

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF FINANCIAL SERVICES

Office of Financial Regulation

Table with 2 columns: RULE TITLES and RULE NOS.
Mortgage Lender License, Mortgage Lender License Pursuant to Saving Clause, and Branch Office License Renewal and Reactivation 3D-40.205
Correspondent Mortgage Lender License and Branch Office License Renewal and Reactivation 3D-40.225

PURPOSE AND EFFECT: The amendments to the rules revise and update the renewal forms to provide for certification upon license renewal that the continuing education requirements have been met. The amendments also update mailing addresses.

SUBJECT AREA TO BE ADDRESSED: Mortgage Broker and Mortgage Lender Renewals.

SPECIFIC AUTHORITY: 494.0011(2), 494.0064(2) FS.

LAW IMPLEMENTED: 494.0011(2), 494.0064 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, August 3, 2004

PLACE: Office of Financial Regulation, The Fletcher Building, 101 E. Gaines St., Room 547, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Greg Oaks, 200 E. Gaines St., Tallahassee, FL 32399-0300,(850)410-9805

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

Table with 2 columns: RULE CHAPTER TITLE and RULE CHAPTER NO.
Entomology – Pest Control Regulations 5E-14
Contractual Agreements in Public’s Interest – Control and Preventive Treatment for Wood Destroying Organisms 5E-14.105
Responsibilities and Duties – Records, Reports, Advertising, Applications 5E-14.142

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to add amendments to the rule establishing requirements for contracts offered by pest control companies to homeowners upon treatment of properties for wood destroying organisms.

SUBJECT AREA TO BE ADDRESSED: Wood Destroying Organism contracts.

SPECIFIC AUTHORITY: 482.051, 482.163, 482.165 FS.

LAW IMPLEMENTED: 482.051, 482.161, 482.163, 482.227 FS.

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

TIME AND DATE: 10:00 a.m. – 3:00 p.m., September 7, 2004

PLACE: Department of Agriculture and Consumer Services, Eyster Auditorium, 3125 Conner Blvd., Tallahassee, Florida 32399, (850)488-7447

TIME AND DATE: 10:00 a.m. – 3:00 p.m., September 8, 2004

PLACE: Auditorium of the Florida Research and Education Center, 2725 Binion Road, Apopka, Florida 32703, (407)884-2034

TIME AND DATE: 10:00 a.m. – 3:00 p.m., September 9, 2004

PLACE: Room 130, Ft. Lauderdale Research and Education Center, 3205 College Avenue, Ft. Lauderdale, Florida 33314, (954)577-6300

NOTE: These workshops will be combined with workshops for Rule 5E-14.149, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Steve Dwinell, Assistant Director, Division of Agricultural Environmental Services, 3125 Conner Blvd., Tallahassee, FL 32311

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-14.105 Contractual Agreements in Public’s Interest – Control and Preventive Treatment for Wood-Destroying Organisms.

(1) No change.

(2) Such contract or an exact facsimile thereof must be given to the property owner or his authorized agent for acceptance or rejection before any portion of the work is done and before payment, in part or in full, is received by the licensee. The contract shall clearly set forth the following information:

(a) through (d) No change.

(e) The complete common name(s) of the wood-destroying organism(s) to be controlled or for which preventive treatment is intended under the contract. If termites are to be controlled or preventive treatment applied for termites, the contract must clearly state on the first page if the contract covers subterranean termites, dry wood termites, or both, or any other type of termite.

(f) through (k) No change.

(3) No change.

(4) In contracts covering spot treatments for wood-destroying organism(s), the requirements of subsections 5E-14.105(1) and (2), F.A.C. shall apply. In addition to these, specific areas in, on or under the structure to be treated shall be listed in the written contract and a statement that a spot treatment only was performed shall be made on the treatment sticker posted as required by Section 482.226(5), Florida Statutes.

(5) through (7) No change.

(8) Each licensee shall comply with the terms of each pest control contract it issues. Unless otherwise clearly stated in the contract, and clearly disclosed to and the pertinent disclosure initialed by the property owner to which the contract applies:

(a) A licensee must provide written notice to a contract holder within seven days of discovery of a condition that is the subject of a limitation, exclusion, or condition to the licensee's responsibility for the repair or re-treatment under a contract and provide an opportunity for the property owner to correct the condition. If the condition is not corrected within 90 days or by the time of the renewal of the contract (whichever is a longer time period), the licensee shall either cancel the contract or waive the exclusion, condition, or limitation that applies.

(b) A licensee must inspect for a infestation that is the subject of a re-treatment provision of a contract within 14 days of notification by the property owner to which the contract applies, and must perform a re-treatment required under a contract within 30 days of discovery of an infestation subject to the re-treatment provision of a contract, unless access to the property is prevented by the property owner, or the treatment is waived in writing by the property owner.

(c) A licensee must clearly disclose to the signer of each contract if a mandatory arbitration provision applies to the contract. Demonstration of this disclosure may be made by the initialing by the signer of the contract of this provision of the contract or by initialing or signature of a separate disclosure document that describes the mandatory arbitration provision.

(d) A licensee may not use a limitation, exclusion, or condition clause of a contract to deny treatment of a termite infestation or repair of termite damage to the holder of a contract, unless the termite infestation or damage was a result of failure of treatment clearly caused by the subject of the limitation, exclusion, or condition clause in the contract.

Specific Authority 482.051 FS. Law Implemented 482.051(3) FS. History--New 1-1-77, Joint Administrative Procedures Committee Objection Withdrawn - See FAW Vol. 3, No. 30, July 29, 1977, Amended 6-27-79, 10-25-90, Formerly 10D-55.105, Amended 8-11-93, 4-17-03, _____.

5E-14.142 Responsibilities and Duties – Records, Reports, Advertising, Applications.

(1) Records:

(a) Pest control records of the licensee pertaining to pest control activities and including contracts shall be kept at the licensed business location or at the exact Florida address specified in the application for business license for inspection by Department inspectors. Additionally, available for inspection by appropriate state officials at reasonable times there shall be maintained for a period of at least two years routine operational records containing information on kinds (names), amounts, uses, dates, and places of application of restricted-use pesticides.

~~(b) Each licensee shall comply with the terms of each pest control contract it issues.~~ (Moved to subsection 5E-14.105(8), F.A.C.).

(2) through (8) No change.

Specific Authority 482.051 F.S. Law Implemented 482.071, 482.091, 482.161(1)(g), 482.226(1),(2),(4),(5),(6) FS. History--New 1-1-77, Amended 6-27-79, 6-22-83, 1-20-87, 10-25-90, Formerly 10D-55.142, Amended 8-11-93, 5-28-98, 4-29-02, 4-17-03, 6-2-04, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE: Entomology – Pest Control

RULE CHAPTER NO.:

Regulations

5E-14

RULE TITLE:

RULE NO.:

Enforcement and Penalties

5E-14.149

PURPOSE AND EFFECT: The purpose of the rule amendment is to adopt the enforcement guidelines and penalties into rule. The Department's purpose in applying these guidelines is to achieve compliance with Chapter 482, Florida Statutes (F.S.), and Chapter 5E-14, Florida Administrative Code (F.A.C.).

SUBJECT AREA TO BE ADDRESSED: Enforcement and penalties are being adopted into rule to facilitate compliance.

SPECIFIC AUTHORITY: 482.051, 482.163, 482.165 FS.

LAW IMPLEMENTED: 482.161, 482.163, 482.165 FS.

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

TIME AND DATE: 10:00 a.m. – 3:00 p.m., September 7, 2004

PLACE: The Department of Agriculture and Consumer Services, Eyster Auditorium, 3125 Conner Blvd., Tallahassee, Florida 32399, (850)488-7447

TIME AND DATE: 10:00 a.m. – 3:00 p.m., September 8, 2004

PLACE: Auditorium of the Florida Research and Education Center, 2725 Binion Road, Apopka, Florida 32703, (407)884-2034

TIME AND DATE: 10:00 a.m. – 3:00 p.m., September 9, 2004
PLACE: Room 130, Ft. Lauderdale Research and Education Center, 3205 College Avenue, Ft. Lauderdale, Florida 33314, (954)577-6300

NOTE: These workshops will be combined with workshops for Rules 5E-14.105 and 5E-14.142, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Steven Rutz, Director, Division of Agricultural Environmental Services, Room 130, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-14.149 Enforcement and Penalties.

(1) List of Penalties. The Department will apply one or more of the following penalties for violation of Chapter 482, F.S., or Chapter 5E-14, F.A.C.

(a) Denial of an application for licensure or license renewal and/or permits or refusal of a pest control registration, license, and/or permit.

(b) Revocation or Suspension of any license including permits.

(c) Warning Letter.

(d) Probation for a specified period of time not to exceed two years subject to conditions.

(e) Administrative fine not to exceed \$5,000 for each violation.

(f) Criminal prosecution by referral to the State Attorney under Sections 775.082 and 775.083, F.S.

(g) Injunctive relief.

(h) Issuance of a Cease and Desist Order, Immediate Stop Use or Stop Work Orders.

(i) Institution of an action under Chapter 501, Part II, F.S., for violations involving deceptive and unfair trade practices where the legal remedies provided under Chapter 501, Part II, F.S., are needed to further protect consumers or recover damages associated with identified violations.

(2) Violation and Repeat Violation. Each and every breach of F.S. 482 and related rule, or part thereof, is a violation. A repeat violation is a violation for which the person has been previously disciplined within the last three (3) years.

(3) Category of Violations. Minor violations are all violations other than those classified as major violations. Major violations are violations where:

(a) Death or injury occurs requiring medical attention to humans or veterinary attention to animals.

(b) A reasonable probability of death or injury may occur to humans or animals, but where the death or injury does not occur.

(c) The licensee, certificate holder, permit holder or applicator causes serious harm to an ecological system, or contamination of water or soil requiring corrective action or monitoring to protect human health or the environment.

(d) The licensee, certificate holder, permit holder or applicator has habitual intemperance or addiction to narcotics.

(e) The licensee, certificate holder, permit holder or applicator is or has been convicted in any state or federal court of a felony unless civil rights have been restored.

(f) The licensee, certificate holder, permit holder or applicator knowingly makes false or fraudulent claims with respect to pest control; misrepresenting the effects of materials or methods used in pest control or failing to use materials or methods suitable for the pest control undertaken.

(g) The licensee, certificate holder, permit holder or applicator performs pest control in a negligent manner or uses a structural fumigant in a manner that is inconsistent with its label directions.

(h) The licensee, certificate holder, permit holder or applicator fails to give the Department or representative true information upon request regarding methods and materials used, work performed, or other information essential to the administration of Chapter 482, F.S.

(i) The licensee, certificate holder, permit holder or applicator performs or causes fraudulent or misleading advertising relative to pest control or advertises in an unauthorized category of pest control.

(j) The licensee, certificate holder, permit holder or applicator whose action results in estimated economic or property damage exceeding \$1,000.

(k) The licensee, certificate holder, permit holder or applicator violates any Immediate Final Order, Emergency Suspension Order, Stop Use, Stop Work, Settlement Agreement, Consent Order, Final Order, or any other order of the Department, issued under the authority of Chapters 120 or 482, F.S., or Chapter 5E-14, F.A.C.

(l) The licensee, certificate holder, permit holder or applicator commits fraud or deceptive trade practices which contribute to an economic loss estimated to be greater than \$500 for one or more consumers.

(m) An individual or business performs pest control without holding a valid license from the Department.

(4) Stop Use or Stop Work Orders.

(a) Use of Stop Use, Stop Work Orders shall be issued in accordance with subsection 5E-14.108(4), F.A.C., for: Fumigation activities performed in violation of fumigant label requirements or department rules, or in a manner that presents an immediate serious danger to the health, safety, or welfare of the public, including but not limited to, failure to use required personal protective equipment, failure to use required warning agent, failure to post required warning signs, failure to secure a

structure's usual entrances as required, or using a fumigant in a manner that will likely result in hazardous exposure to humans, animals, or the environment.

(b) The Department shall issue a release of a Stop Use or Stop Work Order when the deficiencies cited have been corrected and the violator is in compliance with the provisions of Chapter 482, F.S., and associated rules.

(5) Default. A violator's failure to respond to an administrative complaint may result in a waiver of rights to a hearing and the Department may enter a Final Order imposing up to the maximum penalties as authorized by Florida law, including suspension of the violator's license and/or permit.

(6) Denial. If a person fails to comply with the licensing and/or permit requirements of Chapter 482, F.S., or Chapter 5E-14, F.A.C., the person's application for licensing and/or permit will be denied. Applications for any licensing and/or permit issued by the Department will be denied until all outstanding fines owed to the Department are paid in full.

(7) Warning Letters. For first time, non-major violations, the Department will issue a Warning Letter that is the equivalent of a Notice of Noncompliance. These may be issued to violators who fail to respond to an administrative complaint.

(8) Fines. For repeat non-major violations, multiple violations including at least one major violation, and all major violations, including those violators who do not respond to an administrative complaint, the Department will impose an administrative fine not to exceed \$5,000 per violation plus any other penalty allowed by law including suspension or revocation. When imposing a fine, the Department will consider the degree and extent of harm, or potential harm, that was or could have been caused by the violation, the cost of rectifying the damage, whether the violation was committed willfully, the compliance record of the violator, and the costs to the Department of investigating the violation. The Department will use the attached Fine Guide to assist it in determining the appropriate amount of the fine.

(9) Probation. In lieu of or in addition to fines or any other applicable penalty, the Department will impose up to a two-year probation on a violator when it will assist in ensuring compliance with the law. Probation will include requiring the violator to do one or more of the following: attend continuing education classes, demonstrate competency through a written or practical examination, provide prior notice of certain regulated actions, satisfy existing or future consumer complaints, engage in other corrective measures, or pay investigative costs.

(10) Investigative Costs. As part of probation the Department will charge for investigative costs where appropriate to insure compliance. Investigative costs are comprised of the following: Inspectors time, Bureau personnel time, travel expenses, and all other incidental expenditures related to the case.

(11) Suspension and Revocation. Suspension or Revocation will be imposed when:

(a) The violation results in death of humans or animals, or injury requiring hospitalization to humans or animals.

(b) The violation results in serious harm to an ecological system, or contamination of water or soil requiring corrective action or monitoring to protect human health or the environment.

(c) The compliance record of the violator shows two or more prior violations for similar major violations within the last (3) years.

(d) To prevent ongoing or future violations.

(e) To protect the public health, safety or welfare.

(f) When a permit holder pursuant to Section 482.0815(4) or (6), F.S., meets the conditions therein.

(12) Quarterly List. All violators disciplined, and their employer at the time of the violation will be named on the next available quarterly list. The list will specify whether the employer was disciplined, and it will also state all the violations, fines or terms for each, and any suspensions, probation or revocation.

(13) Resolution of Violations, Settlement, and Additional Enforcement Remedies. The Department and the violator may agree to resolve violations prior to administrative action, or to enter into settlement pursuant to Section 120.57(4), F.S. The willingness of a violator to resolve violations prior to initiation of administrative action, or to settle will be considered in determining the appropriate penalty because early resolution of violations furthers compliance and results in savings of time, costs, and expenses for the Department. The Department will enforce a failure to comply with an agreement to resolve violations or a settlement agreement with the penalties and remedies provided in the agreement and/or as authorized by law. These enforcement guidelines shall not be construed to limit the authority of the Department to resolve violations prior to or after initiation of any administrative action or to settle with any party. The Department may utilize all available remedies to ensure voluntary compliance including administrative action, civil actions, referrals for criminal prosecution, and deceptive and unfair trade practices actions pursuant to Chapter 501, Florida Statutes.

