Training Program, pursuant to subsection

11B-35.004(3), F.A.C., or the CMS Application-Based Basic Recruit Training Program, pursuant to subsection 11B-35.002(5), F.A.C., within the past four ~~(4)~~ years.

(b) Inactive ~~Florida Commission-certified~~ officers who have a break-in-service of more than four ~~(4)~~ years and have ~~complied with the requirements of paragraph 11B-30.008(2)(c) and subsection 11B-35.009(6), F.A.C. successfully completed a 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.~~

(c) Individuals who have completed a comparable Basic Recruit Training Program in another state, or for the ~~f~~ederal ~~g~~overnment, and have served as a full-time sworn officer in another state or for the ~~f~~ederal ~~g~~overnment for at least one ~~(1)~~ year, in the requested 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 successfully completed the Officer Certification Examination Qualification Course, in the requested criminal justice discipline, at a Commission-certified criminal justice training school.~~

(3) "Training school" shall mean those training academies and training schools that are certified by the Criminal Justice Standards and Training Commission. ~~Commission-certified criminal justice T~~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 Certification Examination Supplies Request, form CJSTC-514, revised February 7, 2002 ~~January 21, 1999~~, hereby incorporated by reference. The request form shall be submitted to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Attention ~~Attn:~~ Certification Examination Section.

(4) 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) FS. Law Implemented 943.12(18), 943.131(2), 943.1397 FS. History--New 1-10-94, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, _____.

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.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(18), 943.13(10), 943.1397 FS. History—New 7-29-01, ~~Repealed~~.

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, pursuant to paragraph 11B-30.006(2)(a), F.A.C., 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 7-29-01, Amended.

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 subsection 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 SOCE certification examination.

(3) Should an individual fail to achieve a passing score on the CMS Application-Based State Officer Certification Examination after three (3) attempts, the individual shall not be permitted to take the SOCE 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 7-29-01, Amended.

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

(1) 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, Attention Attn: Certification Examination Section, Post Office Box 1489, Tallahassee, Florida 32302-1489.

(2) No change.

(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 thirty 30 working days of discovery that a problem exists with the administration of the SOCE certification examination. Re-scheduling of the SOCE does not constitute a re-examination.

(4) An applicant who has been scheduled to take the SOCE and is unable to take the certification examination on the date scheduled, shall be given the opportunity to submit a request to Commission staff to reschedule the SOCE 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 the SOCE a certification examination date:

(a) through (d) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(18), 943.1397(3) FS. History—New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, _____.

11B-30.0071 Examination Accommodations for Applicants with Disabilities.

(1) No change.

(2) An applicant requesting special accommodations shall submit an Application for Individuals Requesting Special Testing Accommodations form CJSTC-502, revised February 7, 2002 December 6, 2000, hereby incorporated by reference, which shall be submitted forty-five 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, pursuant to paragraph (6)(e) of this rule section, 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 Criminal Justice Standards and Training Commission, herein referred to as "Commission," recognizes that using a live reader takes longer than reading regular print. Untimed certification examinations shall not be provided.

- (b) through (e) No change.
- (4) through (5) No change.
- (6) Definition of Terms.
- (a) through (e) No change.

Specific Authority 943.03(4), 943.12(1), 943.1397 FS. Law Implemented 943.12(18), 943.1397 FS. History--New 7-29-01, Amended _____.

11B-30.008 State Officer Certification Examination Site Administration.

- (1) No change.
- (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:

- (a) No change.
- (b) A record of completed training, if required, pursuant to Rule 11B-30.006 ~~and subsections 11B-30.006(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.

(c) SOCE requirements for out-of-state or federal officers or inactive Florida officers. Effective July 1, 2002, pursuant to Section 943.131(2), F.S., out-of-state or federal officers or inactive Florida officers are required to demonstrate

proficiency in the required high-liability proficiency skills. Such officers, pursuant to subsection 11B-35.009(6), F.A.C., who request to take the SOCE, shall submit to Commission staff a copy of the Equivalency of Training Proficiency Demonstration, form CJSTC-76A, effective July 1, 2002, pursuant to Section 943.131(2), F.S., hereby incorporated by reference, prior to the day of testing, or may present a copy of form CJSTC-76A to the examination administrator on the day of testing.

(3) An applicant shall not be admitted to the examination administration site after the door to the examination site is closed. Re-scheduling of the SOCE, pursuant to this ~~subsection~~ paragraph, does not constitute a re-examination, pursuant to Section 943.1397, F.S.

(4) No change.

Specific Authority 943.03(4), 943.12(1),(18) FS. Law Implemented 943.12(18), 943.131(2) FS. History--New 1-10-94, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, _____.

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

- (1) through (2) No change.
- (3) The applicant shall not violate the applicant identification process. Conduct that violates the applicant identification process is as follows:

- (a) through (c) No change.
- (d) Disrupting the test administration.
- (4) Any violation of the provisions of subsection 11B-30.009(1)-(3), F.A.C., shall be documented in writing to the Program Director of the Criminal Justice Professionalism Program.
- (5) No change.

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, 7-29-01, _____.

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

Should the Commission find that an applicant has violated the provisions of subsection 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 Chapter 28-106, F.A.C.

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, 7-29-01.

11B-30.011 Examination Scoring and Grade Notification. Individuals who graduate from a Commission-approved Basic Recruit Training Programs shall be required to pass the State Officer Certification Examination (SOCE) with an overall scale score of 80 or higher. Commission staff shall notify the applicant, within thirty days of the test date, on an Applicant State Officer Certification Examination Overall Test Results form CJSTC-516, February 7, 2002, hereby incorporated by reference. ~~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:~~

~~(a) Law Enforcement:~~

- ~~1. Section 1, CJD 760 Legal 1, CJD 761 Legal 2, and CJD 730 Legal 3, pass score is 79% or higher.~~
- ~~2. Section 2, CJD 763 Interpersonal Skills and CJD 762 Communications, pass score is 78% or higher.~~
- ~~3. Section 3, CJD 734 Law Enforcement Investigations, pass score is 80% or higher.~~
- ~~4. Section 4, CJD 731 Law Enforcement Patrol, pass score is 80% or higher.~~
- ~~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% or higher.~~

~~(b) Correctional:~~

- ~~1. Section 1, CJD 770 Legal 1 and CJD 771 Legal 2, pass score is 80% or higher.~~
- ~~2. Section 2, CJD 773 Interpersonal Skills, pass score is 80% or higher.~~
- ~~3. Section 3, CJD 752 Correctional Operations, pass score is 80% or higher.~~
- ~~4. Section 4, CJD 750 Interpersonal Skills and CJD 772 Communications, pass score is 80% or higher.~~
- ~~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% or higher.~~

~~(c) Correctional Probation:~~

- ~~1. Section 1, CJD 790 Correctional Probation Legal, pass score is 80% or higher.~~
- ~~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% or higher.~~
- ~~3. Section 3, CJD 792 Correctional Probation Interpersonal Skills and CJD 793 Correctional Probation Communications Skills, pass score is 82% or higher.~~

~~4. Section 4, CJD 794 Correctional Probation Supervision, pass score is 85% or higher.~~

~~(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 or higher. 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, December 6, 2000, hereby incorporated by reference.~~

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, 7-29-01.

11B-30.012 Post 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 February 7, 2002 ~~December 6, 2000~~, 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 forty-five 45 calendar days of the individual's SOCE date. Individuals who fail to meet the forty-five 45-day deadline shall not be allowed to file a challenge, but may review the SOCE results.

(2) ~~The SOCE grade State Officer Certification Examination Grade~~ reviews shall be conducted in the presence of Commission staff during regular work hours of 8:00 a.m. through 5:00 p.m., Monday through Friday, 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. Individuals shall be scheduled to review their ~~State Officer Certification Examination (SOCE) grades~~ within forty 40 calendar days of Commission staff's receipt of the completed form CJSTC-510.

(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 February 7, 2002 ~~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 an Examination Review Session.

(c) No change.

(3) No change.

(4) Commission staff shall notify the individual in writing within thirty ~~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.

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, 7-29-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Manager Vickie Marsey Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 17, 2002

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
High-Liability Proficiency Training	11B-35.0021
Basic Recruit Training Programs for Student Performance in Comprehensive End-of-Course Examinations	11B-35.0022

Student Transfers Within Basic Recruit Training Programs	11B-35.0023
Student Performance in Commission-Approved High-Liability Basic Recruit Training Courses and High-Liability Instructor Training Courses	11B-35.0024
Basic Recruit Training Programs for Law Enforcement and Correctional Auxiliary Training	11B-35.003
Traditional Basic Recruit Training Programs; Cross-Over Training for Law Enforcement, Correctional, and Correctional Probation Officers	11B-35.004
Career Development Training Program	11B-35.005
Advanced Training Program	11B-35.006
Specialized Training Program	11B-35.007
State Officer Certification Examination Qualification Course Requirements	11B-35.008
Criminal Justice Training School Requirements for Administration and Security of Examinations for Training Courses	11B-35.0085
Exemption from Basic Recruit Training	11B-35.009
Exemption from Basic Recruit Training for Out-of-State or Federal Officers; Policy and Exemption Application Procedures	11B-35.010

PURPOSE AND EFFECT: Revisions to this rule chapter expand and further define the new CMS Application-Based Basic Recruit Training Program and include program requirements; require training center directors to pre-register students for basic recruit training programs and to update records upon completion of the training; clarify and expand the Commission's policy on re-examinations to allow students to one re-examination throughout the course of the program; clarify the student to instructor ratios, define and clarify Commission-approved high liability training courses for basic recruit students and instructors, clarify the specialized training programs; and clarify acceptable exemptions from a basic recruit training program.

SUMMARY: Revisions to this rule chapter are made to repeal Rule 11B-35.0022, F.A.C., and incorporate its rule language into subsection 11B-35.001(7), F.A.C.; repeal Rule 11B-35.008 to remove the requirement for out-of-state or federal officers, or inactive Florida officers to complete basic recruit training and require only proficiency demonstration of the high-liability training skills pursuant to new legislation in Section 943.131(2), F.S.; repeal Rule 11B-35.010, F.A.C., and incorporate its rule language into Rule 11B-35.009, F.A.C.; clarify the requirements for exemption from a basic recruit training program; further define CMS Application-Based Basic Recruit Training Program requirements for training center directors to pre-register students for basic recruit training programs and to update student files upon course completion; clarify rule language regarding the Commission's re-examination policy that allows a student one re-examination

throughout the course in a basic recruit training program, student to instructor ratios for high-liability training, basic recruit training, instructor courses, and specialized training program courses; and add rule references to the incorporated forms in Rule Chapter 11B-35, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

LAW IMPLEMENTED: 943.12, 943.12(5), 943.131(2), 943.1395(3), 943.17, 943.17(1), 943.17(1)(a), 943.1715, 943.173, 943.175, 943.25, 943.25(5) FS.

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

TIME AND DATE: 10:00 a.m., August 21, 2002

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, persons 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)410-8615 (Voice) or (850)656-9597 (TDD).

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

THE FULL TEXT OF THE PROPOSED RULES IS:

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

(1) Throughout this rule chapter "training programs," "courses," "instructors," and "training schools" refer to Commission-approved training programs, courses, instructors, and training schools. Basic Recruit Training Programs, Career Development, Advanced Training Courses, and Specialized Training Programs established or approved by the Criminal Justice Standards and Training Commission (Commission) are intended to provide job-related training to law enforcement, correctional, and correctional probation officers, ~~and the~~ The training programs are:

(a) Programs that provide for the acquisition of employment skills necessary for officer certification and employment; and

(b) No change.

(2) Notification of scheduled courses. The training center director or designee shall notify the assigned local Commission field specialist of scheduled Commission-related training courses. This notification shall be at least 30 days in advance, or immediately upon scheduling the course when under 30 days. Notification shall include at a minimum: Except for Florida 4 year accredited colleges or universities that teach Commission approved Correctional Probation Courses, and are exempt pursuant to Section 943.14(7)(a), F.S., only training schools or agencies certified by the Commission are authorized to teach Commission approved training courses.

(a) Date(s) of course(s).

(b) Location of course(s).

(c) Title of course(s).

(3) Instructors who teach ~~Commission approved~~ Basic Recruit Training Courses, Career Development, Advanced Training Courses, and Specialized Training Programs at a ~~Commission-certified criminal justice~~ training school, shall be certified by the Commission, or exempt from certification, pursuant to Rule Chapter 11B-20.001, F.A.C.

(4) ~~Commission approved~~ Basic Recruit Training Programs, Career Development, Advanced Training Courses, and Specialized Training Programs shall be made available to the following:

(a) Students who enroll in a ~~Commission approved~~ Basic Recruit Training Program to become certified law enforcement, correctional, or correctional probation officers of state, county, or municipal law enforcement or correctional agencies.

(b) Students who enroll in an Commission approved Career Development, Advanced Training Course or Specialized Training Program, and are Commission-certified law enforcement, correctional, or correctional probation officers of state, county, or municipal law enforcement and correctional agencies.

(c) Criminal justice officers and support personnel, defined in Section 943.10(11), F.S., are authorized to expend Officer Training Monies to attend Advanced Training Courses and Specialized Training Programs delivered through a training school. The Commission has further authorized personnel to attend training courses funded with Officer Training Monies, as defined in paragraph 11B-18.0053(3)(a), F.A.C. Individuals employed or appointed by an employing agency, who are not officers, or as specified by the Commission, other professional employees in the criminal justice system, shall be considered support personnel and are eligible to attend Commission approved Career Development, Advanced, and Specialized Training Programs on a space available basis.

(d) The training center director shall provide ~~and make available~~ to each student, the Basic Recruit Training Curriculum for each of the ~~Commission approved~~ Basic

Recruit Training Courses applicable to the student's enrollment. This material is to be provided prior to or during the time that the student is enrolled in a given course.

(5) Training center directors shall ensure that CMS Application-Based Basic Recruit Training Programs are delivered in compliance with the facilitator and student materials prescribed for each curriculum module.

(6)(5) Training curricula and delivery requirements shall be maintained for all Commission approved Basic Recruit Training Courses, Advanced Training Courses, and Specialized Training Programs within the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 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) All Career and Advanced Training Courses maintained within a Career Development and Advanced Training Program, are available to interested and affected individuals. Copies are maintained within the Criminal Justice Professionalism Program.

(7) Student performance in courses.

(a) Each training school shall make available to its students and Commission staff a written copy of its performance standards.

(b) A student shall achieve a score of no less than 75 percent on the end-of course examination to successfully complete an Advanced Training Course or Specialized Training Program Course, and 80 percent on the end-of-course examination to successfully complete each Basic Recruit Training Course, exclusive of the demonstration of high-liability proficiency skills.

(c) The training center director or designee is responsible for the development, maintenance, and administration of a comprehensive end-of-course examination for each of the Basic Recruit Training Courses, Advanced Training Courses, and Specialized Training Program Courses. The training center director is authorized to develop, maintain, and administer additional academic tests for these courses, and is not limited to only the utilization of a comprehensive end-of-course examination. Training schools shall maintain examinations for Basic Recruit Training Courses, Advanced Training Courses, and Specialized Training Program Courses in compliance with the administration, confidentiality, and security requirements of subsection 11B-35.0085(2) and (3), F.A.C. For Traditional Basic Recruit Training Programs, end-of-course examinations shall be developed and administered that include the objectives in each course. Examinations for CMS Application-Based

Basic Recruit Training Programs, end-of-course examinations shall be developed and administered for each course from the objectives outlined in the CMS test specification.

(8) The "CMS" designation shall be utilized in conjunction with the titles of training identified in this rule chapter. The "CMS" designation shall identify for training schools, agencies, instructors, and students, programs and courses that have been developed using application-based delivery techniques and courses developed to teach the instructional philosophy of the CMS Application-Based Basic Recruit Training Programs.

(9)(6) Field-test of the CMS Application-Based Basic Recruit Training Program 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 Application-Based Basic Recruit Training Programs 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. To In order to accomplish these goals:

(a) through (b) No change.

(c) Specific conditions for instructor certification and delivery of the curricula are will be established, consistent with the completed modules CMS Curricula Modules. Training Commission-certified criminal justice training schools shall adhere to the delivery specifications and the instructor requirements outlined in the modules CMS Curricula Modules. The Commission exempts the training schools, academies, and colleges that participate in the field testing of the CMS Field-Test pursuant to subsection (e) of this rule section, from the requirements of subsection 11B-35.001(7), F.A.C., General Training Programs; Requirements and Specifications, the following rules:

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

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

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

(d) Exemptions set forth as outlined in subsection paragraph (c) of this rule section above, shall not apply to courses in the Traditional Basic Recruit Training Program.

(e) ~~The 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 CMS Application-Based Basic Recruit Training Program for law enforcement shall entire CMS Curricula Modules will be initiated at the following Commission-certified criminal justice training schools:~~

1. through 7. No change.

(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 ~~for 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 CMS Application-Based Basic Recruit Training Program ~~basic recruit training curricula~~ for each of the criminal justice disciplines.

~~(10)(7) Training Commission-approved training program reporting requirements for training center directors are as follows:~~

~~(a) The training center director or designee shall maintain on file at the Commission-certified criminal justice training school, schedules, and a list of instructors for Commission approved Basic Recruit, Advanced, and Specialized Training Courses.~~

~~(a)(b) The training center director or designee shall determine the beginning and ending dates of each Basic Recruit Training Program, Course and thirty days following the class starting date shall forward a Training Report form CJSTC-67, revised February 7, 2002, hereby incorporated by reference, to Commission staff through the Commission's Automated Training Management System (ATMS).~~

~~(b)(e) Following the completion of a Basic Recruit Training Course, Advanced Training Course, instructor training course and courses pursuant to paragraphs 11B-35.007(4)(h),(i),(m),(n),(o),(p), F.A.C., the The training center director or designee shall, within thirty days of the course completion, electronically transmit a completed Training Report form CJSTC-67 through the Commission's ATMS, or submit an updated forward a completed Training Report form CJSTC-67 revised December 6, 2000, 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 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.~~

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

~~1. Course(s) name and contact person.~~

~~2. Date(s) of course(s) Grades.~~

~~3.1. Full The full legal names of all attending students.~~

~~4.3. Test scores and test materials, if tests are used.~~

~~5.4. The number of course electives shall be included for all courses delivered using Commission-approved Specialized Goals and Objectives Course content.~~

~~6.5. Applicable proficiency checklist and performance reports.~~

~~7.6. Course instructors A list of Commission-certified criminal justice training instructors, or instructors exempt from general instructor certification pursuant to paragraphs 11B-20.001(3)(a)-(e), F.A.C.~~

~~8.7. Student attendance Attendance records.~~

~~8. Course outlines or schedules.~~

~~9. No change.~~

~~10. For Basic Recruit Training Programs, proof of compliance with Sections 943.14(8) and 943.17(1)(g), F.S. basic recruit training programs, criminal histories on all applicants pursuant to Section 943.14(8), F.S.~~

~~11. A training school re-examination policy and documented justification for each student re-examination administered.~~

~~12. A list of expenditures from the Criminal Justice Standards and Training Trust Fund Officer Training Monies shall be included for Advanced Training Courses and Specialized Training Program Courses when Officer Training Monies are used to fund the course.~~

~~(11)(8) Student Attendance Requirements. 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) Attendance Records Requirements:~~

~~(a) The training center director or designee shall maintain accurate daily student attendance records for each Commission-approved training course. A training school shall have a written copy of its attendance policy available for review by students and Commission staff.~~

~~(b) Each student shall attend all sessions of a training course except for absences approved by the training center director. The training center director shall maintain in the student's file at the training school, documentation specifying the reason for excused absence(s). Students shall be responsible for class work missed during absences. The training center director shall determine the content and quantity of makeup work. Makeup work required of a student shall be maintained in the student's file at the training school. The training center director has the authority to excuse student absences and approve appropriate course make-up work. An independent study assignment may not alone constitute appropriate course make-up work.~~

~~(c) The Commission has approved the delivery of High-Liability Basic Recruit Training Courses as "competency-based" instruction. Competency-based instruction is defined as "curriculum that uses specific objectives and performance-based learning to achieve performance standards, in lieu of established contact hours." The training center director shall maintain documentation in class files that specifies the reason for any excused student absence(s). Any make-up work required of a student as the result of an excused absence, shall be maintained in the student's file.~~

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

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

~~(b) Provide to the student a Certificate of Completion that indicates successful completion of the Commission approved Correctional Probation Officer Basic Recruit Training Program; and~~

~~(c) The Commission-certified training school(s) providing the Correctional Probation Officer High Liability training skills, defined in Rule 11B-35.0024, F.A.C., and pursuant to Section 943.14(7)(a), F.S., shall provide a certificate of successful completion to the student, and provide a Training Report form CJSTC-67 to the Commission.~~

~~(12) Student Re-examination Policy for Basic Recruit Training Courses.~~

~~(a) A student shall successfully complete all end-of-course examinations to be eligible to pass a Basic Recruit Training Program. A student who has failed a cognitive end-of-course examination may be granted a re-examination by the training center director if:~~

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

~~2. A condition of the student adversely impacts the student's ability to pass the test.~~

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

~~(b) Exclusive of the Commission's high-liability training courses, a student may be granted one course cognitive re-examination during the course of a single Basic Recruit Training Program, exclusive of the re-examinations in paragraph (12)(a) of this rule section. Students who have failed to successfully demonstrate required cognitive knowledge after a second attempt shall be deemed to have failed the course.~~

~~(c) A student shall be granted one additional attempt at the required demonstration of high-liability proficiency skills, or one re-examination of required cognitive knowledge in each of the four Commission-required high-liability training areas of firearms, vehicle operations, defensive tactics, and medical first responder. Students, who have failed to successfully demonstrate required cognitive knowledge or demonstration of high-liability proficiency skills after a second attempt, shall be deemed to have failed the High-Liability Training Course.~~

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

~~(e) Each training school shall develop its own procedures for processing a student request for re-examination set forth in subsection (12) of this rule section. Training school procedures for processing student requests for re-examination shall be documented and maintained on file at the training school for review by Commission staff and the student.~~

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

~~(14) Proof of course completion. The training center director shall within thirty days, following the completion of a Basic Recruit Training Program, Advanced Training Course, or Specialized Training Program Course, provide to a student who has successfully completed the training course, a certificate which shall contain at a minimum, the name of the training school, the student's name, the dates of the program or course, the number of program or course contact hours, the title of the Basic Recruit Training Program, Advanced Training Course, or Specialized Training Program Course, and the current training center director's signature.~~

~~(15)(14) 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: Bureau of Standards, Forms Liaison Planning and Evaluation Section.~~

~~Specific Authority 943.03(4), 943.12(1),(2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History--New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, _____.~~

11B-35.0011 Basic Abilities Requirements for Applicant Admission into a Law Enforcement, Correctional, and Correctional Probation Basic Recruit Training Programs. ~~To comply in accordance with Section 943.17(1)(g), F.S., all applicants who apply 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 (BAT) for the specified discipline, i.e., law enforcement, correctional, or correctional probation disciplines, prior to entering the applicable Basic Recruit Training Program basic recruit training program.~~

(1) The applicant shall not engage in conduct that subverts or attempts to subvert the BAT process. Conduct that subverts or attempts to subvert the BAT process includes:

- (a) Removing BAT materials from the examination room.
- (b) Reproducing or reconstructing any portion of the BAT.
- (c) Aiding by any means in the reproduction of any portion of the BAT.
- (d) Selling, distributing, buying, receiving, or having unauthorized possession of any portion of a past, current, or future BAT.
- (e) Revealing test questions or other information that would compromise the integrity of the BAT.

(2) The applicant shall not violate the standards of the BAT test administration. Violations of test administration include:

- (a) Communication with any other applicant during the administration of the BAT.
- (b) Copying answers from another applicant, or intentionally allowing one's answers to be copied by another applicant during the administration of the BAT.
- (c) Having in one's possession during the administration of the BAT, any books, notes, written, or printed materials or data of any kind.
- (d) Failing to comply with the BAT administrator's instructions.

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

- (a) Falsifying or misrepresenting information required for admission to the BAT.

(b) Impersonating an applicant.

(c) Having an impersonator take the BAT on one's behalf.

(d) Disrupting the test administration.

(4) Any violation of the provisions of this rule section shall be documented in writing and submitted to Commission staff within seven days to the address set forth in subsection 11B-35.001(15), F.A.C.

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

- (a) Have their BAT declared invalid;
- (b) Forfeit the application fee;
- (c) Be ineligible to apply to take the BAT in any discipline for a period of five 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 Chapter 11B-27, F.A.C.

~~Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.17 FS. History--New 7-29-01, Amended _____.~~

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

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

(2) An individual shall successfully complete a Basic Recruit Training Program pursuant to Rules 11B-35.002, 11B-35.003, 11B-35.004, F.A.C., or former Rule 11B-29.002, F.A.C., pass the State Officer Certification Examination (SOCE), and gain employment as an officer within four years of starting the required training program. An individual who is not employed as an officer in the discipline for which training was completed within four years of the date of beginning such training, shall comply with the following: Officer Certification.

- (a) As a condition of employment or appointment after July 1, 1993, successfully complete a Commission-approved Basic Recruit Training Program pursuant to Rule 11B-35.002, F.A.C.; and The Criminal Justice Standards and Training Commission shall approve officer certification pursuant to Section 943.1395, F. S.