(14) Follow-Up Compliance Inspections. If the violator agrees to corrective actions and subsequent inspection reveals that corrective actions have not been taken, then the Department will enforce the penalties and remedies provided in the agreement and as authorized by law.

(15) Notification of Licensees, Certificate Holders, and Identification Card Holders of Complaint.

When the Department receives a written complaint from a consumer regarding a licensee, certificate holder, permit holder or applicator, the Department will send a notice to the responsible person stating the complaint, identifying the complainant and requesting a written response within 10 days.

(16) Fine Guide.

FINE GUIDE = A(B+C+D+E+F)G. This guide shall apply for each violation for which a fine is imposed. The maximum fine is \$5,000 per violation. Multiple minor violations of the same statute or rule and identified during the same investigation, will be consolidated in determining the appropriate fine.

A = Degree & Extent of Harm – Human, animal & environmental hazards

1 Human, animal or environmental harm not identified or not probable

2 Reasonable probability of human or animal death or injury, or reasonable probability of serious environmental harm

5 Death of animals or injury to humans or animals requiring hospitalization, or serious harm to an ecological system, or contamination of water or soil requiring corrective action or monitoring to protect human health or the environment

7 Human death

B = Degree & Extent of Harm – Toxicity of the pesticide involved

0 No pesticide involved in complaint

1 Category III or IV – Signal Word “Caution”

2 Category II – Signal Word “Warning”

3 Category I – Signal Word “Danger”

C = Estimated cost of rectifying the damage to consumer minus any mitigation provided by the violator

1 Unknown or under \$1,000

2 Over \$1,000 and under \$5,000

3 Over \$5,000 and under \$10,000

4 Over \$10,000

D = Whether the violation was committed willfully

1 No evidence of willful intent

2 Apparent evidence of willful intent

5 Evidence of willful intent

E = Compliance record of the violator

0 No prior violations

1 One prior violation for a dissimilar violation

2 Two or more prior violations dissimilar to current violation

3 One prior violation for a similar violation

4 Two or more prior violations for similar violations

F = Investigative Costs

0 Payment of all investigative costs

2 No payment of costs

G = Entity Category

500 Business licensee responsible for violation

250 Certified Operator or Special Identification Cardholder responsible for violation

100 All others

Compliance record. The compliance record is established by prior disciplined violations, within the three (3) years preceding the date of the current violation, of Chapter 482, F.S., or of Chapter 5E-14, F.A.C., or of federal or other Florida law addressing pest control or pesticide use or disposal. Violations will be considered final on acceptance of the applicable penalty, or the date of final agency action or the conclusion of any appeals thereof.

Specific Authority 482.051, 482.163, 482.165 FS. Law Implemented 482.161, 482.163, 482.165 FS. History—New _____.

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: Clarifies definitions, revises forms, and clarifies existing rule language.

SUBJECT AREA TO BE ADDRESSED: Rule definitions; form revisions; rule references; and clarification and grammar modifications.

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

LAW IMPLEMENTED: 943.22 FS.

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

Time and Date: 10:00 a.m., July 27, 2004
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, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting: Donna Hunt, (850)410-8615 or TDD (850)656-9597.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT 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~~ any course in the Commission-approved Career Development Training Program ~~that approved by the Commission and~~ consists of advanced or technical training 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 Commission-approved training program ~~that enhances 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(4)(3), F.A.C.

(3) “Advanced Training Course” means a course in the Commission-approved Advanced Training Program ~~that 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) No change.

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

(6) through (8) No change.

(9) For Commission-approved Basic Recruit and Advanced Training Program Courses, ~~advanced training courses~~ the terms “successfully completed,” and “successfully complete,” and “pass” are defined in subsection 11B-35.001(7), F.A.C., 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, 11-5-02, _____.

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 Commission-approved Advanced and Career Development Training Program Courses, Federal or Private Training Programs, Educational Training, and Commission-approved ~~the~~ Law Enforcement Basic Recruit Training Programs pursuant to Section 943.22 (2)(a), F.S.

(2) Career Development Training Program Courses, as defined in subsection 11B-14.001(1), F.A.C., and Advanced Training Program Courses, as defined in subsection 11B-14.001(3), F.A.C., ~~and,~~ that have been successfully completed, as defined in subsection 11B-14.001(9), F.A.C., by eligible officers, shall be verified by the training center director or ~~the training center director’s~~ designee, as defined in paragraph 11B-21.005(8)(a), F.A.C. To verify successful completion of Commission-approved ~~an approved~~ Advanced or Career Development Training Program Course, and to authorize salary incentive payments, a Training Report, form CJSTC-67, revised May 6, 2004, hereby incorporated by reference, shall be electronically transmitted to Commission staff through the Commission’s ATMS.

(3) Pursuant to Section 943.17, F.S., Commission staff shall award 40 hours of advanced training credit for each 40 hours of criminal justice executive or management training successfully completed and approved by the Commission. Eligible officers who request to receive salary incentive payments for programs listed in paragraphs (4)(a)-(v) below, shall submit to Commission staff a written request from the officer’s agency administrator and submit a copy of the officer’s Certificate of Completion that indicates the hours completed. ~~The following federal or private training has been approved by the Commission and is 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 submit documentation to Commission staff for a determination of course completion eligibility entitling the individual to salary incentive payments, 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.:~~

(4) The following Commission-approved federal or private training is recognized as training that enhances an officer’s knowledge, skills, and abilities for the job performed. Individuals successfully completing federal or private training shall submit documentation to Commission staff for determination of course completion eligibility entitling the

individual to receive salary incentive payments, however, the cost is not approved for expenditure from the Criminal Justice Standards and Training Trust Fund Officer Training Monies pursuant to subsection 11B-18.0053(3), F.A.C.:

<u>Federal or Private Training</u>	<u>Code</u>	<u>Hours</u>
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(a) through (v) No change.

~~(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.

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

1. Determined by the ~~The~~ date of "successful completion," defined in subsection 11B-14.001(9), F.A.C., 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; ~~or-~~

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

3. No change.

(b) through (c) No change.

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

(6) Educational Salary Incentive Payments.

(a) No change.

~~(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 providing academic credit for successful completion of courses.~~

~~(b)(e)~~ 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 to Commission staff through the Commission's ATMS ~~to Commission staff~~, a completed Higher Education for Salary Incentive Report, form CJSTC-63, revised May 6, 2004 ~~February 7, 2002~~, hereby incorporated by reference.

~~(c)(e)~~ 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 educational training salary incentive payments.

~~(d)(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.

(7) through (11) No change.

(12) Workers' compensation. 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.

(13) No change.

(14) Sheriffs eligible to qualify for special qualification salary, pursuant to Sections 943.253, F.S., and 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 under the programs provided in subsection (3) 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. Documentation shall be provided to sheriffs, by Commission staff, that verifies 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) All forms referenced in this rule chapter may be obtained on the following web site: http://www.fdle.state.fl.us/cjst/rules_and_forms/index.html or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Bureau of Standards, Forms Liaison.

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, 11-5-02, _____.

11B-14.003 Authorized Salary Incentive Payments.

Full-time law enforcement, correctional, and correctional probation officers satisfying the certification requirements of Chapter 943.13, 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) No change.

(2) Pursuant to Section 943.22(2)(b) and (c), F.S., the maximum amount of educational salary incentive payments 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, defined in Section 943.10, F.S., 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) 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 Commission-approved Advanced or Career Development Training, which has been verified by the employing agency defined in Section 943.10, F.S. agency through the Commission’s ATMS. Commission staff shall recognize, only once, the successful completion of any specific training course for salary incentive payment.

(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:
Commission-approved Training Maximum Salary Incentive Payment

- (a) No change.
- (b) Career Development Training Program Courses on or before June 30, 1985 \$120 maximum
Advanced Training Program Courses on
or after July 1, 1985
Federal or Private Training
- (c) through (d) No change.

Specific Authority 943.03(4), 943.12(1), 943.22(2)(h) FS. Law Implemented 943.22 FS. History–New 9-11-79, Amended 1-13-81, 5-16-83, 9-1-83, 4-26-84, 1-7-85, Formerly 11B-14.03, Amended 7-13-87, 1-2-97, 7-7-99, 8-22-00, 11-5-02, _____.

11B-14.005 Annual Salary Incentive Compensation Report.

(1) Employing agencies, defined in Section 943.10(4), F.S., shall be responsible for the correct salary incentive payments to full-time officers pursuant to Section 943.22(2)(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 Section 943.22(2)(I), F.S.

(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, defined in Section 943.10(16), F.S., or a code that corresponds with federal or private training.

(3) The active Commission-approved Advanced Training Program Courses ~~advanced training courses~~ approved for salary incentive payments are listed in subsection 11B-35.006(2)(4), F.A.C.

(4) The following inactive Advanced Training Program Courses ~~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 Date</u>
Field Training Officer 40 hours	051	40	7/1/02

Specific Authority 943.03(4), 943.12(1), 943.22(2)(i) FS. Law Implemented 943.22 FS. History–New 11-5-02, Amended _____.

**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
Development of Budgets	11B-18.0052
Officer Training Monies Budget and Expenditure Categories	11B-18.0053
Development of Officer Training Monies Budgets and Required Reports	11B-18.0071
Areas of Responsibility	11B-18.008
Criminal Justice Standards and Training Commission Fiscal Program Audits and Instruction and Facility Evaluations	11B-18.010

PURPOSE AND EFFECT: Clarifies rule language, revises forms, clarifies membership criteria, and revises audit procedures.

SUBJECT AREA TO BE ADDRESSED: Operational definitions; regional training areas; establishment of regional Training councils; eligible support personnel; Commission forms; grammatical and clarification modifications; operating capital outlay; fiscal program audits; and Commission-certified training schools.

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

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

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

TIME AND DATE: 10:00 a.m., July 27, 2004

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, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting: Donna Hunt, (850)410-8615 or TDD (850)656-9597.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-18.003 Operational Definitions.

For the purpose of this rule chapter, the definitions of “Auxiliary Law Enforcement Officer,” “Auxiliary Correctional Officer,” “Auxiliary Correctional Probation Officer,” “Commission,” “Correctional Officer,” “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) “Advanced Training Program” means Commission-approved courses that are curriculum approved by the Commission that is limited to training that enhances courses enhancing an officer’s knowledge, skills, and abilities for the job an officer performs pursuant to Section 943.17(1)(b), F.S.

(2) through (4) No change.

(5) “Criminal Justice Standards and Training Trust Fund” means “Officer Training Monies” appropriated by the Legislature to provide Commission-approved Advanced and Specialized Training Program Courses for law enforcement, correctional, and correctional probation officers pursuant to Section 943.25(2), F.S.

(6) through (21) No change.

(22) “Advanced Training Course” on or after July 1, 1985, means a Commission-approved course in the Advanced Training Program Course 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, means shall means Commission-approved Ttraining Program Courses.

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

(24) “Training funded with Officer Training Monies” means Commission-approved Advanced and Specialized Training Program Courses funded in whole or in part with Officer Training Monies.

(25) “Student fees funded with Officer Training Monies” means payment for tuition, lab fees, and other related fees, for Commission-approved Advanced and Specialized Training Program Courses, that have been approved by a community college or school district.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(5), 943.25(4) 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, 11-5-02, _____.

11B-18.004 Regional Training Areas.

For the purposes of Officer Training Monies activities, there are established the following sixteen regional training areas:

(1) through (12) No change.

(13) Region XIII.

(a) No change.

(b) Commission-certified training school within Region XIII: Broward Community College Criminal Justice Institute of Public Safety and Broward Sheriff’s Office Institute for Criminal Justice Studies.

(14) through (16) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.25(5) FS. (Supp. 1998). History—New 1-13-81, Amended 7-28-82, 1-7-85, Formerly 11B-18.04, Amended 7-13-87, 1-2-97, 7-7-99, 8-22-00, 11-5-02, _____.

11B-18.005 Establishment of Regional Training Councils.

(1) through (4) No change.

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

(a) through (b) No change.

(c) Not more than three members representing Commission-certified training schools. Members representing Commission-certified training schools shall be training center directors.

(d) A single Commission-certified training school, correctional agency, or law enforcement agency shall not have more than two voting members ~~one 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) through (g) No change.

(6) through (7) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.25(5) FS. History—New 1-13-81, Amended 7-28-82, 1-7-85, (7),(8) Transferred to 11B-18.051, Formerly 11B-18.05, Amended 7-13-87, 5-23-88, 10-17-90, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 11-5-02, _____.

11B-18.0052 Development of Budgets.

(1) through (3) No change.

(3) All forms referenced in this rule may be obtained on the following web site: http://www.fdle.state.fl.us/cjst/rules_and_forms/index.html or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Bureau of Standards, Forms Liaison.

Specific Authority 943.03(4), 943.12(1),(2), 943.25(4),(5)(b) FS. Law Implemented 943.25 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, 11-5-02, _____.

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

(1) through (2) No change.

(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 Commission-approved 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 does ~~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. through 3. No change.

4. Department of Banking and Finance, Office of Financial Investigations, on a space available basis, provided a Florida officer is not displaced.

(b) Officer Training Monies, pursuant to subsection 11B-18.003(24) or (25), F.A.C., shall be expended for Commission-approved 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 Commission-approved 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) No change.

(e) If Commission-approved 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 Commission-approved 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) No change.

(c) Operating Capital Outlay property purchased for use other than for the direct support of Commission-approved Advanced Training Program 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) No change.

(e) Operating Capital Outlay Property shall not be disposed of or transferred without prior notification to and approval by Commission staff. An Operating Capital Outlay Property Disposal Request, form CJSTC-311, created May 6, 2004, hereby incorporated by reference, shall be completed and submitted to Commission staff when disposing or transferring Operating Capital Outlay Property.

1. Usable Operating Capital Outlay Property. Usable 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 completed form CJSTC-311, which shall be signed by the training center director 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 or Unusable Operating Capital Outlay Property. A Commission-certified training school shall notify Commission staff on form CJSTC-311, 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. No change.

(f) Audit of Operating Capital Outlay Pproperty. Operating Capital Outlay Pproperty 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. No change.

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. through 5. No change.

Specific Authority 943.03(4), 943.12(1),(2), 943.25(2),(4),(5) FS. Law Implemented 943.25 FS. History—New 11-5-02, Amended _____.

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 Rule 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.

(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.

(a) through (c) No change.

(3) No change.

(4) Year-End Fiscal Report. Each Regional Fiscal Agent shall submit to Commission staff a completed Officer Training Monies Year-End Fiscal Report, form CJSTC-301, revised February 7, 2002, hereby incorporated by reference, reporting all expenditures, to include a list of all Operating Capital Outlay Pproperty 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) No change.

(b) Unencumbered Officer Training Monies. Officer Training Monies not expended and not encumbered on June 30, shall be reported on form CJSTC-301 and 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 Semi-annual 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 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 shall ~~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) No change.

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

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 ~~subsections~~ paragraphs (1)-(3) of this rule section.

(1) through (2) No change.

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

(a) through (d) No change.

(e) Begin training courses for which Officer Training Monies are expended, funded with Officer Training Monies on or before June 30 of the current fiscal year.

(f) through (g) No change.

Specific Authority 943.03(4), 943.12(1),(2), 943.25(5) FS. Law Implemented 943.25 FS. History—New 1-13-81, Amended 7-1-81, 7-28-82, 1-7-85, 1-28-86, Formerly 11B-18.08, Amended 7-13-87, 5-23-88, 10-17-90, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 11-5-02, _____.

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) through (4) No change.

(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 staff shall write a letter of concern to the training center director requesting a written response to the audit. Copies of the letter shall be sent to the administrative head of the agency or entity, fiscal agent, and the regional chairperson to the administrative head of the training school requesting a written response to the audit.

(b) No change.

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

(d) If compliance is not achieved by following paragraphs (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 11-5-02, Amended _____.

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Certification of Criminal Justice

RULE CHAPTER NO.: 11B-20

Training Instructors 11B-20

RULE TITLES: 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

Inspection of Instructor Certification Applications 11B-20.0016

Maintenance and Duration of Instructor Certifications 11B-20.0017

PURPOSE AND EFFECT: Creates and revises forms, clarifies definitions, updates references, retires obsolete courses, adds new courses, implements new legislation, creates and clarifies instructor certification criteria, and implements legislative revisions.

SUBJECT AREA TO BE ADDRESSED: Commission forms; incorporation of CMS Curriculum and its impact on instructor certification requirements; incorporation of 2003 legislation (SB 1650) regarding regulation of in-service instructors; rule definitions; denial and revocation of instructor certification; commission instructor certification categories; minimum requirements for high-liability and specialized topics instructor certifications; inspection of instructor certification applications; and maintenance and duration of instructor certifications.

SPECIFIC AUTHORITY: 120.60(1), 943.03(4), 943.12(1), 943.14(3) FS.

LAW IMPLEMENTED: 120.60(1), 943.12(3),(9), 943.13(6), 943.14(3) FS.

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

Time and Date: 10:00 a.m., July 27, 2004

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, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting Donna Hunt at (850)410-8615 or TDD Number (850)656-9597.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, Telephone Number: (850)410-8615

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT 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 ~~May 6, 2004~~ ~~February 7, 2002~~, hereby incorporated by reference.

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

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

(d) "CMS Training Program" ~~means shall mean~~ the CMS Application-Based Law Enforcement Basic Recruit Training Program.

(e) "ATMS" ~~means shall mean~~ the Commission's Automated Training Management System.

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

(g) "Agency," for this rule chapter, means criminal justice employing agency.

(2) Instructor applicants applying for instructor certification shall:

(a) Complete the Instructor Certification Application, form CJSTC-71, revised May 6, 2004, hereby incorporated by reference;

(b) Be affiliated with a training school or agency;

(c) Possess good moral character pursuant to subsection 11B-27.0011(4), F.A.C., as applied to instructor applicants and certified instructors;

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

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

3. Notwithstanding subsections (3) and (4) 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) General Instructor Certification. Instructor applicants shall comply with the following requirements for General Instructor Certification:~~

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

~~1.(a) Instructor applicants shall successfully complete Successful completion of the Traditional 80-hour Instructor Techniques Course (Retired 6/30/2004) delivered through a training school or complete completion of equivalent instructor training. The training center director is authorized to have instructor applicants complete only those portions of the Traditional Instructor Techniques Course for which the instructor applicant is deficient. 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.~~

2. Instructor applicants who apply for a Traditional 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 more than four years from the date training was completed shall be required to complete the General Instructor Refresher Course.

3.~~(b)~~ Instructor applicants who request an exemption from the Traditional Instructor Techniques Course shall be evaluated by the training center director for 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:

~~a.1-~~ Training liability.

~~b.2-~~ Ethics.

~~c.3-~~ Human diversity training required by Section 943.1758, F.S.

- d.4. Adult learning theory.
- e.5. Communication skills.
- f.6. Learning aids.
- g.7. Principles of instruction.
- h.8. Lesson plan preparation.
- i.9. Evaluation and measurement.
- j.10. Demonstration of instructional ability.

4.(e) Instructor applicant internship: Successful completion of an internship. An instructor applicant shall be supervised by a training center director who is currently an instructor or by an instructor designated by the training center director. 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, hereby incorporated by reference, which 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 80 hour Instructor Techniques Course. The composition of the internship shall be in written form and maintained as part of the instructor applicant's file at the training school. The instructor applicant shall be evaluated by his or her students. A training center director or an instructor designated by the training center director shall review student evaluations with the instructor applicant and shall document the review on form CJSTC 81.

a. The instructor applicant's internship shall not be included in the Traditional Instructor Techniques Course.

b. The instructor applicant shall be supervised by and have his or her instructional abilities evaluated by a training center director or agency administrator, who is currently an instructor, or a designee who is currently an instructor, and shall complete the Instructor Competency Checklist, form CJSTC-81, revised May 6, 2004, hereby incorporated by reference.

c. The instructor applicant shall demonstrate the applicable competencies listed on form CJSTC-81, which shall be maintained in the instructor's file at the training school or agency.

d. The instructor applicant shall be evaluated by his or her students. Student evaluations shall be reviewed with the instructor applicant by a training center director, agency administrator, or an instructor designated by the training center director or agency administrator, and documented on form CJSTC-81.

(d) An instructor applicant who applies for certification by the Commission shall be affiliated with a training school or agency to instruct training courses:

(e) Possess good moral character pursuant to subsection 11B 27.0011(4), F.A.C., as applied to instructor applicants and certified instructors. Instructor applicants requesting instructor certification shall:

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

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

3. Notwithstanding subsections (1) and (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.

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

1. Instructor applicants who apply for a CMS 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 for CMS General Instructor Certification more than four years from the date training was completed, shall be required to complete the General Instructor Refresher Course.

2. Instructor applicants who possess a Traditional General Instructor Certification or are exempt, pursuant to subsection (4) of this rule section, shall successfully complete the CMS General Instructor Transition Course at a training school.

3. New instructor applicants shall successfully complete the CMS Instructor Techniques Course at a training school or equivalent instructor training and complete an instructor internship.

4. New Instructor applicants shall be evaluated by the training center director for 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, or the training center director may authorize the instructor applicant to complete only those portions of the CMS Instructor Techniques Course for which the instructor applicant is deficient:

a. Training liability.

b. Ethics.

c. Human diversity training required by Section 943.1758.

F.S.

d. Adult learning theory.

e. Communication skills.

f. Learning aids.

g. Principles of instruction.

h. Lesson plan preparation.

i. Evaluation and measurement.

j. Demonstration of instructional ability.

k. Group management.

l. Facilitation skills.

m. CMS Concepts.

5. Instructor Applicant Internship:

a. The instructor applicant's internship shall not be included in the CMS Instructor Techniques Course.

b. The instructor applicant shall be supervised by and have his or her instructional abilities evaluated by a training center director or agency administrator, who is currently an instructor, or a designee who is currently an instructor, and shall complete the Instructor Competency Checklist form CJSTC-81.

c. The instructor applicant shall demonstrate the applicable competencies listed on form CJSTC-81, which shall be maintained in the instructor's file at the training school or agency.

d. The instructor applicant shall be evaluated by his or her students. Student evaluations shall be reviewed with the instructor applicant by a training center director, agency administrator, or an instructor designated by the training center director or agency administrator, and documented on form CJSTC-81.

~~(4)(3)~~ An instructor applicant shall be exempt from Traditional General Instructor Certification when the instructor applicant has complied with the following conditions, documented on the Instructor Exemption Application, form CJSTC-82, revised May 6, 2004 ~~February 7, 2002~~, hereby incorporated by reference:

(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 form CJSTC-82, which shall be maintained in the instructor's file at the training school; or-

(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 form CJSTC-82, which shall be maintained in the instructor's file at the training school; or-

(c) The instructor applicant holds a current and valid instructor certification from another state or federal government, has completed three years of work experience in the specified subject matter to be instructed and the instructor applicant completes an internship pursuant to subparagraphs 11B-20.001(3)(a)4, paragraph 11B-20.001(2)(e), F.A.C. The training center director shall include a copy of the instructor applicant's out-of-state or federal government certification, and document his or her qualifications based on training, education, experience, or professional credentials suitable to the topic of instruction to be taught, documentation describing the internship, and 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; or-

(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.

(e) Notwithstanding the above exemptions, an individual who has had any Commission certification revoked, or who has voluntarily relinquished any Commission certification, or who has had any Commission certification suspended, or who is in violation of Section 943.13(4), F.S., or who has been determined guilty of any of the offenses set forth in paragraphs 11B-20.0012(2)(a)-(f), F.A.C., shall not instruct Commission-approved Basic Recruit Training Program Courses, Advanced Training Program Courses, or Specialized Training Program Courses.

~~(4) CMS General Instructor Applicants shall meet the requirements of subsections 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, 11-5-02, _____.

11B-20.0012 Denial and Revocation of Instructor Certification.

(1) The Criminal Justice Standards and Training Commission shall deny an instructor applicant's request for certification, in the certification categories outlined in Rule 11B-20.0013, F.A.C. 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) The Criminal Justice Standards and Training Commission has the authority to revoke an instructor's certification if:

(a) No change.

(b) The instructor willfully compromises or circumvents the student trainee attendance requirements set forth in subsection 11B-35.001(11), F.A.C.; or

(c) through (f) No change.

(3) No change.

(4) A training center director or agency administrator, 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 upon this ~~on the training center director's~~ report shall be conducted by Commission staff, and all sustained violations of conduct shall be scheduled before a Commission Probable Cause Determination Hearing.

(5) through (6) No change.

(7) Notwithstanding subsection 11B-20.001(4)(3), F.A.C., if an 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 Commission-approved Basic Recruit Training Program Courses, Advanced Training Program Courses, or Specialized Training Program 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, 11-5-02, _____.

11B-20.0013 Commission Instructor Certification Categories.

Except as otherwise provided in this rule section or by law, individuals who instruct training courses pursuant to Rule Chapter 11B-35, F.A.C., at or through a training school, shall be certified by the Criminal Justice Standards and Training Commission. Instructor applicants who request to be certified by the Commission may request certification in the following categories of certification:

- (1) Traditional General Instructor Certification.
- (2) CMS General Instructor Certification.
- (3) High-Liability Instructor Certifications.
 - (a) Traditional ~~Law Enforcement~~ Vehicle Operations Instructor Certification.
 - (b) CMS ~~Law Enforcement~~ Vehicle Operations Instructor Certification.
 - (c) Traditional Firearms Instructor Certification.
 - (d) CMS Firearms Instructor Certification.
 - (e) Traditional Defensive Tactics Instructor Certification.
 - (f) CMS Defensive Tactics Instructor Certification.
 - (g) Traditional ~~Medical~~ First Responder Instructor Certification.
 - (h) CMS First Aid ~~Medical First Responder~~ Instructor Certification.
- (4) Specialized Topics Instructor Certifications.
 - (a) Law Topics Instructor Certification.
 - (b) Speed Measurement Instructor Certifications

- 1. Radar Instructor Certification.
- 2. Laser Instructor Certification.

- (c) Canine Team Instructor Certification.
- ~~(d) Human Diversity Instructor Certification.~~
- ~~(d)(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 11-5-02, _____.

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

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

(a) Possess a Traditional General Instructor Certification or CMS General Instructor Certification, pursuant to ~~Rule 11B-20.001, F.A.C.~~, or have successfully completed the Traditional 80-hour Instructor Techniques Course, or CMS 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 years work experience as a certified criminal justice officer or three years experience in the topic of instruction for which certification is sought and meet any specific requirements set forth in subsection 11B-20.0014(3), F.A.C. 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 or agency administrator accepting the instructor's application for certification, shall review and maintain all documentation in the instructor's file ~~at the training school~~.

(c) The instructor applicant shall successfully complete the instructor training requirements set forth in subsections (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 outlined ~~defined~~ in Rule 11B-35.0024, F.A.C.

(2) High-Liability Instructor Certifications. Instructor applicants, who apply ~~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, who apply for a High-Liability Instructor Certification more than four years from the date training was completed, shall complete an internship and demonstrate the proficiency skills applicable to the high-liability topic. Instructor ~~a~~ Applicants shall meet the following requirements for High-Liability Instructor Certification for each topic requested.

(a) Traditional ~~Law Enforcement~~ Vehicle Operations Instructor Certification. Instructor applicants who request to obtain certification to instruct vehicle operations topics shall:

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., 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 Law Enforcement Vehicle Operations Instructor Course through a training school; and successfully 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.

1. Comply with the requirements for Traditional General Instructor Certification pursuant to paragraph 11B-20.001(3)(a), F.A.C., unless the applicant is exempt from Traditional General Instructor Certification pursuant to subsection 11B-20.001(4), F.A.C.; and

2. Have successfully completed the Vehicle Operations Instructor Course (retired 6/30/04) through a training school; and

3. Have successfully completed a high-liability internship supervised by the training center director, agency administrator, or designee, which has been documented on the High-Liability Internship, form CJSTC-81A, revised May 6, 2004, 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 Commission-approved Basic Recruit Training Programs CMS Application Based Basic Recruit Training Curriculum, the~~ 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 paragraph 11B-20.001(3)(b) subsection 11B-20.001(4), F.A.C., prior to successfully completing one of the following training courses through a training school:

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

2. Instructor applicants who are not Traditional Law Enforcement Vehicle Operations Instructors shall complete the CMS ~~Law Enforcement~~ Vehicle Operations Instructor Course, and ~~shall~~ complete a high-liability internship supervised by the training center director, agency administrator, or designee, which has been 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) Traditional Firearms Instructor Certification. Instructor applicants who request to obtain certification to instruct firearms topics shall: in the Traditional Basic Recruit Training Curricula and the Firearms Instructor Course, pursuant to paragraph 11B-35.0024(3)(d), F.A.C., 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 Firearms Instructor Course through a training school, and complete a high-liability internship, documented on form CJSTC-81A, under the supervision of a Firearms Instructor who has been approved by the training center director.

1. Comply with the requirements for Traditional General Instructor Certification pursuant to paragraph 11B-20.001(3)(a), F.A.C., unless the applicant is exempt from Traditional General Instructor Certification pursuant to subsection 11B-20.001(4), F.A.C.; and

2. Have successfully completed the Firearms Instructor Course (retired 6/30/04) through a training school; and

3. Have successfully completed a high-liability internship supervised by the training center director, agency administrator, or designee, which has been documented on the High-Liability Internship form CJSTC-81A.

(d) CMS Firearms Instructor Certification. Instructor applicants who request to obtain certification to instruct firearms topics in ~~the Commission-approved Basic Recruit Training Programs CMS Application Based Basic Recruit Training Curriculum, the~~ CMS Firearms Instructor Course, and CMS Firearms Instructor Transition Course, shall comply with the requirements for CMS General Instructor Certification pursuant to paragraph subsection 11B-20.001(3)(b)(4), F.A.C., prior to successfully completing one of the following training courses through a training school:

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

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

(e) Traditional Defensive Tactics Instructor Certification. Instructor applicants who request to obtain certification to instruct defensive tactics topics shall: in the Traditional Basic Recruit Training Curricula and the Defensive Tactics Instructor Course, pursuant to paragraph 11B-35.0024(3)(b), F.A.C., 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.~~

~~1. Comply with the requirements for Traditional General Instructor Certification pursuant to paragraph 11B-20.001(3)(a), F.A.C., unless the applicant is exempt from Traditional General Instructor Certification pursuant to subsection 11B-20.001(4), F.A.C.; and~~

~~2. Have successfully completed the Defensive Tactics Instructor Course (retired 6/30/04) through a training school; and~~

~~3. Have successfully completed a high-liability internship supervised by the training center director, agency administrator, or designee, which has been documented on the High-Liability Internship form CJSTC-81A.~~

(f) CMS Defensive Tactics Instructor Certification. Instructor applicants who request to obtain certification to instruct defensive tactics topics in Commission-approved Basic Recruit Training Programs, 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 paragraph subsection 11B-20.001(3)(b)(4), F.A.C., prior to successfully completing one of the following training courses through a training school:

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

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

(g) Traditional ~~Medical~~ First Responder Instructor Certification. Instructor applicants who request to obtain certification to instruct in ~~medical~~ first responder topics shall comply with the requirements for Traditional General Instructor Certification pursuant to paragraph subsection 11B-20.001(3)(a)(2), F.A.C., or be exempt from Traditional General Instructor Certification pursuant to subsection 11B-20.001(4)(3), F.A.C. Individuals who request to obtain certification as a Traditional First Responder Instructor shall comply with the requirements in subparagraph (g)1. or (g)2. of this rule section, prior to successfully completing the following training courses through a training school:

1. Individuals set forth in this rule section shall possess and maintain a valid CPR instructor certification, which is at minimum, at the "Basic Life Support (BLS) Healthcare Provider Level" with the American Heart Association, "CPR for the Professional Rescuer" with the American Red Cross, and American Safety and Health Institute, or "Advanced First Aid and CPR" with the National Safety Council. The following individuals, based on their education and training experience in the United States or its territories, are eligible to request Traditional First Responder Instructor Certification without completing additional training ~~instruct the Medical First Responder Course:~~

a. through f. No change.