~~(b) A student enrolled in a Commission approved Basic Recruit Training Program shall successfully complete all Commission required Basic Recruit Training Courses for the discipline in which the student is seeking certification.~~

~~(b)(c) Pass the State Officer Certification Examination. Effective July 1, 1993, all individuals attending a Basic Recruit Training Program, applying for an equivalency of training, or activating a previously issued officer certification, shall successfully pass the State Officer Certification Examination for the discipline in which the individual has applied. The Criminal Justice Standards and Training Commission recognizes the importance of skill retention in law enforcement, correctional, and correctional probation officers; therefore to be eligible to sit for the State Officer Certification Examination, the individual shall comply with the prerequisites required in Rule 11B-30.006, F.A.C.~~

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

~~(a) Each Commission certified criminal justice training school that offers a Commission approved Traditional Basic Recruit Training Program, shall deliver provide all Commission required Basic Recruit Training Courses included in the Traditional Basic Recruit Training Program such training program. A Commission certified criminal justice training school that complies complying with this requirement may also deliver offer any combination of Traditional Basic Recruit Training Courses, based upon agency need and student remediation.~~

~~(b) Each training school that offers a CMS Application-Based Basic Recruit Training Program shall deliver all course materials included in the training program. Delivery of the course materials shall comply with the facilitator and student materials approved by the Commission and shall be delivered in sequence. The training school shall ensure that all introductory and high-liability course materials are successfully completed by a basic recruit student prior to a student beginning the application-based course materials. The training center director or designee is responsible for ensuring the instruction and content of all Commission required Basic Recruit Training Courses.~~

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

~~(d) Successful Only successful completion of all courses Commission required Basic Recruit Training Courses within a Basic Recruit Training Program each discipline, shall determine a student's eligibility to take 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 at the Florida Department of Law Enforcement, in~~

the Criminal Justice Professionalism Program. Effective February 4, 1999, such programs shall include the following courses:

(a) Traditional Law Enforcement Basic Recruit Training Program

1. Criminal Justice Legal 1	CJD_760	46.0
2. Criminal Justice Legal 2	CJD_761	48.0
3. Criminal Justice Communications	CJD_762	56.0
4. Interpersonal Skills 1	CJD_763	66.0
5. *Criminal Justice Defensive Tactics that includes the 38-hour Preparation for Defensive Tactics course, effective 7/1/98, or CMS Criminal Justice Defensive Tactics	CJD_704	106.0
	<u>CJK 0050 or CJB 1050</u>	
6. Criminal Justice Weapons, or CMS Criminal Justice Firearms	CJD_705	64.0
	<u>CJK 0040 or CJB1040</u>	
7. Medical First Responder (Options: CJT_362 or EMS_1059), or CMS First Responder to Medical Emergencies Unit 1	CJD_254	48.0
	<u>CJK 0030 or CJB 1030</u>	
8. Law Enforcement Legal 3	CJD_730	32.0
9. Law Enforcement Patrol	CJD_731	64.5
10. Law Enforcement Traffic	CJD_732	46.0
11. Law Enforcement Vehicle Operations, or CMS Law Enforcement Vehicle Operations	CJD_723	32.0
	<u>CJK 0020 or CJB 1020</u>	
12. Law Enforcement Investigations	CJD_734	64.0
	TOTAL	672.0

(b) Traditional Correctional Basic Recruit Training Program

1. Criminal Justice Legal 1	CJD_770	46.0
2. Criminal Justice Legal 2	CJD_771	22.0
3. Criminal Justice Communications	CJD_772	42.0
4. Interpersonal Skills 1	CJD_773	62.0
5. *Criminal Justice Defensive Tactics that includes the 38-hour Preparation for Defensive Tactics course, effective 7/1/98, or CMS Criminal Justice Defensive Tactics	CJD_704	106.0
	<u>CJK 0050 or CJB 1050</u>	
6. Criminal Justice Weapons, or CMS Criminal Justice Firearms	CJD_705	64.0
	<u>CJK 0040 or CJB 1040</u>	
7. Medical First Responder (Options: CJT_362 or EMS_1059), or CMS First Responder to Medical Emergencies Unit 1	CJD_254	48.0
	<u>CJK 0030 or CJB 1030</u>	
8. Interpersonal Skills 2	CJD_750	50.0
9. Emergency Preparedness	CJD_741	26.0
10. Correctional Operations	CJD_752	64.0
	TOTAL	530.0

(c) Combination Recruit Training Program

1. Criminal Justice Legal 1	CJD_710	54.0
2. Criminal Justice Legal 2	CJD_711	52.0
3. Criminal Justice Communications	CJD_712	62.0
4. Interpersonal Skills 1	CJD_713	66.0
5. *Criminal Justice Defensive Tactics that includes the 38-hour	CJD_704	106.0

Preparation for Defensive Tactics course, effective 7/1/98, or CMS Criminal Justice Defensive Tactics	CJK 0050 or CJB 1050	
6. Criminal Justice Weapons, or CMS Criminal Justice Firearms	CJD_705	64.0
7. Medical First Responder (Options: CJT_362 or EMS_1059), or CMS First Responder to Medical Emergencies Unit 1	CJD_254	48.0
8. Law Enforcement Legal 3	CJK 0030 or CJB 1030	
9. Law Enforcement Patrol	CJD_730	32.0
10. Law Enforcement Traffic	CJD_731	64.0
11. Law Enforcement Vehicle Operations, or CMS Law Enforcement Vehicle Operations	CJD_732	46.0
12. Law Enforcement Investigations	CJD_723	32.0
13. Interpersonal Skills 2	CJK 0020 or CJB 1020	
14. Emergency Preparedness	CJD_734	64.0
15. Correctional Operations	CJD_750	50.0
	CJD_741	26.0
	CJD_752	64.0
	TOTAL	830.0

(d) Associates of Science Criminal Justice Combination Academy Track

1. Criminal Justice Legal 1	CJD_700	54.0
2. Criminal Justice Legal 2	CJD_701	52.0
3. Criminal Justice Communications	CJD_702	62.0
4. Interpersonal Skills 1	CJD_703	66.0
5. *Criminal Justice Defensive Tactics that includes the 38-hour Preparation for Defensive Tactics course, effective 7/1/98, or CMS Criminal Justice Defensive Tactics	CJD_704	106.0
6. Criminal Justice Weapons, or CMS Criminal Justice Firearms	CJK 0050 or CJB 1050	
7. Medical First Responder (Options: CJT_362 or EMS_1059), or CMS First Responder to Medical Emergencies Unit 1	CJD_254	48.0
8. Law Enforcement Legal 3	CJK 0030 or CJB 1030	
9. Law Enforcement Patrol	CJD_720	32.0
10. Law Enforcement Traffic	CJD_721	64.0
11. Law Enforcement Vehicle Operations, or CMS Law Enforcement Vehicle Operations	CJD_722	46.0
12. Law Enforcement Investigations	CJD_723	32.0
13. Interpersonal Skills 2	CJK 0020 or CJB 1020	
14. Emergency Preparedness	CJD_724	64.0
15. Correctional Operations	CJD_740	50.0
	CJD_741	26.0
	CJD_742	64.0
	TOTAL	830.0

(e) Traditional Correctional Probation Training Program

1. Correctional Probation Legal	CJD_790	60.0
2. Correctional Probation Operations	CJD_791	16.0
3. Correctional Probation Interpersonal Skills	CJD_792	68.0
4. Correctional Probation Communication Skills	CJD_793	70.0
5. Correctional Probation Supervision	CJD_794	54.0
*Criminal Justice Defensive Tactics that includes the 38-hour	CJD_704	106.0

6. Preparation for Defensive Tactics course, effective 7/1/98, or CMS Criminal Justice Defensive Tactics	CJK 0050 or CJB 1050	
7. Correctional Probation Firearms	CJD_795	16.0
8. Medical First Responder (Options: CJT_362 or EMS_1059), or CMS First Responder to Medical Emergencies Unit 1	CJD_254	48.0
	CJK 0030 or CJB 1030	
	TOTAL	438.0

(5) No change.

(a) through (c) No change.

~~(6) Commission approved curricula for courses in the Correctional Probation Officer College Level Training Program.~~

~~(a) Courses offered in the Correctional Probation Officer College Level Training Program shall include the goals and objectives of the curricula.~~

~~(b) The academic courses to be offered by Florida four-year accredited colleges and universities that have been approved by the Commission for the Correctional Probation Officer Basic Recruit Training Program are as follows:~~

	Minimum Hours
Survey of the Criminal Justice System	CCJ_3020 3.0
American Corrections System	CCJ_4360 3.0
Correctional Administration	CCJ_4315 3.0
Intervention Techniques and Strategies	CCJ_4340 3.0
Alternative to Incarceration	CCJ_4331 3.0
Correctional Law	CCJ_4281 3.0
Internship	CCJ_4940 3.0

~~(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 Correctional Probation Firearms	CJD_704 106.0
Medical First Responder (Options: CJT_362 or EMS_1059)	CJD_795 16.0
	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 1-10-94, 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01,_____.~~

~~11B-35.0021 High-Liability Proficiency Training 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) High-Liability Training Courses:~~

~~(a) Traditional Basic Recruit Training Program:~~

~~1. Criminal Justice Weapons Course.~~

2. Law Enforcement Vehicle Operations Course.

3. Criminal Justice Defensive Tactics Course.

4. Medical First Responder Course.

(b) CMS Application-Based Basic Recruit Training Program:

1. CMS Criminal Justice Firearms Course.

2. CMS Law Enforcement Vehicle Operations Course.

3. CMS Criminal Justice Defensive Tactics Course.

4. CMS First Responder to Emergencies, Unit 1: Medical First Responder.

(c) Instructor Training Courses:

1. Firearms Instructor Course.

2. CMS Firearms Instructor Course.

3. CMS Firearms Instructor Transition Course.

4. Law Enforcement Vehicle Operations Instructor Course.

5. CMS Law Enforcement Vehicle Operations Instructor Course.

6. CMS Law Enforcement Vehicle Operations Instructor Transition Course.

7. Defensive Tactics Instructor Course.

8. CMS Defensive Tactics Instructor Course.

9. CMS Defensive Tactics Instructor Transition Course.

10. Medical First Responder Instructor Course.

11. CMS Medical First Responder Instructor Course.

12. CMS First Responder to Emergencies Instructor Transition Course, Unit 1: Medical First Responder.

(d) Applicants shall complete the training requirements set forth in subsection 11B-20.0014(4), F.A.C., to become certified by the Commission to instruct in the high-liability areas

(2) Student to Instructor Ratios for Instruction of High-Liability Proficiency Training.

(a)(1) For instruction of the Criminal Justice Weapons Course or Firearms Instructor Course, there shall be ~~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.”

(b)(2) For instruction of the Law Enforcement Vehicle Operations Course or Law Enforcement Vehicle Operations Instructor Course, there shall be ~~vehicle operations~~, at least one (1) Commission-certified driving instructor for each vehicle actively engaged in training on a driving range. Actively engaged is defined as “a vehicle that is at the point between the start and end of an exercise.” Returning from or being in route to a driving range or course shall not be considered as actively engaged.

(c)(3) For instruction of the Criminal Justice Defensive Tactics Course or Defensive Tactics Instructor Course, there shall be ~~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 in the Commission-approved Traditional Basic Recruit Training Programs, the student to instructor ratio shall be two (2) instructors for each class for the first twenty (20) students. Each additional twenty (20) students, or any portion thereof, shall require an additional instructor.

(d)(4) For instruction of training courses for firearms ~~criminal justice weapons~~ and vehicle operations, in paragraphs (2)(a)-(b) of this rule section, one rangemaster, shall supervise all range activity while training is actively engaged. The rangemaster shall not be who is not included as an instructor to comply with the in student to instructor ratio requirements to supervise all range activity during training.

(e)(5) For instruction of the Medical First Responder Course or Medical First Responder Instructor Course, ~~medical first responder~~, at least one (1) Commission-certified Medical First Responder Instructor shall be required for every six (6) students actively engaged in the practical and performance portions of the training. Actively engaged is defined as “a student involved in the practical performance of any medical first responder skills 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, 7-29-01.

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

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12, 943.17, 943.25(5) FS. History—New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, Repealed.

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

(1) ~~Commission approved~~ Basic Recruit Training Programs shall be offered only at ~~Commission certified criminal justice~~ training schools certified by the Criminal Justice Standards and Training Commission for the respective discipline.

(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,” pursuant to which is defined in subsection (5) of this rule section. Courses completed in a Traditional Basic Recruit Training Program shall be recognized and transferable to a Traditional Basic Recruit Training Program of the same discipline in a different training school. Courses completed in a Commission-approved CMS Application-Based Basic Recruit

~~Training Program shall be acceptable for transfer to a CMS Application-Based Basic Recruit Training Program for the same discipline in a different training school. 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 ~~the such training program, as set forth in the requirements of this rule section,~~ the training school where the student has successfully completed the greatest number of courses in that program, shall, upon receipt of the student records from the other training school(s), submit a Training Report form CJSTC-67 to Commission staff. The training school submitting ~~the Training Report~~ form CJSTC-67, may require the student to demonstrate the required high-liability proficiency skills in a any High-Liability Training Course, not completed at that school, pursuant to subsection 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) Each ~~Commission-certified criminal justice~~ training school shall establish written criteria that specify the conditions that constitute leaving a program in "good standing." For this purpose, "good standing" is defined as a student being eligible to continue at the previous ~~Commission-certified criminal justice~~ training school without any special considerations. The written criteria shall be made available to students and Commission staff.

(6) Nothing in this rule section shall be construed to prevent a ~~Commission-certified criminal justice~~ training school from admitting a student for the limited purpose of completing a course(s) required for completion of a ~~Commission-approved~~ Basic Recruit Training Program at another training school where the student is enrolled. However, if a student began CMS Basic Recruit Training, the student shall continue in CMS Basic Recruit Training. If the student began Traditional Basic Recruit Training, the student shall continue in Traditional Basic Recruit Training.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.17 FS. History—New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, _____.

~~11B-35.0024 Basic Recruit Training Programs for Student Performance in Commission-Approved High-Liability Basic Recruit Training Courses and High-Liability Instructor Training Courses High-Liability Proficiency, Knowledge, Skills, and Abilities.~~

(1) Students enrolled in a ~~Commission-approved~~ Basic Recruit Training Program and a High-Liability Instructor Training Course shall qualify through demonstration of high-liability proficiency skills and a written examination, ~~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 that includes the 38-hour Preparation for Defensive Tactics course, effective 7/1/98. |
| (b) CJD_705- | Criminal Justice Weapons |
| (c) CJD_254 or EMS_1059 or CJT_362 | Medical First Responder |
| (d) CJD_723- | Vehicle Operations |

(2) A basic recruit student shall be given the opportunity for one additional attempt at the required demonstration of high-liability proficiency skills, or one re-examination of required cognitive knowledge in each of the four high-liability training areas of firearms, vehicle operations, defensive tactics, and medical first responder. A student who has failed to successfully demonstrate the cognitive knowledge or the required demonstration of the high-liability proficiency skills after a second attempt, shall be deemed to have failed the High-Liability Training Course. Each Commission-certified criminal justice training school shall establish written policies and procedures that provide remedial training and the opportunity for one (1) requalification of the required proficiency demonstration, or 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, shall be deemed to have failed the High Liability Training Course.

(3) The required Traditional High-Liability Training Courses and the required demonstration of the high-liability proficiency skills are: Proficiency skills and minimum student performance requirements have been established for each High-Liability Training Course. All performance requirements are available to interested and affected persons, and may be obtained by contacting Commission staff at the Florida Department of Law Enforcement, Criminal Justice

~~Professionalism Program. Documentation shall be made available for inspection upon request by a Commission representative.~~

(a) Criminal Justice Defensive Tactics Course.

1. The Criminal Justice Defensive Tactics Course is delivered to basic recruit students enrolled in a Traditional Basic Recruit Training Program.

2. Basic Recruit Student Proficiency Demonstration. The basic recruit student shall demonstrate at 100% proficiency, defensive tactics skills taught by a training school, with the results recorded on the required Defensive Tactics Performance Evaluation form CJSTC-6, revised February 7, 2002, hereby incorporated by reference.

(b) Criminal Justice Defensive Tactics Instructor Course.

1. The Criminal Justice Defensive Tactics Instructor Course is required training for instructors who instruct defensive tactics in the Traditional Basic Recruit Training Program and Criminal Justice Defensive Tactics Instructor Course.

2. An instructor student shall demonstrate at 100% proficiency for all defensive tactics skills, with the results recorded on the required Defensive Tactics Performance Evaluation form CJSTC-6.

(c) Criminal Justice Weapons Course.

1. The Criminal Justice Weapons Course is delivered to basic recruit students enrolled in a Traditional Basic Recruit Training Program.

2. Handgun. The basic recruit student shall demonstrate high-liability proficiency skills at 80% with a handgun on the Firearms Course of Fire.

3. Shotgun. The basic recruit student shall receive instruction on the handling of a shotgun and shall fire a shotgun as prescribed in the course curriculum. There are no proficiency requirements for the shotgun.

4. A basic recruit student shall demonstrate high-liability proficiency skills with a handgun on all Firearms Courses of Fire, with the results recorded on the required Firearms Performance Evaluation form, CJSTC-4, revised February 7, 2002, hereby incorporated by reference. The Chemical Agent Exposure Training Evaluation form, CJSTC-4A, revised February 7, 2002, hereby incorporated by reference shall be completed if applicable (optional – is not a mandated evaluation form).

(d) Criminal Justice Firearms Instructor Course.

1. The Criminal Justice Firearms Instructor Course is required training for instructors who instruct firearms in the Traditional Basic Recruit Training Program and Criminal Justice Firearms Instructor Course.

2. The instructor student shall demonstrate high-liability proficiency skills at 80%, on the Firearms Course of Fire using a handgun (revolver or semi-automatic pistol) and a shotgun, with the results recorded on the required Firearms Performance Evaluation form CJSTC-4.

(e) Medical First Responder Course.

1. The Medical First Responder Course is delivered to basic recruit students enrolled in the Traditional Basic Recruit Training Program.

2. A basic recruit student shall demonstrate proficiency at 100%, with the results recorded on the required Medical First Responder Performance Evaluation form, CJSTC-5, revised February 7, 2002, hereby incorporated by reference.

(f) Medical First Responder Instructor Course.

1. The Medical First Responder Instructor Course is required training for instructors who instruct medical first responder in the Traditional Basic Recruit Training Program and Medical First Responder Instructor Course.

2. The instructor student shall demonstrate proficiency at 100%, with the results recorded on the required Medical First Responder Performance Evaluation form CJSTC-5.

(g) Law Enforcement Vehicle Operations Course.

1. The Law Enforcement Vehicle Operations Course is delivered to basic recruit students enrolled in a Traditional Basic Recruit Training Program.

2. A basic recruit student shall demonstrate the required high-liability proficiency skill, with three out of four runs (75%) for each exercise, with the results recorded on the required Law Enforcement Vehicle Operations Performance Evaluation form, CJSTC-7, revised February 7, 2002, hereby incorporated by reference.

(h) Law Enforcement Vehicle Operations Instructor Course.

1. The Law Enforcement Vehicle Operations Instructor Course is required training for instructors who instruct vehicle operations in the Traditional Basic Recruit Training Program and Law Enforcement Vehicle Operations Instructor Course.

2. An instructor student shall demonstrate the required high-liability proficiency skill, with four out of five runs (80%) for each exercise, with the results recorded on the required Law Enforcement Vehicle Operations Performance Evaluation form CJSTC-7.

~~(4) The required CMS High-Liability Training Courses shall be delivered in compliance with the requirements set forth in subsection 11B-35.001(9), F.A.C. Each Commission-certified criminal justice training school shall maintain documentation of proficiency demonstration on the following Commission-approved high liability performance 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, November 18, 1998, hereby incorporated by reference.~~

~~(d) Law Enforcement Driving Basic Recruit Performance Evaluation form CJSTC 7, August 1, 1993, hereby incorporated by reference.~~

~~(e) Chemical Agent Exposure Training Evaluation form CJSTC 4a, revised December 6, 2000 (optional is not a mandated evaluation form), hereby incorporated by reference.~~

(5) Where night training or ambient lighting is designated, night or ambient light is defined as no earlier than thirty minutes after sunset and no later than thirty minutes prior to sunrise.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12, 943.17 FS. History--New 2-17-93, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, _____.

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

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

(2) For certification as an auxiliary officer, an individual shall meet the requirements outlined in Sections 943.13(1)-(9) and (11), 943.14(8), 943.17(1)(g), 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, or CMS Criminal Justice Firearms.

(b) Criminal Justice Defensive Tactics that includes the 38-hour Preparation for Defensive Tactics ~~Course~~ course, effective July 1, 1998, 7/1/98 or CMS Criminal Justice Defensive Tactics.

(c) Law Enforcement Vehicle Operations, or CMS Law Enforcement Vehicle Operations (employing agency requirement).

(3) High-Liability Training Courses shall be taught by a high-liability Commission certified criminal justice training instructor, pursuant to subsection 11B-20.0014(4), F.A.C., whether taught at a ~~Commission certified criminal justice~~ training school or criminal justice agency.

(4) A ~~Commission certified criminal justice~~ training school shall submit a Training Report form CJSTC-67 to Commission staff upon an individual's completion of the Law Enforcement or Correctional Auxiliary Officer Prerequisite Course. In addition, the training school or criminal justice agency shall document a student's successful completion of the applicable high-liability proficiency skills demonstration set forth in subsection 11B-35.0024(3), F.A.C. Regardless of where the high-liability training is completed the employing agency shall maintain the training documentation in the

~~officer's training file, pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures Manual.~~

(5) The Auxiliary Basic Recruit Training Programs are include:

(a) Law Enforcement Auxiliary Officer Prerequisite Course, effective January 1, 1997:

<u>TOPIC AREAS:</u>	<u>Minimum Hours:</u>
<u>1.</u> Administration	1
<u>2.</u> Community Interaction	6
<u>3.</u> Introduction to Basic Law	24
<u>4.</u> Post Crime Considerations	6
<u>5.</u> Introduction to Traffic	5
<u>6.</u> Field Activities	12
<u>7.</u> Medical First Responder	48
TOTAL HOURS	102

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

<u>TOPIC AREAS:</u>	<u>Minimum Hours:</u>
<u>1.</u> Administration	1
<u>2.</u> Legal	24
<u>3.</u> Report Writing	4
<u>4.</u> Safety Issues	4
<u>5.</u> Interpersonal Skills	5
<u>6.</u> Security Procedures and Inmate Supervision	4
<u>7.</u> Equipment	2
<u>8.</u> Facility Movement	4
<u>9.</u> Correctional Operation and Intake Procedures	1
<u>10.</u> Inmate Property	2
<u>11.</u> Search Procedures	3
<u>12.</u> Medical First Responder	48
TOTAL HOURS	102

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(5), 943.17(1)(a) FS. History--New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, _____.

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

(1) ~~The Commission recognizes the lateral movement of individuals between criminal justice disciplines. In an effort to provide ease of movement and to reduce duplication of instructional content, the Commission has established Cross-Over Training Programs to provide lateral movement of officers between criminal justice disciplines. Officers~~ Individuals entering ~~Commission approved~~ Cross-Over Training Programs shall comply with Section 943.1395(3), F.S., and subsection 11B-27.002(3)(2), F.A.C. Only Each program recognizes the individual's previous completion of training courses, and only the high-liability proficiency skills

demonstration for which the ~~officer individual~~ has not previously taken in a Commission-approved Basic Recruit Training Program shall be required.

(2) The Cross-Over Training Program shall require the ~~officer individual~~ to successfully complete only the required training courses in a Traditional Basic Recruit Training Program for in the discipline in which cross-over certification training is being sought, and successful completion of the high-liability training requirements pursuant to Rule 11B-35.0024, F.A.C.

(3) Effective July 1, 1998, the Cross-Over Training Programs include the following courses:

<u>Course Name:</u>	<u>Course Number: #</u>	<u>Minimum Hours:</u>
(a) Cross-Over Law Enforcement to <u>Correctional</u> Corrections Program:		
1. Cross-Over <u>Correctional</u> Corrections	CJD_780	16.0
2. through 4. No change.		
(b) Cross-Over <u>Correctional</u> Corrections to Law Enforcement Program:		
1. through 4. No change.		
5. <u>Law Enforcement</u> Vehicle Operations <u>or</u> CMS Law Enforcement Vehicle Operations	CJD_723	32.0
6. No change.	<u>CJK 0020 or CJB 1020</u>	
	TOTAL	286.0
(c) No change.		
1. through 3. No change.		
(d) Cross-Over Correctional Probation to Law Enforcement Program:		
1. through 4. No change.		
5. <u>Law Enforcement</u> Vehicle Operations <u>or</u> CMS Law Enforcement Vehicle Operations	CJD_723	32.0
6. No change.	<u>CJK 0020 or CJB 1020</u>	
7. Criminal Justice Weapons <u>or</u> CMS Criminal Justice Firearms	CJD_705	64.0
	<u>CJK 0040 or CJB 1040</u>	
(e) Cross-Over <u>Correctional</u> Corrections to Correctional Probation Program:		
1. through 4. No change.		
(f) Cross-Over Correctional Probation to Corrections Program:		
1. through 5. No change.		
6. CMS Criminal Justice Firearms	<u>CJK 0040 or CJB 1040</u>	

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, 7-29-01,_____.

11B-35.005 Career Development Training Program.
There is established by the Criminal Justice Standards and Training Commission a program of Career Development Training Courses, which shall be limited to training courses related to promotion to a higher rank or position.

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

11B-35.006 Advanced Training Program.

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

~~(2) The methodology to assess the relevancy of Advanced Training Courses, shall be an analytical process whereby selected job incumbents are surveyed to determine that the course content is directed to the performance of tasks actually accomplished in the subject matter area, pursuant to Section 943.17, F.S. This methodology shall culminate with review and approval by the Commission.~~

~~(2)(3) Advanced Training Courses shall include one major topic, shall be at least 40 hours long, may be used by the officer to satisfy mandatory retraining requirements, or eligibility for salary incentive payments when delivered through a Commission-certified criminal justice training school. An officer may not receive both salary incentive credit and mandatory retraining credit for completion of an Advanced Training Course.~~

~~(3)(4) The following is a complete list of Commission approved Advanced Training Courses:-~~

<u>Course Number:</u>	<u>Course Name:</u>	<u>Hours:</u>
006	Line Supervision	80 hours
007	Middle Management	80 hours
011	Developing and Maintaining a Sound Organization	40 hours
012	Planning the Effective Use of Financial Resources	40 hours
013	Building and Maintaining a Sound Behavioral Climate	40 hours
016	Narcotics Identification and Investigation	40 hours
019	Criminal Law	40 hours
020	Case Preparation and Court Presentation	40 hours
032	Special Tactical Problems	40 hours

033	Sex Crimes Investigation	40 hours
036	Injury and Death Investigation	40 hours
047	Interviews and Interrogations	40 hours
050	Stress Awareness and Resolution	40 hours
051	Field Training Officer	40 hours
053	Crisis Intervention	40 hours
054	Organized Crime	40 hours
055	RADAR Speed Measurement 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 Investigations	80 hours
088	Traffic Accident Reconstruction	80 hours
090	School Resource Officer	40 hours
091	Domestic Intervention	40 hours
093	Hostage Negotiations	40 hours
094	Drug Abuse Resistance Education (D.A.R.E.) – FDLE instructed only	80 hours
095	Laser Speed Measurement Operators Training Course for Law Enforcement Officers	40 hours
096	Drug Abuse Resistance Education (D.A.R.E.)	40 hours
094 & 097	Drug Abuse Resistance Education (D.A.R.E.)	40 hours
098	Traffic Homicide Investigation*	80 hours
*The previous Traffic Homicide Investigation course number 039 became inactive effective July 1, 1998.		
100	Crimes Against the Elderly and Disabled	40 hours
<u>809</u>	<u>CMS Field Training Officer Program Course</u>	<u>40 hours</u>

~~(4)(5)~~ Course number 094, Drug Abuse Resistance Education (D.A.R.E.), may be offered only through the certified state D.A.R.E. training center. The Florida certified state D.A.R.E. training center is located within the Florida Department of Law Enforcement. D.A.R.E. course numbers are: Course #094 (80 hours), or #094 split with #097 (40 hours) for salary incentive, and #096 (40 hours) for mandatory retraining.

~~(5)(6)~~ Only officers and support personnel, who have written approval from their respective agency head or designee, may attend ~~Commission approved~~ Advanced Training Courses. Applicants shall submit evidence of their agency head's approval in a format established and agreed upon by the Local Regional Training Council and ~~Commission certified criminal justice~~ training school.

~~(6)(7)~~ To successfully complete an ~~Commission approved~~ Advanced Training Course, a student shall comply with student attendance, performance, and course documentation requirements pursuant to Rule 11B-35.001, F.A.C., ~~pursuant with the Criminal Justice Standards and Training Commission Policies and Procedures Manual.~~

(a) A Radar Operator Performance Report form, CJSTC-8, revised February 7, 2002 ~~July 1, 1995~~, hereby incorporated by reference, ~~shall~~ ~~must~~ be completed for the Radar Speed Measurement Training Course for Law Enforcement Officers.

(b) A ~~L~~aser Operator Performance Report form, CJSTC-9, revised February 7, 2002 ~~July 1, 1995~~, hereby incorporated by reference, ~~shall~~ ~~must~~ be completed for the Laser Speed Measurement Operators Training ~~C~~ourse for Law Enforcement Officers.

~~(7)(8)~~ Criminal Justice Standards and Training Trust Fund ~~Officer Training Monies monies~~ may be expended to conduct ~~Commission approved~~ Advanced Training Courses pursuant to Rule Chapter 11B-18, F.A.C. Commission requirements for use of trust fund monies shall be expended pursuant to the requirements of Chapter 11B-18, F.A.C.

(8) Training schools shall report the successful completion of Advanced Training Courses for officers who are eligible to receive salary incentive payment, pursuant to Section 943.22(2), F.S. A completed form CJSTC-67 shall be transmitted within thirty days of course completion date through the Commission's ATMS.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(5), 943.17(1) FS. History--New 12-13-92, Amended 1-10-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01,_____.

11B-35.007 Specialized Training Program.

(1) The Commission's Specialized Training Programs may be used by training schools and consist of the following Commission-approved:

- (a) Goals and Objectives;
- (b) Instructor Training Courses; and
- (c) Specialized Training Courses.

~~(2)(1)~~ Goals and Objectives that have The Specialized Training Program has been designed to use Commission-established categories, topics, and objectives that encompass subject matter pertinent to training within the criminal justice profession field. Such Training courses shall ~~are to~~ be developed using a “menu” approach to fulfill local criminal justice agency training needs.

~~(a)(2)~~ Commission-established categories for Goals and Objectives Specialized Training Program are:

- ~~1.(a)~~ Communication Skills.
- ~~2.(b)~~ Crime Prevention.
- ~~3.(c)~~ Health.
- ~~4.(d)~~ High-Liability.
- ~~5.(e)~~ Investigations.
- ~~6.(f)~~ Legal Issues.
- ~~7.(g)~~ Management and Supervision.
- ~~8.(h)~~ Science and Technology.
- ~~9.(i)~~ Inmate Supervision and Control.
- ~~10.(j)~~ Community Policing.

~~(b)(3)~~ A To develop a Commission approved Specialized Training Course, a Commission certified criminal justice training school shall adhere to the following follow procedures to develop courses from the Goals and Objectives: pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures Manual. The number of hours for the instruction of a training course shall be based upon local needs, and such courses shall be a minimum of four (4) hours long, excluding those training courses that require a specific number of hours for certification, pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures Manual.

1. Determine local agency training needs and applicable course content.
2. Review the category list to determine the applicable category.
3. Refer to topic lists within the category(ies) chosen to determine the subject area(s) covered.
4. Write the student learning goal(s) for the course.
5. Select the relevant objective(s) from the chosen topic(s) to cover the specific subject matter.
6. Develop the lesson plan.
7. Formulate information required for the Specialized Training Course file pursuant to Rule 11B-35.001, F.A.C.
8. Combine categories, topics, and objectives to develop a Specialized Training Course. In addition, objectives may be extracted from the Advanced Training Course series to develop a Specialized Training Course. If a portion of an Advanced Training Course is used, the course number and objective number shall be identified.
9. Establish the number of hours of instruction according to local agency needs. Four hours of course instruction is required. A training school shall determine the number of

objectives needed for each block of course instruction. To provide further flexibility, a maximum of four hours of electives may be used for each forty hours of course instruction.

10. Document the training by completing a Specialized Training Documentation form, CJSTC-16, revised February 7, 2002, hereby incorporated by reference, and when applicable complete a Specialized Training Documentation Supplemental form, CJSTC-16A, revised February 7, 2002, hereby incorporated by reference.

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

<u>Course Names:</u>	<u>Course Hours:</u>
<u>(a) General Instructor Techniques Course</u>	<u>80</u>
<u>(b) CMS General Instructor Techniques Course</u>	<u>80</u>
<u>(c) CMS General Instructor Transition Course</u>	<u>16</u>
<u>(d) Law Enforcement Vehicle Operations Instructor Course</u>	<u>40</u>
<u>(e) CMS Law Enforcement Vehicle Operations Instructor Course</u>	<u>40</u>
<u>(f) CMS Law Enforcement Vehicle Operations Instructor Transition Course</u>	<u>12</u>
<u>(g) Criminal Justice Firearms Instructor Course</u>	<u>44</u>
<u>(h) CMS Criminal Justice Firearms Instructor Course</u>	<u>TBA</u>
<u>(i) CMS Criminal Justice Firearms Instructor Transition Course</u>	<u>12</u>
<u>(j) Defensive Tactics Instructor Course</u>	<u>80</u>
<u>(k) CMS Defensive Tactics Instructor Course</u>	<u>TBA</u>
<u>(l) CMS Defensive Tactics Instructor Transition Course</u>	<u>32</u>
<u>(m) Medical First Responder Instructor Course</u>	<u>48</u>
<u>(n) CMS Medical First Responder Instructor Course</u>	<u>TBA</u>
<u>(o) CMS Medical First Responder to Emergencies Instructor Transition Course</u>	<u>8</u>
<u>Unit 1: Medical First Responder</u>	
<u>(p) Human Diversity Train-the-Trainer Course</u>	<u>20</u>
<u>(q) Canine Team Training Instructor Course</u>	<u>40</u>
<u>(r) Radar Speed Measurement Instructors Training Course for Law Enforcement Officers</u>	<u>40</u>
<u>(s) Laser Speed Measuring Device (LSMD) Transition Instructors Course for Radar Instructors</u>	<u>24</u>
<u>(t) Breath Test Instructor Certification Course</u>	<u>40</u>
<u>(u) Breath Test Instructor Certification Renewal Course</u>	<u>8</u>

(4) Commission-approved Specialized Training Program Courses developed and approved by the Commission that have not been designated as Commission-approved Advanced Training Courses:

<u>Course Names:</u>	<u>Course Hours:</u>
<u>(a) Contraband Forfeiture</u>	<u>40</u>
<u>(b) Human Diversity In-service Training for Professionalism and Ethics</u>	<u>4</u>
<u>(c) Human Diversity In-service Training for Interdependent Relationships</u>	<u>8</u>
<u>(d) Human Diversity In-service Training for Reducing Inter-group Conflict</u>	<u>4</u>
<u>(e) Human Diversity In-service Training for Sexual Harassment in the Workplace</u>	<u>4</u>
<u>(f) Human Diversity In-service Training for Specialized Topics in Diversity</u>	<u>4</u>
<u>(g) Human Diversity In-service Training for Discriminatory Profiling and Professional Traffic Stops</u>	<u>4</u>
<u>(h) Canine Team Training Course</u>	<u>400</u>
<u>(i) Laser Speed Measuring Device (LSMD) Transition Operators Course for Radar Operators</u>	<u>12</u>
<u>(j) Parking Enforcement Specialist for Civilians</u>	<u>16</u>
<u>(k) Selective Traffic Enforcement Program for Civilians</u>	<u>80</u>
<u>(l) Traffic Control Officer for Civilians</u>	<u>8</u>
<u>(m) Breath Test Operator Course</u>	<u>24</u>
<u>(n) Breath Test Operator Renewal Course</u>	<u>6</u>
<u>(o) Agency Inspector Course</u>	<u>24</u>
<u>(p) Agency Inspector Renewal Course</u>	<u>6</u>
<u>(q) Criminal Justice Officer Ethics Course</u>	<u>8</u>
<u>(r) Crimes Against Children</u>	<u>No hour requirement</u>
<u>(s) Domestic Violence</u>	<u>No hour requirement</u>
<u>(t) Violent Crime Investigator Training Courses</u>	<u>No hour requirement</u>

(5)(4) Successfully completed Commission-approved Specialized Training Courses may be credited toward an officer’s mandatory retraining requirement. Documentation of such training shall be provided to students and shall include the name of the training school delivering the course, the course title or topics taught, course date(s), and course hours.

(6) Training schools shall report the satisfactory completion of instructor courses by a criminal justice officer by transmitting a completed Training Report form CJSTC-67 within 30 days of course completion through the Commission’s ATMS.

(7) Pursuant to Section 943.13, F.S., to maintain certification by the Commission, a certified officer shall, every four years, complete a minimum of eight hours of continuing training in the area of “interpersonal skills relating to human diversity.” The mandated eight hours of continuing training for

officers in the area of “interpersonal skills relating to human diversity” shall be satisfied by successfully completing the following training:

(a) Law enforcement officers. Four hours of Human Diversity In-Service Training for Discriminatory Profiling and Professional Traffic Stops, pursuant to paragraph (4)(g) of this rule section, and one or more of the Human Diversity In-Service Training Modules set forth in paragraphs (4)(b)-(f) for the additional four hours required to satisfy the 8-hour continuing training requirement every four years.

(b) Correctional and correctional probation officers. A compliment of eight hours of continuing training comprised of Human Diversity In-Service Training Courses set forth in paragraphs (4)(b)-(f) of this rule section.

(5) To successfully complete a Commission approved Specialized Training Course, a student shall comply with student attendance, performance, and course documentation requirements pursuant to the Criminal Justice Standards and Training Commission Policies and Procedures Manual and this rule section.

(8)(6) Criminal Justice Standards and Training Trust Fund Officer Training Monies Funds may be expended to conduct Commission-approved Specialized Training Program Courses pursuant to paragraph 11B-35.001(7)(l), F.A.C. Officer Training Monies Commission requirements for use of trust fund monies shall be expended pursuant to the requirements of Chapter 11B-18, F.A.C. Human Diversity In-Service Training set forth in paragraphs (4)(b)-(f) of this rule section, which are delivered through training school using Criminal Justice Standards and Training Trust Fund Officer Training Monies, shall use a Human Diversity Instructor pursuant to paragraph 11B-20.001(5)(d), 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, 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, 7-29-01, _____.

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

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, 7-29-01, Repealed _____.

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

A training center director designated by a training school shall maintain the security and confidentiality of all examinations shall be maintained by authorized criminal justice training center directors in the following manner:

(1) Pursuant with Section 943.173(2), F.S., the Commission shall authorize the administration of examinations at ~~Commission certified criminal justice~~ training schools. Administration of examinations shall consist of the ~~criminal justice~~ training center director or designee(s) retaining, proctoring, grading, and recording the results of the examinations.

(2) The criminal justice training center director shall ensure that the security and confidentiality of examinations are maintained, and upon request ~~by Commission staff~~, shall make available examination materials for inspection by Commission staff.

(3) Examination materials, including the examination and individual answer forms for each ~~Commission approved~~ training course, shall be retained for not less than two ~~(2)~~ years after the date the examination is completed.

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

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

(1) Definitions. For the purpose of this rule section, the following definitions shall apply:

(a) “Employing agency” means any agency authorized by law to employ or appoint officers pursuant to Section 943.10(4), F.S., ~~or a selection center pursuant to Section 943.256, F.S.~~

(b) Comparable basic recruit training program in another state or for the ~~f~~^gederal ~~g~~^overnment,” means any successfully completed sworn officer training course or courses, irrespective of the completion date, which when viewed together include all the primary training topics pursuant to Rule 11B-35.009010, F.A.C., for the discipline in which the applicant is seeking an exemption, pursuant to Section 943.13(2), F.S.

(c) through (d) No change.

(e) “Full time” means any employed or appointed status in which a normal work week consists of forty ~~40~~ or more on-duty hours, exclusive of overtime, holidays, regular days off, leave, or other authorized or ordered absence from work.

(f) “Sworn officer” means any officer defined in Section 943.10, F.S.:

~~1. An individual employed or appointed by an entity of government who is vested with the authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crimes or the enforcement of criminal laws.~~

~~2. An individual whose primary responsibility is the supervision, protection, care, custody and control, or investigation of inmates within a correctional institution.~~

~~3. An individual whose primary responsibility is the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controllees within a correctional institution or within the community.~~

(g) “At least one year” means a time period of twelve months sworn experience that 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 a specified discipline any time period(s), regardless of whether continuous, which total up to 365 days during which an individual was employed or appointed as a full-time officer, excluding periods during which an individual was enrolled in or attending a basic recruit training Commission approved Basic Recruit Training Program; however, no aggregate time period shall have been accumulated over a period greater than eighteen (18) months

(h) Pursuant to Section 943.1395(3), F.S., and subsection 11B-27.00201(9), F.A.C., an “Inactive Florida Officer” means an individual who has met the certification and employment requirements of Section 943.13, F.S., and has not been employed as an officer in the discipline for which the individual was a Florida certified officer for a period of four or more years.

(2) An individual who applies for certification as a Florida officer is qualified for exemption from completing a Basic Recruit Training Program if the applicant has: Applicability. These rules apply to out of state or federal officers who apply for exemption from a Commission approved Basic Recruit Training Program pursuant to Section 943.131(2), F.S., on or after July 1, 1993. Individuals who applied for an exemption pursuant to Section 943.131(2), F.S., on or before June 30, 1993, and whose exemption was granted, and are enrolled for purposes of Section 943.1397(4), F.S., shall complete the required supplemental training pursuant to Rule 11B-35.010, F.A.C., and qualify in the high liability proficiency skills (Vehicle Operations, Criminal Justice Weapons, Criminal Justice Defensive Tactics, and Medical First Responder — for law enforcement only) on or before December 31, 1994.

(a) Successfully completed basic recruit training comparable in content to the Basic Recruit Training Program for the discipline for which the individual claims exemption; and

(b) Prior service as a full-time sworn officer in another state or the Federal Government for at least one year, pursuant to paragraph (1)(g) of this rule section, in the criminal justice discipline for which the individual is requesting an exemption. The twelve 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 discipline for which an exemption is being requested.

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

(a) Verify that applicant's law enforcement training is comparable to the Law Enforcement Officer Basic Recruit Training Program for which the exemption is requested, and at a minimum reflects successful completion of training for the topics of Law Enforcement Legal Issues, Report Writing, Interpersonal Skills, Criminal Justice Weapons, Criminal Justice Defensive Tactics, Medical First Responder or equivalent, Vehicle Operations, Law Enforcement Patrol, Investigations, and Traffic Control.

(b) Verify that the applicant's correctional officer training is comparable to the Correctional Officer Basic Recruit Training Program whenever an exemption is requested, and at a minimum reflects successful completion of training for the topics of Correctional Legal Issues, Report Writing, Interpersonal Skills, Criminal Justice Weapons, Criminal Justice Defensive Tactics, Medical First Responder or equivalent, and Correctional Facility Operations.

(c) Verify that the applicant's correctional probation officer training is comparable to the Correctional Probation Basic Recruit Training Program whenever an exemption is requested, and at a minimum reflects successful completion of training for the topics of Correctional Probation Officer Legal Issues, Report Writing, Interpersonal Skills, Criminal Justice Defensive Tactics, Medical First Responder or equivalent, Probationer Supervision, and Criminal Justice Weapons.

(d) Verify the required training and the authenticity of documents submitted by an individual through telephone or written confirmation of documents such as, criminal justice agency training records, training school records, official transcripts, curricula or curricula summaries, certificates of completion or other such documents that verify the applicant's successful completion of comparable basic recruit training in another state or for the federal government, and affidavits executed by a custodian or custodians of such records or other persons with direct knowledge that support the individual's successful completion of comparable basic recruit training.

(e) Verify that the individual has met the required prior sworn experience by obtaining copies of one or more of the following:

1. Agency employee payroll record;
2. Agency employment record;
3. Employment verification by an authorized representative of the individual's previous employer or employers; and
4. Other documentation that confirms the applicant's previous experience and employment as an officer for at least one year.

(4) Inactive Florida officers who have been separated from employment for a period of four or more years, may apply for exemption from re-taking the Basic Recruit Training Program for which the officer has been previously certified as a sworn officer. The employing agency or Criminal Justice Selection Center shall verify that the applicant has:

(a) Successfully completed the Basic Recruit Training Program for the discipline for which re-activation of certification is requested; and

(b) Has been employed as a criminal justice officer in Florida in the discipline for which reactivation or certification is requested.

(5) Documentation requirements for out-of-state, federal, and Florida Officers. Upon verification of an individual's request for exemption of certification, pursuant to this rule section, an employing agency or Criminal Justice Selection Center shall submit to Commission staff a completed Equivalency-of-Training form, CJSTC-76, revised February 7, 2002, hereby incorporated by reference, for out-of-state, federal, and Florida Officers. Supporting documentation verifying the individual's compliance with comparable basic recruit training and sworn criminal justice experience pursuant to this rule section shall be maintained on file by the employing agency or Criminal Justice Selection Center and submitted to Commission staff for review. The agency shall be notified of the approval or denial of the requested exemption of certification in writing within 30 working days. If the exemption is denied, the individual shall be granted a hearing pursuant to Section 120.57, F.S.

(6) Proficiency requirements for out-of-state or federal officers, or inactive Florida officers. Prior to applying for certification, an out-of-state or federal officer, or inactive Florida officer, who is exempt from completing a Commission-approved Basic Recruit Training Program, pursuant to Section 943.131(2), F.S., shall demonstrate proficiency in the required high-liability proficiency skills of vehicle operations, criminal justice weapons, criminal justice defensive tactics, and medical first responder, pursuant to Rule 11B-35.0024, F.A.C., for the discipline for which certification is sought, pursuant to subsection 11B-35.002(4), F.A.C. Such officers shall successfully pass, as defined in subsection 11B-30.006(1), F.A.C., the State Officer Certification Examination, pursuant to paragraph 11B-30.008(2)(c), F.A.C. Upon demonstration of proficiency in the required high-liability proficiency skills, the training school shall submit to Commission staff a completed Equivalency of Training Proficiency Demonstration form, CJSTC-76A, July 1, 2002, hereby incorporated by reference.

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

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

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, 7-29-01, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Manager, Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 17, 2002

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 4th Floor, Quad A, Tallahassee, Florida
 NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-7900 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alan Moses, Florida Crime Information Bureau, Criminal Justice Information Services, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7870

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE CHAPTER TITLE: Criminal History Records
 RULE CHAPTER NO.: 11C-6
 Dissemination Policy
 RULE TITLE: Sale and Delivery of Firearms
 RULE NO.: 11C-6.009
 PURPOSE AND EFFECT: To promulgate the revised United States Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms form, ATF F 4473(5300.9) Firearms Transaction Record Part I – Over-The-Counter; and to inform potential firearm purchasers of the right to appeal the denial of a purchase directly to the FBI, as authorized by federal regulations. This form is used by firearm dealers to record the sale of firearms as required by state and federal statutes.
 SUMMARY: Proposed revisions to Rule 11C-6.009, F.A.C., update the United States Treasury Department, Bureau of Alcohol, Tobacco, and Firearms (ATF) form (ATF F 4473)(5300.9)(10/01) for the Sale and Delivery of Firearms as required by Florida and Federal Statutes, inform potential firearms purchasers of the right to appeal the denial of a purchase directly to the FBI as authorized by Federal Regulations
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.
 Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 working days of this notice.
 SPECIFIC AUTHORITY: 790.065, 943.03(4) FS.
 LAW IMPLEMENTED: 790.065 FS., Title 18, U.S.C., Chapter 44, and Title 27, C.F.R., Part 178.
 IF REQUESTED IN WRITING WITHIN 21 DAYS OF THIS NOTICE A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):
 TIME AND DATE: 10:00 a.m., Wednesday, August 21, 2002

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-6.009 Sale and Delivery of Firearms.
 (1) For a federally licensed firearm dealer (including licensed firearm importers, licensed firearm manufacturers and licensed firearm dealers pursuant to Title 27, C.F.R., Part 178) to complete a firearm transaction to another person, other than a licensed importer, licensed manufacturer, licensed dealer or licensed collector, a United States Treasury Department, Bureau of Alcohol, Tobacco and Firearms (ATF) form ATF F-4473 [5300.9] Part 1 ~~(10/01)~~ ~~(4/97)~~ (Firearms Transaction Record) incorporated here by reference, must be completed. These forms are available from the ATF Distribution Center, 7943 Angus Court, Springfield, Virginia 22153. The completion of the ATF F-4473 [5300.9] Part 1 ~~(10/01)~~ ~~(4/97)~~ form must comply with Title 27, C.F.R. Part 178, Section 178.124, and with Section 790.065, F.S.
 (2) Section A of the ATF F-4473 [5300.9] Part 1 ~~(10/01)~~ ~~(4/97)~~ form must be completed by the potential buyer or transferee, ~~and items 9 and 10 of the ATF F-4473~~ The dealer must ensure that items 9-13 are completed by the buyer ~~dealer~~ prior to the dealer contacting the Florida Department of Law Enforcement (FDLE). In addition to the above requirements, the social security number of the potential buyer ~~or~~ transferee may be recorded in block number 7 ~~10~~ of ATF F-4473 [5300.9] Part 1 ~~(10/01)~~ ~~(4/97)~~ form along with the additional types and dates of identification for any person who is not a United States citizen (i.e., utility bills or lease agreements). The dealer is required to advise the potential buyer that the disclosure of his or her social security number is voluntary, of the authority for the disclosure, and of the use to be made of the number.
 (3) through (4) No change.
 (5) Using the provided toll-free telephone number, the dealer must contact FDLE immediately prior to each transaction involving the transfer of one or more firearms to obtain an approval number to complete the firearm transaction. The dealer will provide the deal’s identification number and all

identification data of the potential buyer/transferee as contained on ATF form F-4473 [5300.9] Part 1 ~~(10/01) (4/97)~~ to FDLE.

(6) FDLE will provide an approval, non-approval, conditional approval, or conditional non-approval number, or pending non-approval to the dealer based on the criminal history record of the potential buyer or transferee. Based on the status of the criminal history record, FDLE will provide an approval or non-approval number to the dealer during the call when possible or by return call or within the specified time frame as contained in Section 790.065, F.S. Unless compliance with the requirements of this section is excused as provided in subsection 790.065(10), F.S., if the dealer has not received an approval or non-approval number, conditional or otherwise, from FDLE within the time frame specified, the dealer must contact FDLE to inquire about the status of the request for approval, prior to completing the transaction. If a conditional non-approval number is issued, FDLE will attempt to determine the status of the criminal history record so as to respond to the dealer within the time frame contained in Section 790.065, F.S., with an approval or non-approval number. At the termination of the time period specified in Section 790.065(2)(c)5., F.S., if such a determination is not possible, the conditional non-approval number will become a conditional approval number. The approval number is valid for a single transaction and for a period not to exceed thirty ~~(30)~~ calendar days after receipt of the number. Multiple firearms may be transferred in this transaction.

(7) The dealer will record the approval, non-approval or conditional approval or conditional non-approval number, or pending non-approval in box 19b and in the box in the top right corner labeled, Transferor's Transaction Serial Number ~~the top right corner~~ of ATF form F-4473 (5300.9) Part 1 ~~(10/01) (4/97)~~. When the transaction is approved, the dealer should complete Section B of items 11 through 20 ~~on~~ the ATF form F-4473.

(8) To any potential buyer or transferee intending to formally appeal his non-approval, the dealer will provide a Firearm Purchase Non-Approval Appeal Form (form number FDLE 40-020, January 2002 ~~February 1, 1994~~), incorporated herein by reference, and on file with Secretary of State, that must be completed by the dealer and the potential buyer or transferee. The potential buyer or transferee must take the form to a law enforcement agency, be fingerprinted there, and return the Non-approval Appeal form and fingerprints to FDLE within 21 calendar days. Using the procedures as described in Chapter 11C-8, F.A.C., FDLE will process the formal appeal request. A supply of the appeal forms will be provided by FDLE to dealers upon request. Such requests should be directed to:

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

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

(9) through (12) No change.

(13) All records where the transfer was approved must be maintained by dealers for 20 years as required by Title 27, C.F.R., Part 178. All records where the transfer was non-approved must be kept by dealers in a secure area and kept confidential for five (5) years. This would include the dealer's copy of the Dealer ATF Form F-4473 [5300.9] Part 1 ~~(10/01) (10/98)~~ where the transfer of a firearm was non-approved. Records must be made available to federal, state, county and municipal law enforcement agencies in connection with their official duties upon request during business hours or other reasonable times if the dealer has no regular business hours.

(14) through (17) No change.

(18) Dealers are required to notify FDLE of any changes in their address, telephone number, or federal license status. Failure to do so will result in the dealer's identification number being suspended ~~suspended~~. When the correct address and telephone number can be verified, and all outstanding invoices satisfied, service can be reinstated.

(19) through (20) No change.

Specific Authority 790.065, 943.03(4) FS. Law Implemented 790.065 FS., Title 18, U.S.C., Chapter 44, and Title 27, C.F.R., Part 178. History--New 6-2-91, Amended 7-7-99, 8-22-00, 12-18-00.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Alan Moses, Florida Crime Information Bureau, Criminal Justice Information Services, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7870

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Martha Wright, Bureau Chief, User Services, Criminal Justice Information Services, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 17, 2002

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Criminal History Records 11C-7
 Dissemination Policy

RULE TITLE: RULE NO.:

Procedures on Juvenile Diversion 11C-7.009
 Expunctions

PURPOSE AND EFFECT: To set out procedures to expunge a juvenile criminal history record pursuant to newly enacted Section 943.0583, F.S.

SUMMARY: Proposed Rule 11C-7.009, F.A.C., sets out procedures to apply to expunge, as the term is therein defined, a juvenile criminal history record, pursuant to newly-enacted Section 943.0582, F.S., where the juvenile subject has successfully completed a qualified pre- or post-arrest juvenile diversion program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 790.065, 943.03(4) FS.

LAW IMPLEMENTED: 790.065 FS., Title 18, U.S.C., Chapter 44, and Title 27, C.F.R., Part 178.

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

TIME AND DATE: 10:00 a.m., Wednesday, August 21, 2002

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 4th Floor, Quad A, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alan Moses, Florida Crime Information Bureau, Criminal Justice Information Services, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7870

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-7.009 Procedures on Juvenile Diversion Expunctions.

(1) A minor who has successfully completed a prearrest or postarrest diversion program as authorized by Section 985.3065, F.S., which program satisfies the requirements found at Section 943.0582, F.S., may apply directly to the

Department for expunction of the minor’s juvenile nonjudicial arrest record. The application for the Juvenile Diversion Expunction must include:

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

(b) A completed Application for Juvenile Diversion Expunction. The subject must complete section A of the application. The Application for Juvenile Diversion Expunction, form number FDLE 40-022, (10/01), incorporated here by reference, may be obtained from:

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

(c) A written, certified statement from the state attorney for the county in which the arrest occurred, which meets the requirements set forth in Section 943.0582(3)(c), F.S. The state attorney should complete section B of the Application for Juvenile Diversion Expunction and have it certified.

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

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

(2) The complete application packet should be mailed or delivered, within the time limits prescribed by Section 943.0582, F.S., to Accounting and Budgeting, Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302-1489. The following notation should be placed on the envelope: “ATTENTION EXPUNGE SECTION.”

(3) If the application packet is incomplete the Department will not process it. The incomplete packet, along with the processing fee, will be returned to the subject with an

indication as to the reason for non-acceptance. It will be the subject's responsibility to obtain the missing information and return the complete packet to the Department.

(4) If the application packet is complete, the Department will review the submitted information and the minor subject's criminal history record to determine if the application and the specified record meet the requirements for Juvenile Diversion Expunction, which are listed in Section 943.0582, F.S. Questions regarding the status of the review should be directed to the Expunge Section at (850)410-7870.

(5) The Department will expunge the minor subject's juvenile diversion arrest record if the application and the specified criminal history record meet the requirements for Juvenile Diversion Expunction, and will notify the minor subject or his or her parent or legal guardian and the arresting agency of this action. Such expunction shall be as defined at Section 943.0582(2), F.S. If the application and the specified criminal history record do not meet the requirements for Juvenile Diversion Expunction, the Department will send the subject a letter stating the reason for ineligibility with an explanation of appeal rights.

(6) Upon receipt of notification from the Department that the minor subject's record has been expunged pursuant to Section 943.0582, F.S., the arresting agency shall make a positive association between the individual and the arrest covered by the Department's notification letter and seal the arrest record as specified at Section 943.0582(2)(b); if the arrest record can be identified within the agency's records.

Specific Authority 943.0582 FS. Law Implemented 943.0582 FS. History--New _____.

DEPARTMENT OF LAW ENFORCEMENT

Division of Local Law Enforcement Assistance

RULE CHAPTER TITLE: RULE CHAPTER NO.:
DNA Database Collection 11D-6
RULE TITLES: RULE NOS.:
Definitions 11D-6.001
Procedures 11D-6.003
PURPOSE AND EFFECT: To update statutory changes and forms.