2. Individuals set forth in this rule section shall possess and maintain a valid CPR instructor certification at the BLS "Healthcare Provider Level" with the American Heart Association, "CPR for the Professional Rescuer" with the American Red Cross and, American Safety and Health Institute, or "Advanced First Aid and CPR" with the National Safety Council and are certified pursuant to Section 943.13, F.S. These individuals shall:

a. No change.

b. Have successfully completed the ~~Medical~~ First Responder Instructor Course (retired 6/30/04) ~~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 first aid ~~medical first responder~~ skills, with the results recorded on the CMS First Aid Performance Evaluation, form CJSTC-5 CMS, created May 6, 2004, 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, agency administrator, or designee.~~

(h) CMS First Aid ~~Medical First Responder~~ Instructor Certification. These individuals shall possess a valid CPR instructor certification, which is at minimum, at the BLS "Healthcare Provider Level," with the American Heart Association, "CPR for the Professional Rescuer" with the American Red Cross and, American Safety and Health Institute, or "Advanced First Aid and CPR" with the National Safety Council. Instructor applicants who request to obtain certification to instruct the CMS First Aid for Criminal Justice Officers Course in Medical First Responder topics in the Commission-approved Basic Recruit Training Programs, the CMS Application-Based Basic Recruit Training Curriculum, CMS First Aid Medical First Responder Instructor Course, and CMS First Aid First Responder to Emergencies Instructor Transition Course, Unit 1: Medical First Responder, shall comply with the requirements for CMS General Instructor

Certification pursuant to paragraph subsection 11B-20.001(3)(b)(4), F.A.C., prior to successfully completing the following training courses through a training school:

1. Instructor applicants who are professionals outlined in subparagraph (g)1. of this rule section shall complete the CMS First Aid Instructor Transition Course.

~~2.1. Instructor applicants who are Traditional Medical First Responder Instructors, pursuant to paragraph (3)(g) of this rule section shall complete the CMS First Aid First Responder to Emergencies Instructor Transition Course, Unit 1: Medical First Responder.~~

~~3.2. Instructor applicants who are not Traditional Medical First Responder Instructors shall complete the CMS First Aid Medical First Responder Instructor Course, and complete and a high-liability internship supervised by the training center director, agency administrator, or designee, which has been 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 requirements 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, shall possess substantial law training and experience of a minimum of fifteen semester hours or college credit law courses, to include constitutional law and criminal law with a grade of "C" or above, and possesses six months of criminal justice experience.

1. Traditional Correctional Basic Recruit Training Program.

2. Traditional Correctional Probation Basic Recruit Training Program.

3. Traditional Law Enforcement to Correctional Basic Recruit Cross-Over Training Program.

4. Traditional Law Enforcement to Correctional Probation Basic Recruit Cross-Over Training Program.

5. Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program.

6. Traditional Correctional to Correctional Probation Basic Recruit Cross-Over Training Program.

7. Traditional Correctional Probation to Law Enforcement Basic Recruit Cross-Over Training Program.

8. Traditional Correctional Probation to Correctional Basic Recruit Cross-Over Training Program.

9. Law Enforcement Auxiliary Officer Basic Recruit Training Program.

10. Correctional Auxiliary Officer Basic Recruit Training Program.

11. Correctional Probation Auxiliary Officer Basic Recruit Training Program.

12. Law topics in the Commission-approved Basic Recruit Training Programs that require a law topics certified instructor.

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

1. Radar Instructor Certification. An instructor applicant shall successfully complete the ~~40-hour~~ Radar Speed Measurement Instructors ~~Training~~ Course for Law Enforcement Officers at a training school, with the results recorded on a Laser and Radar Speed Measurement Device Instructor Field Evaluation, form CJSTC-10, revised May 6, 2004, hereby incorporated by reference.

2. Laser Instructor Certification. An instructor applicant shall successfully complete the ~~40-hour~~ Radar Speed Measurement Instructor ~~Training~~ Course for Law Enforcement Officers and the ~~24-hour~~ Laser Speed Measurement Device (LSMD) Instructor ~~Instructor~~ Transition Course for Radar Instructors at a 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.~~

(c) Canine Team Instructor Certification. An instructor applicant shall successfully complete the Canine Team Instructor Course through a 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. An instructor applicant who applies for a ~~40-hour~~ Canine Team Instructor Certification shall be required to possess the following minimum training and experience:

1. A ~~minimum of five years experience as a law enforcement, military law enforcement, or correctional officer and a minimum of three years canine team experience which shall be documented in the instructor applicant's file at the training school or agency.~~

2. No change.

3. Verification that there is not a sustained "excessive use of force" complaint against the instructor applicant, at the time a canine was under their command, at the agency(s) where 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 training school to be certified to teach 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.~~

~~2. Human Diversity Train-the-Trainer Course 20 Hours.~~

~~(d)(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(1), F.A.C., shall:~~

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

~~b. No change.~~

~~2. Individuals who hold a valid Florida Department of Law Enforcement Alcohol Testing Program Breath Test Instructor Permit and successfully completes the 2002 Breath Test Instructor Update Course, are exempt from the requirements set forth in subparagraph (3)(e)1. of this rule 11B-20.0014(3)(e)1., F.A.C. Alcohol Testing Program staff are also exempt from subparagraph (3)(e)1. of this rule 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), 943.13(6), 943.14(3) FS. History—New 7-29-01, Amended 11-5-02_____.

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 agency administrator, or the training center director's~~ designee shall:

~~(a) Collect, verify, and maintain on file in the instructor training files at the training school, the Instructor Certification Application form CJSTC-71 and document 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. Form CJSTC-71 and other documentation shall be maintained in the instructor's training file at the training school or agency.~~

~~(b) No change.~~

~~(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 the Commission's staff's ATMS.~~

(2) If the instructor applicant's file at the training school or agency contains missing or deficient documentation, the instructor applicant and the training school or agency shall be notified of such documentation on the Instructor Certification Deficiency Notification, form CJSTC-271, revised May 6, 2004 February 7, 2002, hereby incorporated by reference.

(3) through (4) No change.

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 11-5-02_____.

11B-20.0017 Maintenance and Duration of Instructor Certifications.

~~Documentation for instructors, pursuant to this subsection, shall be maintained in the instructor's file at the respective training school or agency. Additionally, the training school or agency shall submit or transmit to Commission staff, through the Commission's ATMS, an Instructor Compliance Application, form CJSTC-84, revised May 6, 2004 February 7, 2002, hereby incorporated by reference, to verify compliance with the mandatory retraining requirements. Instructors whose Traditional General Instructor Certification or CMS General Instructor Certification has lapsed, shall complete the General Instructor Refresher Course ~~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 demonstrate the proficiency skills in the applicable high-liability topic, comply with the requirements for Commission certification pursuant to Rule 11B-20.0014, F.A.C. Instructors whose Specialized Topics Instructor Certification has lapsed shall complete an internship in the applicable high-liability topic.~~

(1) Instructors shall maintain Good Moral Character Standards pursuant to paragraphs 11B-20.0012(2)(c)(a)-(f), F.A.C.

(2) Traditional General Instructor Certification. Instructors who possess a Traditional General Instructor Certification shall instruct in a Traditional Basic Recruit Training Program Course, Advanced Training Program Course, or non-CMS Specialized Training Program Course ~~that is~~ delivered at a training school, or in-service training course delivered at an agency, at least once every four years.

(3) CMS General Instructor Certification. Instructors who possess a CMS General Instructor Certification shall instruct in a Commission-approved Basic Recruit Training Program Course, Advanced Training Program Course, or Specialized Training Program Course ~~that is~~ delivered at a training school, or in-service training course delivered at an agency, at least once every four years.

(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.

(a) Instruct in a Commission-approved Basic Recruit Training Program Course, Advanced Training Program Course, or Specialized Training Program Course delivered at through a training school, or in-service training course delivered at an agency.

(b) Successfully complete continuing education or training approved by the training center director or agency administrator.

(c) No change.

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

(a) Instruct in a Commission-approved Basic Recruit Training Program Course, Advanced Training Program Course, or Specialized Training Program Course delivered at through a training school, or in-service training course delivered at an agency.

(b) Successfully complete continuing education or training approved by the training center director or agency administrator. Breath Test Instructors shall successfully complete the Breath Test Instructor Renewal Cecourse.

(6) No change.

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 11-5-02_____.

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Certification of Criminal Justice Training Schools 11B-21

RULE TITLES: RULE NOS.:

Local Advisement and Definitions 11B-21.001

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

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

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

Criminal Justice Training School Inspections 11B-21.019

PURPOSE AND EFFECT: Clarifies rule language, revises course names, updates references, deletes obsolete rule language, modifies requirements for certification, revises forms, creates new staffing and facility requirements.

SUBJECT AREA TO BE ADDRESSED: Commission forms; updated rule sites; training needs analysis; satellite facility and equipment requirements; training school staffing and facility requirements; and training school certification and recertification requirements.

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

TIME AND DATE: 10:00 a.m., July 27, 2004

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, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting Donna Hunt at (850)410-8615 or TDD Number (850)656-9597

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-21.001 Local Advisement and Definitions.

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

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

(3) through (5) No change.

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, 11-5-02_____.

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

(1) No change.

(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 “C₂” certification and assigned one of the following certification codes:

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

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

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

(3) Request for Training School Initial Certification.

(a) No change.

(b) A training needs analysis shall be conducted by Commission staff for the region or local training area to be served by the organization requesting 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 demonstrate that a training need exists in the region or local training area intended to be served by the training organization or does not comply with the requirements set forth in Rule 11B-21.005, F.A.C.

(c) 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 that has been denied Commission certification as a training school may reapply or petition the Commission after such action is effective. The Commission shall require a hearing, at which time the affected training organization shall show cause why its application for certification should be accepted, or its petition granted.

(d) No change.

(4) No change.

(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 the certification expires ~~of~~

~~expiration of certification.~~ Recertification dates for training schools shall be January 1, 2006, then January 1, 2010, and every five years thereafter.

(b) through (d) No change.

(6) All form(s) referenced in this rule chapter, may be obtained on the following web site: http://www.fdle.state.fl.us/cjst/rules_and_forms/index.html or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Bureau of Standards, Forms Liaison.

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, 11-5-02, _____.

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

Training Schools certified by the Commission ~~on or after July 1, 1990,~~ shall comply with the following requirements:

(1) through (2) No change.

(3) Comply with the classroom facility and equipment requirements set forth in the Training School Classroom Facility Requirements, form CJSTC-205, revised May 6, 2004 February 7, 2002, hereby incorporated by reference.

(4) Comply with the driving range, facility, equipment, and instructor to student to instructor ratio requirements, pursuant to subsection 11B-35.0021(4), F.A.C., and as set forth in the Driving Range Facility and Equipment Requirements, form CJSTC-202, revised May 6, 2004 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.

(5) Comply with the defensive tactics equipment, facility, and instructor to student to instructor ratio requirements, pursuant to subsection 11B-35.0021(4), F.A.C., and as set forth in the Defensive Tactics Facility and Equipment Requirements, form CJSTC-203, revised May 6, 2004 February 7, 2002, hereby incorporated by reference, when conducting Commission-approved defensive tactics training.

(6) Comply with the equipment, facility, and instructor to student to instructor ratio requirements, pursuant to subsection 11B-35.0021(4), F.A.C., and as set forth in the Firing Range Facility and Equipment Requirements, form CJSTC-201, revised May 6, 2004 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.

(7) Comply with the equipment, facility, and ~~instructor to student to instructor~~ ratio requirements, pursuant to subsection 11B-35.0021(4), F.A.C., and as set forth in the CMS First Aid Instructional Requirements Medical First Responder Requirements, form CJSTC-208, revised May 6, 2004 ~~February 7, 2002~~, hereby incorporated by reference, when conducting Commission-approved first aid medical first responder training.

(8) Comply with the personnel requirements set forth in the Staffing Requirements, form CJSTC-204, revised May 6, 2004 ~~February 7, 2002~~, hereby incorporated by reference. The following specifications shall be met:

(a) No change.

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

(c) No change.

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

(10) Basic Abilities Testing Requirements pursuant to Rule 11B-35.0011, F.A.C., and Section 943.17(1)(g), F.S. Effective January 1, 2002, training schools certified by the Commission that provide Commission-approved Basic Recruit Training Programs shall:

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

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

(c) No change.

(11) Comply with requirements for notification of changes in requirements for certification. Training schools with changes in staff and facilities during the school's active certification period shall:

(a) Provide notification to Commission staff, in writing or via e-mail to your field specialist, of any changes in the training school's staffing requirements, pursuant to subsection 11B-21.005(8), F.A.C., within 10 working days upon hiring or separation of personnel.

(b) Provide notification to Commission staff, in writing or via e-mail, of any changes in the training school's facility requirements. Such notification shall include locations by the type of facility and street address, and certify in writing to Commission staff that the facility is in compliance with Rule 11B-21.005, F.A.C.

1. Training schools shall notify Commission staff of any changes in facility sites and the site's compliance with the Commission's requirements, thirty days prior to delivering training or immediately upon scheduling when under thirty days.

2. Driving ranges, firearms ranges, and defensive tactics facilities shall not be used for Commission training until approved by 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 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, 11-5-02, _____.

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:~~

(2) Such training schools utilizing satellite training facilities, inclusive of high-liability facilities, to deliver training, shall:

(a) No change.

(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, or immediately upon scheduling the course when under thirty days. Prior to utilizing a satellite training facility, pursuant to Rule 11B-21.005, F.A.C., a driving range, firearms range, and defensive tactics facility shall comply with the equipment and facility requirements, and shall not be used for Commission training until approved by Commission staff.

(c) Comply with the requirements of 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) No change.

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 11-5-02, Amended _____.

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

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

(a) through (c) No change.

(d) Failure to comply with trainee attendance and performance standards pursuant to subsections 11B-35.001(7), (11)(8), F.A.C.

(e) No change.

(2) through (3) No change.

(4) A training school whose Commission certification has been revoked may reapply or petition the Commission for certification pursuant to the provisions of paragraph 11B-21.002(5)(2)(d), 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, 11-5-02, _____.

11B-21.019 Criminal Justice Training School Inspections. Section 943.12(7), F.S., 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 and Equipment Requirements form CJSTC-201.

(b) Driving Range Facility and Equipment Requirements form CJSTC-202.

(c) Defensive Tactics Facility and Equipment Requirements form CJSTC-203.

(d) CMS First Aid Instructional 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, statute and rule compliance, and shall be documented on the following applicable form(s):

(a) Training School Contact Report Course Monitor, form CJSTC-200, revised May 6, 2004 February 7, 2002, hereby incorporated by reference.

(b) through (c) No change.

(3) No change.

(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 May 6, 2004 February 7, 2002, hereby incorporated by reference.