SUMMARY: Effective July 1, 2001, Section 943.325, F.S., was amended to authorize the collection of other approved biological specimens (in addition to blood specimens), as approved by FDLE, for inclusion in the FDLE DNA Database. The rule is being amended to incorporate a definition of "other approved biological specimen" and to set out the approved collection procedures. In addition, the FDLE form utilized by state and local agencies to document each submission of other approved biological specimens to FDLE's DNA Database is being incorporated by reference into the rule.

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

LAW IMPLEMENTED: 943.325 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

TIME AND DATE: 10:00 a.m., Wednesday, August 21, 2002
PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 3rd Floor, Quad C, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe White, Assistant General Counsel, Criminal Justice and Investigations and Forensic Science Program, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8300

THE FULL TEXT OF THE PROPOSED RULES IS:

11D-6.001 Definitions.

As used in Rule 11D-6.003, F.A.C., the following definitions apply:

(1) "Blood sample" shall mean a specimen of whole blood, at least 7 cc in volume.

(2) "Other approved biological specimen" shall mean epithelial cells collected from the cheek in the oral cavity utilizing an FDLE-approved swab collection kit.

~~(3)~~ "Offender" shall mean a person meeting any of the criteria specified in ss. 943.325(1), 943.325(10)(c), 943.325(11), 947.1405(7), 948.03(5)(a)8., or 948.03(10), F.S.

Specific Authority 943.03(4), 943.325(9)(d) FS. Law Implemented 943.325 FS. History--New 7-4-90, Amended 7-6-99, 8-22-00, _____.

11D-6.003 Procedures.

(1) Blood sample collection.

~~(a)~~ The subject offender providing a blood sample must be positively identified in the manner specified by the FDLE Request for DNA Database Entry Form (FDLE/FOR-003, rev. September, 2000 and incorporated by reference) prior to taking the blood samples from such offender.

~~(b)~~ When positive identification of the offender is accomplished, two (2) blood samples shall be taken from the offender in the manner described in s. 943.325(2), F.S.

~~(c)(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.

~~(d)(4)~~ Prior to or immediately after the taking of the samples, the FDLE Request for DNA Database Entry Form (FDLE/FOR-003) 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.

~~(e)(5)~~ Collection, labeling, storage, handling, and transmittal of the blood samples so collected shall be as prescribed in the printed instructions included with each blood sample collection kit. In order to avoid sample degradation, all samples shall be transmitted to the Department of Law Enforcement in the manner prescribed in the instructions. The collecting agency should forward ~~unrefrigerated~~ blood samples so as to assure receipt by the Department within 72 hours of shipping. Additional copies of these instructions can be obtained from FDLE, DNA Database, P. O. Box 1489, Tallahassee, Florida 32302.

(2) Other approved biological specimen collection.

(a) A subject offender providing an other approved biological specimen must be positively identified in the manner specified by the Oral Swab Collection Kit Instructions (FDLE/FOR-005, May 2001, and incorporated by reference) prior to taking the other approved biological specimens from such offender.

(b) When positive identification of the offender is accomplished, approved biological specimens (oral swabs) shall be taken from the offender in the manner described in Section 943.325(2), F.S.

(c) Such samples shall be taken using only the oral swab 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.

(d) Prior to or immediately after the taking of the samples, the FDLE Oral Swab Collection Kit (FDLE/FOR-005) 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. Approved biological specimens 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 approved biological specimen and completed form. Additional supplies of these forms can be obtained from FDLE, DNA Database, P. O. Box 1489, Tallahassee, Florida 32302-1489.

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

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, 7-29-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Joe White, Assistant General Counsel, Criminal Justice and Investigations and Forensic Science Program, Florida Department of Law Enforcement

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barry Funk, Chief of Forensics, Florida Department of Law Enforcement

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 17, 2002

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 Dry Gas Standards Source	11D-8.0036
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 Qualifications for Instructors	11D-8.008
Blood Alcohol Permit – Analyst	11D-8.010
Blood Alcohol Permit – Analyst: Renewal	11D-8.013
Denial, Revocation, and Suspension of Permits	11D-8.014
Forms	11D-8.015
	11D-8.017

PURPOSE AND EFFECT: Proposed revisions to the above rules are necessary to accommodate approval of a new breath test instrument for use in the State of Florida, implement certification of breath test instructors and approval of breath test courses by the Criminal Justice Standards and Training Commission, and ensure the qualifications of blood alcohol analysts.

SUMMARY: Proposed revisions define terms based on scientific and common usage; specify standards for issuance of permits, training requirements and qualifications, approval of blood alcohol analysis methods, and approval, use, and inspection of breath test instruments; and update referenced forms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(e), 327.353(2)(b), 327.354(3) FS.

LAW IMPLEMENTED: 316.1932(1), 316.1933(2), 316.1934(3), 316.1934(5), 322.63(3), 327.352(1), 327.353(2), 327.354(3), 327.354(5) FS.

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

TIME AND DATE: 10:00 a.m., Wednesday, August 21, 2002
 PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 3rd Floor, Quad A, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Rafael E. Madrigal, Assistant General Counsel, Alcohol Testing Program, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULES IS:

11D-8.002 Definitions.

(1) Acceptable Range – means the results of agency or department inspections and dry gas standard analyses which 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; or the Alcohol Reference Solution gas chromatographic results which fall within the following ranges: 0.0605 g/100mL range is 0.0586 to 0.0623 g/100mL; 0.0968 g/100mL range is 0.0938 to 0.0997 g/100mL; 0.2420 g/100mL range is 0.2347 to 0.2492 g/100mL.

(2) through (4) No change.

(5) Agency Inspection – the periodic testing of the calibration and operation of a breath test instrument, including all required preventive maintenance, in accordance with Rule 11D-8.006 Agency Inspection Procedures FDLE/ATP Form 16 – Rev. March 2001, and performed by a person authorized by the Department.

(6) through (8) No change.

(9) Alcohol Reference Solution – a standard used to verify the calibration of a breath test instrument consisting of a mixture of alcohol and distilled or deionized water that will produce have a known alcohol vapor concentration at a specific temperature.

~~(10) Alcohol Stock Solution a mixture of alcohol and distilled or deionized water at a known concentration used to prepare an alcohol reference solution.~~

~~(10)(11) Analyst – a person who has been issued a Blood Analyst permit by the Department to conduct chemical analyses of blood under the provisions of chapters 316, 322, and 327 of the Florida Statutes.~~

~~(11)(12) Approved Blood Alcohol Test – the analyses of two separate portions of the same blood sample using a Department-approved blood alcohol test method and a~~

Department-approved procedure, with results within 0.010 grams of alcohol per 100 milliliters of blood (g/100mL), and reported as the blood alcohol level.

~~(12)~~~~(13)~~ Approved Breath Alcohol Test – a minimum of two samples of breath collected within fifteen minutes of each other, analyzed using an approved breath test instrument, producing two results within 0.020 g/210L, and reported as the breath alcohol level. 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.

~~(13)~~~~(14)~~ Authorized Repair Facility – an entity authorized by the breath test instrument manufacturer to repair such breath test instrument.

~~(14)~~~~(15)~~ Blood – whole blood.

~~(15)~~~~(16)~~ 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).

~~(16)~~~~(17)~~ 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)~~~~(18)~~ Breath Test Instructor – a person who has been issued a Breath Test Instructor certification permit by the Criminal Justice Standards and Training Commission Department.

~~(18)~~~~(19)~~ Breath Test Operator – a person who has been issued a Breath Test Operator permit by the Department.

~~(19)~~~~(20)~~ Department – the Florida Department of Law Enforcement.

~~(20)~~ Dry Gas Standard – a mixture of alcohol and gas which produces a known alcohol vapor concentration used to verify the calibration of a breath test instrument.

(21) through (22) No change.

~~(23)~~ Mouth Alcohol Solution – a mixture of alcohol and distilled or deionized water provided by the Department.

~~(24)~~~~(23)~~ 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 ~~it expires or is determined otherwise invalid~~ by the Department. An inactive permit remains valid, but the permit holder is not authorized to perform duties related to the permit until satisfaction of the applicable requirements.

~~(24)~~ Precision – ~~the nearness of measurements to each other.~~

(25) No change.

(26) Target Concentration – a gas chromatographic result equivalent to the following known alcohol vapor concentrations of alcohol reference solution: 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 0.20 g/210L the target concentration is 0.2420 g/100mL.

Specific Authority ~~316.1932(1)(a)2.,(f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a),(b), 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, 7-6-99, 7-29-01, _____.

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

(1) No change.

(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; and CMI, Inc. Intoxilyzer 8000 using software approved by the Department in accordance with Instrument Evaluation Procedures FDLE/ATP Form 34 – Rev. March 2002.

(3) No change.

(4) No change.

(a) through (e) No change.

(f) A schematic design and a mechanical drawing of the instrument;

(g) through (j) No change.

(5) through (6) No change.

(7) The availability or approval of new instruments, software, options or modifications does not negate the approval status of previously approved instruments, software, options or modifications.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a),(b), 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, 7-29-01, _____.

11D-8.0036 Approval of Dry Gas Standards Source.

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

(a) The source must produce dry gas standards which comply with specifications of the National Institute of Standards and Technology.

(b) Each dry gas standard cylinder produced by the source must be certified by the source as to its contents and vapor alcohol concentration.

(c) The source must be capable of producing a minimum of 800 cylinders of dry gas standard during a thirty day period at a vapor alcohol concentration of 0.08 g/210L.

(d) The source must have performed and documented tests that demonstrate that the source's dry gas standards are reliable for at least two years from the date of manufacture.

(e) The Department shall verify using infrared spectroscopy or another scientifically accepted method the vapor alcohol concentration in a minimum of ten sample cylinders of dry gas standard produced by the source. Ten (10) analyses will be performed on each sample cylinder of dry gas standard using an approved breath test instrument. All analytical results must fall within the dry gas standard acceptable range. The calibration of the breath test instrument shall be verified prior to analysis of the dry gas standards by obtaining two results of alcohol reference solution concentrations of 0.05 g/210L, 0.08 g/210L, and 0.20 g/210L.

(2) Dry gas standard cylinders produced by the approved source must be used in agency or Department inspections within two years of the date of manufacture.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a),(b), 327.352(1)(b)3, 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

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 initially placed into evidentiary use by an agency. The registration denotes an instrument approved pursuant to these rules and shall reflect the registration date, the owner of the instrument, the instrument serial number, the manufacturer, and the model designation. A new registration is required to reflect a change of ownership of an evidentiary instrument.

(2) No change.

(3) Department inspections shall be conducted in accordance with Department Inspection Procedures FDLE/ATP Form 35 – Rev. March 2001 2002 for the Intoxilyzer 5000 Series, or Department Inspection Procedures - Intoxilyzer 8000 FDLE/ATP Form 36 – March 2002 for the Intoxilyzer 8000.

(4) Department Inspectors shall be employed by the Department to register evidentiary breath test instruments, to conduct inspections and maintenance of breath test instruments and related equipment and facilities, to conduct and monitor training classes, and to otherwise ensure compliance with Chapter 11D-8, Florida Administrative Code.

Specific Authority 316.1932(1)(a)2.,(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, 7-29-01,_____.

11D-8.006 Agency Inspection of Breath Test Instruments.

(1) Evidentiary breath test instruments shall be inspected by an agency inspector at least once each calendar month. The agency inspection shall be conducted in accordance with Agency Inspection Procedures FDLE/ATP Form 16 – Rev.

March 2002 for the Intoxilyzer 5000 Series, or Agency Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 39 – March 2002 for the Intoxilyzer 8000 2001.

~~(2) Agency inspectors must use either alcohol reference solution provided by the Department or by a source approved by the Department, or alcohol stock solution provided by the Department.~~

~~(3) Records of agency inspections shall be maintained for at least three years. Such records shall be provided to the Department upon request.~~

~~(2)(4) Evidentiary breath test instruments shall be inspected at the agency facility where evidentiary breath tests are conducted. Whenever an agency relocates an Intoxilyzer 5000 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.~~

~~(3)(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 and conduct an agency inspection when an instrument is again placed in evidentiary use or is returned from an authorized repair facility. The agency shall also conduct an agency inspection prior to returning an instrument to evidentiary use.~~

Specific Authority 316.1932(1)(a)2.,(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, 7-29-01,_____.

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

(1) No change.

(2) The instrument will be located in a secured environment which limits access to authorized persons described in section (1), and will be kept clean and dry. All breath test facilities, equipment and supplies are subject to inspection by the Department.

(3) No change.

(4) When operating an Intoxilyzer 5000 Series instrument, a A breath test operator shall conduct a breath test in accordance with the Operational Procedures Checklist FDLE/ATP Form 23 Effective January, 1997, and shall record the results on the Breath Test Results Affidavit FDLE/ATP Form 14 – Rev. March 2002 Effective May, 2000. When operating an Intoxilyzer 8000 instrument, a breath test operator shall conduct a breath test in accordance with Intoxilyzer Operational Procedures – Intoxilyzer 8000 FDLE/ATP Form 37 – March 2002, and the results of the test shall be recorded on the Breath Alcohol Test Affidavit – Intoxilyzer 8000 FDLE/ATP Form 38 – March 2002.

(5) Each agency shall record all breath tests conducted on a particular Intoxilyzer 5000 Series evidentiary 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.,(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, 7-29-01, _____.

11D-8.0075 Agency Retention of Records.

(1) Each agency shall maintain the following records for at least three years from the last entry date: ~~breath test instrument registrations,~~ agency inspection reports and agency inspection print cards, breath test logs, and breath test instrument repair records. The breath test instrument registration shall be retained by an agency for at least three years after the instrument is removed from evidentiary use.

(2) through (3) No change.

Specific Authority 316.1932(1)(a)2.,(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 7-29-01, Amended _____.

11D-8.008 Breath Test Operator and Agency Inspector.

(1) No change.

(a) through (c) No change.

(d) Successful completion of the basic Breath Test Operator Course ~~breath test operator qualification course~~ approved by the Criminal Justice Standards and Training Commission 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 applicable procedures for such instrument Operational Procedures Checklist ~~FDLE/ATP Form 23 – Effective January 1997;~~

2. Properly completing the required forms ~~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 or electronic application ~~on the Breath Test Permit Application~~ FDLE/ATP Form 8 – Rev. March 2001, and copies of the certificate of completion, examination results, proficiency testing documentation and proof of age upon successful completion of the breath test operator ~~qualification~~ course, but no later than ninety ~~thirty~~ days after completion. The applicant shall also provide the above documentation to the applicant’s employing agency.

(2) No change.

(a) No change.

(b) Successfully completes the basic Agency Inspector Course ~~agency inspector qualification course~~ approved by the Criminal Justice Standards and Training Commission 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 procedures for such instrument Agency Inspection Procedures ~~FDLE/ATP Form 16 – Rev. March 2001;~~

2. Proper completion of all required forms, ~~the Agency Inspection Report~~ FDLE/ATP Form 24 – Rev. March 2001;

3. Review of the breath test log to ensure that all necessary information has been correctly recorded and signing the form on the space provided.

(c) Submits to the Department a complete written or electronic application ~~on the Breath Test Permit Application~~ FDLE/ATP Form 8 – Rev. March 2001, and copies of the certificate of completion, examination results and proficiency testing documentation upon successful completion of the agency inspector ~~qualification~~ course, but no later than ninety ~~thirty~~ days after completion. The applicant shall also provide the above documentation to the applicant’s employing agency.

(3) Breath Test Operators and Agency Inspectors must satisfy continuing education requirements in order to maintain valid permits, and must provide proof of compliance to their employing agencies. Continuing education requires successful completion of the Commission-approved Renewal Course by June 30 following the four (4) year permit anniversary date, and during each subsequent four-year cycle. Successful completion of the Commission-approved Agency Inspector Renewal Course also satisfies an Agency Inspector’s breath test operator continuing education requirements. A breath test operator permit or an agency inspector permit shall be valid for two years from its effective date.

(4) Any Breath Test Operator or Agency Inspector who fails to satisfy the continuing education requirements shall not perform any duties authorized by the permit, and such permit shall become inactive until successful completion of the applicable basic course in paragraph (1)(d) or (2)(b) above. Any permit that remains inactive under this section for more than three (3) months shall be revoked. 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. March 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 expired permit is not renewed within sixty (60) days after expiration must meet the qualification requirements specified in subsection (1) or (2), whichever is applicable, in order to obtain a valid permit.~~

~~(5)(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.~~

~~(6)(8) Permits to conduct breath tests and inspect breath test instruments issued pursuant to former Chapter 11D-8.008, F.A.C., shall remain valid until such permits expire or otherwise become invalid in accordance with those rules.~~

~~(7)(9) Agency Inspectors are responsible for compliance with Chapter 11D-8, F.A.C., rules governing agency custody, care, and inspection of breath test instruments and related records.~~

~~(8)(10) Any breath test operator or agency inspector who fails to successfully complete the Commission-approved renewal training course shall not perform any duties authorized by the applicable permit until successful completion of the Commission-approved applicable renewal training course if within the continuing education cycle, or Commission-approved basic qualification course if beyond the continuing education cycle.~~

Specific Authority 316.1932(1)(a)2.,(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, 7-29-01, _____.

11D-8.010 Qualifications for Instructors.

(1) Persons who conduct ~~Department approved~~ breath test training courses must have a valid Breath Test Instructor certification ~~breath test instructor permit~~ issued by the Criminal Justice Standards and Training Commission, and such persons shall be deemed permitted by the Department to conduct breath test training courses. ~~This does not preclude instruction by guest instructors under the supervision of permitted instructors.~~

(2) Applicants for breath test 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 breath test 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. March 2001, upon successful completion of the breath test instructor qualification course, but no later than thirty days after completion.~~

~~(f) Applicants must meet qualifications (a), (b) and (c) prior to attending the breath test instructor qualification course.~~

~~(g) The above qualifications do not apply to persons who were issued breath test instructor permits prior to January 1, 1998.~~

~~(2)(3) Unless exempted by the Commission, at least once every four years Effective January 1, 2002, during each calendar year each breath test instructor must successfully complete the Commission-approved breath test instructor update certification renewal course approved by the Department in order to remain qualified for a breath test instructor permit certification. Successful completion of the breath test instructor update certification renewal course satisfies automatically renews that person's agency inspector and breath test operator continuing education requirements permits.~~

~~(3)(4) Breath test instructors must adhere to and comply with the approved curricula and related forms when teaching Commission or Department approved courses and processing related documentation.~~

Specific Authority 316.1932(1)(a)2.,(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, 7-29-01, _____.

11D-8.013 Blood Alcohol Permit – Analyst.

(1) The application for a permit to determine the alcohol level of a blood sample shall be made on a form provided by the Department and shall include the following information:

- (a) through (d) No change.
- (e) A complete description of proposed analytical procedure(s) to be used in determining blood alcohol level. Such description must include the following:
 1. A statement of the basic principle of the method utilized in the analytical procedure;
 2. Identification of the equipment, reagents, calibrators and controls utilized in the analytical procedure, and assurance of the following:

~~a. The documentation pertaining to ethyl alcohol calibration standards and controls used, whether purchased commercially or prepared by the analyst, includes the source of such materials and either the lot number and expiration date, if purchased, or the date and method of preparation and the verification by the analyst of the final product, if prepared. Such documentation must be maintained by the analyst or the laboratory; and,~~

~~b. That the concentration range over which the analytical procedure is calibrated must include a calibrator less than 0.04 g/100ml of alcohol and a calibrator greater than 0.20 g/100ml of alcohol. Documentation of the calibrated concentration range must be available and maintained by the analyst or the laboratory; and,~~

~~c. That prior to each sample or group of samples being analyzed a new instrument calibration curve is prepared or the current instrument calibration curve is validated. Such validation must include a minimum of two (2) alcohol standards or controls, one at 0.05 g/100ml of alcohol or lower, and one at 0.20 g/100ml of alcohol or higher. Documentation of calibration or validation must be available and maintained by the analyst or the laboratory; and,~~

~~3. A detailed description of the techniques employed for the analysis, including assurance of the following:~~

~~a. For gas chromatography procedures,~~

~~i. That the procedure will discriminate between methanol, ethanol, acetone and isopropanol. Documentation of such discrimination (retention time data or a test chromatogram) must be available and maintained by the analyst or the laboratory; and,~~

~~ii. That the procedure employs an internal standard technique.~~

~~b. For enzymatic procedures, based on alcohol dehydrogenase,~~

~~i. That the procedure recommended by the instrument manufacturer/test kit vendor for whole blood alcohol analysis is utilized. Documentation of the procedure utilized must be available and maintained by the analyst or the laboratory; and,~~

~~ii. That the enzyme used in the procedure has sufficient selectivity to provide negligible cross-reactivity towards methanol, acetone and isopropanol. Documentation of such cross reactivity must be available and maintained by the analyst or the laboratory.~~

~~(2) Qualifications for blood analyst permit – To qualify, the applicant must determine blood alcohol level to the satisfaction of the Department using his/her proposed analytical procedure(s) in proficiency samples provided by the Department and meet all of the following requirements:~~

~~(a) Department approval of analytical procedure(s).~~

~~(b) Satisfactory determination of blood alcohol level in five proficiency samples provided by the Department using the proposed analytical procedure. Satisfactory determination shall be made by reporting results for blood alcohol proficiency~~

~~samples within the acceptable range for the samples. For blood alcohol testing, acceptable ranges shall mean the calculated proficiency sample mean + or – 3 standard deviations iterated twice. The mean and standard deviations will be calculated using the results reported by the analysts and reference laboratories;~~

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

~~(3) The department shall approve gas chromatographic analytical procedures and enzymatic analytical procedures based on alcohol dehydrogenase which meet the following requirements:~~

~~(a) Includes the approved method used and a description of the method, and the equipment, reagents, standards, and controls used;~~

~~(b) Uses commercially-prepared standards and controls certified by the manufacturer, or laboratory-prepared standards and controls verified using gas chromatography against certified standards. For commercially-prepared standards and controls, the manufacturer, lot number and expiration date must be documented for each sample or group of samples being analyzed. For laboratory-prepared standards and controls, date, person preparing the solution, method of preparation and verification must be documented;~~

~~(c) Employs a concentration range over which the procedure is calibrated with documentation supporting that the calibration is linear over the stated range. The calibration must employ a standard less than 0.04 g/100mL and a standard greater than 0.20 g/100mL;~~

~~(d) Uses a new or existing calibration curve. The new calibration curve must be generated using at least three (3) standards: one at 0.05 g/100mL or less, one between 0.05 and 0.20 g/100mL (inclusive) and one at 0.20 g/100mL or higher, and must be verified using a minimum of two (2) controls, one at 0.05 g/100mL or less and one at 0.20g/100mL or higher. The existing calibration curve must be verified using a minimum of two (2) controls, one at 0.05 g/100mL or less and one at 0.20g/100mL or higher;~~

~~(e) Includes the analysis of a blank, alcohol-free control, and the analysis of a whole blood or serum control;~~

~~(f) A gas chromatographic analytical procedure must discriminate between methanol, ethanol, acetone and isopropanol and employ an internal standard technique;~~

~~(g) An enzymatic analytical procedure based on alcohol dehydrogenase must use the procedure recommended by the instrument manufacturer/test kit vendor for whole blood alcohol analysis, and the enzyme used must have sufficient selectivity to provide negligible cross-reactivity towards methanol, acetone and isopropanol.~~

~~(4)(3) The permit shall be issued by the Department for a specific method and procedure. Any substantial change to the method, analytical procedure, or laboratory facility must receive prior approval by the Department before being used to~~

determine the blood alcohol level of a sample submitted by an agency. The Department shall determine what constitutes a substantial change.

(5) An analyst shall only use a Department-approved procedure to determine the blood alcohol level of samples submitted by an agency. Approval of blood alcohol analysis methods and procedures shall be based on rule requirements in effect at the time they were submitted for approval.

Specific Authority 316.1932(1)(a)2.,(f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(b)(4), 327.352(1)(b)3.,(4) FS. Law Implemented 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(b)(e), 327.353(2), 327.354(3) FS. History–New 10-31-93, Amended 4-1-94, 2-1-95, 1-1-97, _____.

11D-8.014 Blood Alcohol Permit – Analyst: Renewal.

~~(1) Permits to conduct blood alcohol analyses shall be issued to persons meeting the qualifications described in Rule 11D-8.013, F.A.C., provided that the analyst has satisfactorily determined blood alcohol level when analyzing blood proficiency samples submitted by the Department. Such blood alcohol permit shall remain valid until otherwise suspended or revoked by the Department. In order to remain qualified for such permit, an analyst must satisfactorily determine the blood alcohol level of at least two (2) proficiency samples provided by the Department each annual quarter. Satisfactory determination shall be made by reporting results for blood alcohol proficiency samples within the acceptable range for the samples. For blood alcohol testing acceptable ranges shall mean the calculated proficiency sample mean + or – 3 standard deviations iterated twice. The mean and standard deviations will be calculated using the results reported by the analysts and reference laboratories.~~

(2) No change.

~~(3) Renewal of the permit requires regular participation and demonstration of proficiency on blood alcohol proficiency samples distributed by the Department.~~

~~(3)(4) Upon notification by the Department that an analyst has failed to satisfactorily determine the blood alcohol level on any set of proficiency samples, the analyst shall be required to satisfactorily determine the blood alcohol level of a second set of five proficiency samples provided by the Department submit, upon request by the Department, a report verifying his/her adherence to the approved procedures, the laboratory quality assurance procedures, and/or if applicable, a remedial plan.~~

~~(4) Upon notification by the Department that an analyst has failed to satisfactorily determine the blood alcohol level on a second set of proficiency samples within one year from notification of the initial failure, the analyst shall not perform any duties authorized by the analyst’s permit will be suspended until the analyst satisfactorily determines the blood alcohol level of a subsequent set of proficiency samples provided by the Department for a minimum of six months. Any analyst whose permit has been suspended in accordance with this section must meet the requirements in 11D-8.013 in order to be~~

~~eligible for a blood alcohol permit.~~ This section shall not preclude the Department from taking further action in accordance with Chapter 11D-8.015, F.A.C.

(5) Failure to satisfactorily determine the blood alcohol level of any six (6) sets of proficiency samples provided by the Department within a twelve (12) month period shall result in revocation of the blood analyst permit.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 327.352(1)(b)3.,(4) 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), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, _____.

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

~~(1) Notwithstanding an applicant’s qualifications under section 11D-8.008, the Department shall deny an application for an original permit or renewal of a permit where the applicant:~~

(a) No change.

(b) Has been convicted of any of the following offenses in any federal or state court:

1. through 4. No change.

5. Leaving the scene of a ~~crash an accident~~ involving death or serious bodily injury.

(c) through (d) No change.

(2) No change.

(3) The Department is authorized to ~~permanently~~ revoke any permit for any of the following reasons:

(a) through (b) No change.

(c) No change.

1. through 3. No change.

4. Leaving the scene of a ~~crash an accident~~ involving death or serious bodily injury;

5. No change.

(d) through (e) No change.

(4) The Department is authorized to require a breath test operator, agency inspector, breath test instructor, or analyst permit holder who violates any of these rules to attend additional training or education related to their certification or such permit.

(5) through (6) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a)(b), 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, 7-29-01, _____.

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 March 2001.~~

FDLE/ATP Form 13 – Breath Test Log – Effective January 1997.

THE FULL TEXT OF THE PROPOSED RULES IS:

11D-9.001 Definitions.

As used in these Rules, except where the context clearly indicates a different meaning, the following terms shall have the meaning indicated:

(1) "Act" means the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, et. seq., Anti-Drug Abuse Act of 1988, Public Law 100-690, as amended.

(2) No change.