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

(6) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(3),(7), 943.14 FS. History--New 11-5-02, Amended _____.

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Certification and Employment

RULE CHAPTER NO.: 11B-27

or Appointment 11B-27.001

RULE TITLES: 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

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: Revises forms, clarifies and adds definitions, removes obsolete rule language, clarifies requirements for recertification after a break-in-service, revises Temporary Employment Authorization criteria, revises criteria for hiring officers, revises criteria for issuing a letter of acknowledgement, and revises and clarifies canine team certification requirements.

SUBJECT AREA TO BE ADDRESSED: Commission forms; officer break-in-service; officer fingerprint process; high school diploma or equivalent; temporary employment or appointment authorizations; background investigations; controlled substance testing procedures; probable cause determination; letter of acknowledgment process; and canine team certification.

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

TIME AND DATE: 10:00 a.m., July 27, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, Telephone Number: (850)410-8615

UPON REQUEST AND WHEN AVAILABLE RULE TEXT WILL BE PROVIDED AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting Donna Hunt at (850)410-8615 or TDD Number (850)656-9597.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-27.0011 Moral Character.

(1) through (3) No change.

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

(a) through (b) No change.

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

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

(d) No change.

(5) through (6) No change.

(7) Commission staff's decision to initiate presentation of a case for a Commission Probable Cause Determination shall be based upon the following conditions:

(a) through (b) No change.

(c) Whether a Letter of Acknowledgment is warranted pursuant to subsections 11B-27.004(7)-(11)(10), F.A.C.

(8) Forms referenced in this rule chapter may be obtained on the following web site: http://www.fdle.state.fl.us/cjst/rules_and_forms/index.html or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Bureau of Standards Forms Liaison.

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, 11-5-02, _____.

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

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

(a) through (b) No change.

(c) Evidence that an applicant's fingerprints have ~~Applicant Fingerprint Card, FBI form FD 258~~ has been processed by 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.

(d) A Physician's Assessment, form CJSTC-75, revised ~~May 6, 2004 February 7, 2002~~, hereby incorporated by reference, ~~and Patient Information, form CJSTC-75A, revised February 7, 2002, hereby incorporated by reference~~, or an equivalent form signed by a physician, certified advanced registered nurse practitioner, or physician assistant licensed in the United States or its territories, verifying the applicant's fitness to perform the duties of an officer pursuant to Section 943.13(6), F.S. A copy of the officer's position description shall be reviewed by the physician to ensure that the applicant can meet the physical standards required of the position. A Patient Information, form CJSTC-75A, revised May 6, 2004, hereby incorporated by reference, may also be provided to the examining physician, certified advanced registered nurse

practitioner or physician assistant for reference. The completed and signed CJSTC-75 ~~form 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 an officer's employment or appointment. A CJSTC-75 form prepared for a specific employing agency shall not be used by any other employing agency.

(e) No change.

(f) An Affidavit of Applicant, form CJSTC-68, revised ~~May 6, 2004 February 7, 2002~~, hereby incorporated by reference, executed by the applicant attesting that the applicant complies with the employment or appointment qualifications pursuant to Sections 943.13(1)-(10), F.S.

(g) No change.

(h) Evidence that the applicant has successfully completed a Commission-approved Basic Recruit Training Program, pursuant to Rules 11B-35.002 ~~and~~ 11B-35.003, ~~11B-35.004, F.A.C., and has achieved a passing score on successfully passed~~ the State Officer Certification Examination for the discipline for which certification is being sought pursuant to Section 943.13(10), F.S.

(2) The employing agency head is required, within 30 days of hire, to execute submit to Commission staff or electronically transmit through the Commission's Automated Training Management System (ATMS), and maintain in file 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) through (b) No change.

(3) Employment requirements pursuant to Section 943.13, F.S., shall be documented on an Agency New Hire Report, form CJSTC-207, revised February 7, 2002, hereby incorporated by reference.

(a) No change.

1. through 2. No change.

3. An Affidavit of Applicant, form CJSTC-68.

4. through 7. No 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. No change.

10. A Civil Applicant Response form or response from the Florida Department of Law Enforcement (FDLE) Certified Mail Application (Live Scan), 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 ~~May 6, 2004 February 7, 2002~~, and an Equivalency_of_Training Proficiency of Demonstration, form CJSTC-76A, ~~revised May 6, 2004, effective July 1, 2002,~~ pursuant to Section 943.13(2), F.S., hereby incorporated by reference for previous Florida and out-of-state, federal, or military officers, if the officer utilized this training option.

12. No change.

13. A Physician's Assessment, form CJSTC-75 ~~and Patient Information form CJSTC-75A~~, or equivalents.

14. No change.

15. An Affidavit of Separation, form CJSTC-61, revised February 7, 2002, hereby incorporated by reference, 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. through 2. No change.

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. No change.

(4) Within four years of the beginning date of An individual shall successfully complete a Commission-approved Basic Recruit Training Program, an individual shall successfully complete the program, achieve a passing score on 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 applicable 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, as a condition for obtaining employment, comply with the following requirements:

(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

(b) Achieve a passing score on Successfully pass the State Officer Certification Examination.

(5) Officer Separation from Employment or Appointment. An Affidavit of Separation form CJSTC-61, shall be completed by the employing agency and immediately transmitted via the Commission's ATMS or submitted to Commission staff.

(6) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.133, 943.139, 943.1395 FS. History--New 10-6-82, Amended 4-26-84, 1-7-85, Formerly 11B-27.02, Amended 9-3-87, 3-29-89, 5-14-92, 12-13-92, 9-5-93, 1-19-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, _____.

11B-27.0021 High School Graduation or Equivalent.

(1) A high school graduate shall be an individual who has completed a secondary education program through graduated from a high school, and has been awarded a standard diploma, pursuant to Sections 232.246(1), (5) and (6), F.S., within the United States or its territories, and the school is a public or private school, private school, an equivalency diploma, program, or home education program through an educational provider recognized by a public educational system within the United States or its territories, or received a foreign high school diploma, which has been accredited by an accrediting agency, and is recognized by the Florida Department of Education for accreditation purposes. Individuals who have successfully completed a non-public high school, 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, F.S.

(2) Compliance with this rule section shall be documented by the employing agency and made available to Commission staff for review. Proof of compliance and authenticity of the diploma may include: An employing agency 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, which shall be maintained in the officer's employing agency file.

(a) A standard high school diploma or high school equivalency diploma issued by a public school education program.

(b) A diploma issued by a private school.

(c) Transcripts showing a secondary education program completion or graduation date.

(d) A letter from a School Board District Office verifying completion of a high school program and issuance of a standard diploma.

(e) For individuals who have completed a home school program, documentation that the education program has met the requirements of Section 1002.41, F.S., or of the Department of Education from the state where the home school program was completed.

(f) For individuals who have completed a foreign high school diploma, documentation transcribed by a certified translator and complies with this rule section.

~~(3) Successful completion of the General Education Development (G.E.D.) Tests shall be considered the equivalent of a high school diploma for purposes of subsection (1) of this rule section.~~

~~(3)(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) Transcript verification of successful completion of one of the following educational requirements from an Institutional Accrediting Body recognized by the United States Department of Education (<http://www.aju.edu/usdoe accreditation.htm>) or licensed as a degree granting institution by the Commission for Independent Education, pursuant to Section 1005.02(7), F.S., (<http://www.firm.edu/doe/cie/institutions.htm>) shall be acceptable as meeting the educational requirements of this rule section: Transcript verification of successful completion of at least 30 semester hours or 45 quarter hours of college work, or an associate or higher degree from an accredited institution pursuant to Section 943.22(1), F.S., or licensed by the Florida Board of Independent Colleges and Universities; or~~

- ~~1. At least 30 semester hours; or~~
- ~~2. 45 quarter hours of college work, or~~
- ~~3. An associate or higher degree.~~

~~(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, 11-5-02, _____.

11B-27.00211 Fingerprint Processing and Criminal Record Results.

An employing agency shall maintain on file, at minimum, a Federal Bureau of Investigation Civil Applicant Response form or the response from the FDLE Certified Mail Application, 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. The employing agency is also authorized to use a Live Scan device, if authorized by FDLE, for the submission of applicant fingerprints versus submitting an Applicant Fingerprint card.

(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. A private correctional Institution or jail is authorized to use a Live Scan device, if authorized by FDLE, for the submission of applicant fingerprints versus submitting an Applicant Fingerprint Card.

(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. The response from an applicant's processed fingerprints ~~A processed Applicant Fingerprint Card shall be completed and the response shall be maintained~~ 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's fingerprints have Applicant Fingerprint ~~has been processed, that the response~~ 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) An applicant's fingerprints that have been 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 fingerprints are 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 Sections 943.13(1)-(10), F.S., and documentation of a legible processed applicant fingerprints are Applicant Fingerprint Card is on file at the employing agency.

(7) If an officer has been separated for lack of a processed applicant fingerprints Applicant Fingerprint Card within one year of employment or appointment, the agency shall re-register the officer when the processed applicant fingerprint 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 fingerprints applicant's fingerprint card(s). An officer who has been separated for not having a processed applicant fingerprints Applicant Fingerprint Card on file at the employing agency is not authorized to perform the duties of a sworn officer.

(8) through (9) No change.

(10) Should an officer separate from employment prior to the employing agency's receipt of the officer's processed applicant fingerprints 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) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.133, 943.139, 943.1395 FS. History—New 11-5-02, Amended

11B-27.00212 Maintenance of Officer Certification.

(1) through (4) No change.

(5) Statutory mandated continuing training. The following training shall be included as a part of the officer's continuing training:

(a) No change.

(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) No change.

(d) Discriminatory Profiling and Professional Traffic Stops pursuant to Section 943.1758, F.S. Human Diversity In-Service Training for Discriminatory Profiling and Professional Traffic Stops Course, pursuant to paragraph 11B-35.007(4)(h), F.A.C., or IPTM's Safe and Legal Traffic Stops Course, shall be used to satisfy all or a portion of an officer's continuing training requirements for human diversity training. 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) through (8) No change.

(9) Documentation supporting the required training shall be attached to the Mandatory Retraining Report form, CJSTC-74, and maintained in the officer's file.

(10) through (11) No change.

(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 ~~(11)(4)~~ of this rule section, the officer shall, on or after July 1, 1993, meet the following conditions:

(a) If the break-in-service is between four years and eight years the officer shall:

~~1.(a)~~ Successfully demonstrate proficiency in the High-Liability Basic Recruit Training Courses high-liability courses pursuant to Rule 11B-35.0024, F.A.C.

~~2.(b)~~ Achieve a passing score on ~~Successfully pass~~ the applicable State Officer Certification Examination pursuant to procedures in Rule Chapter 11B-30, F.A.C., State Officer Certification Examination.

~~3.(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.

(b) If the break-in-service is more than eight years the officer shall:

1. As a condition of employment or appointment, successfully complete a Commission-approved Basic Recruit Training Program pursuant to Rule 11B-35.002, F.A.C.

2. Achieve a passing score on the applicable State Officer Certification Examination pursuant to Rule Chapter 11B-30, F.A.C.

3. 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.

(13) Weapons of Mass Destruction (WMD) and Basic Incident Command System (ICS) continuing training. Certified law enforcement officers shall successfully complete WMD and Basic ICS training on or before ~~prior to~~ June 30, 2008.

(a) Certified law enforcement officers who have completed WMD and Basic ICS training, prior to December 3, 2003 ~~the effective date of this rule section~~, shall have satisfied the mandatory WMD and Basic ICS training requirements.

1. Certified law enforcement officers who have completed WMD training shall be required to complete only Basic ICS training on or before ~~prior to~~ June 30, 2008.

2. Certified law enforcement officers who have completed Basic ICS training shall be required to complete only WMD training on or before ~~prior to~~ June 30, 2008.

(b) through (e) No change.

(f) The CMS Application-Based Law Enforcement Basic Recruit Training Program satisfies both WMD and Basic ICS training requirements.

(g) If an officer fails to meet the required WMD and Basic ICS training, his or her certification shall become inactive until such time the employing agency submits to Commission staff, through the Commission's ATMS, a completed Mandatory Retraining Report, form CJSTC-74.

(14) Use-of-Force training. An officer, whose mandatory retraining cycle begins on July 1, 2005 or thereafter, shall, as a part of the officer's 40-hour continuing education or training every four years, be required to complete the following Use-of-Force training.

(a) Use-of-Force training shall include the following topics of instruction:

1. Scenario-based Firearms Training.

2. Physiological Response Dynamics Training.

3. Use-of-Force Matrix and less-lethal force options available within the agency.

4. Agency policies on Use-of-Force training.

5. Legal aspects regarding Use-of-Force training.

(b) A law enforcement and correctional officer shall complete, once every two years, Use-of-Force training pursuant to subparagraphs (14)(a)1.-5., of this rule section.

(c) A correctional probation officer shall complete, once every two years, Use-of-Force training pursuant to subparagraphs (14)(a)2.-5., of this rule section.

(d) An officer, who fails to comply with the Use-of-Force training requirements within the first two years of his or her four-year mandatory retraining cycle, shall satisfy these training requirements prior to the end of the four-year cycle.

(e) An officer's employing agency shall report the completion of Use-of-Force training to Commission staff, prior to the close of the officer's four-year mandatory retraining cycle, by electronically transmitting a completed Mandatory Retraining Report form CJSTC-74, through the Commission's ATMS.

(f) An officer is permitted to substitute instruction of Use-of-Force training to satisfy the continuing education or training requirements for the officer's four-year mandatory retraining cycle.

(g) An officer, who fails to comply with the Use-of-Force training requirements, pursuant to paragraphs (14)(a)-(f) of this rule section, shall become an inactive Florida officer. The officer's certification shall become reactivated when the officer's employing agency electronically transmits a completed form CJSTC-74, to Commission staff, verifying the officer has met the continuing education or training requirements for the officer's four-year mandatory retraining cycle.

(h) An officer, who has a lapse in employment of less than four years, shall complete the Use-of-Force training requirements pursuant to paragraph (14)(b) or (c) of this rule section.

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 11-5-02, Amended 12-3-03, _____, Editorial Note: See 11B-27.0023, F.A.C.

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 Sections 943.13(1)-(10), F.S.

~~(1) A 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 maintained in the officer's file at the employing agency.~~

(a) Pre-Training TEA. Individuals employed or appointed on a pre-training TEA shall:

1. Begin a Commission-approved Basic Recruit Training Program within 180 days of being placed on a TEA;

2. Successfully complete eight hours of firearms training, which shall include demonstration of proficiency in the presence of a Commission-certified firearms instructor.

3. Successfully complete a Commission-approved Basic Recruit Training Program within 18 months of beginning the training program.

4. Achieve a passing score on the SOCE within 180 days from the date that basic recruit training was completed.

5. 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.

(b) Post-training TEA. Individuals employed or appointed on a post-training TEA shall:

1. Have completed a Commission-approved Basic Recruit Training Program and is waiting to take the next scheduled SOCE.

2. Have 180 days from the completion date of the Basic Recruit Training Program or commencement of employment, whichever is later, to achieve a passing score on the SOCE.

(c) A TEA shall terminate if a basic recruit student fails to pass the Basic Recruit Training Program.

1. If a basic recruit student fails a course in the Basic Recruit Training Program, the student shall be permitted to remain on the TEA while retaking the failed course; and

2. Shall be required to enroll in the next available course to complete the Basic Recruit Training Program.

(2) An agency head is authorized to 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 classroom training requirements have been fulfilled:

(a) No change.