(3) "Byrne Program" means the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program BCA" means the Bureau of Community Assistance, Division of Housing and Community Development, Florida Department of Community Affairs

(4) "CJRI Plan" means the Criminal Justice Records Improvement Plan Department" means the Florida Department of Law Enforcement.

(5) "Criminal History Records (CHR) Set-aside Funds" means that percentage of available Anti-Drug Abuse Act of 1988 funds as determined by the BJA which must be utilized by state and local units of government for the purpose of improving the completeness, accuracy and timely submission of the information contained within offender criminal history records Narcotics Control" means activities pertaining to the enforcement of state controlled substances laws, including but not limited to, police efforts to prevent, control, or reduce the manufacture, importation, distribution, possession, or use of controlled substances or to apprehend individuals, including juveniles involved in the manufacture, importation, distribution, possession or use of controlled substances; activities of courts having criminal jurisdiction, and related agencies, including but not limited to prosecutorial and defender services, juvenile delinquency agencies, and pretrial release agencies as those activities relate to the processing of individuals charged with or convicted of violations of state controlled substances laws; activities of corrections, probation or parole authorities and related agencies assisting in the rehabilitation, supervision, and care of offenders convicted of violations of state controlled substances laws; and programs which identify and meet the needs of drug dependent offenders.

(6) "Criminal Justice System" means agencies established by state and local units of government to apprehend, prosecute, and adjudicate criminal offenders, including correctional agencies established to carry out the sentence imposed upon criminal offenders. Controlled Substance" means any substance named or described in Schedules I through V of Section 893.03, Florida Statutes.

(7) "Department" means the Florida Department of Law Enforcement. Criminal Justice System" means agencies established by state and local units of government to

~~apprehend, prosecute, and adjudicate criminal offenders, including correctional agencies established to carry out the sentence imposed upon criminal offenders.~~

(8) "Eligible Application" is an application for Act funds, which meets the requirements of Rules 11D-9.002, 11D-9.003, 11D-9.004 and 11D-9.005, F.A.C. Comprehensive Anti-Drug Abuse Strategy" means those activities necessary to formulate and implement local policies designed to reduce the use, transfer and production of controlled substances, including the coordination of drug control efforts and the targeting of Federal, state and local anti drug abuse resources within the applicant's jurisdiction.

(9) "Florida's Federal Funding Work Group" means the organizational body which will provide recommendations to the Department regarding the state's effort to improve the contents of Florida's Criminal History Records in accordance with the requirements of the federal Anti-Drug Abuse Act of 1988. The work group shall consist of a representative from the Office of the State Courts Administrator, the Florida Department of Law Enforcement, the Florida Department of Corrections, the Florida Department of Juvenile Justice and the Florida Association of Court Clerks. State Applicant" means any unit of the executive, legislative or judicial branches of state government which performs functions related to the purposes of the Act and is involved with the Governor's Drug Policy Task Force.

(10) "Local Applicant" means any governing body of a city or county, however styled, including that of a consolidated or metropolitan government and including an Indian Tribe which performs law enforcement functions as determined by the Secretary of the Interior. Each application for anti drug abuse funds shall represent agreement on expenditure of grant funds among at least 51 percent of the local units of government which also represent at least 51 percent of the population within the geographic boundaries of the applicant's county.

(11) "OCJG" means the Office of Criminal Justice Grants, Business Support Programs, Florida Department of Law Enforcement. Eligible Application" is an application for Act funds, which meets the requirements of Rule 11D-9.002, Rule 11D-9.003, Rule 11D-9.004 and Rule 11D-9.005, F.A.C.

(12) "State Applicant" means any unit of the executive, legislative or judicial branches of state government which performs functions related to the purposes of the Act. Drug Problem Identification Matrix" means a set of statistical factors and values used by the Department to ascertain the degree of the drug problem within any particular county relative to any other particular county.

(13) "Statewide Strategy for Drug Control, Violence Prevention, and System Improvement" means a policy designed to address the problems of illegal drug use and violent crime and to improve the efficiency and effectiveness of the criminal justice system in accordance with the Act.

~~Criminal History Records (CHR) Set-aside Funds” means that percentage of available Anti Drug Abuse Act of 1988 funds as determined by the BJA which must be utilized by state and local units for the purpose of improving the completeness, accuracy and timely submission of the information contained within offender criminal history records.~~

(14) “Substance Abuse and Violent Crime Identification Matrix” means a set of statistical factors and values used by the Department to ascertain the degree of the drug problem or violent crime within any particular county relative to any other particular county. Florida’s Federal Funding Work Group” means the organizational body which will provide oversight to the state’s effort to improve the contents of Florida’s Criminal History Records in accordance with the requirements of the federal Anti Drug Abuse Act of 1988. The work group shall consist of a representative from the Office of the State Courts Administrator, the Florida Department of Law Enforcement, the Florida Department of Corrections, the Florida Department of Juvenile Justice and the Florida Association of Court Clerks.

Specific Authority 943.03(4), 943.403 FS. Law Implemented 943.02, 943.25(1), 943.402 FS. History—New 2-6-90, Amended 4-2-92, 2-7-95, Formerly 9G-16.002, Amended 3-8-99, Formerly 9B-61.002, Amended _____.

11D-9.002 Funds Availability.

(1) through (2) No change.

(3) The percentage of funds obligated to state units of government, in the aggregate, ~~including state law enforcement agencies, state corrections agencies, state attorneys, public defenders and circuit courts~~ shall be no more than that percentage equal to the state government share of total state and local criminal justice expenditures as determined annually by the BJA.

(a) through (b) No change.

(4) The percentage of federal funds obligated to local units of government, in the aggregate, shall be no less than the percentage equal to the local government share of total state and local criminal justice expenditures as determined annually by the BJA.

(a) The Department shall establish a Substance Abuse and Violent Crime Drug Problem Identification Matrix which, ~~less Criminal History Records Set-aside Funds~~, shall be used, in conjunction with population, to determine the ~~priority order in which Act funds, less Criminal History Records Set-aside Funds, will be made available to units of local government. It shall also be used, in conjunction with population, to determine the amount of funds allocated to each county in accordance with paragraph 11D-9.002(4)(c), F.A.C., of this subsection. Through analysis of statewide databases, the Department shall determine the rate, trend and magnitude of the following group indices and their identified variables for the most recent previous five years of available data in each of Florida’s counties:~~

1. Violent Serious Crime Index.

a. through d. No change.

2. Juvenile Involvement in Drugs Index.

a. Number of juveniles arrested for sale and possession of marijuana.

b. Number of juveniles arrested for sale and possession of cocaine marijuana.

~~e. Number of juveniles arrested for sale of cocaine.~~

~~d. Number of juveniles arrested for possession of cocaine.~~

3. Drug Arrest Index.

a. Number of arrests for sale and possession of ~~selling~~ any drug.

b. Number of arrests for possession of any drug.

4. Cocaine Factor Index.

a. Number of arrests for sale and possession of cocaine.

b. Number of arrests for possession of cocaine.

(b) Based on the rate, trend and magnitude of these indices in each county relative to every other county, the Department shall generate a ~~rank order~~ listing of the counties. Such ~~rank order~~ listing shall be generated every two years.

(c) Each county, ~~in rank order~~, shall be allocated a percentage of local share federal funds equal to one-half of the sum of that county’s percentage of statewide need as determined by the Substance Abuse and Violent Crime Drug Problem Identification Matrix plus that county’s percentage of the total state population.

(d) Each application for local share Byrne Program funds shall represent agreement on expenditure of grant funds among at least 51 percent of the local units of government which also represent at least 51 percent of the population within the geographic boundaries of the applicant’s county. In the event that at least 51 percent of the units of government which also represent at least 51 percent of the population in any county are unable to agree upon the expenditure of funds by the application deadline established by the program announcement or are unable to expend all of their allocated funds by the end of the grant period, said funds shall be distributed at the discretion of the Department.

(e) In the event that at least 51 percent of the units of government which also represent at least 51 percent of the population in any county are unable to agree upon the expenditure of funds by the application deadline established by the program announcement or are unable to expend all of their allocated funds by the end of the grant period, said funds shall be distributed at the discretion of the Department.

(5) The Department, ~~in consultation with the Florida Federal Funding Work Group~~, shall allocate local CHR set-aside funds to the criminal justice system for the purpose of improving the completeness, accuracy and timely submission of information contained in the Florida Department of Law Enforcement’s offender criminal history records. The recommendations of the Florida Federal Work Group shall be considered by the Department prior to such allocation.

(a) Local recipients of CHR set-aside funds shall be notified by the Department.

(b) The requirement for 51 percent letters that applies to other local applications does not apply in this case.

Specific Authority 943.03(4), 943.403 FS. Law Implemented 943.02, 943.25(1), 943.402 FS. History—New 2-6-90, Amended 4-2-92, 2-7-95, Formerly 9G-16.003, Amended 3-8-99, Formerly 9B-61.003, Amended

11D-9.003 Limitations on Funds Use.

Restrictions on the use of monies for routine equipment, personnel costs, constructions and supplanting of state and local funds, land acquisition, and the number of months applicants may receive financial support are as follows:

(1) through (4) No change.

(5) Non-Supplantation. Grant funds shall not be used to supplant state or local funds, but will be used to increase the amounts of such funds that would, in the absence of grants funds, be made available for drug and violent crime law enforcement activities.

(6) Projects which have received grant funds made available under the Act for an aggregate of 48 calendar months, including funds received under the Anti-Drug Abuse Act of 1986 and the Justice Assistance Act of 1984, shall not be considered an eligible project in any subsequent funding cycle, except for the following projects:

(a) through (b) No change.

(c) Criminal History Records when waived by BJA, because it is essential to continue funding a particular subgrantee to complete an individual project beyond 4 years in order to achieve the goals established by the Act and State's approved CJRI Plan.

Specific Authority 943.03(4), 943.403 FS. Law Implemented 943.02, 943.25(1), 943.402 FS. History—New 2-6-90, Amended 2-7-95, Formerly 9G-16.006, Formerly 9B-61.006, Amended

11D-9.004 Eligible Purposes and Programs.

The Act provides that funds may only be used for the purposes as authorized by Congress pursuant to Title I of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, et. seq., as amended listed below. Any other uses, or proposed uses shall be denied.

~~(1) Demand reduction education programs in which law enforcement officers participate.~~

~~(2) Multijurisdictional programs that integrate federal, state and local law enforcement agencies and prosecutors for the purpose of enhancing interagency coordination and intelligence and facilitating multijurisdictional investigations.~~

~~(3) Programs designed to target the domestic sources of controlled and illegal substances such as precursor chemicals, diverted pharmaceuticals, clandestine laboratories and cannabis cultivations.~~

~~(4) Providing community and neighborhood programs that assist citizens in preventing and controlling crime, including special programs that address the problems of crimes committed against the elderly and special programs for rural jurisdictions.~~

~~(5) Disrupting illicit commerce in stolen goods and property.~~

~~(6) Improving the investigation and prosecution of white collar crime, organized crime, public corruption crimes and fraud against the government with priority attention to cases involving drug related corruption.~~

~~(7) Improving the operational effectiveness of law enforcement through the use of crime analysis techniques, street sales enforcement, school yard violator programs, and developing and implementing anti terrorism plans for deep water ports, international airports and other important facilities.~~

~~(8) Career criminal prosecution programs, including the development of model drug control legislation.~~

~~(9) Financial investigative programs that target the identification of money laundering operations and assets obtained through illegal drug trafficking, including the development of model legislation, financial investigative training and financial information sharing systems.~~

~~(10) Improving the operational effectiveness of the court process, such as court delay reduction programs and enhancement programs.~~

~~(11) Programs designed to provide additional public correctional resources and improve the corrections system, including treatment in prisons and jails, intensive supervision programs and long range corrections and sentencing strategies.~~

~~(12) Providing prison industry projects designed to place inmates in a realistic working and training environment which will enable them to acquire marketable skills and to make financial payments for restitution to their victims, for support of their own families and for support of themselves in the institution.~~

~~(13) Providing programs which identify and meet the treatment needs of adult and juvenile drug dependent and alcohol dependent offenders.~~

~~(14) Developing and implementing programs which provide assistance to jurors and witnesses, and assistance (other than compensation) to victims of crime.~~

~~(15) Developing programs to improve drug control technology, such as pre trial drug testing programs, programs which provide for the identification, assessment, referral to treatment, case management and monitoring of drug dependent offenders; enhancement of state and local forensic programs, and criminal justice information systems to assist law enforcement, prosecution, courts and corrections organizations, including automated fingerprint identification systems.~~

~~(16) Innovative programs which demonstrate new and different approaches to enforcement, prosecution and adjudication of drug offenses and other serious crimes.~~

~~(17) Addressing the problems of drug trafficking and the illegal manufacture of controlled substances in public housing.~~

~~(18) Improving the criminal and juvenile justice system's response to domestic and family violence, including spouse abuse, child abuse and abuse of the elderly.~~

~~(19) Drug control evaluation programs which state and local units of government may utilize to evaluate programs and projects directed at state drug control activities.~~

~~(20) Providing alternatives to prevent detention, jail and prison for persons who pose no danger to the community.~~

~~(21) Programs to strengthen urban enforcement and prosecution efforts targeted at street drug sales.~~

~~(22) Counties which appoint a Substance Abuse Board and designate an Office of Substance Abuse Policy may use a percentage of their total allocation, as determined by the Act, to provide administrative support to such Board and Office.~~

~~(23) Programs that address the need for effective bind over systems for the prosecution of violent 16 and 17 year old juveniles in courts with jurisdiction over adults for the crimes of:~~

- ~~(a) Murder in the first degree.~~
- ~~(b) Murder in the second degree.~~
- ~~(c) Attempted murder.~~
- ~~(d) Armed robbery when armed with a firearm.~~
- ~~(e) Aggravated battery or assault when armed with a firearm.~~
- ~~(f) Criminal sexual penetration when armed with a firearm.~~
- ~~(g) Drive by shooting.~~

~~(24) Law Enforcement and prevention programs relating to gangs, or to youth who are involved or at risk of involvement in gangs.~~

~~(25) Developing or improving in a forensic laboratory a capability to analyze deoxyribonucleic acid (DNA) for identification purposes.~~

~~(26) Assisting in the litigation processing of death penalty Federal habeas corpus petitions.~~

Specific Authority 943.03(4), 943.403 FS. Law Implemented 943.02, 943.25(1), 943.402 FS. History—New 2-6-90, Amended 2-7-95, Formerly 9G-16.007, Formerly 9B-61.007, Amended _____.

11D-9.005 Application and Award Procedures.

(1) Notification Process for Local Applicants.

(a) No change.

(b) In addition to the notice specified in paragraph (1)(a) of this section, the Department shall send notice of the funding cycle and, a program announcement and application forms to the Chairman, Board of County Commissioners, in each county. The Department shall also provide a courtesy copy of

said notice and program announcement to the Chief Elected Official Chairman of the governing body of each city located in each county so notified.

(c) The Chairman, Board of County Commissioners, in each county so notified shall return to the Department within 30 days of receiving notification, a statement of certification indicating the county's willingness to serve as the coordinating unit of government for at least 51 percent % of the units of government which also represent at least 51 percent of the population located in said county. When the county identifies a county coordinator, the Department shall send application forms to the coordinator.

(d) No change.

(2) Local Application Process.

(a) Each applicant is encouraged to appoint a Substance Abuse and Violent Crime Policy Advisory Board, the membership of which shall include at a minimum the following persons or their authorized designee: Chief Circuit Judge, State Attorney, Public Defender, Sheriff, Chief of Police of each municipality within the county or a Chief of Police designated by those Chiefs of Police as their representative, Jail Administrator, Clerk of the Court, Superintendent of Education and a representative of local drug treatment programs. An existing Board or Council whose membership includes the listed representatives may be utilized in lieu of appointing a new Board or Council. The Substance Abuse and Violent Crime Policy Advisory Board shall serve as the primary body for coordinating drug abuse efforts undertaken with funds provided by the Act.

(b) Each applicant is encouraged to designate an Office of Substance Abuse and Violent Crime Policy for the purposes of:

1. Providing administrative support to the Substance Abuse and Violent Crime Policy Advisory Board;
2. Preparing an application on behalf of at least 51 percent % of the local units of government that which also represents at least 51 percent of the population in the applicant's county;
3. Administering funds received from the OCJG BCA, including receipt, review, processing, monitoring, progress and financial report review, technical assistance, grant adjustment, accounting, auditing and fund disbursements; and
4. Coordinating the drug control and violent crime prevention and enforcement activities of the county's criminal justice system, education system and drug treatment systems.

(c) An office or agency performing other functions within the applicant unit of government may be designated as the Office of Substance Abuse and Violent Crime Policy.

(d) Applicants who submit proposals to the Department for consideration shall submit two originals of the completed application package, Subgrant Application for Anti Drug Abuse Act Funds, (Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program), BCA-CJ Form 1, effective 6-22-00 incorporated herein by this reference.

(e) The Department shall review all applications for Act funds and shall reject any application not meeting the requirements of these rules and applicable federal and state laws.

~~1. The application must be received by the Department on or before the submission deadline noted in the program announcement.~~

~~2. The application must be signed in accordance with the subgrant application instructions.~~

Specific Authority 943.03(4), 943.403 FS. Law Implemented 943.02, 943.25(1), 943.402 FS. History—New 2-6-90, Amended 2-7-95, Formerly 9G-16.008, Amended 6-22-00, Formerly 9B-61.008, Amended.

11D-9.006 Forms and Instructions.

Copies of the materials and forms incorporated by reference herein may be obtained by writing or calling: Criminal Justice Grants Administrator, Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308. Telephone: (850)410-8700.

Forms Required

- 1. Financial Claims Report OCJG-001 (rev.03/25/2002)
- 2. Financial Closeout Package OCJG-002 (rev.03/25/2002)
- 3. Project Generated Income Agreement OCJG-003 (rev.03/25/2002)
- 4. Program Generated Income Report OCJG-004 (rev.03/25/2002)
- 5. Application for Funding Assistance OCJG-005 (rev.03/25/2002)
- 6. Certification of Compliance with Equal Employment Opportunity (EEO) Program Requirements/Subgrantee Certification OCJG-006 (rev.03/25/2002)
- 7. Certification of Compliance with Equal Employment Opportunity (EEO) Program Requirements/Criminal Justice Agency Certification OCJG-007 (rev.03/25/2002)
- 8. Confidential Funds Certification OCJG-008 (rev.03/25/2002)
- 9. Criminal Intelligence System Certification OCJG-009 (rev.03/25/2002)
- 10. Automated Data Processing (ADP) Equipment and Software and Criminal Justice Information and Communication Systems Request for Approval Form OCJG-010 (rev.03/25/2002)
- 11. Sole Source Justification for Services and Equipment Form OCJG-011 (rev.03/25/2002)
- 12. Certification of Acceptance of Subgrant Award OCJG-012 (rev.03/25/2002)

Specific Authority 943.03(4), 943.403 FS. Law Implemented 943.02, 943.25(1), 943.402 FS. History—New 2-6-90, Amended 2-7-95, Formerly 9G-16.009, Amended 6-22-00, Formerly 9B-61.009, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Beth Hamilton, Planning Manager, Criminal Justice Grants Program, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Clayton Wilder, Community Program Administrator, Office Criminal Justice Grants, Florida Department of Law Enforcement

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 17, 2002

DEPARTMENT OF LAW ENFORCEMENT

Employee Relations

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Disciplinary Procedures and Standards for Disciplinary Actions	11I-1
RULE TITLES:	RULE NOS.:
Disciplinary Actions: Definitions	11I-1.002
Authority for Disciplinary Actions	11I-1.003
Types of Discipline – Procedure	11I-1.004
Disciplinary Investigations	11I-1.005
Procedure for Suspension or Dismissal	11I-1.006
Appeals to the Public Employees Relations Commission	11I-1.010

PURPOSE AND EFFECT: The amendments to Rule 11I-1, F.A.C. delete provisions based upon Rule 60K-9, F.A.C. which has been repealed. The additional changes clarify authority within the Department of Law Enforcement to impose disciplinary action, and define violations of law or agency rules, in accordance with Sections 110.227(1) and 943.03(4), F.S.

SUMMARY: Rule 11I-1.002 is amended to delete reference to an obsolete administrative rule and clarify purpose under authorizing statute. Rule 11I-1.003 is amended to clarify authority within the Department to impose disciplinary action. Rule 11I-1.004 is amended to clarify authority within the Department to impose certain disciplinary action, and to reflect the change in name of an administrative position within the Department. Rule 11I-1.005 is amended to change certain language to make it more understandable and clarifies the subject of a particular sentence. Rules 11I-1.006, is repealed as it was based on Florida Administrative Code Rule 60K-9, which has been repealed. Rule 11I-1.010 is amended to reflect a change in DMS rule numbers and to delete a reference to an obsolete administrative rule. Appendix A is amended to establish dismissal as the penalty for a first offense of falsification of records.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 943.03(4) FS.

LAW IMPLEMENTED: 110.201(2), 110.205(3), 110.227, 112.532(1),(2),(4), 112.533, 447.207(8), 943.03(4) FS.

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

TIME AND DATE: 10:00 a.m., Wednesday, August 21, 2002

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: David Sessions, Assistant General Counsel, Office of General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7676

THE FULL TEXT OF THE PROPOSED RULES IS:

11I-1.002 Disciplinary Actions: Definitions.

(1) Disciplinary actions by the department are penalties against employees for various types of work deficiencies and conduct offenses. Realizing that disciplinary actions are necessary, the purpose of this section is to comply with ~~Department of Administration Rule 60K 9.003, F.A.C., Section 943.03(4), Florida Statutes by establishing standards and procedures which will insure timely and equitable disposition of actions defining acts of misconduct and setting standards of disciplinary action~~ determined to be necessary in dealing effectively with employee deficiencies and breaches of good conduct.

(2) through (3) No change.

(4) The provisions of this Chapter specifying notice, hearing rights and necessity for written explanations prior to taking action apply solely to permanent Career Service employees of the Department, whether sworn or non-sworn.

Specific Authority 110.201(2), 943.03(4) FS. Law Implemented 110.205(3), 110.227, 943.03(4)(3) FS. History--New 7-8-82, Formerly 11I-1.02, Amended 7-1-90, _____.

11I-1.003 Authority for Disciplinary Actions.

(1) Specific disciplinary action may be taken by a supervisor having appropriate delegated authority from the Executive Director of the Department of Law Enforcement. This delegation of authority varies with the severity of the particular disciplinary action and is identified in the following table:

DISCIPLINARY ACTION	AUTHORITY
Oral Reprimand	Immediate Supervisor or any higher level supervisor
Written Reprimand	Immediate Supervisor or any higher level supervisor
Reduction in Pay	Executive Division Director level or above
Demotion	Executive Division Director level or above
Suspension	Executive Division Director
Dismissal	Executive Director

(2) Any employee who either observes, is aware of, or receives a complaint from any source alleging employee behavior violating a rule of conduct shall promptly submit a report on the employee behavior to his or her immediate supervisor on an Internal Inquiry Form to be provided by the Department. Any supervisor who observes, is aware of, or receives a complaint from any source relating to employee behavior, which could result in disciplinary action ~~greater than a reprimand~~, shall promptly report the behavior through the Chain of Command on a Department Internal Inquiry Form.

Specific Authority 943.03(4) FS. Law Implemented 110.227 FS. History--New 7-8-82, Formerly 11I-1.03, Amended 7-1-90, _____.

11I-1.004 Types of Discipline – Procedure.

(1) No change.

(2) Disciplinary Actions. The types of discipline and the procedures to be followed for each are:

(a) through (b) No change.

(c) Reduction in Pay – Reduction in pay means reducing the base rate of pay of an employee. If the ~~Executive Division~~ Director determines to reduce the pay of any employee, the employee shall be notified in writing by the Department by certified mail with return receipt requested before the effective date of the action as required under Section 110.227(5)(a)(4), F.S.

The ~~Executive Division~~ Director shall consult with the Department’s ~~Administrator, Human Resources Chief, Bureau of Personnel Management, and the Office of General Counsel, and the Executive Director, the Assistant Commissioner or Deputy Commissioner~~ prior to reducing the pay of an employee.

(d) Demotion – Demotion means moving an employee from a position in one class to a different position in another class having a lesser degree of responsibility and a lower salary range maximum. If the ~~Executive Division~~ Director determines

to demote an employee, the employee shall be notified in writing by the Department by certified mail with return receipt requested before the effective date of the action as required under Section 110.227(5)(a)(4), F.S.

The ~~Executive Division~~ Director shall consult with the Department's ~~Administrator, Human Resources Chief, Bureau of Personnel Management, and~~ the Office of the General Counsel, ~~and the Executive Director, Assistant Commissioner or Deputy Commissioner~~ prior to reducing the pay of an employee.

(e) Suspension – A suspension is the action taken to temporarily relieve an employee of duties and place him or her on leave without pay. Like dismissal, suspension requires proof of just cause and should be used in the case of the commission of a major offense in relation to the employee's job duties and position or as a more severe discipline following an accumulation of reprimands.

The ~~Executive Division~~ Director shall consult with the ~~Department's Chief, Bureau of Personnel Management, and~~ the Office of the General Counsel prior to implementing a suspension notice.

The procedure to be followed for suspension is provided in ~~Rule 111-1.006, F.A.C~~ Section 110.227(5)(a), Florida Statutes.

(f) Dismissal – Dismissal is the action taken by an agency against an employee to separate him/her from the Career Service. Dismissal shall be administered only for just cause.

The Executive Director shall consult with the Office of the General Counsel prior to implementing a dismissal notice.

The procedure to be followed for dismissal is provided in ~~Rule 111-1.006, F.A.C~~ Section 110.227(5)(a), Florida Statutes.

Specific Authority 943.03(4) FS.Law Implemented 110.227(1),(4),(5)(a), 112.532(4) FS. History–New 7-8-82, Formerly 111-1.04, Amended 7-1-90,

111-1.005 Disciplinary Investigations.

The methods and agents of investigation utilized prior to notice of personnel action shall vary with the nature of the offense and the needs of the employer to obtain complete information. In the event that law enforcement personnel are under investigation, the rights provided under Part VI, Chapter 112, Florida Statutes, as to notice and methods of interrogation shall be applied. If an employee is included in a bargaining unit which is subject to a collective bargaining agreement, ~~that an~~ employee may request that a Union representative be present during any disciplinary investigation or investigatory meeting in which the employee is being questioned ~~about~~ relative to alleged misconduct of the employee.

Specific Authority 943.03(4)(3) FS. Law Implemented 112.532(1), 112.533 FS. History–New 7-8-82, Formerly 111-1.05, Amended

111-1.006 Procedure for Suspension or Dismissal.

~~Prior to the suspension or dismissal of any permanent career service employee, the esignated disciplinary authority shall give the employee written notice and an opportunity for a predetermination conference as provided for in Section 110.227(5), Florida Statutes, and as implemented in Rules 60K-9.0041 through 60K-9.0046, F.A.C.~~

(1) Predetermination Procedures: Notice, Form, Delivery.

~~(a) Except in the extraordinary situations described in Rule 111-1.008, F.A.C. the employee shall be given notice of the proposed action in time for the notice to be received by the employee at least ten (10) calendar days prior to the date the action is to be taken.~~

~~(b) The notice shall be in writing and shall be mailed to the employee by certified mail, return receipt requested. In addition, the department may deliver a copy of the notice to the hand of the employee. A mailed notice shall constitute full and complete notice even if the mail is refused or ignored by the employee.~~

~~(c) The notice shall be signed by the person authorized to make the final decision or his/her designated representative and shall include the following:~~

- ~~1. The date the department proposes to take final action.~~
- ~~2. The specific charges or reasons for the action. Identification of any documents on which the charges are based shall be included.~~
- ~~3. A statement advising the employee that he may, within five (5) workdays of receipt of the notice, submit a request in writing for a conference in order to make an oral or a written statement or both to the department to refute or explain the charges made against the employee. The notice shall give the name, address and telephone number of the person to whom the request for a conference shall be directed. The notice shall advise the employee that the conference will be held prior to the proposed effective date of the action, at a time and place determined by the department, normally during regular business hours.~~
- ~~4. A statement that the department is sincere in its desire to reduce the risk of error in taking the disciplinary action against the employee and to avoid a wrongful damaging of the employee's reputation by untrue or erroneous charges, and therefore, the employing agency is sincerely interested in receiving and considering the employee's response.~~
- ~~5. A copy of Rules 111-1.006-111-1.007, F.A.C. which effectively summarize Rules 60K-9.0041-60K-9.0045, F.A.C., shall be enclosed with the notice.~~
- ~~6. A statement that if the employee chooses to make no response, the department will proceed on the basis of the best information it can obtain without such response.~~

~~(2) Conference.~~

~~(a) The conference must be conducted by the person authorized to make the final decision or his/her designated representative(s).~~

~~(a) The conference must be conducted by the person authorized to make the final decision or his/her designated representative(s).~~

~~(2) Conference.~~

~~(a) The conference must be conducted by the person authorized to make the final decision or his/her designated representative(s).~~

(b) ~~The person, or persons, conducting the conference shall convene the conference at the time and place set by the department, normally in Tallahassee, Florida, and shall identify himself or herself, the employee and all other participants and explain that the purpose of the conference is to hear the employee's side of the charges so as to protect the employee from erroneous or arbitrary adverse action, and that the department's further purpose is to afford the department an opportunity to reevaluate its position after reviewing the information presented by the employee and to affirm or alter its action as may be warranted.~~

(c) ~~The conference shall be informal and shall not be in the nature of an evidentiary hearing. The employee may bring an attorney or qualified representative to assist or advise him, but discovery, cross examination, and similar legal procedures are not permissible.~~

(d) ~~The employee shall be permitted to submit relevant information orally or in writing, or both, with the privilege being reserved to the department to give such information such weight as it deems proper.~~

(e) ~~At the conclusion of the conference, the presiding person shall inform the employee when the department will decide whether or not to take the disciplinary action and that the employee will be promptly notified.~~

Specific Authority 943.03(3) FS. Law Implemented 110.227(5)(a), 112.532(4) FS. History--New 7-8-82, Formerly 111-1.06, Amended 7-14-87, Repealed

111-1.010 Appeals to the Public Employees Relations Commission.

An employee who has earned permanent status in the Career Service in accordance with the provisions of paragraph 60L-33.003(1)(d), F.A.C. Rule 60K-4.004 shall have the right to appeal to the Public Employees Relations Commission any reduction in pay, demotion, suspension or dismissal by the Department pursuant to the provisions of Rule 38D-24.001(1), F.A.C.

Specific Authority 943.03, 110.201(2), 447.207(8) FS. Law Implemented 110.227(4),(5) FS. History--New 7-8-82, Formerly 111-1.10, Amended 7-14-87, 7-1-90, _____.

Appendix A

Standards of Disciplinary Action:

As stated in these Standards of Disciplinary Action, whenever a standard includes Suspension or Dismissal, said penalty includes all lesser penalties including demotions and reduction in pay.

Offense	First Time	Second Time	Third Time
(1) through (7) No change.			
(8) Falsification of Records	Written Reprimand or up to 30 days Suspension or Dismissal	Up to 30 days Suspension or Dismissal	Dismissal
(9) through (23) No change.			

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 17, 2002

DEPARTMENT OF LAW ENFORCEMENT

Office of Inspector General

RULE CHAPTER TITLE: Office of Inspector General

RULE CHAPTER NO.: 11N-1

RULE TITLES: Criteria

RULE NOS.: 11N-1.002

Violent Crime Investigative Reimbursement and Emergency Funding

11N-1.0021

Matching Drug Control Investigative Funding

11N-1.0022

PURPOSE AND EFFECT: To clarify language in Chapter 11N-1 pertaining to funding for illicit money laundering investigative efforts or task force efforts to contribute to achieving the state's goal of reducing drug-related crime.

SUMMARY: Rule 11N-1.002 is amended to provide cross-references to certain rule sections; Rule 11N-1.0021 is amended to clarify rule language; and Rule 11N-1.0022 is amended to specify the criteria to be used in determining allocation for matching funding of statewide or multi-jurisdictional drug control and illicit money laundering investigative or task force efforts.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 943.03(4), 943.042 FS.

LAW IMPLEMENTED: 943.031, 943.042 FS.

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

TIME AND DATE: 10:00 a.m., August 21, 2002

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Fern Rosenwasser, Assistant General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7676

THE FULL TEXT OF THE PROPOSED RULES IS:

11N-1.002 Criteria.

The Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall be used ~~as appropriated by the Legislature:~~

(1) To provide emergency supplemental funds to:

(a) State and local law enforcement agencies which are involved in complex and lengthy violent crime investigations, as provided for in subsection 11N-1.0021(1), F.A.C.;

(b) State and local law enforcement agencies which are involved in violent crime investigations which constitute a significant emergency within the state, as provided for in subsection 11N-1.0021(2), F.A.C.; or

(c) Counties which demonstrate a significant hardship or an inability to cover extraordinary expenses associated with a violent crime trial, as provided for in subsection 11N-1.0021(3), F.A.C.

(2) To provide matching funding as provided for in Rule 11N-1.0022, F.A.C. to multi-agency or statewide drug control or illicit money laundering investigative or task force efforts that:

(a) Significantly contribute to achieving the state's goal of reducing drug-related crime as articulated by the Office of Drug Control;

(b) ~~That R~~represent a significant illicit money laundering investigative effort; or

(c) ~~That Q~~otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under Section 397.333, F.S.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 3-10-94, Amended 10-10-95, 10-25-01_____.

11N-1.0021 Violent Crime Investigative Reimbursement and Emergency Funding.

(1) In determining whether requests from state and local law enforcement agencies relate to involvement in a complex and lengthy violent crime investigation, the Council shall consider whether:

(a) The crime under investigation involves multiple victims;

(b) The crime resulted in the death or serious bodily injury to one or more victims;

(c) The crime appears to be part of a pattern of serial or interrelated criminal events; or

(d) The crime evidences a heinous, wicked, or grossly disturbing method of commission; and shall consider the nature and extent of complexity and length of the investigative

efforts and whether the expenses claimed are beyond the resources of the investigative agency or agencies making the request for funding, as defined in subsection (4) of this section.

(2) In determining whether requests from state and local law enforcement agencies relate to a violent crime investigation which constitutes a significant emergency within the state, the Council shall consider whether:

(a) The nature and extent of the crime produces a heightened concern within the state for the safety and well-being of Florida's citizens and visitors;

(b) The crime is thought to involve one or more perpetrators who have traveled from one state or local jurisdiction to another committing similar or pattern crimes;

(c) The crime is such that absent successful apprehension and prosecution of the perpetrator, Florida's reputation for being a safe recreational, occupational, and residential location is being jeopardized or is suffering significant deterioration; and the expenses claimed are beyond the resources of the investigative agency or agencies making the request for funding.

(3) In determining whether a county has demonstrated a significant hardship or inability to cover extraordinary expenses associated with a violent crime trial, the Council shall consider whether:

(a) The expenses claimed as extraordinary expenses associated with a violent crime trial are such as to have been reasonably unpredictable, in that at the time its current budget was finalized, the county could not have anticipated and did not anticipate the claimed ~~as~~ expenses ~~to be incurred by the county~~ in meeting its general obligations to the criminal justice system;

(b) Reasonable witness related expenses associated with a violent crime trial (such as travel and lodging expenses) have exceeded or are anticipated to exceed those incurred for similar trials in the trial's geographic location;

(c) Special security needs associated with a violent crime trial have generated expenses or are anticipated to generate expenses not regularly normally incurred in providing security for similar trials in the geographic location;

(d) A change of venue or jury selection or sequestration needs associated with a violent crime trial have generated expenses or are anticipated to generate expenses not regularly normally incurred for similar trials in the geographic location; and the extraordinary expenses claimed are beyond the resources of the county making the request for funding.

(4) As used herein, "beyond the resources" means that the expenses claimed by the agency seeking emergency supplemental funding under this section are so extraordinary that they currently jeopardize and significantly limit the requester's ability to provide the services or duties required by law or have caused the requestor to terminate providing a service it would otherwise not be providing, and that the

requester has demonstrated to the Council that all reasonable alternatives for funding the claimed expenses within the requesting agency's current fiscal year have been exhausted.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History—New 10-25-01, Amended.

11N-1.0022 Matching Drug Control Investigative Funding.

(1) In determining whether requests for matching funding relate to multi-agency or statewide drug control or illicit money laundering investigative or task force efforts that:

(a) Significantly contribute to achieving the state's goal of reducing drug-related crime as articulated by the Office of Drug Control;

(b) Represent a significant illicit money laundering investigative effort; or

(c) Otherwise significantly support statewide strategies developed by the Statewide Drug Policy Council, the following criteria shall be considered:

1. Mandatory Factors:

a. The investigative effort focuses on a drug trafficking operation shown to have, or reasonably ~~believed suspected~~ of having, activities such that involvement of multiple investigative agencies is necessary; and

b. At least two agencies of the State of Florida, counties, cities, or combination thereof within the State of Florida are involved; and

c. The investigative effort demonstrates a commitment of participating agencies to cooperate with one another in a collaborative investigative effort;

d. The operation to be investigated has, or is reasonably believed to have, a structure that directs, finances, and engages in illegal drug trafficking and related crimes (such as money-laundering, tax violations, corruption of public officials and employees, illegal immigration, weapons violations, and crimes of violence) that have the same or similar intents, results, accomplices, victims, or methods of commission or that otherwise are interrelated by distinguishing characteristics and are not isolated incidents; and

e. The proposed investigative effort demonstrates a specific strategy:

(I) To achieve successful prosecutions of those within the organization who hold a position of organizer, supervisor, or any other position of management or who obtains substantial assets or resources from the illegal acts of the operation being investigated as they may become identified; and

(II) To utilize a multi-agency and cross-discipline approach to disrupt and dismantle the criminal operation, such as licensure action, charter revocation, regulatory sanctions and tax assessments.

f. The proposed investigative plan demonstrates a level of participating agency resource commitment that suggests a substantial likelihood of investigative and prosecution success; and

g. The proposed effort includes a commitment from one or more State Attorneys in Florida, U.S. Attorneys in Florida, or Florida's Statewide Prosecutor having jurisdiction over the activities of the organization under investigation to assist and support the investigation, through efforts such as issuance of subpoenas, use of grand juries, obtaining search warrants, securing court orders regarding the interception of communications, coordinating multiple prosecutions, assisting in securing plea agreements with those in the organization in return for cooperation and testimony, and certifying witnesses for witness protection under applicable law and a commitment to cooperate with other prosecuting entities having jurisdiction over activities of the organization to maximize the success of the investigative effort.

2. Non-Mandatory Factors Enhancing the Significance of the Proposed Effort:

a. The activities of the operation under investigation are responsible for known specified significant criminal activity in multiple regions of the State;

b. The activities of the operation are primarily associated with, and the investigative plan focuses upon, the illicit trafficking of cocaine, heroin, or other controlled substances of current major state concern, including substances commonly referred to as "rave drugs" or "designer drugs" such as "Ecstasy" (3-4 methylenedioxyamphetamine "MDMA"), gamma hydroxy butyrate ("GHB"), methamphetamine ("Meth"), lysergic acid diethylamide ("LSD"); and other substances;

c. The proposed investigative plan has identified the types and methods of money laundering violations under state or federal law actually, or suspected to be, occurring, and articulates a dedicated strategy to identify, trace, and address persons, institutions or other entities that are likely involved;

d. The operation under investigation is known to have and identifies, or is reasonably believed to have, assets and property that constitute contraband under Florida or other law that may be seized and forfeited and the investigative plan contains a strategy to identify such assets and property and to use forfeiture options to disrupt the underlying organization;

e. Persons in the operation under investigation are, upon successful prosecution, likely to receive sentences involving substantial terms of incarceration in state or federal prisons (as specified in Section 893.135, F.S. or Title 21, U.S.C. for drug trafficking offenses), paying a substantial fine (as specified in Section 893.135, F.S. or Title 21, U.S.C. for drug trafficking offenses), or both;

f. The proposed investigative effort appears to be likely to be lengthy and complex (as specified in Rule 11N-1.0021, F.A.C.), and will likely require sophisticated electronic, undercover or other investigative techniques;

g. The operation under investigation is such that if investigation and prosecutions are successful it is likely that seizures or substantial reductions in trafficking quantities the availability of illegal controlled substances within the State of Florida will result; or

h. The proposal presents an significant innovative plan with a substantial likelihood of success for addressing a significant drug trafficking organization. In determining what constitutes a significant drug trafficking organization, the Council shall, in conjunction with its review of factors found at section 1.0022(1)(c), consider the following factors related to the organization under investigation as may be demonstrated in the request:

i. The trafficking amounts of illicit controlled substances believed to be involved in the organization's activities;

ii. The amounts of currency or other means of exchange, and the amount of money laundering activity as prohibited by Chapter 896, F.S., Title 18 or 31, U.S.C. that are believed to be involved in the organization's activities;

iii. The number of persons believed to be involved in the organization's illicit activities;

iv. The regional, statewide, national, or multi-national impact expected to occur if the investigation successfully disrupts the organization under investigation;

v. The perceived potential or propensity of the organization for violence, injury to innocent persons, or for any activity reasonably believed to be hazardous to persons or property;

vi. Known or suspected links of the organization or its members to individuals or organizations suspected to be or known to be involved in acts of terrorism as defined at Section 775.30, F.S. or in promoting, planning, or executing acts of violence to further political or other beliefs;

vii. The numbers of users of illicit controlled substances whose source of supply to such estimated substances will be curtailed or restricted if the investigation successfully disrupts the organization under investigation; and

viii. The contraband, as defined in Section 932.701, F.S. or Title 18, 21, or 31, U.S.C., believed to be subject to forfeiture if the investigation is successful.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 10-25-01, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael R. Ramage, General Counsel, Florida Department of Law Enforcement

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 17, 2002

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Capital Investment Policy for Major Public Transit Projects

RULE CHAPTER NO.:

14-106

RULE TITLES:

RULE NOS.:

Purpose 14-106.001

Definitions 14-106.002

Background 14-106.003

Planning Provisions 14-106.004

Overmatch Provisions 14-106.005

Local Funding Provisions 14-106.006

Substitute Projects Under Designated

Transit Corridor Program 14-106.007

Exceptions 14-106.008

PURPOSE AND EFFECT: Rule Chapter 14-106 is being repealed. The statutory authority for these eight rules was rescinded in the 2002 regular session of the Florida Legislature (Chapter 2002-20, Laws of Florida, sections 61, 85, 86, and 87). The repeal of these eight rules is part of the ongoing effort by the Office of the General Counsel to review and repeal any unnecessary or obsolete rules.

SUMMARY: Rule Chapter 14-106 is being repealed. The statutory authority for these eight rules was rescinded in the 2002 regular session of the Florida Legislature (Chapter 2002-20, Laws of Florida, sections 61, 85, 86, and 87).

SPECIFIC AUTHORITY: 334.044(2), 341.051(5)(b), 341.053(5) FS.

LAW IMPLEMENTED: 334.044(12),(21), 341.051(5)(b) FS.

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 a lower cost regulatory alternative must do so in writing within 21 days of this notice.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

14-106.001 Purpose.

Specific Authority 334.044(2), 341.051(5)(b), 341.053(5) FS. Law Implemented 334.044(12),(21), 341.051(5)(b) FS. History-New 1-8-92, Repealed

14-106.002 Definitions.

Specific Authority 334.044(2), 341.051(5)(b), 341.053(5) FS. Law Implemented 334.044(12),(21), 341.051(5)(b) FS. History-New 1-8-92, Repealed

14-106.003 Background.

Specific Authority 334.044(2), 341.051(5)(b), 341.053(5) FS. Law Implemented 334.044(12),(21), 341.051(5)(b) FS. History-New 1-8-92, Repealed

14-106.004 Planning Provisions.

Specific Authority 334.044(2), 341.051(5)(b), 341.053(5) FS. Law Implemented 334.044(12),(21), 341.051(5)(b) FS. History-New 1-8-92, Repealed

14-106.005 Overmatch Provisions.

Specific Authority 334.044(2), 341.051(5)(b), 341.053(5) FS. Law Implemented 334.044(12),(21), 341.051(5)(b) FS. History-New 1-8-92, Repealed

14-106.006 Local Funding Provisions.

Specific Authority 334.044(2), 341.051(5)(b), 341.053(5) FS. Law Implemented 334.044(12),(21), 341.051(5)(b) FS. History-New 1-8-92, Repealed

14-106.007 Substitute Projects Under Designated Transit Corridor Program.

Specific Authority 334.044(2), 341.051(5)(b), 341.053(5) FS. Law Implemented 334.044(12),(21), 341.051(5)(b) FS. History-New 1-8-92, Repealed

14-106.008 Exceptions.

Specific Authority 334.044(2), 341.051(5)(b), 341.053(5) FS. Law Implemented 334.044(12),(21), 341.051(5)(b) FS. History-New 1-8-92, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Ed Coven, Manager, Transit Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Morefield, Assistant Secretary for Transportation Policy, for Thomas F. Barry, Jr., P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 11, 2002

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

RULE TITLE:

RULE NO.:

Application for License; Requirements for Offices, Display Space and Operation; Denial, Suspension or Revocation; Implementation

15C-7.003

PURPOSE AND EFFECT: The purpose of the proposed action is to make applying for a dealer license more convenient for applicants by deleting the requirement for two photographs of the proposed dealer location. This decision was made by the Used Motor Vehicle Industry Task Force and reinforced by the new Automobile Dealers Advisory Board.

SUMMARY: The proposed rule amendment deletes the requirement that requires applicants to submit photographs of the dealership locations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The costs of the rule actions to the agency will be those normally associated with the administrative processing of rulemaking activity. There are no costs to others for implementing and enforcing the proposed rule actions. The proposed rule action will have no discernible impact on small entities.

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: 320.011 FS.

LAW IMPLEMENTED: 320.27 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND NOTICED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Alderman, Attorney, General Counsel, Department of Highway Safety and Motor Vehicles, Room A432, Neil Kirkman Building, Tallahassee, Florida 32399-0500, (850)488-1606

THE FULL TEXT OF THE PROPOSED RULE IS:

15C-7.003 Application for License; Requirements for Office, Display Space and Operation; Denial, Suspension or Revocation; Implementation.

(1) through (2) No change.

(3) Applications for Motor Vehicle Dealer's License.

(a) through (b) No change.

(c) All applications shall have attached all documentation and endorsements necessary to substantiate the applicant's compliance with the requirements of Section 320.27(3), Florida Statutes, and this rule. Such documentation or endorsements shall include:

1. through 9. No change.

~~10. Two positive print photographs of the proposed licensed place of business. The photographs shall be a minimum of 3" x 4" in size. One photograph shall depict the exterior of the dealership from a distance to clearly show two (2) sides of the building, one side of which shall be the public entrance into the dealership. The second photograph shall show the remaining sides of the building which will house the dealership. At least one of the photographs must reflect the area to be used for display of vehicles/units offered for sale, if display space is required.~~

(4) through (10) No change.

Specific Authority ~~349.27~~, 320.011 FS. Law Implemented ~~349~~, 320.27 FS. History--New 9-24-90, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dwight F. Davis, Chief Bureau of Field Operation, Division of Motor Vehicles, Department of Highway Safety and Motor Vehicles, Room B372, Neil Kirkman Building, Tallahassee, Florida 32399-0500, (850)488-2394

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Director Carl Ford, Division of Motor Vehicles

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 10, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 28, 2002

PUBLIC SERVICE COMMISSION

DOCKET NO. 000154-WU

RULE TITLE: Wastewater Treatment Plant Used and Useful Calculations

RULE NO.: 25-30.432

PURPOSE AND EFFECT: To codify Commission policy on calculating the used and useful amount of wastewater treatment plant.

SUMMARY: The rule provides that customer load will be measured in the same terms as the operating permit and provides examples of other factors that will be considered in calculating the used and useful percentage of wastewater treatment plant.

SPECIFIC AUTHORITY: 350.127(2), 367.121(1)(f) FS.

LAW IMPLEMENTED: 367.081(2), 367.0817(3) FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Christiana T. Moore, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-30.432 Wastewater Treatment Plant Used and Useful Calculations.

The flow data to be used in the numerator of the equation for calculating the used and useful percentage of a wastewater treatment plant shall be the same period or basis (such as annual average daily flow, three-month average daily flow, maximum month average daily flow) as the period or basis stated for the permitted capacity on the most recent operating permit issued by the Florida Department of Environmental Protection (DEP). The DEP permitted capacity shall be used in the denominator of the equation. If there are differences between the capacities of the individual components of the wastewater treatment plant, the Commission may calculate a used and useful percentage for each individual component of the treatment plant using the actual capacity of the component in the denominator. In determining the used and useful amount, the Commission will also consider other factors such as the allowance for growth pursuant to Section 367.081(2)(a)2., F.S., infiltration and inflow, the extent to which the area served by the plant is built out, whether the permitted capacity differs from the design capacity, and whether flows have decreased due to conservation or a reduction in the number of customers. This rule does not apply to reuse projects pursuant to Section 367.0817(3), F.S., or investment for environmental compliance pursuant to Section 367.081(2)(a)2.c., F.S.

Specific Authority 350.127(2), 367.121(1)(f) FS. Law Implemented 367.081(2), 367.0817(3) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Wetherington

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 9, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 26, No., 14, April 7, 2000

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850)413-6770 at least 48 hours prior to the hearing. Any

person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

DEPARTMENT OF CORRECTIONS

RULE TITLE: Admissible Reading Material
RULE NO.: 33-501.401

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the definition of admissible reading material; criteria for rejection of reading material; clarify procedures for handling reading material received from unapproved sources; and to describe the process for handling reading material containing product samples.

SUMMARY: The proposed rule clarifies: the definition of admissible reading material; criteria for rejection of reading material; procedures for handling reading material received from unapproved sources; and the process for handling reading material containing product samples.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09, 944.11 FS.

LAW IMPLEMENTED: 944.11 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-501.401 Admissible Reading Material.

(1) The provisions of this section shall apply to all publications, including, books, ~~novels, educational reference and correspondence study materials, religious materials, legal materials,~~ newspapers, magazines, brochures, flyers, and catalogues, calendars and any other printed materials addressed to a specific inmate or found in the personal property of an inmate.

(2) Inmates shall be permitted to receive and possess publications per terms and conditions established in this rule unless the publication is found to be detrimental to the security, order or disciplinary or rehabilitative interests of any institution of the department, or any privately operated institution under contract with the department, or when it is determined that the publication might facilitate criminal activity. Publications shall be rejected when one of the following criteria is met:

(a) through (j) No change.

(k) Contains criminal history, offender registration, or other personal information about another inmate or offender, which, in the hands of an inmate, presents a threat to the security, order or rehabilitative objectives of the correctional system or to the safety of any person;

(l) Contains or appears to contain unknown or unidentifiable substances; or

(m)(k) It otherwise presents a threat to the security, order or rehabilitative objectives of the correctional system or the safety of any person.

(3) through (10)(c) No change.

(d) Except as otherwise provided in Rules ~~33-601.800 33-601.801-601.813~~, F.A.C., effective July 1, 1998, inmates shall be limited to the possession of 4 books. Religious testaments, correspondence study materials and law books not in the institution's law library collection shall not be counted against this limit. Religious testaments include sacred texts, prayer books and devotionals.

(11) through (12) No change.

(13) Books, periodicals or other publications forwarded to inmates must be sent through the United States Postal Service. Materials received from other sources shall be ~~refused returned to the sender with a notice explaining the reason for the rejection.~~

(14) through (16) No change.

(17) Whenever an otherwise admissible magazine is received that includes product samples or advertising with product samples attached, the products shall be removed and the publication itself shall be issued to the inmate recipient. Any inmate who wishes to object to the removal of product samples from his or her publications shall submit a written request on Form DC6-236, Inmate Request, to the warden asking that product samples not be removed. Thereafter, any publication sent to the requestor that contains product samples shall be held by the institution for 30 days or 30 days after exhaustion of grievance appeals. It shall be the inmate's responsibility to arrange for the mailing of the entire publication out of the institution at the inmate's expense. Any publication not mailed out within the 30 days will be destroyed.

Specific Authority 944.09, 944.11 FS. Law Implemented 944.11 FS. History--New 10-8-76, Formerly 33-3.12, Amended 3-3-81, 9-24-81, 6-9-87, 3-11-91, 12-17-91, 3-30-94, 11-2-94, 5-10-98, 10-20-98, Formerly 33-3.012, Amended 3-21-00, 8-10-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Nimer

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 21, 2002

LAND AND WATER ADJUDICATORY COMMISSION

Circle Square Woods Community Development District

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Circle Square Woods Community 42S-1
 Development District

RULE TITLE: RULE NO.:

Boundary 42S-1.002

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule amendment is to amend the boundaries of the Circle Square Woods Community Development District (“District”), a community development district (CDD) established pursuant to Chapter 190, F.S. The petition was filed by Circle Square Woods Community Development District with offices at 8447 S.W. 99th St., Ocala, Florida 34481. The District requests that the Commission adopt an amendment to Chapter 42S-1, FAC, to delete approximately 1,737.03 acres from the existing boundaries of the District. After contraction, the District’s boundaries will consist of approximately 718.75 acres within the jurisdictional boundaries of Marion County. The District has written consent to the contraction of 100% of the landowners within the contraction parcel. The services and facilities currently provided by the District to the contraction parcel consist of water treatment and distribution, wastewater collection, treatment, and residual disposal. The contraction parcel is currently undeveloped land and is projected for development in the future.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The statement of estimated regulatory costs (SERC) supports the petition to amend the District. The complete text of the SERC is contained as Exhibit 7 to the petition to amend the boundaries of the District. The scope of the SERC is limited to evaluating the regulatory cost consequences of approving the proposal to amend the District. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number and types of individuals likely to be required to comply with the rule or who will be affected; (b) a good faith estimate of the costs to any state and local government entities of implementing and enforcing the proposed rule, and any anticipated affect on state and local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities; (d) an analysis of the impact on small businesses, small counties, and small cities; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under paragraph (1)(a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the principal entities that are likely to be required to comply with the rule include the District, the State of Florida, and Marion County. Under section (b), the FLWAC and State of Florida incur minimal one-time administrative costs. Marion County also incurred

minimal administrative costs. Adoption of the proposed rule amendment to approve amending the boundaries of the District is not anticipated to cause any impact on State and local revenues. Addressing section (c), those individuals or businesses who may ultimately reside or operate on the lands to be contracted from the District will not be required to pay District assessments and fees over and above their County and other local taxes. Under section (d), approval of the petition to amend the District boundaries will not have a negative impact on small businesses. Also, impacts on small counties and cities as defined in Section 120.52, F.S., is not expected as Marion County is not a small county, as defined. Addressing section (e), the Statement of Estimated Regulatory Costs was prepared based on a straightforward application of economic theory, especially as it relates to tracking the incidence of regulatory costs and benefits. Inputs were received from the developer’s engineer and other professionals associated with the developer. 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: 190.005 FS.

LAW IMPLEMENTED: 190.046, 190.005 FS.