(b) Firearms Range Training. The trainee's proficiency demonstration shall be documented on a CMS Firearms Performance Evaluation, form CJSTC-4 CMS, created May 6, 2004, Firearms Performance Evaluation, form CJSTC-4, February 7, 2002, hereby incorporated by reference, and maintained in the trainee's file at the employing agency. The 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 CMS, 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 Program Curriculum.

(3) The Commission Commission's ATMS shall separate an officer from employment, through the Commission's ATMS, if the officer's TEA exceeds 180 days without enrollment in a Commission-approved Basic Recruit Training Program, fails to complete a Commission-approved Basic

Recruit Training Program within 18 months, or the officer has failed to achieve a passing 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) No change.

(b) The individual was previously hired on 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 the such requirements in pursuant to subsection (2) of this rule section 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.

(5) Individuals employed on a TEA, pursuant to Section 943.131, F.S., are subject to disciplinary action by the Commission.

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 11-5-02, Amended _____.

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. The agency shall maintain in the applicant's file at the employing agency a summary of the background investigation findings, signed and dated by the investigator and the agency head or designee. The summary shall verify the following information:

(a) No change.

(b) Processed applicant fingerprint Applicant Fingerprint Card responses on file reflecting state and national criminal history record checks. If the processed applicant fingerprint 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) through (d) No change.

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

(a) No change.

(b) Obtain previous employment data from prior employers. Criminal justice agencies conducting background investigations have the option of using the Authority for Release of Information, form CJSTC-58, revised May 6, 2004

effective August 9, 2001, pursuant to Sections 943.134(2) and (4), 943.13(4), (5) and (7), F.S., hereby incorporated by reference.

(c) Research military 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) through (e) No change.

(3) No change.

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, 11-5-02, _____.

11B-27.00225 Controlled Substance Testing Procedures.

(1) The employing agency is required to conduct a background investigation upon each applicant for certification, or employment or appointment, which 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. and Rule Chapter 59A-24, F.A.C., which have been adopted by the Agency for Health Care Administration. A new urine sample shall be submitted for analysis following any break-in-service.

(2) The employing agency shall verify the following requirements for the collection and analysis of urine samples:

(a) through (c) No change.

(d) The laboratory performing the analysis did analyze the urine sample for the presence of the following seven substances:

1. Amphetamines (amphetamine and; methamphetamine).
2. through 4. No change.
5. Opiates (codeine and; morphine).
6. through 7. No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.13(7), 943.133, 943.1395 FS. History--New 7-13-87, Amended 1-2-97, 7-7-99, 8-22-00, 11-5-02, _____.

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 or employed at the time of the alleged violation, or employed on a Temporary Employment Authorization (TEA) pursuant to Section 943.131, F.S., 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 concluded when the employing agency has cause to suspect that an officer is in violation of Sections 943.13(4) or (7), F.S., or subsection 11B-27.0011(4) 11B-27.002(9), F.A.C. The agency's investigation shall contain an official disposition, which ~~it shall be reported to Commission staff pursuant to subsection (2) of this rule section.~~ report to Commission staff as follows:

(2) Upon concluding the investigation:

(a) If the allegations are sustained, the employing agency shall complete an Internal Investigation Report, form CJSTC-78, revised May 6, 2004 February 7, 2002, hereby incorporated by reference, regardless of whether any civil service appeal, arbitration, employment hearing, administrative, civil, or criminal action is pending or contemplated.

(b) If the 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. A completed Internal Investigation Report form; CJSTC-78.

2. through 7. No change.

(c) No change.

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

11B-27.004 Probable Cause Determination.

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

(1) through (6) No change.

(7) When the Commission determines that staff initiates a Probable Cause Determination Hearing, 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 employing agency shall have taken significant agency action as defined in subsections 11B-27.005(1) and (2), F.A.C. following conditions shall be satisfied prior to the Probable Cause Determination Hearing~~

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

(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 period.~~

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

(8) When Commission staff determines that initiates a Probable Cause Determination Hearing, 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 penalty guidelines of subsection 11B-27.005(5), F.A.C., specifies probation or suspension as a penalty for the offense, following conditions shall be satisfied prior to the Probable Cause Determination Hearing:~~

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

(c) ~~Commission staff shall include on the consent agenda the following information: The name, social security number, employing agency of the respondent, the nature of the misconduct, and a statement that the employing agency took significant agency action against the respondent pursuant to 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) ~~The respondent shall not have exhibited a "pattern of misconduct." A "pattern of misconduct" is described as more than one offense or incident of misconduct, interrelated by similar characteristics, which are not isolated incidents previously acted upon by the Commission.~~

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

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

(9) No change.

(10) 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. Pending final resolution, Commission staff shall hold such cases in abeyance. 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 days of the final resolution. When the administrative or judicial review is pending at the time of the Probable Cause Determination Hearing, any findings 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 finding in abeyance without further action.~~

(11)(a) ~~If administrative or judicial review results in a final disposition approval of the respondent's termination or discipline, the case shall no longer be held in abeyance and Commission staff shall review the case for the issuance of a Letter of Acknowledgment, if applicable, or for presentation shall be presented to the Commission for Commission-action. If administrative or judicial review results in a final imposition of a penalty of less than termination of employment, the conditional finding of probable cause shall be re-addressed by a subsequent Probable Cause Panel for determination of handling under subsection (7) of this rule section.~~

(b) ~~In cases in which administrative or judicial review results in a final reversal of discipline imposed by the employing agency relating to the alleged misconduct that is subject to review by the Commission, or criminal proceedings that result in the respondent's acquittal on all charges subject to review by the Commission after a trial, Commission staff shall take no further action, provided that Commission staff may present the case to a Probable Cause Panel upon Commission staff's specific showing that the findings of fact in the collateral proceedings were based upon inclusion or exclusion of evidence, or that the testimony was a departure from the essential requirements of law, the findings of fact in the collateral proceedings were not supported by competent and substantial evidence, or were clearly contrary to the evidence presented.~~

(12)(a) ~~In cases in which the facts presented to Commission staff are inconclusive, lack reliability, are insufficient to permit a reasonable determination of what occurred, or fail to demonstrate that the alleged misconduct~~

~~meets the statutory criteria for Commission action, Commission staff is authorized to "no cause" the case. Commission staff is authorized to reopen a case that has been "no caused" if new evidence or witnesses become available to Commission staff. Commission staff's characterization of misconduct shall control processing under the rules of the Commission regardless of agency characterization.~~

~~(b) Commission staff's characterization of misconduct based upon the facts as presented shall control processing of misconduct cases under the rules of the Commission.~~

(13) through (14) 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, 11-5-02, _____.

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

(1) through (3) No change.

(4)(a) 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.

(b) No change.

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

(a) No change.

(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:

Violation:	Recommended Penalty Range:
1. Assault (784.011, F.S.)	Suspension of certification
2. Battery (784.03, F.S.)	Suspension of certification
3. Petit theft (812.014, F.S.)	Suspension of certification to revocation
4. No change.	
5. Improper exhibition of a weapon (790.10, F.S.)	Probation of certification with training
6. Discharging a firearm in public (790.15, F.S.)	Suspension of certification
7. Passing a worthless check (832.05, F.S.)	Probation of certification
8. Prostitution or lewdness (796.07, F.S.)	Prospective suspension to revocation
9. Indecent exposure (800.03, F.S.)	Suspension of certification and probation with counseling, to revocation
10. Driving or boating under the influence (316.193 and 327.35, F.S.)	Probation of certification with substance abuse counseling
11. No change.	
12. Neglect or refusal to 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)-(b) of this rule section, the action of the Commission shall be to impose the following penalties, absent aggravating or mitigating circumstances:

Violation:	Recommended Penalty Range:
1. Excessive use of force, under the color of authority	Suspension of certification to revocation
2. Sexual harassment involving physical contact or misuse of position	Probation of certification with training to suspension
3. Misuse of official position	Suspension of certification
4. Engaging in sex while on duty, or at any time the officer is acting under the color of authority as a Commission-certified officer	Suspension of certification to revocation
5. No change.	
6. Other unprofessional relationship with an inmate, detainee, probationer or parolee, or community controllee	Probation of certification with training to suspension
7. False statements during the employment application process	Suspension of certification to revocation
8. No change.	
9. Subverting Commission-approved training or employing agency promotional examination process	Suspension of certification to revocation

- | | |
|---|---|
| 10. Any overt, conspicuous, or public act of a sexual or simulated sexual nature which is likely to be observed by others | Suspension of certification to revocation |
| 11. Willful failure of the agency administrator to comply with Chapter 943, F.S., as it pertains to the Commission or Commission rules | Suspension of certification to revocation |
| 12. Making a false statement(s) of fact, under oath, as to misconduct related to an agency duty, as defined in subparagraph 11B-27.0011(4)(c)12., F.A.C., with the intent to mislead or deceive | Suspension of certification to revocation |
| 13. Conduct that subverts or attempts to subvert the Basic Abilities Test process pursuant to paragraphs 11B-35.0011(1)(a)-(f)(e), F.A.C. | Revocation |
| (d) No change. | |

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

- (a) No change.
- (b) Mitigating circumstances:
 1. The officer's employment status in a position requiring ~~Commission certification Criminal Justice Standards and Training Commission certification~~ at the time of the final hearing before the Commission.
 2. through 8. No change.
 - (7) through (10) 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, 11-5-02, _____.

11B-27.013 Canine Team Certification.

(1) Definitions.

(a) No change.

(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, which is a minimum of 400 hours. The patrol canine evaluator applicant requesting approval of the Commission shall be required to possess the minimum training and experience pursuant to subsection (8) 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 May 6, 2004 ~~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.

(3) Required documentation for certification of a patrol canine team. Documentation of compliance for Commission certification of patrol canine teams shall include:

(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, which is a minimum of 400 hours; or

(b) No change.

(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 whom 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 May 6, 2004 ~~February 7, 2002~~, hereby incorporated by reference.

1. If a canine team fails to demonstrate proficiency on any topic of the proficiency examination, one re-examination may be given for the specific proficiency topic. Remedial training is permitted prior to the re-examination being declared. No more than one re-examination is permitted during the entire proficiency examination.

2. If a canine team fails to successfully demonstrate proficiency, the team must repeat the block(s) of training outlined in the Commission-approved training course or an approved equivalent training course for the task failed within the specific topic. Documentation of the remedial training shall be made available to Commission-approved evaluators prior to the administration of a subsequent Patrol Duty Canine Team Proficiency Examination. The examination shall be repeated in its entirety.

(4) Equivalent Training ~~Equivalency of training~~. Equivalent training shall be reviewed and approved by a Commission-approved evaluator. Equivalent training for a

canine team, with a handler who has never been certified, shall comply with the objectives of the 400-hour Canine Team Training Course, which is a minimum of 400 hours the exception of the administrative block of instruction. Equivalent training for a previously certified handler, who is assigned a new canine, shall comply with the objectives of the 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 to the Commission-approved evaluator for review and for approval as equivalent training by the evaluator.~~

(5) Renewal of Certification.

(a) No change.

(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 the canine team proficiency on a Patrol Duty Canine Team Proficiency Examination and Equivalency; form CJSTC-83 in compliance with the requirements of paragraph 11B-27.013(3)(c), F.A.C. ~~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."~~

(c) 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) through (7) No change.

(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) No change.

(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 Certification process, and Examination~~ Proficiency Certification process, and Examination ~~which has been documented on the Patrol Duty Canine Team Certification Application form CJSTC-70 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) No change.

(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) No change.

(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-70 attesting that the examination of proficiency was administered by the evaluator ~~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. An evaluators “approval status” that is approved prior to November 5, 2002, shall expire on November 5, 2006, unless the requirements of (8)(a)-(d) of this rule section are met ~~An evaluators “approval status” shall expire four years following the date approved by the Commission~~.

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, 11-5-02, _____.

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 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
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: Revises and clarifies rule language and forms, revises time frames for taking and passing the State Officer Certification Examination (SOCE), clarifies

exemptions from basic recruit training, clarifies timelines for taking the SOCE, repeals obsolete rule language and transfers same language to new rules, clarifies special accommodations for taking the SOCE, and clarifies the SOCE review procedures.

SUBJECT AREA TO BE ADDRESSED: Commission forms; time lines for taking the SOCE; SOCE test requirements for officers who have taken comparable basic recruit training programs; SOCE eligibility requirements for inactive, out-of-state military and federal law enforcement officers; special test accommodations not provided to applicants who request to take the SOCE; revises the SOCE examination review process; and implements the privacy act for review of examinations.

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

TIME AND DATE: 10:00 a.m., July 27, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

UPON REQUEST AND WHEN AVAILABLE RULE TEXT WILL BE PROVIDED AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT; Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting Donna Hunt at (850)410-8615 or TDD Number (850)656-9597.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT 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” pursuant to subsection 11B-35.001(7), F.A.C., on the completed Training Report, form CJSTC-67, revised May 6, 2004 ~~February 7, 2002~~, hereby incorporated by reference.

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

(a) Individuals who, within four years of beginning basic recruit training, have successfully completed a Commission-approved Traditional Law Enforcement, Correctional, or Correctional Probation Basic Recruit Training Program, pursuant to paragraphs subsection 11B-35.002(8)(a), (b) and (c)(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 years.

(b) Individuals who, within four years of beginning basic recruit training, have successfully completed a Commission-approved Cross-Over Training Program for law enforcement, correctional, or correctional probation pursuant to subsection 11B-35.002(8), F.A.C.

(c) Individuals who, within four years of beginning basic recruit training, have successfully completed a Commission-approved CMS Application-Based Law Enforcement Basic Recruit Training Program pursuant to paragraph 11B-35.002(8)(d), F.A.C.

(d)(b) Inactive Florida officers who have a break-in-service of more than four years and have complied with the examination requirements in of paragraph 11B-30.008(2)(c) and the High-Liability Basic Recruit Training proficiency requirements in subsection 11B-35.009(6), F.A.C.

(e)(e) Individuals who have completed a comparable law enforcement basic recruit training program Basic Recruit Training Program in another state; or for the federal government, and have served as a full-time sworn officer in another state or for the federal government for at least one year; in the requested criminal justice discipline, and are approved for an exemption from completing a Commission-approved Basic Recruit Training Program, and have successfully demonstrated proficiency for the High-Liability Basic Recruit Training Courses for vehicle operations, firearms, defensive tactics, and first aid, pursuant to Rule 11B-35.009, F.A.C.

(f) Individuals who have completed a comparable correctional or correctional probation basic recruit training program in another state or for the federal government, have served as a full-time sworn officer in another state or for the federal government for at least one year in the requested criminal justice discipline, are approved for an exemption from completing a Commission-approved Basic Recruit Training Program, and have successfully demonstrated proficiency for the High-Liability Basic Recruit Training Courses for firearms, defensive tactics, and first aid pursuant to Rule 11B-35.009, F.A.C.

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

schools may order officer certification examination applicant handbooks and an Application for Officer Certification Examination, form CJSTC-500, revised May 6, 2004 December 6, 2000, hereby incorporated by reference, by completing a Training School Certification Examination Supplies Request, form CJSTC-514, revised February 7, 2002, hereby incorporated by reference. The request form shall be submitted to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Attention: Certification Examination Section.

(4) All forms referenced in this rule chapter may be obtained on the following web site: http://www.fdle.state.fl.us/cjst/rules_and_forms/index.html or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Bureau of Standards, Forms Liaison.

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, 11-5-02, _____.

11B-30.0062 State Officer Certification Examination and Retake Eligibility Requirements for Individuals Completing a Basic Recruit Training Program.

(1) Individuals who have successfully completed a Commission-approved Basic Recruit Training Program, pursuant to subsection paragraph 11B-30.006(2)(a), F.A.C., shall be allowed to apply for and take the applicable State Officer Certification Examination (SOCE) corresponding to the type of training and specific to the discipline for which training was completed.