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

TIME AND DATE: 10:00 a.m., Thursday, August 22, 2002

PLACE: Room 1703G, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least 2 business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Fred F. Harris, Jr., Esquire, Greenberg Traurig, Post Office Drawer 1838, Tallahassee, Florida 32302, (850)222-6891 or Barbara Leighty, Senior Governmental Analyst, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884

THE FULL TEXT OF THE PROPOSED RULE IS:

42S-1.002 Boundary.

The boundaries of the district are as follows: ~~A parcel of land in Sections 11, 13, 14, 15, 22, 23, and 24, Township 16 South, Range 20 East, and Sections 18 and 19, Township 16 South, Range 21 East, Marion County, Florida, being more particularly described as follows:~~

~~For a Point of reference commence at the Southwest corner of Section 24, Township 16 South, Range 20 East; thence run N~~

89° 08'52" E, along the South line of the Southwest 1/4 of said Section 24, a distance of 1575.99 feet to the Southeasterly corner of Tract 9 of "Circle Square Woods" as recorded in Plat Book "P", pages 30—103 of the Public Records of Marion County, Florida and the POINT OF BEGINNING; thence N 41° 38'27" E, along the Southeasterly line of said Tract 9 and a Northeasterly projection thereof, 1698.08 feet to the Southwesterly corner of Tract 1 of "Circle Square Woods First Replat" as recorded in Plat Book "Y", page 88 of the Public Records of Marion County; thence S 65° 05'16" E, along the Northerly right of way line of S.W. 99th Street Road as shown on the record plat of "Circle Square Woods First Replat", 17.77 feet; thence N 41° 38'27" E, 2299.38 feet; thence N 48° 21' 33" W, 677.91 feet; thence N 41° 38'27" E, 477.74 feet; thence N 00° 42'17" E, 1680.27 feet; thence N 89° 17'43" W, 582.03 feet; thence N 81° 27'08" W, 382.09 feet; thence N 89° 17'43" W, 1394.92 feet; thence S 71° 22'57" W, 341.94 feet; thence S 00° 24'58" E, 147.11 feet to a point on a curve, concave to the north, having a radius of 995.00 feet, through which a radial line passes bearing S 16° 42'23" E; thence Westerly, along the arc of said curve, through a central angle of 17° 24'40", a distance of 302.36 feet to a Point of Reverse Curvature with a curve, concave to the south, having a radius of 1005.00 feet; thence Westerly, along the arc of said curve, through a central angle of 09° 12'17", a distance of 161.46 feet to the PT; thence S 81° 30'00" W, 623.54 feet to an intersection with the Easterly right of way line of Circle Square Ranch Road; thence S 08° 30'00" E, along said right of way line, 234.84 feet to the PC of a curve, concave to the west, having a radius of 1469.04 feet; thence Southerly, along the arc of said curve, through a central angle of 52° 11'42", a distance of 1338.26 feet to the PT; thence S 43° 41'42" W, 440.00 feet to the PC of a curve, concave to the east, having a radius of 1198.84 feet; thence Southerly, along the arc of said curve, through a central angle of 21° 29'38", a distance of 449.73 feet; thence, departing said right of way line, S 89° 17'43" E, 1034.12 feet; thence S 00° 42'17" W, 1720.09 feet to the Southerly right of way line of Circle Square Ranch Road as shown on the record plat of "Circle Square Woods" and a point on a curve, concave to the North, having a radius of 1297.37 feet, through which a radial line passes bearing S 04° 52'36" W; thence Westerly, along the arc of said curve and said right of way line, through a central angle of 20° 32'30", a distance of 465.13 feet; thence, departing said right of way line, S 00° 42'17" W, parallel with and 28.00 feet west of the West line of Tract 9 of "Circle Square Woods", a distance of 1177.91 feet; thence S 89° 17'43" E, 12.00 feet to a point on a curve, concave to the northeast, having a radius of 52.00 feet, through which a radial line passes bearing N 89° 17'43" W; thence Southerly, along the arc of said curve, through a central angle of 46° 11'28", a distance of 41.92 feet to an intersection with the West line of Tract 9; thence S 00° 42'17" W, along said West line of Tract 9, a distance of 185.74 feet to the Southwest corner of said Tract 9, said point also being the Southwest corner of Section 24 16 20; thence S 89°

39'14" W, along the South line of Section 23 16 20 and the South line of Block 1 of "Circle Square Woods", 216.43 feet to the Southwest corner of Lot 2, Block 1; thence N 33° 49'14" W, along the West line of said Lot 2, Block 1, a distance of 599.94 feet; thence N 25° 22'43" W, 503.05 feet to the Southerly right of way of Still House Hollow Road South and a point on a curve, concave to the north, having a radius of 1986.02 feet, through which a radial line passes bearing S 31° 42'57" E; thence Westerly, along the arc of said curve and said right of way line, through a central angle of 47° 12'57", a distance of 1636.63 feet to the PT; thence N 74° 30'00" W, 330.00 feet to the PC of a curve, concave to the south, having a radius of 1793.98 feet; thence Westerly, along the arc of said curve, through a central angle of 30° 30'00", a distance of 954.98 feet to the PT; thence S 75° 00'00" W, 534.02 feet to the PC of a curve, concave to the north, having a radius of 1731.61 feet; thence Westerly, along the arc of said curve, through a central angle of 55° 30'00", a distance of 1677.34 feet to the PT; thence N 49° 30'00" W, 308.29 feet to the PC of a curve, concave to the south, having a radius of 1764.49 feet; thence Westerly, along the arc of said curve, through a central angle of 03° 18'06", a distance of 101.68 feet to an intersection with a Southerly projection of the West line of Lot 12, Block 98 of "Circle Square Woods"; thence, departing said right of way line, N 23° 56'53" E, along said projection and said West line of Lot 12, Block 98, a distance of 1264.56 feet to the Northwest corner of said Lot 12, Block 98 and a point on a curve, concave to the north, having a radius of 1563.76 feet, through which a radial line passes bearing S 06° 50'00" W; thence Easterly, along the arc of said curve, through a central angle of 03° 50'00", a distance of 104.62 feet to the Southwest corner of Lot 12, Block 96; thence N 07° 42'05" E, along the West line of said Lot 12, Block 96 and a Northerly projection thereof, 1350.10 feet to the Northerly right of way line of Happy Valley Ranch Road South; thence N 89° 30'00" W, along said right of way line, 40.91 feet to the PC of a curve, concave to the north, having a radius of 1186.00 feet; thence Westerly, along the arc of said curve, through a central angle of 27° 30'00", a distance of 569.24 feet to the PT; thence N 62° 00'00" W, 532.28 feet to the PC of a curve, concave to the south, having a radius of 2738.98 feet; thence Westerly, along the arc of said curve, through a central angle of 27° 55'17", a distance of 1334.77 feet to the Southwest corner of Block 95 of "Circle Square Woods"; thence, departing said right of way line, N 18° 30'00" W, along the West line of said Block 95, a distance of 57.34 feet to the PC of a curve, concave to the east, having a radius of 1380.36 feet; thence Northerly, along the arc of said curve, through a central angle of 60° 30'00", a distance of 1457.56 feet to the PT; thence N 42° 00'00" E, 791.16 feet to the PC of a curve concave to the southeast, having a radius of 902.02 feet; thence Northeasterly, along the arc of said curve and the Northerly lines of Blocks 95 and 85, through a central angle of 58° 00'00", a distance of 913.11 feet to the PT; thence S 80° 00'00" E, along the Northerly line of Block 85, a distance

of 135.01 feet to the Southwest corner of Block 84 and a point on a curve, concave to the east, having a radius of 1649.70 feet, through which a radial line passes bearing S 76° 15'00" W; thence Northerly, along the arc of said curve and the West line of Block 84, through a central angle of 19° 20'00", a distance of 556.66 feet to a Point of Reverse Curvature with a curve, concave to the west, having a radius of 1729.51 feet; thence Northerly, along the arc of said curve, through a central angle of 11° 49'04", a distance of 356.73 feet to the PT; thence N 06° 14'04" W, 578.17 feet to the Northwest corner of Block 84; thence S 78° 15'00" W, along the Southerly line of Block 83, a distance of 62.00 feet to the PC of a curve, concave to the north, having a radius of 1148.93 feet; thence Westerly, along the arc of said curve, through a central angle of 16° 50'00", a distance of 337.55 feet to the PT; thence N 84° 55'00" W, 199.00 feet to the Southwest corner of Block 83 and the Easterly right of way line of Ridge Crest Court, and a point on a curve, concave to the east, having a radius of 610.60 feet, through which a radial line passes bearing S 70° 50'00" W; thence Northerly, along the arc of said curve and said right of way line, through a central angle of 32° 40'00", a distance of 348.13 feet to the PT; thence N 13° 30'00" E, 95.00 feet to the PC of a curve, concave to the southeast, having a radius of 25.00 feet; thence Northeasterly, along the arc of said curve, through a central angle of 90° 00'00", a distance of 39.27 feet to the PT; thence S 76° 30'00" E, along the Southerly right of way line of Sundown Ranch Lane, 15.00 feet to the PC of a curve, concave to the north, having a radius of 950.43 feet; thence Easterly, along the arc of said curve, through a central angle of 18° 40'37", a distance of 309.82 feet to an intersection with a Southerly projection of the Easterly line of Block 66; thence N 24° 17'29" W, along said projection and the Easterly line of Block 66, a distance of 1000.22 feet to the Northwest corner of said Block 66 and a point on a curve, concave to the north, having a radius of 64° 36' feet; through which a radial line passes bearing S 54° 40'00" W; thence Easterly, along the arc of said curve and the Northerly line of Block 66, through a central angle of 88° 20'00", a distance of 987.25 feet to the PT; thence N 56° 20'00" E, 51.00 feet to the PC of a curve, concave to the northwest, having a radius of 1060.72 feet; thence Northeasterly, along the arc of said curve, through a central angle of 20° 50'00", a distance of 385.69 feet to the PT; thence N 35° 30'00" E, 146.00 feet to an intersection with the Westerly line of WRA 42-45; thence N 30° 35'00" W, 126.00 feet to the Northwest corner of said WRA 42-45; thence N 59° 21'13" E, along the Northerly line of said WRA 42-45 and an Easterly projection thereof, 597.25 feet to the Northeasterly right of way line of Still House Hollow Road North and a point on a curve, concave to the southwest, having a radius of 1668.38 feet, through which a radial line passes bearing N 54° 53'31" E; thence Northwesterly, along the arc of said curve and said right of way line, through a central angle of 17° 23'31", a distance of 506.43 feet to the PT; thence N 52° 30'00" W, 125.00 feet to the Westerly corner of Block 108; thence N 37°

23'06" E, along the Northwesterly line of said Block 108, a distance of 1228.63 feet to the Southwesterly line of WRA 27-44; thence N 46° 30'00" W, along said Southwesterly line of WRA 27-44, a distance of 188.30 feet; thence N 48° 02'58" E, along the Northwesterly line of said WRA 27-44, a distance of 374.88 feet; thence S 48° 25'51" E, 222.27 feet to an intersection with the Northwesterly line of Lot 12, Block 109; thence S 46° 40'00" E, parallel with and 250 feet Northeasterly of the Southwesterly line of Lot 13, Block 109 and a projection thereof, 846.67 feet to the PC of a curve, concave to the southwest, having a radius of 748.94 feet; thence Southeasterly, along the arc of said curve, parallel with and 250 feet Northeasterly of the Southwesterly line of Block 109, through a central angle of 22° 40'00", a distance of 296.29 feet to a Point of Reverse Curvature with a curve, concave to the northeast, having a radius of 7005.81 feet; thence Southeasterly, along the arc of said curve, through a central angle of 03° 00'00", a distance of 366.82 feet to the PT; thence S 27° 00'00" E, 132.39 feet to an intersection with the North line of Section 14-16-20; thence S 89° 58' 22" E, along said North line of Section 14 a distance of 543.92 feet to the Northeast corner of the Northwest 1/4 of Section 14-16-20; thence N 89° 59'30" E, 2651.11 feet to the Northeast corner of Section 14-16-20; thence N 89° 19'14" E, 2645.55 feet to the Northeast corner of the Northwest 1/4 of Section 13-16-20; thence N 89° 20'04" E, 2647.50 feet to the Northeast corner of Section 13-16-20; thence N 89° 33'54" E, 1461.74 feet to the Northeast corner of the West 1/2 of the Northwest 1/4 of Section 18-16-21; thence S 00° 10'17" W, 2653.75 feet to the Southeast corner of the West 1/2 of the Northwest 1/4 of Section 18-16-21; thence S 00° 07'09" W, 2653.64 feet to the Northeast corner of the West 1/2 of the Northwest 1/4 of Section 19-16-21; thence S 00° 40'27" W, along the East line of the West 1/2 of the Northwest 1/4 of Section 19-16-21, a distance of 1227.93 feet to the Northwesterly right of way line of State Road No. 200; thence S 41° 38'27" W, along said right of way line, 5490.10 feet to an intersection with the South line of the Southeast 1/4 of Section 24-16-20; thence S 88° 51'28" W, 429.11 feet to the Southwest corner of the Southeast 1/4 of Section 24-16-20; thence S 89° 08'52" W, along the South line of the Southwest 1/4 of Section 24-16-20, a distance of 1064.70 feet to close on the POINT OF BEGINNING.

The above described parcel containing 2488.63 acres more or less.

A parcel of land lying in Sections 13, 14, 22, 23 and 24, Township 16 South, Range 20 East, Marion County, Florida, being more particularly described as follows:

COMMENCING from the Southwest corner of said Section 24, also being the Southwest corner of TRACT 9, CIRCLE SQUARE WOODS, according to the map or plat thereof as recorded in Plat Book "P", Pages 30 through 103, inclusive, Public Records of Marion County, Florida; run thence along the South boundary of said Section 24 and TRACT 9, N.89°32'55"E., 1575.99 feet to the Southeast corner of said

TRACT 9, also being the POINT OF BEGINNING; run thence along the Easterly line of said TRACT 9, N.42°02'30"E., 1698.08 feet to the Southwest corner of TRACT 1, "CIRCLE SQUARE WOODS FIRST REPLAT", according to the map or plat hereof as recorded in Plat Book "Y", Page 88, Public Records of Marion County, Florida, said point being on the Northerly Right-of-Way Line of SW 99th STREET, of said plat; thence along said Northerly Right-of-Way Line of SW 99th STREET, S.64°41'13"E., 17.77 feet; thence N.42°02'30"E., 2299.38 feet; thence N.47°57'30"W., 677.91 feet; thence N.42°02'30"E., 477.74 feet; thence N.01°07'31"E., 1679.81 feet; thence N.88°53'20"W., 582.03 feet; thence N.81°02'45"W., 382.09 feet; thence N.88°53'20"W., 1394.92 feet; thence S.71°47'20"W., 341.94 feet; thence S.00°00'35"E., 147.11 feet to a point on a curve, said point being on the centerline of SW 90th STREET, of aforesaid CIRCLE SQUARE WOODS; thence along said centerline of SW 90th STREET the following three (3) courses: 1) Westerly, 302.36 feet along the arc of a curve to the right having a radius of 995.00 feet and a central angle of 17°24'40" (chord bearing S.82°24'23"W., 301.20 feet) to a point of reverse curvature; 2) Westerly, 161.46 feet along the arc of a curve to the left having a radius of 1005.00 feet and a central angle of 09°12'17" (chord bearing S.86°30'35"W., 161.28 feet) to a point of tangency; 3) S.81°54'26"W., 623.63 feet to a point on the Easterly Right-of-Way Line of CIRCLE SQUARE RANCH ROAD, of said plat; thence along said Easterly Right-of-Way Line of CIRCLE SQUARE RANCH ROAD the following four (4) courses: 1) S.08°05'54"E., 234.69 feet to a point of curvature; 2) Southerly, 1338.26 feet along the arc of a curve to the right having a radius of 1469.04 feet and a central angle of 52°11'42" (chord bearing S.17°59'57"W., 1292.46 feet) to a point of tangency; 3) S.44°05'48"W., 440.00 feet to a point of curvature; 4) Southwesterly, 449.73 feet along the arc of a curve to the left having a radius of 1198.84 feet and a central angle of 21°29'38" (chord bearing S.33°20'59"W., 447.10 feet); thence S.88°53'29"E., 1033.73 feet; thence S.01°06'20"W., 1720.09 feet to a point on a curve, said point being on the Southerly Right-of-Way Line of said CIRCLE SQUARE RANCH ROAD; thence along said Southerly Right-of-Way Line of CIRCLE SQUARE RANCH ROAD, Westerly, 664.73 feet along the arc of a curve to the right having a radius of 1297.37 feet and a central angle of 29°21'24" (chord bearing N.70°02'39"W., 657.49 feet) to a point on the Southerly Right-of-Way Line of STILL HOUSE HOLLOW ROAD SOUTH, of said plat; thence along said Southerly Right-of-Way Line of STILL HOUSE HOLLOW ROAD SOUTH the following eight (8) courses: 1) S.36°24'03"W., 29.15 feet to a point on a curve; 2) Westerly, 2413.15 feet along the arc of a curve to the right having a radius of 1986.02 feet and a central angle of 69°37'06" (chord bearing S.71°05'30"W., 2267.42 feet) to a point of tangency; 3) N.74°05'57"W., 330.00 feet to a point of curvature; 4) Westerly, 954.98 feet along the arc of a curve to the left having

a radius of 1793.98 feet and a central angle of 30°30'00" (chord bearing N.89°20'57"W., 943.75 feet) to a point of tangency; 5) S.75°24'03"W., 534.02 feet to a point of curvature; 6) Westerly, 1677.34 feet along the arc of a curve to the right having a radius of 1731.61 feet and a central angle of 55°30'00" (chord bearing N.76°50'57"W., 1612.53 feet) to a point of tangency; 7) N.49°05'57"W., 308.29 feet; 8) N.50°45'00"W., 101.66 feet to a point of intersection with the Southerly extension of the West line of Lot 12, Block 98, of said plat; thence along said West line of Lot 12, Block 98 and the Southerly extension thereof, N.24°20'57"E., 1264.73 feet to a point on a curve, said point being the Northwest corner of said Lot 12, Block 98; thence along the North line of said Block 98, also being the Southerly line of Block 96, of said plat the following thirteen (13) courses: 1) Easterly, 291.44 feet along the arc of a curve to the left having a radius of 1563.76 feet and a central angle of 10°40'42" (chord bearing S.88°05'33"E., 291.02 feet) to a point of tangency; 2) N.86°34'06"E., 240.00 feet to a point of curvature; 3) Easterly, 478.65 feet along the arc of a curve to the right having a radius of 671.63 feet and a central angle of 40°50'00" (chord bearing S.73°00'54"E., 468.59 feet) to a point of tangency; 4) S.52°35'54"E., 185.00 feet to a point of curvature; 5) Easterly, 471.24 feet along the arc of a curve to the left having a radius of 570.42 feet and a central angle of 47°20'00" (chord bearing S.76°15'54"E., 457.95 feet) to a point of tangency; 6) N.80°04'06"E., 475.00 feet to a point of curvature; 7) Easterly, 299.34 feet along the arc of a curve to the right having a radius of 1837.58 feet and a central angle of 09°20'00" (chord bearing N.84°44'06"E., 299.01 feet) to a point of tangency; 8) N.89°24'06"E., 515.00 feet to a point of curvature; 9) Easterly, 199.65 feet along the arc of a curve to the right having a radius of 1372.67 feet and a central angle of 08°20'00" (chord bearing S.86°25'54"E., 199.47 feet) to a point of tangency; 10) S.82°15'54"E., 410.04 feet to a point on a curve; 11) Easterly, 298.98 feet along the arc of a curve to the right having a radius of 1511.70 feet and a central angle of 11°19'55" (chord bearing S.76°35'52"E., 298.50 feet) to a point of tangency; 12) S.70°55'54"E., 316.37 feet to a point of curvature; 13) Easterly, 710.93 feet along the arc of a curve to the left having a radius of 838.60 feet and a central angle of 48°34'24" (chord bearing N.84°46'54"E., 689.84 feet) to a point on a curve, said point being on the Westerly Right-of-Way Line of aforesaid CIRCLE SQUARE RANCH ROAD; thence along said Westerly Right-of-Way Line of CIRCLE SQUARE RANCH ROAD the following three (3) courses: 1) Northerly, 432.21 feet along the arc of a curve to the right having a radius of 556.59 feet and a central angle of 44°29'32" (chord bearing N.06°52'05"W., 421.43 feet) to a point of tangency; 2) N.15°22'41"E., 412.44 feet to a point on a curve; 3) Northerly, 37.33 feet along the arc of a curve to the right having a radius of 1278.84 feet and a central angle of 01°40'21" (chord bearing N.16°45'27"E., 37.33 feet) to a point on a curve, said point being on the Southerly Right-of-Way Line of HAPPY

VALLEY RANCH ROAD SOUTH, of said plat; thence along said Southerly Right-of-Way Line of HAPPY VALLEY RANCH ROAD SOUTH the following ten (10) courses: 1) Northwesterly, 38.02 feet along the arc of a curve to the left having a radius of 25.00 feet and a central angle of 87°08'33" (chord bearing N.26°31'37"W., 34.46 feet) to a point of tangency; 2) N.70°05'54"W., 247.78 feet to a point of curvature; 3) Northwesterly, 604.38 feet along the arc of a curve to the right having a radius of 4617.12 feet and a central angle of 07°30'00" (chord bearing N.66°20'54"W., 603.95 feet) to a point of tangency; 4) N.62°35'54"W., 235.00 feet to a point of curvature; 5) Westerly, 1126.08 feet along the arc of a curve to the left having a radius of 1654.35 feet and a central angle of 39°00'00" (chord bearing N.82°05'54"W., 1104.47 feet) to a point of tangency; 6) S.78°24'06"W., 130.00 feet to a point of curvature; 7) Westerly, 1203.17 feet along the arc of a curve to the right having a radius of 2297.89 feet and a central angle of 30°00'00" (chord bearing N.86°35'54"W., 1189.48 feet) to a point of tangency; 8) N.71°35'54"W., 100.00 feet to a point of curvature; 9) Westerly, 672.41 feet along the arc of a curve to the left having a radius of 2201.50 feet and a central angle of 17°30'00" (chord bearing N.80°20'54"W., 669.80 feet) to a point of tangency; 10) N.89°05'54"W., 345.39 feet to the Northwest corner of Lot 12, of aforesaid Block 96; thence along the Northerly extension of the West line of said Lot 12, Block 96, N.08°06'05"E., 80.51 feet to a point of intersection with the Northerly Right-of-Way Line of said HAPPY VALLEY RANCH ROAD SOUTH of said plat; thence N.01°26'12"W., 2929.35 feet to a point on a curve, said point being on the North line of Block 85, of said plat; thence along said North line of Block 85 the following five (5) courses: 1) Easterly, 581.10 feet along the arc of a curve to the left having a radius of 1045.43 feet and a central angle of 31°50'52" (chord bearing N.68°49'32"E., 573.65 feet) to a point of tangency; 2) N.52°54'06"E., 270.00 feet to a point of curvature; 3) Northeasterly, 338.18 feet along the arc of a curve to the left having a radius of 1336.31 feet and a central angle of 14°30'00" (chord bearing N.45°39'06"E., 337.28 feet) to a point of reverse curvature; 4) Northeasterly, 530.91 feet along the arc of a curve to the right having a radius of 675.98 feet and a central angle of 45°00'00" (chord bearing N.60°54'06"E., 517.37 feet) to a point of tangency; 5) N.83°24'06"E., 177.00 feet to the Northwest corner of said Block 85, said point being on the Southerly Right-of-Way Line of STILL HOUSE HOLLOW ROAD NORTH of said plat; thence along said Southerly Right-of-Way Line of STILL HOUSE HOLLOW ROAD NORTH the following eight (8) courses: 1) S.12°05'54"E., 133.30 feet to a point of curvature; 2) Southeasterly, 1318.84 feet along the arc of a curve to the left having a radius of 1302.83 feet and a central angle of 58°00'00" (chord bearing S.41°05'54"E., 1263.25 feet) to a point of tangency; 3) S.70°05'54"E., 536.03 feet to a point of curvature; 4) Southeasterly, 664.75 feet along the arc of a curve to the right having a radius of 1313.35 feet and a central

angle of 29°00'00" (chord bearing S.55°35'54"E., 657.67 feet) to a point of tangency; 5) S.41°05'54"E., 310.00 feet to a point of curvature; 6) Easterly, 1334.11 feet along the arc of a curve to the left having a radius of 1428.77 feet and a central angle of 53°30'00" (chord bearing S.67°50'54"E., 1286.17 feet) to a point on the Northerly boundary of ON TOP OF THE WORLD PHASE 1-A, SECTION 1, according to the map or plat thereof as recorded in Plat Book 3, Pages 70 through 76, inclusive, Public Records of Marion County, Florida; 7) N.85°24'07"E., 572.33 feet to a point on a curve; 8) Southeasterly, 38.06 feet along the arc of a curve to the right having a radius of 25.00 feet and a central angle of 87°13'41" (chord bearing S.50°59'03"E., 34.49 feet) to a point of reverse curvature, said point being on the Easterly boundary of said ON TOP OF THE WORLD PHASE 1-A, SECTION 1, also being the Westerly Right-of-Way Line of aforesaid CIRCLE SQUARE RANCH ROAD; thence along said Easterly boundary of ON TOP OF THE WORLD PHASE 1-A, SECTION 1 and the Westerly Right-of-Way Line of CIRCLE SQUARE RANCH ROAD, Southerly, 16.77 feet along the arc of a curve to the left having a radius of 1319.24 feet and a central angle of 00°43'42" (chord bearing S.07°44'03"E., 16.77 feet); thence N.81°54'06"E., 80.00 feet to a point on the Easterly Right-of-Way Line of said CIRCLE SQUARE RANCH ROAD; thence along said Easterly Right-of-Way Line of CIRCLE SQUARE RANCH ROAD, S.08°05'54"E., 115.31 feet; thence N.81°54'26"E., 623.63 feet to a point of curvature; thence Easterly, 163.06 feet along the arc of a curve to the right having a radius of 1015.00 feet and a central angle of 09°12'17" (chord bearing N.86°30'35"E., 162.89 feet) to a point of reverse curvature; thence Easterly, 291.84 feet along the arc of a curve to the left having a radius of 985.00 feet and a central angle of 16°58'32" (chord bearing N.82°37'27"E., 290.77 feet); thence N.00°00'35"W., 146.82 feet; thence N.71°47'20"E., 350.88 feet; thence S.88°53'20"E., 1397.31 feet; thence S.81°02'45"E., 382.09 feet; thence S.88°53'20"E., 591.35 feet; thence S.01°07'31"W., 132.04 feet to a point on the aforesaid centerline of SW 90th STREET; thence along said centerline of SW 90th STREET, S.88°53'16"E., 1008.63 feet to a point on a curve, said point being a point of intersection with the Westerly Right-of-Way Line of SW 80th AVENUE; thence along said Westerly Right-of-Way Line of SW 80th AVENUE the following four (4) courses: 1) Southerly, 414.32 feet along the arc of a curve to the right having a radius of 3550.00 feet and a central angle of 06°41'13" (chord bearing S.07°52'03"W., 414.09 feet) to a point of tangency; 2) S.11°12'40"W., 1246.58 feet to a point on a curve; 3) Southerly, 911.46 feet along the arc of a curve to the left having a radius of 1141.00 feet and a central angle of 45°46'09" (chord bearing S.10°23'50"E., 887.42 feet) to a point of tangency; 4) S.33°16'55"E., 423.46 feet to a point on the Northwesterly Right-of-Way Line of STATE ROAD NO. 200; thence along said Northwesterly Right-of-Way Line of STATE ROAD NO. 200 the following thirteen (13) courses: 1)

S.42°02'30"W., 198.60 feet; 2) N.47°57'30"W., 3.00 feet; 3) S.42°02'30"W., 225.00 feet; 4) S.47°57'30"E., 3.00 feet; 5) S.42°02'30"W., 600.00 feet; 6) N.47°57'30"W., 7.00 feet; 7) S.42°02'30"W., 400.00 feet; 8) S.47°57'30"E., 10.00 feet; 9) S.42°02'30"W., 953.67 feet; 10) S.89°59'10"W., 29.67 feet; 11) S.42°02'30"W., 96.00 feet; 12) S.05°07'22"E., 30.04 feet; 13) S.42°02'30"W., 761.51 feet to a point on the aforesaid South boundary of Section 24; thence along said South boundary of Section 24 the following two (2) courses: 1) S.89°15'29"W., 396.42 feet to the Southeast corner of the Southwest 1/4 of said Section 24; 2) S.89°32'55"W., 1064.70 feet to the POINT OF BEGINNING.