(a) The following individuals shall take the Traditional SOCE for the discipline for which training was completed:

1. Individuals completing a Commission-approved Traditional Law Enforcement, Correctional, or Correctional Probation Basic Recruit Training Program pursuant to paragraphs 11B-35.002(8)(a)-(c), F.A.C.

2. Individuals completing a Commission-approved Traditional Basic Recruit Cross-Over Training Program for law enforcement, correctional, and correctional probation pursuant to subsection 11B-35.002(9), F.A.C.

3. Inactive Florida law enforcement officers who comply with paragraph 11B-27.00212(12)(a), F.A.C., prior to January 1, 2005.

4. Inactive Florida correctional and correctional probation officers who comply with Rule 11B-35.009, F.A.C.

5. Out-of-state, military, and federal correctional and correctional probation officers who comply with Rule 11B-35.009, F.A.C.

6. Out-of-state, military, and federal law enforcement officers who comply with Rule 11B-35.009, F.A.C., prior to January 1, 2005.

(b) The following individuals shall take the CMS Law Enforcement SOCE:

1. Individuals completing a CMS Application-Based Law Enforcement Basic Recruit Training Program pursuant to paragraph 11B-35.002(8)(d), F.A.C.

2. Inactive Florida law enforcement officers who comply with paragraph 11B-27.00212(12)(a), F.A.C., after January 1, 2005.

3. Out-of-state, military, and federal law enforcement officers who comply with Rule 11B-35.009, F.A.C., after January 1, 2005.

(2) Should an individual fail to achieve an overall passing score on for the SOCE, the individual shall be permitted two 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 11-5-02, _____

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

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 11-5-02, Repealed _____

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

(1) Application to take the State Officer Certification Examination (SOCE) shall ~~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 training school, or from the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Attention: Certification Examination Section, Post Office Box 1489, Tallahassee, Florida 32302 1489.~~

(a) An Application for State 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. All applications 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; or

(b) An on-line application electronically, via the internet, at <http://www.fdle.state.fl.us/examregister>. All on-line applications shall be accompanied by payment of the \$100 examination fee using a credit card.

(2) Applications submitted to take the SOCE shall be received by the Florida Department of Law Enforcement by the established deadline date for the examination requested.

(3) Form CJSTC-500 and the established examination dates may be obtained from a training school or from the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Attention: Certification Examination Section, Post Office Box 1489, Tallahassee, Florida 32302-1489.

(4)(2) The applicant shall be notified Commission staff shall notify the applicant of the testing site, and the date, and time the SOCE will be administered, prior to the date of the examination.

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

(6)(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 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 date:

(a) Military orders. An applicant shall provide a copy of military orders or a letter from his or her commanding officer advising that he or she was unavailable on the testing date. Due to military service, an applicant shall provide a copy of military orders, or provide a letter from his or her commanding officer to Commission staff; or

(b) Personal Due to injury, illness, or physical impairment; An an applicant shall provide a statement on official letterhead from the treating physician that provides a list and date(s) dates of treatment or confinement affirming that such injury, illness, or physical impairment made it impossible for the applicant to take the SOCE; or

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

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

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(18), 943.1397(3) FS. History--New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, _____.

11B-30.0071 Examination Accommodations for Applicants with Disabilities.

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

(2) An applicant requesting special accommodations shall submit an Application for Individuals Requesting Special Test Accommodations, form CJSTC-502, revised May 6, 2004 ~~February 7, 2002~~, hereby incorporated by reference, which shall be submitted forty-five 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 (Voice) (850)410-8600, (TDD) ~~TDD#:~~ (850)656-9597.

(3) Reasonable and appropriate accommodations to take the 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 ~~(7)(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) Accommodations that are not permissible. A reader shall not be allowed for applicants taking the CMS Law Enforcement SOCE. This examination utilizes diagrams, tables, or statutory reference materials to measure an applicant's ability to apply these professional tools to solve problems and answer questions.

~~(5)(4)~~ The Commission shall request further evidence for the necessity of the accommodation when the evidence substantiating the need for the accommodation is not complete. The Commission shall request that the individual receive another professional evaluation to verify the disability, which shall be paid by the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, or to determine what accommodations are most appropriate and effective when the initial evaluation is inconclusive, unclear, or does not substantiate the need for the requested accommodation, which shall be paid for by the individual.

~~(6)(5)~~ In no case shall any modifications authorized herein be interpreted or construed as an authorization to provide an individual with assistance in determining the answer to any test item. No accommodation or modification shall be made that adversely affects the integrity of the SOCE.

~~(7)(6)~~ Definition of Terms.

(a) through (d) No change.

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

Specific Authority 943.03(4), 943.12(1), 943.1397 FS. Law Implemented 943.12(18), 943.1397 FS. History--New 7-29-01, Amended 11-5-02, _____.

11B-30.008 State Officer Certification Examination Site Administration.

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

(2) An applicant who has been scheduled to take the 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, F.A.C. The record of completed training shall be in the form of a Commission-approved Examination Admission Voucher, form CJSTC-517, created May 6, 2004, hereby incorporated by reference. Certificate of Completion or a Letter of Completion on the 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, military, or federal officers or inactive Florida officers. Effective July 1, 2002, ~~pursuant to Section 943.131(2), F.S., out-of-state, military, or federal officers or inactive Florida officers are required, and have one year to demonstrate proficiency in the required High-Liability Basic Recruit Training Courses and achieve a passing score on the applicable SOCE. The officer shall not be required to pass a comprehensive end-of-course examination in the High-Liability Basic Recruit Training Courses 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, form CJSTC-517 as record of completed training and demonstration of proficiency for the required High-Liability Basic Recruit Training Courses 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. Documentation of completed training is permitted to 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.

(3) through (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, 11-5-02, _____.

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

(1) through (5) No change.

(6) The Commission shall ensure the security of the test site for the SOCE by prohibiting applicants from signing in to the test area with anything other than an applicant identification, pencils, certificate of completion, Equivalency-of-Training Proficiency Demonstration form CJSTC-76A, revised May 6, 2004, hereby incorporated by reference, or other documentation required by the Commission. An applicant who is found with items in their possession, other than described herein, shall be in violation of subsections (1)-(3) of this rule and shall be subject to discipline as described in subsection (5) of this rule. Violation of this subsection shall be documented as provided in subsection (4) of this rule.

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, 11-5-02, _____.

11B-30.011 Examination Scoring and Grade Notification.

Individuals who graduate from a Commission-approved Basic Recruit Training Program shall be required to achieve a passing score on pass the State Officer Certification Examination (SOCE) with an overall scale score equal to or higher than the established cut-off 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, revised February 7, 2002, hereby incorporated by reference. The SOCE is an entry-level competency examination and therefore examination results are reported as "pass" or "fail" on form CJSTC-516. To protect each examinee's privacy, only individuals who have taken the SOCE are permitted to obtain their personal numerical score. This score will be available only at a regularly scheduled monthly Examination Review Session held pursuant to subsection 11B-30.012(2), F.A.C.

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, 11-5-02, _____.

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

(1) Individuals who have failed 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, 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 calendar days of the

individual’s SOCE date. Individuals who fail to meet the forty-five day deadline shall not be allowed to file a challenge, but may review the SOCE results.

(2) The SOCE grade reviews shall be conducted in the presence of Commission staff at a regularly scheduled monthly Examination Review Session conducted 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, excluding official state holidays. The SOCE grade review schedule is produced annually and is available at Commission-certified training schools, the Florida Department of Law Enforcement’s (FDLE) website at <http://www.fdle.state.fl.us>, or from FDLE, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention SOCE Section. Individuals shall be scheduled to review their SOCE grades within forty calendar days of Commission staff’s receipt of the completed form CJSTC-510. Participants in the Examination Review Session shall be permitted to review only one examination for each session.

(a) No change.

(b) Individuals requesting a ~~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 May 6, 2004 February 7, 2002, hereby incorporated by reference. Form CJSTC-511 shall be signed by the individual requesting the review and a Commission staff member at the conclusion of an 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 individuals the individual scheduled for the Examination Review Session and a Commission staff member shall be present during an Examination Review Session.~~

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

(3) Individuals shall be prohibited from bringing materials into or removing materials from leaving an Examination Review Session ~~with any written challenges, grade sheets, or any other examination materials.~~

(4) Individuals participating in an examination review session, shall be notified ~~Commission staff shall notify the individual~~ in writing, within thirty 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, 11-5-02, _____.

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 Program	11B-35.0011
Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation	11B-35.002
High-Liability Proficiency Courses for Basic Recruit Training and Instructor Training	11B-35.0021
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, Correctional, and Correctional Probation Auxiliary Training	11B-35.003
Traditional Basic Recruit Training Programs; Cross-Over Training for Law Enforcement, Correctional, and Correctional Probation Officers	11B-35.004
Advanced Training Program	11B-35.006
Specialized Training Program	11B-35.007
Criminal Justice Training School Requirements for Local Administration and Security of Examinations for Training Courses	11B-35.0085
Exemption from Basic Recruit Training	11B-35.009

PURPOSE AND EFFECT: Revises and creates forms, implements the CMS Application-Based Law Enforcement Basic Recruit Training Program, revises end-of-course examination requirements, revises the auxiliary basic recruit training program, and revises exemptions from basic recruit training programs.

SUBJECT AREA TO BE ADDRESSED: Commission forms; definitions; grammatical revisions; implementation of the CMS Application-Based Law Enforcement Basic Recruit Training Program Curriculum; end-of-course examinations; course completion requirements; basic recruit training certificates; basic abilities violations; timeline for completing a basic recruit training program; transfer of courses to another training school; cross-over basic recruit training programs; Commission-approved training program course names; requirements for completing Traditional and CMS basic recruit training programs; high-liability course names and course completion requirements; auxiliary basic recruit training

program; advanced and specialized program courses; exemption from basic recruit training programs; employment as a criminal justice officer; temporary employment authorizations; and administration and security of end-of-course examinations and responsibilities thereof.

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

TIME AND DATE: 10:00 a.m., July 27, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, (850)410-8615

UPON REQUEST AND WHEN AVAILABLE RULE TEXT WILL BE PROVIDED AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 days prior to the workshop by contacting: Donna Hunt, (850)410-8615 or TDD (850)656-9597.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT 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. Commission-approved Basic Recruit Training Programs, 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. The training programs are:

(a) Basic Recruit Training Programs that provide for the acquisition of employment skills necessary for officer certification and employment; and

(b) Advanced Training Programs that maintain officer certification, enhance officer knowledge, skills, and abilities, and assist in an officer's promotion to a higher rank.

(c) Specialized Training Programs that provide for officer post-basic in-service training that enhance an officer's knowledge, skills, and abilities in a specific area.

(2) Notification of scheduled courses. The training center director or designee shall notify the assigned local Commission field specialist of scheduled, rescheduled, or cancelled Commission-related training courses. This notification shall be at least 30 days in advance, or immediately upon scheduling, rescheduling, or cancellation of the course when under 30 days. Notification shall include at a minimum:

(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, Advanced Training Courses, and Specialized Training Program Courses Programs at a training school shall: be certified by the Commission, or exempt from certification, pursuant to Rule 11B-20.001, F.A.C.

(a) Be a Commission-certified General Instructor pursuant to subsection 11B-20.001(3), F.A.C., or be exempt from certification pursuant to subsection 11B-20.001(4), F.A.C.

(b) Be required to hold additional certifications for specified areas of instruction in Commission courses pursuant to Rule 11B-20.0014, F.A.C.

(c) Hold a CMS designated certification to teach CMS Application-Based Law Enforcement Basic Recruit Training Program Courses, CMS Instructor Courses, and CMS Instructor Transition Courses.

(4) Commission-approved Basic Recruit Training Programs, Advanced Training Courses, and Specialized Training Program Courses 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.

(b) Students who enroll in a ~~an~~ Commission-approved Advanced Training Course or Specialized Training Program Course and are Commission-certified law enforcement, correctional, or correctional probation officers.

(c) Criminal justice officers and support personnel, defined in Section 943.10(11), F.S., are authorized to expend Officer Training Monies to attend Commission-approved Advanced Training Courses and Specialized Training Program Courses Programs delivered through a training school. The Commission has further authorized support personnel to attend training courses funded with Officer Training Monies, as defined in paragraph 11B-18.0053(3)(a), F.A.C.

(d) The training center director shall provide to each student, the Commission's approved Basic Recruit Training Curriculum ~~for each of the 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 the CMS Application-Based Law Enforcement Basic Recruit Training Program is delivered in compliance with Commission rules, and delivery guidelines provided in the Curriculum the facilitator and student materials prescribed for each curriculum module.

(6) Training curricula and delivery requirements shall be maintained for Commission-approved Basic Recruit Training Courses, Advanced Training Courses, and Specialized Training Programs within the Florida Department of Law Enforcement, 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 enrolled in a Commission-approved Basic Recruit Training Program shall achieve a score of no less than 80% on each of the end-of-course examinations, exclusive of demonstration of proficiency skills in the High-Liability Basic Recruit Training Courses. A student enrolled in a Commission-approved Advanced or Specified Specialized Training Program Course shall achieve a score of no less than 75% percent on the end-of-course examination, exclusive of demonstration of proficiency skills in the High-Liability Basic Recruit Training Courses 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 examinations 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 Commission-approved Basic Recruit Training Courses, Advanced Training Courses, and Specified Specialized Training Program Courses in compliance with the administration, confidentiality, and security requirements of subsections 11B-35.0085(2)-(5)(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 specifications.

(d) Specified Specialized Training Program Courses requiring an end-of-course examination are:

1. Specialized Instructor Training Courses outlined in subsection 11B-35.007(3), F.A.C.

<u>Course Number</u>	<u>Course Title</u>	<u>Hours</u>
<u>2. 1112</u>	<u>Canine Team Training Course</u>	<u>400</u>
<u>3. 1113</u>	<u>Laser Speed Measurement Device (LSMD) Transition Operators Course for Radar Operators</u>	<u>12</u>
<u>4. 1132</u>	<u>Parking Enforcement Specialist for Civilians</u>	<u>16</u>
<u>5. 1133</u>	<u>Selective Traffic Enforcement Program for Civilians</u>	<u>80</u>
<u>6. 732</u>	<u>Traffic Control Officer for Civilians</u>	<u>8</u>
<u>7. 851</u>	<u>Breath Test Operator Course</u>	<u>24</u>
<u>8. 951</u>	<u>Breath Test Operator Renewal Course</u>	<u>6</u>
<u>9. 850</u>	<u>Agency Inspector Course</u>	<u>24</u>
<u>10. 950</u>	<u>Agency Inspector Renewal Course</u>	<u>6</u>
<u>11. 1134</u>	<u>Criminal Justice Officer Ethics Course</u>	<u>8</u>
<u>12. 1135</u>	<u>Crimes Against Children</u>	<u>Open</u>
<u>13. 1136</u>	<u>Domestic Violence</u>	<u>Open</u>
<u>14. 1137</u>	<u>Violent Crime Investigator Training Course</u>	<u>Open</u>

(e) End-of-course examinations shall be developed and administered for each course in the Traditional Basic Recruit Training Programs and shall include the objectives in each course. End-of-course examinations shall be developed and administered for each course in the CMS Application-Based Law Enforcement Basic Recruit Training Program from the objectives outlined in the CMS Test Specifications.

(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 Law Enforcement Basic Recruit Training Programs for training schools, agencies, instructors, and students.