The above described parcel containing 718.766 acres, more or less.

Specific Authority 190.005 FS. Law Implemented 190.046, 190.005 FS. History—New 8-15-94, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 12, 2002

**AGENCY FOR HEALTH CARE ADMINISTRATION
State Center for Health Statistics**

RULE TITLES: Reporting Instructions
Uniform Data Specifications
Uniform Publication Format

RULE NOS.: 59B-13.001
59B-13.003
59B-13.006

PURPOSE AND EFFECT: The proposed rule amendments modify, update and clarify the specifications for the reporting of indicators of access and quality of care as required by s. 641.51(9), Florida Statutes for the purpose of improving data quality.

SUMMARY: The proposed rule amendments require that health maintenance organizations report to the agency chlamydia screening indicators for Medicaid and commercial members. The proposed rule amendments eliminate the antidepressant medication management indicators. The proposed rule amendments clarify that health maintenance organizations shall exclude Florida Healthy Kids or MediKids members from the Medicaid product line and from the commercial product line. The proposed rule amendments eliminate the reporting of percentage of pharmacy benefits. The proposed rule amendments update the name of the indicator, prenatal care in the first trimester, to timeliness of prenatal care. The proposed rule amendments modify the format for publication of health maintenance indicator data to

include a notation that the health plan is new or small and to delete the required publication of upper and lower confidence intervals while retaining the reporting requirements for confidence intervals. The proposed rule amendments specify that the reporting format include a space or tab between each data element and eliminate leading zeros for specified data elements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 641.51(9), 408.061, 408.063(2), 408.08(5), 408.15(11) FS.

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

TIME AND DATE: 10:00 a.m., August 20, 2002

PLACE: Agency for Health Care Administration, Building 3, First Floor Conference Room, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Elizabeth Dye, Bureau Chief, State Center for Health Statistics, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULES IS:

59B-13.001 Reporting Instructions.

(1) No change.

(2) Beginning with calendar year 1999 data, each health maintenance organization shall submit indicator data for each calendar year period no later than October 1 of the following year. The amendments appearing herein are effective beginning with calendar year 2002 data due October 1, 2003.

(3) through (7) No change.

Specific Authority 408.15(8) FS. Law Implemented 641.51(9), ~~641.51(8)~~, 408.061, 408.063(2), 408.08(5), 408.15(11) FS. History—New 6-27-00, Amended.

59B-13.003 Uniform Data Specifications.

(1) Each health maintenance organization shall submit Florida member data for each indicator of access or quality of care listed in (a) through (y) below as required by the HEDIS rotation schedule for the calendar year. Indicators not referenced in the HEDIS rotation schedule must be reported annually. For each indicator, use the HEDIS specifications for the calendar year of data to be reported.

(a) through (b) No change.

(c) Indicator 003 – ~~Timeliness of prenatal care. Prenatal care in the first trimester.~~ Required for Medicaid and commercial patients.

(d) through (m) No change.

(n) Indicator 014 – ~~Chlamydia screening in women, 16 to 20 year-olds. Required for Medicaid and commercial patients. Antidepressant medication management, optimal practitioner contacts for medication management. Required for Medicaid, commercial, and Medicare patients.~~

(o) Indicator 015 – ~~Chlamydia screening in women, 21 to 26 year-olds. Required for Medicaid and commercial patients. Antidepressant medication management, effective acute phase treatment. Required for Medicaid, commercial, and Medicare patients.~~

(p) Indicator 016 – ~~Chlamydia screening in women, combined. Required for Medicaid and commercial patients. Antidepressant medication management, effective continuation phase treatment. Required for Medicaid, commercial, and Medicare patients.~~

(q) through (y) No change.

(2) Each health maintenance organization shall report the following data elements for each of the required indicators in (1) above and report the indicator data separately for each product line required in (1) above, as described below:

(a) through (c) No change.

(d) Product line – The product line represented by the data:

1. Medicare – Use code 01 to indicate that the product line is Medicare.

2. Medicaid – Use code 02 to indicate that the product line is Medicaid (does not include Florida Healthy Kids or MediKids members).

3. Commercial – Use code 03 to indicate that the product line is commercial (does not include Florida Healthy Kids or MediKids members).

(e) through (m) No change.

~~(n) Percentage with pharmacy benefits – Number of members in the denominator for which the health maintenance organization manages or provides pharmacy benefits. Leave blank (zero fill) if the indicator is not indicators 010 through 013.~~

(3) Each health maintenance organization shall report indicator data in the following format with a space or tab between each data element listed below, starting a new line with each sequence of data elements (a) through (m) formats:

(a) through (e) No change.

(f) Eligible member population – Number of digits required. Eight digits, right justified. Zero fill leading digits.

(g) Sample size – Number of digits required. Eight digits, right justified. Zero fill leading digits.

(h) Denominator – Number of digits required. Eight digits, right justified. Zero fill leading digits.

(i) Number of numerator events – Number of digits required. Eight digits, right justified. Zero fill leading digits.

(j) Number of substitute records – Number of digits required. Eight digits, right justified. Zero fill leading digits.

(k) through (m) No change.

~~(n) Percentage with pharmacy benefits – Five digits with two decimal places required, right justified. Zero fill leading digits. Include decimal. Use the format: xxx.xx where x represents any digit and xxx.xx is a value between 0 and 100.00.~~

Specific Authority 408.15(8) FS. Law Implemented 641.51(9), 641.51(8), 408.061, 408.063(2), 408.08(5), 408.15(11) FS. History–New 6-27-00, Amended.

59B-13.006 Uniform Publication Format.

(1) The agency shall publish the following indicator data for each indicator no less frequently than every two years:

(a) Health maintenance organization name;

(b) Calendar year of data;

(c) Type of product line;

(d) Rate;

~~(e) Notation that the health plan is new or small (not measurable) if applicable. Upper and lower confidence interval.~~

(2) In each publication of indicator data, the agency shall include a title and a summary description of the indicator.

Specific Authority 408.15(8) FS. Law Implemented 641.51(9), 641.51(8), 408.061, 408.063(2), 408.08(5), 408.15(11) FS. History–New 6-27-00, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elizabeth Dye, Bureau Chief, State Center for Health Statistics

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, M.D., Secretary, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 9, 2002

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002 and April 5, 2002

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE:

RULE NO.:

Payment Methodology for Nursing

Home Services

59G-6.010

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Long-term Care Reimbursement Plan (the Plan) payment methodology, effective July 1, 2002, to provide the following changes based on House Bill 27E, General Appropriations Act 2002-03, Specific Appropriation 199 and 251, Florida Legislature 2002-03:

1. In order to maximize all available federal funds allowable by federal law, the Agency for Health Care Administration is seeking a nursing home upper payment limit (UPL) program to provide special Medicaid payments to nursing homes to expand existing programs utilizing increased federal reimbursement programs. All such expansions shall be contingent upon the availability of state match from existing state funds or local sources.

2. From the funds in Specific Appropriation 251, \$26,925,842 is provided for the purpose of adjusting the operating cost component of the Medicaid nursing home per diem rate. These funds are provided to address the increased cost for general and professional liability insurance.

Other proposed changes unrelated to House Bill 27E are as follows:

3. Removal of Usual and Customary (U & C) provisions from the Long-Term Care Reimbursement Plan. Section V.B. 21 & 22.

4. The number of cost report copies required to be submitted to the Agency for Health Care Administration (AHCA) will be changed from four (4) to three (3). Section I.A.

5. The initial capital contribution for nursing homes participating in a risk retention group (RRG) will not be an allowable cost in the nursing facility's Medicaid cost report. Section III.M.

6. The provisions for receiving an interim rate adjustment have been modified. Section IV. J.3.

7. The provision stating "more current cost reports will be used to establish rates if time permits" will be removed. Section V.A.1.

8. A clarification on the 18-month cost reporting period provision. Section I.B. The effect of the proposed amendment is a nursing home upper payment (UPL) program, an adjustment to the operating cost component of the Medicaid nursing home per diem rate, removal of Usual and Customary (U & C) provisions from the Long-Term Care Reimbursement Plan, the number of cost report copies required to be submitted to the Agency for Health Care Administration (AHCA) will be changed from four (4) to three (3), the initial capital contribution for nursing homes participating in a risk retention group (RRG) will not be an allowable cost in the nursing facility's Medicaid cost report, the provisions for receiving an interim rate adjustment have been modified, the provision stating "more current cost reports will be used to establish rates if time permits" will be removed, and a clarification on the 18-month cost reporting period provision.

SUMMARY: The proposed amendment to rule number 59G-6.010 incorporates revisions to the Florida Title XIX Long-Term Care Reimbursement Plan. The amendment seeks to provide a nursing home upper payment (UPL) program, an

adjustment to the operating cost component of the Medicaid nursing home per diem rate, Removal of Usual and Customary (U & C) provisions from the Long-Term Care Reimbursement Plan, the number of cost report copies required to be submitted to the Agency for Health Care Administration (AHCA) will be changed from four (4) to three (3), the initial capital contribution for nursing homes participating in a risk retention group (RRG) will not be an allowable cost in the nursing facility's Medicaid cost report, the provisions for receiving an interim rate adjustment have been modified, the provision stating "more current cost reports will be used to establish rates if time permits" will be removed, and a clarification on the 18-month cost reporting period provision.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has not been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

IF REQUESTED IN WRITING 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: 2:00 p.m., August 21, 2002

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room E, Tallahassee, FL 32308
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Estes, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2106C, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2759

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.010 Payment Methodology for Nursing Home Services.

Reimbursement to participating nursing homes for services provided shall be in accord with the Florida Title XIX Long-Term Care Reimbursement Plan, Version ~~XXIII~~ ~~XXII~~ Effective Date _____ July 14, 2002 and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Deputy Director for Medicaid, 2727 Mahan Drive, Mail Stop 8, Tallahassee, Florida 32308. The plan incorporates Provider Reimbursement Manual (CMS Pub. 15-1).

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History—New 7-1-85, Amended 10-1-85, Formerly 10C-7.482, Amended 7-1-86, 1-1-88, 3-26-90, 9-30-90, 12-17-90, 9-15-91, 3-26-92, 10-22-92, 4-13-93, 6-27-93, Formerly 10C-7.0482, Amended 4-10-94, 9-22-94, 5-22-95, 11-27-95, 11-6-97, 2-14-99, 10-18-99 01-11-00, 4-24-00, 9-20-00, 11-20-01, 2-20-02, 7-14-02.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. James Estes
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Bob Sharpe
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 14, 2002

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Inpatient Hospital Services
RULE NO.: 59G-6.020

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan (the Plan) Payment methodology, effective July 1, 2002. These changes are based upon House Bill 27E, 2002-03 General Appropriations Act, Specific Appropriations 222 and 222A.

1. \$51,147,733 is provided for special Medicaid payments to statutory teaching hospitals; family practice teaching hospitals as defined in s. 395.805, Florida Statutes; hospitals providing primary care to low-income individuals; hospitals which operate designated or provisional trauma centers; and rural hospitals. Statutory teaching hospitals that qualify for the Graduate Medical Education disproportionate share hospital (DSH) program shall be paid \$13,559,912 distributed in the same proportion as Graduate Medical Education DSH payments. Family practice teaching hospitals, except for those that are public hospitals, shall be paid \$1,812,908 distributed equally between the hospitals. Hospitals providing primary care to low-income individuals and participating in the Primary Care DSH program shall be paid \$13,559,912 distributed in the same proportion as the Primary Care DSH payments. Hospitals that are designated or provisional trauma centers shall be paid \$12,900,000. Of this amount, \$5,100,000 shall be distributed equally between hospitals that are a Level I trauma center; \$5,000,000 shall be distributed equally between hospitals that are either a Level II trauma center or Pediatric trauma center; and \$2,800,000 shall be distributed equally between hospitals that are both a Level II trauma center and Pediatric trauma center. Rural hospitals participating in the Rural Hospital DSH program shall be paid \$9,315,000 distributed in the same proportion as the DSH payments.

2. \$12,756,371 is provided to eliminate the inpatient reimbursement ceilings for hospitals whose charity care and Medicaid days, as a percentage of total hospital days, equal or

exceed 14.5%. Hospitals that exceed 14.5% as described above and are trauma centers shall be paid \$2,000,000 if their variable cost rate is less than their variable cost target or county ceiling target. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.

3. \$5,315,665 is provided to eliminate the inpatient reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceed 9.6%, and are trauma centers. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.

4. \$94,673,386 is provided to make special Medicaid payments (SMP) to hospitals that serve as a safety net in providing emergency and inpatient care to low-income and indigent individuals. This amount shall be paid to the following hospitals:

Hospital	2002-03 SMP
Jackson Memorial Hospital	\$2,562,400
University Medical Center – Shands	\$50,828,951
All Children’s Hospital	\$6,604,745
University Medical Center – Shands	\$50,828,951
All Children’s Hospital	\$6,604,745
Shands Teaching Hospital	\$2,396,945
St. Mary’s Hospital	\$51,222
Miami Children’s Hospital	\$5,750,230
Tampa General Hospital	\$13,703,527
Orlando Regional Medical Center	\$3,641,219
Lee Memorial Hospital/CMS	\$500,000
Tallahassee Memorial Healthcare	\$54,402
St. Joseph’s Hospital	\$52,835
Florida Hospital	\$55,072
Baptist Hospital of Pensacola	\$500,000
Mt. Sinai Medical Center	\$7,971,838

5. \$232,693,505 is provided for special Medicaid payments to hospitals providing enhanced services to low-income individuals.

6. \$14,884,011 is provided to make special Medicaid payments to the statutory teaching hospitals. These payments shall be used by the teaching hospitals in collaboration with the Department of Health and the Area Health Education Centers to enhance medical education programs.

7. \$7,251,632 is provided to make special Medicaid payments to hospitals. These payments shall be used by the hospitals in collaboration with the Department of Health and Federally Qualified Community Health Centers or Primary Care Centers to provide primary care services to indigent residents.

8. \$134,851,971 is provided for the creation of a public Disproportionate Share Hospital Program (DSH) and shall be distributed in accordance with s. 409.911, Florida Statutes. The public hospital DSH program will replace the current regular DSH program for FY 2002-03. Funds appropriated are contingent upon receipt of county contributions. These funds

reflect a decrease of \$40,572,430 in order to be in compliance with the federal funding cap on the Disproportionate Share Hospital program. Additionally, these funds reflect an increase of \$3,682,293 for the transfer of funds from the Children's Hospital Disproportionate Share Program.

9. Section V A. 5 of the Title XIX Inpatient Hospital Reimbursement Plan refers to the "health, recreation, and personal services" component of the Florida Price Level Index (FPLI). This component has been renamed "health care".

10. In accordance with 409.905 F.S., the Agency for health care Administration shall adjust a hospital's current inpatient per diem rate to reflect the cost of serving the Medicaid population at that institution if the hospital is located in a county that has five or fewer hospitals, began offering obstetrical services on or after September 1999, and has submitted a request in writing to the Agency for a rate adjustment after July 1, 2000, but before September 30, 2000, in which case such hospital's Medicaid inpatient per diem rate shall be adjusted to cost, effective July 1, 2002.

The effect of the proposed changes will be special Medicaid payments (SMP) will be made in accordance with the 2002-03 General Appropriations Act, Specific Appropriations 222 and 222A, to qualifying hospitals, elimination of inpatient hospital reimbursement ceilings for qualifying hospitals, the creation of a public disproportionate share hospital (DSH) program, an update to the Florida Price Level Index (FPLI), and an adjustment to a hospital's inpatient per diem rate in accordance with 409.905, F.S.

SUMMARY: Special Medicaid payments (SMP) will be made in accordance with the 2002-03 General Appropriations Act, Specific Appropriations 222 and 222A, to qualifying hospitals, elimination of inpatient hospital reimbursement ceilings for qualifying hospitals, the creation of a public disproportionate share hospital (DSH) program, an update to the Florida Price Level Index (FPLI), and an adjustment to a hospital's inpatient per diem rate in accordance with 409.905, F.S.

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 a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 10:00 a.m., August 21, 2002

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Estes, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.020 Payment Methodology for Inpatient Hospital Services.

Reimbursement to participating inpatient hospitals for services provided shall be in accord with the Florida Title XIX Inpatient Hospital Reimbursement Plan, Version ~~XXI~~ ~~XX~~, Effective Date ~~March 31, 2002~~, and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.908, 409.9117 FS. History--New 10-31-85, Formerly 10C-7.391, Amended 10-1-86, 1-10-89, 11-19-89, 3-26-90, 8-14-90, 9-30-90, 9-16-91, 4-6-92, 11-30-92, 6-30-93, Formerly 10C-7.0391, Amended 4-10-94, 8-15-94, 1-11-95, 5-13-96, 7-1-96, 12-2-96, 11-30-97, 9-16-98, 11-10-99, 9-20-00, 3-31-02.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Estes

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bob Sharpe

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 15, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 14, 2002

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Outpatient Hospital Services

RULE NO.: 59G-6.030

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Outpatient Hospital Reimbursement plan (the Plan) payment methodology, effective July 1, 2002, to provide the following changes based on House Bill 27E, General Appropriations Act 2002-03, Florida Legislature 2002-03, Specific Appropriation 225:

1. \$2,134,824 is provided to eliminate the outpatient reimbursement ceilings for hospitals whose charity care and Medicaid days as a percentage of total hospital days equal or exceed 14.5 percent. The agency shall use the disproportionate share hospital 1997 audited data available as of March 1, 2001.
2. \$359,443 is provided to eliminate the outpatient reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceed 9.6%, and are trauma centers. The Agency shall use the 1997 audited DSH data available as of March 1, 2001.

Other changes unrelated to House Bill 27E, general Appropriations Act 2002-03.

- 3. Update to outpatient hospital reimbursement codes.
- 4. Florida Price level Index (FPLI) reference to "health, recreation, and personal services" has changed to "health care."

The effect of the proposed amendment will be outpatient reimbursement ceilings will be eliminated for hospitals whose charity care and Medicaid days as a percentage of total hospital days equal or exceed fourteen and one half percent, outpatient reimbursement ceilings will be eliminated for hospitals whose Medicaid days as a percentage of total hospital days exceed 9.6%, updates to the outpatient reimbursement codes, and the Florida Price level Index (FPLI) reference to "health, recreation, and personal services" has changed to "health care."

SUMMARY: The proposed amendment to Rule 59G-6.030 incorporates revisions to the Medicaid Outpatient Hospital Reimbursement Plan. The amendment provides for outpatient reimbursement ceilings to be eliminated for hospitals whose charity care and Medicaid days as a percentage of total hospital days equal or exceed fourteen and one half percent, outpatient reimbursement ceilings will be eliminated for hospitals whose Medicaid days as a percentage of total hospital days exceed 9.6%, and Florida Price level Index (FPLI) reference to "health, recreation, and personal services" has changed to "health care."

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has not been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 10:00 a.m., August 21, 2002

PLACE: 2727 Fort Knox Boulevard, Building 3, Conference Room E, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Estes, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2106C, Mail Stop 21, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.030 Payment Methodology for Outpatient Hospital Services

Reimbursement to participating outpatient hospitals for services provided shall be in accordance with the Florida Title XIX Outpatient Hospital Reimbursement Plan, Version ~~X IX~~, Effective date: _____ ~~December 6, 2001~~, and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History--New 10-31-85, Amended 12-31-85, Formerly 10C-7.401, Amended 10-1-86, 3-26-90, 9-30-90, 10-13-91, 7-1-93, Formerly 10C-7.0401, Amended 4-10-94, 9-18-96, 9-6-99, 9-20-00, 12-6-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. James Estes

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Bob Sharpe

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 15, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 14, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLES:	RULE NOS.:
Passing Grade	61G15-21.004
Re-examination	61G15-21.007

PURPOSE AND EFFECT: The Board proposes to update the rule text with regard to Passing Grades and Re-examination requirements of the Board.

SUMMARY: These amendments eliminate obsolete language regarding the determination of criteria for passing grades since the Board uses a national exam for licensure. They also modify language to follow the nomenclature in the statute for certain terms, like the titles for the two parts of the examination. The amendments would add new language indicating a desire to follow the national examination should it be given on a pass-fail basis in the future. As for re-examination, the amendments would correct titles of the parts of the examination and provide clarification to all applicants who fail any part of the examination five times as to the content of the course work to be completed prior to being approved to sit again for the examination as required by statute.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.217(1)(c), 455.217(2), 471.013 FS.

LAW IMPLEMENTED: 455.217(1)(c), 455.217(2), 471.011, 471.013, 471.015, 471.03 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Natalie Lowe, Administrator, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5267

THE FULL TEXT OF THE PROPOSED RULES IS:

61G15-21.004 Passing Grade.

(1) The criteria for determining the minimum score necessary for passing the Engineering Fundamentals Examination shall be developed through the collective judgment of qualified experts appointed by NCEES to set the raw score that represents the minimum amount of knowledge necessary to pass the examination. ~~The judges shall use a Modified Angoff Method in determining the minimally acceptable raw score necessary to pass the Fundamentals of Engineering Examination. Using the above mentioned Modified Angoff Method, the judges will indicate the probability that a minimally knowledgeable Fundamentals of Engineering examinee would answer any specific questions correctly. The probability of a correct response is then assigned to each question. Each judge will then make an estimate of the percentage of minimally knowledgeable examinees who would know the answer to each question. The totals of each of the judges is added together and divided by the number of judges to determine the overall estimate of the minimum standards necessary. The minimum number of correct answers required to achieve a passing score will take into account the relative difficulty of each examination through scaling and equating each examination to the base examination. The raw score necessary to show competence shall be deemed to be a 70 on a scale of 100.~~

(2) A passing grade on Part ~~II Two~~ of the examination is defined as a grade of 70 or better. ~~The grades are determined by a group of knowledgeable professional engineers, who are familiar with engineering practice and with what is required for an applicable engineering practice and with what is required for an applicable engineering task. These professional engineers will establish a minimum passing score on each individual test item (i.e., examination problem). An Item~~

~~Specific Scoring Plan (ISSP) will be prepared for each examination item based upon the NCEES standard scoring plan outline form. An ISSP will be developed by persons who are familiar with each discipline including the item author, the item scorer, and other NCEES experts. On a scale of 0-10, six (6) will be a minimum passing standard and scores between six (6) and ten (10) will be considered to be passing scores for each examination item. A score of five (5) or lower will be considered an unsatisfactory score for that item and the examinee will be considered to have failed that item. To pass, an examinee must average six (6) or greater on his/her choice of eight (8) exam items, that is, the raw score must be forty eight (48) or greater based on a scale of eighty (80). This raw score is then converted to a base 100 on which, as is noted above, a passing grade will be seventy (70).~~

(3) In the event that NCEES issues scoring results on a pass-fail basis, the notification by NCEES that the examinee passed the examination will constitute a passing grade for that examination under this rule.

Specific Authority 455.217(1)(c), 471.013 FS. Law Implemented 455.217(1)(c), 471.03 FS. History—New 1-8-80, Amended 3-23-81, 8-25-81, 2-21-84, 1-20-85, Formerly 21H-21.04, 21H-21.004, Amended.

61G15-21.007 Re-examination.

(1) An applicant who fails to pass or take Part ~~I One~~ or Part ~~II Two~~ of the ~~eEngineering eExamination or the Engineer Intern Examination~~ may take the applicable examination upon payment of the proper re-examination fee at a regularly scheduled examination date. An applicant who has passed one of the two parts of the ~~eEngineering eExamination~~ shall be given credit for the part passed. If an applicant fails to take or appear for an examination he shall be required to pay a re-examination fee for any part of the examination not taken or appeared for. If an applicant fails to take an examination for two consecutive examination dates he shall be required to submit a new application and pay the required fee.

(2) If an applicant fails five times to pass any part of the examination, the applicant must take additional college level engineering courses in order to reapply for examination. The applicant must submit to the Board of Professional Engineers transcripts for the enrollment and completion of twelve (12) college credit hours of college level engineering courses in the applicant's area of deficiency. For applicants to take Part I of the engineer examination, such additional courses shall be undergraduate college courses in higher mathematics, basic sciences or engineering as described in paragraph 61G15-20.007(2)(a), (b), and (d), F.A.C. For applicants to take Part II of the engineer examination, such additional courses shall be upperlevel or higher courses in engineering, as defined in paragraph 61G15-20.007(2)(d), F.A.C.

Specific Authority 455.217(2) FS. Law Implemented 455.217(2), 471.011, 471.013, 471.015 FS. History—New 1-8-80, Amended 8-25-81, Formerly 21H-21.07, 21H-21.007, Amended 2-14-95, 5-22-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 20, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 7, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Schedule of Fees.
RULE NO.: 61G15-24.001
PURPOSE AND EFFECT: The Board proposes to update the rule text with regard to fees charged by the Board.

SUMMARY: This rule is being amended to correct the description of certain fees imposed by the Board and eliminate the temporary reduction of the license renewal fee that was in effect for the current biennium.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.213, 455.217(3), 455.219, 455.271, 471.011, 471.019 FS.

LAW IMPLEMENTED: 119.07(1)(a), 455.217(3),(7), 471.011, 471.019 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natalie Lowe, Administrator, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5267

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-24.001 Schedule of Fees.

(1) No change.

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

(e) Renewal – \$125.00 per biennium; however, for the biennium commencing on February 28, 2001, the renewal fee shall be \$62.50

(f) through (p) No change.

(3) No change.

Specific Authority 455.213, 455.217(3), 455.219, 455.271, 471.011, 471.019 FS. Law Implemented 119.07(1)(a), 455.217(3),(7), 471.011, 471.019 FS. History--New 1-8-80, Amended 8-26-81, 12-19-82, 6-2-83, 2-28-84, Formerly 21H-24.01, Amended 3-10-86, 12-11-86, 3-10-87, 4-12-88, 12-21-88, 1-10-90, 8-15-90, 1-6-93, Formerly 21H-24.001, Amended 11-15-94, 8-10-98, 6-16-99, 5-8-00, 11-15-01, 2-21-02.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers
DATES PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2002 and June 20, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 14, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Building Code Administrators and Inspectors

RULE TITLE: Approval of Courses
RULE NO.: 61G19-9.004

PURPOSE AND EFFECT: The Board proposes to change the requirement for Continuing Education hours from Board meetings from a disciplinary type of meeting to any type of meeting.

SUMMARY: The Rule specifies the requirement for approval of attendance at a meeting of the Board to obtain a maximum of (3) hours of credit of the total fourteen (14) continuing education hours.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 468.606, 468.627 FS.

LAW IMPLEMENTED: 468.627 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-9.004 Approval of Courses.

(1) through (8) No change.

(9) Of the required fourteen (14) continuing education hours, up to three (3) hours credit may be earned by attending a disciplinary meeting of the Board. Licensees must attend the complete agenda of disciplinary cases to receive the continuing