(9) Field-test of the CMS Application-Based Basic Recruit Training Program. The Criminal Justice Standards and Training Commission is currently developing and evaluating the CMS Application-Based Basic Recruit Training Programs for use as a basic recruit training program for criminal justice officers. These The CMS Application-Based Basic Recruit Training Programs are based on a statewide job-task analysis of each of the criminal justice disciplines, and provide an enhanced learning environment for the student, through lesson plans provided for each module, and ensure a “standardized delivery” of statewide training curricula. A CMS Field-Test

~~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 accomplish these goals:

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

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

(c) Specific conditions for instructor certification and delivery of the CMS Curricula ~~curricula~~ are established consistent with the completed modules. Training schools shall adhere to the delivery specifications and the instructor requirements outlined in the modules. The Commission exempts the training schools, academies, and colleges that participate in the CMS Field-Test pursuant to paragraph (9)(e) of this rule section, from the requirements of subsection 11B-35.001(7), F.A.C., General Training Programs; Requirements, and Specifications.

(d) Exemptions set forth in paragraph (9)(c) of this rule section shall not apply to courses in Commission-approved ~~the~~ Traditional Basic Recruit Training Programs.

(e) Notwithstanding subsection 11B-27.002(4), F.A.C., a basic recruit student enrolled in a Commission-approved Traditional Law Enforcement Basic Recruit Training Program with a beginning date prior to July 1, 2004, shall be allowed to continue in the program until the student successfully completes, fails, or withdraws from the program. The CMS Field-Test shall be conducted at training schools. Individual field-tests of the CMS High Liability Modules may be delivered by any training school. A full field test of the CMS Application-Based Basic Recruit Training Program for law enforcement shall be initiated at the following training schools:

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

1. A basic recruit student who is unable to graduate from a Commission-approved Traditional Law Enforcement Basic Recruit Training Program because of failure to achieve a passing score on the end-of-course examination(s), pursuant to subsection 11B-35.001(7), F.A.C., shall be granted a re-test for each course failed.

2. The re-examination provisions outlined for a basic recruit student in subsection (12) of this rule section shall not apply.

3. A basic recruit student who meets the conditions stated in this rule section shall have successfully passed the end-of-course examination(s) by June 30, 2005.

(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 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 for each of the criminal justice disciplines.~~

(10) ~~Reporting Training program reporting~~ requirements for Commission-approved Basic Recruit, Advanced and Specialized Training Program Courses ~~training center directors~~ are as follows:

(a) The training center director or designee shall determine the beginning and ending dates of each Basic Recruit Training Program, and thirty days following the class starting date shall forward a Training Report, form CJSTC-67, revised May 6, 2004 ~~February 7, 2002~~, hereby incorporated by reference, to Commission staff through the Commission's Automated Training Management System (ATMS).

(b) Following the completion of a Commission-approved Basic Recruit Training Program Course, Advanced Training Program Course, or Instructor Training Course ~~instructor training course~~ and courses pursuant to paragraphs 11B-35.007(4)(h), (i), (m), (n), (o) and (p), F.A.C., the training center director or designee shall, within thirty days of the program or course completion date, electronically transmit a completed Training Report form CJSTC-67, or transmit an updated CJSTC-67 form through the Commission's ATMS, ~~or submit an updated form CJSTC-67.~~ The following Specialized Training Program Courses shall be submitted to Commission staff through the Commission's ATMS, by transmitting a completed form CJSTC-67 within thirty days of the course completion:

1. Canine Team Training Course.
2. Laser Speed Measurement Device (LSMD) Transition Operators Course for Radar Operators.
3. Breath Test Operator Course.
4. Breath Test Operator Renewal Course.
5. Agency Inspector Course.
6. Agency Inspector Renewal Course.

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

1. Course outline(s) or schedule(s).
- ~~2.~~ Course(s) name and contact person.
- ~~3.~~ 2. Date(s) of course(s).
- ~~4.~~ 3. Full legal name names of all attending students.
- ~~5.~~ 4. Test scores and test materials when, if tests are used. Test materials shall be made available for review by Commission staff upon request.

~~6.~~ 5. The number of course electives shall be included for all courses delivered using Commission-approved Specialized Goals and Objectives.

~~7.~~ 6. Applicable proficiency checklist and performance reports.

~~8.~~ 7. Course instructors.

~~9.~~ 8. Student attendance records.

~~10.~~ 9. Training Report form CJSTC-67.

~~11.~~ 10. For Basic Recruit Training Programs, proof of compliance with Sections ~~943.14(7)~~ 943.14(8) and 943.17(1)(g), F.S.

~~12.~~ 11. A training school re-examination policy and documented justification for each student re-examination administered.

~~13.~~ 12. A list of expenditures from the Criminal Justice Standards and Training Trust Fund Officer Training Monies shall be included for Commission-approved Advanced Training Courses and Specialized Training Program Courses when Officer Training Monies are used to fund the course.

(11) Student attendance requirements for Commission-approved Basic Recruit Training Programs outlined in paragraphs 11B-35.002(1)(a)-(m), F.A.C., Specialized Training Programs outlined in subsection 11B-35.007(1), F.A.C., and Advanced Training Program Courses outlined in subsection 11B-35.006(2), F.A.C.

(a) The training center director or designee shall maintain daily student attendance records for each 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.

(c) The Commission has approved the delivery of High-Liability Basic Recruit Training Courses and CMS Instructor Transition 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."

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

(a) A student shall achieve a passing score, pursuant to subsection 11B-35.007(1), F.A.C., on successfully complete all end-of-course examinations in to be eligible to pass a Commission-approved Basic Recruit Training Program to successfully complete a 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 achieve a passing score on an end-of-course examination 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 and re-examinations in paragraph (12)(a) of this rule section, 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 the 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.

~~(c)(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 for Commission-approved Advanced and Specialized Training Program Courses. A student who has failed a cognitive end-of-course examination in a Commission-approved ~~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 Commission-approved Basic Recruit ~~Training Program~~, Advanced ~~Training Course~~, or Specialized Training Program Course, provide to a student who has successfully completed the program 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. Basic Recruit Training Completion Certificates shall contain the Curriculum Version Number for the course taught.

(15) All forms referenced in this rule chapter may be obtained on the following web site: http://www.fdle.state.fl.us/cjst/rules_and_forms/index.html or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Bureau of Standards, Forms Liaison.

Specific Authority 943.03(4), 943.12(1),(2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History—New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, _____.

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

To comply with Section 943.17(1)(g), F.S., applicants who apply for entry into a Commission-approved Basic Recruit Training Program after January 1, 2002, shall obtain a passing score on a Basic Abilities Test (BAT) for law enforcement, correctional, or correctional probation disciplines, prior to entering a program ~~the applicable 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.
- (f) Possession of altered BAT official documents including student performance reports.

(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.

(6) A passing score on a Commission-approved Basic Abilities Test is valid two years from the date of the test.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.17 FS. History—New 7-29-01, Amended 11-5-02.

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

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

<u>(a) Traditional Law Enforcement Basic Recruit Training Program (Retired June 30, 2004)</u>	<u>672.0 hours</u>
<u>(b) Traditional Correctional Basic Recruit Training Program</u>	<u>532.0 hours</u>
<u>(c) Traditional Correctional Probation Basic Recruit Training Program</u>	<u>424.0 hours</u>
<u>(d) CMS Application-Based Law Enforcement Basic Recruit Training Program</u>	<u>760.0 hours</u>
<u>(e) Traditional Law Enforcement to Correctional Basic Recruit Cross-Over Training Program</u>	<u>156.0 hours</u>
<u>(f) Traditional Law Enforcement to Correctional Probation Basic Recruit Cross-Over Training Program</u>	<u>150.0 hours</u>
<u>(g) Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program</u>	<u>302.0 hours</u>
<u>(h) Traditional Correctional to Correctional Probation Basic Recruit Cross-Over Training Program</u>	<u>180.0 hours</u>
<u>(i) Traditional Correctional Probation to Correctional Basic Recruit Cross-Over Training Program</u>	<u>412.0 hours</u>
<u>(j) Traditional Correctional Probation to Law Enforcement Basic Recruit Cross-Over Training Program</u>	<u>256.0 hours</u>
<u>(k) Law Enforcement Auxiliary Officer Basic Recruit Training Program</u>	<u>294.0 hours</u>
<u>(l) Correctional Auxiliary Officer Basic Recruit Training Program</u>	<u>254.0 hours</u>

(m) Correctional Probation Auxiliary Officer Basic Recruit Training Program. To become certified as a Correctional Probation Auxiliary Officer, pursuant to subsection 11B-35.003(7), F.A.C., a basic recruit student shall complete the Correctional Probation Basic Recruit Training Program, pursuant to paragraph (8)(c) of this rule section.

(2) Within four years of the beginning date of a Commission-approved Basic Recruit Training Program, an individual shall successfully complete the program 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., achieve a passing score on the applicable State Officer Certification Examination (SOCE) pursuant to Rule 11B-30.0062, F.A.C., 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, as a condition for obtaining employment, comply with the following:

(a) Successfully As a condition of employment or appointment after July 1, 1993, successfully complete the applicable a Commission-approved Basic Recruit Training Program pursuant to Rule 11B-35.002, F.A.C.; and

(b) Achieve a passing score on Pass the applicable State Officer Certification Examination pursuant to Rule 11B-30.0062, F.A.C.

(3) Individuals enrolled in a Commission-approved Traditional Law Enforcement Basic Recruit Training Program prior to July 1, 2004, shall be allowed to continue such training until they successfully complete, fail, or withdraw from the training program, and shall comply with paragraph (2) of this rule section. Basic Recruit Training Program requirements:

(4)(a) Each training school that offers a Commission-approved Traditional Basic Recruit Training Program, pursuant to paragraphs (1)(b), (c), (e)-(j) of this rule section, shall deliver all courses in the Basic Recruit Training Courses included in the Traditional Basic Recruit Training Program. A training school that complies with this requirement may also deliver any combination of Commission-approved Traditional Basic Recruit Training Program Courses; based upon agency need and student remediation.

(5)(b) Each training school that offers the Commission's a CMS Application-Based Law Enforcement Basic Recruit Training Program, pursuant to paragraph (1)(d) of this rule section, shall deliver all course materials included in the training program. Delivery and sequencing of the course materials shall comply with the requirements set forth in the CMS Curriculum, 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.

~~(6)(e) A basic recruit For each Basic Recruit Training Course, a student shall successfully complete Commission-approved Basic Recruit Training Program Courses to be eligible to take the applicable State Officer Certification Examination pass a comprehensive end-of course examination.~~

~~(d) Successful completion of all courses within a Basic Recruit Training Program shall determine a student's eligibility to take the State Officer Certification Examination in a respective discipline.~~

(7) High-Liability Basic Recruit Training Courses, pursuant to Rule 11B-35.0024, F.A.C., successfully completed at a training school, shall be transferable from one training school to another, or from one Commission-approved Basic Recruit Training Program to another, pursuant to Rule 11B-35.0023, F.A.C. A basic recruit student who requests transfer of successfully completed High-Liability Basic Recruit Training Courses from the Traditional Basic Recruit Training Program to the CMS Application-Based Law Enforcement Basic Recruit Training Program, shall complete high-liability training designated as "CMS New" in the CMS High-Liability Basic Recruit Training Course for which the training is requested.

~~(8)(4) Commission-approved Basic Recruit Training Programs. Pursuant to Section 943.12, F.S., Commission-approved Basic Recruit Training Programs establish the minimum required entry-level training for law enforcement, correctional, and correctional probation officers. Individuals who are requesting employment as an officer, and have not had previous basic recruit training or have not been certified as an officer in the discipline for which certification is sought, and have met the requirements of Sections 943.13(1)-(8) and (11), 943.14(7), and 943.17(1)(g), F.S., shall successfully complete a Commission-approved Basic Recruit Training Program pursuant to this rule section. The Commission's Basic Recruit Training Programs are Traditional Basic Recruit Training Programs. Basic Recruit Training Programs shall be on file at the Florida Department of Law Enforcement, Criminal Justice Professionalism Program. Effective February 4, 1999, such programs shall include the following courses:~~

<u>Course Number</u>	<u>Course Hours</u>
(a) Traditional Law Enforcement Basic Recruit Training Program	Total 672.0

(Retired June 30, 2004). All law enforcement basic recruit training programs that begin on July 1, 2004, or thereafter, shall deliver the CMS Application-Based Law Enforcement Basic Recruit Training Program pursuant to paragraph (8)(d) of this rule section. Training schools are authorized to continue to deliver the Traditional courses in subparagraph (8)(a)1.-12. of this rule section for Traditional Law Enforcement Basic

Recruit Training Programs that begin prior to July 1, 2004. Training schools are authorized to deliver Traditional Law Enforcement Basic Recruit Training Program courses to students who qualify, pursuant to subsection 11B-35.002(2), F.A.C., and who have entered into but failed to graduate from 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
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_705	64.0
8. Law Enforcement Legal 3	CJK_0040 or CJB1040	
9. Law Enforcement Patrol	CJD_254	48.0
10. Law Enforcement Traffic	CJK_0030 or CJB_1030	
11. Law Enforcement Vehicle Operations, or CMS Law Enforcement Vehicle Operations	CJD_730	32.0
12. Law Enforcement Investigations	CJD_731	64.0
TOTAL	CJD_732	46.0

(b) Traditional Correctional Basic Recruit Training Program. Traditional Correctional Basic Recruit Training Program.

<u>Course Name</u>	<u>Course Number</u>	<u>Course Hours</u>
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
	CJK_0050 or CJB_1050	80.0
6. Criminal Justice Weapons, or CMS Criminal Justice Firearms	CJD_705	64.0
	CJK_0040 or CJB_1040	80.0
7. Medical First Responder (Options: CJT_362 or EMS_1059), or CMS First Aid for Criminal Justice Officers Responder to Medical Emergencies Unit 1	CJD_254	48.0
	CJK_0030	
	CJK_0030 or CJB_1030	40.0
8. Interpersonal Skills 2	CJD_750	50.0
9. Emergency Preparedness	CJD_741	26.0
10. Correctional Operations	CJD_752	64.0
11. CMS Criminal Justice Special Topics, Module 15	CJK_0095	20.0
	TOTAL	532.0
		530.0

(e) 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 Preparation for Defensive Tactics Course, effective 7/1/98, or CMS Criminal Justice Defensive Tactics	CJD_704	106.0
	CJK_0050 or CJB_1050	
6. Criminal Justice Weapons, or CMS Criminal Justice Firearms	CJD_705	64.0
	CJK_0040 or CJB_1040	
7. 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	
8. Law Enforcement Legal 3	CJD_730	32.0
9. Law Enforcement Patrol	CJD_731	64.0
10. Law Enforcement Traffic	CJD_732	46.0

11. Law Enforcement Vehicle Operations, or CMS Law Enforcement Vehicle Operations	CJD_723	32.0
	CJK_0020 or CJB_1020	
12. Law Enforcement Investigations	CJD_734	64.0
13. Interpersonal Skills 2	CJD_750	50.0
14. Emergency Preparedness	CJD_741	26.0
15. Correctional Operations	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	CJD_704	106.0
6. Criminal Justice Weapons, or CMS Criminal Justice Defensive Tactics	CJD_705	64.0
	CJK_0050 or CJB_1050	
	CJK_0040 or CJB_1040	
7. 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	
8. Law Enforcement Legal 3	CJD_720	32.0
9. Law Enforcement Patrol	CJD_721	64.0
10. Law Enforcement Traffic	CJD_722	46.0
11. Law Enforcement Vehicle Operations, or CMS Law Enforcement Vehicle Operations	CJD_723	32.0
	CJK_0020 or CJB_1020	
12. Law Enforcement Investigations	CJD_724	64.0
13. Interpersonal Skills 2	CJD_740	50.0
14. Emergency Preparedness	CJD_741	26.0
15. Correctional Operations	CJD_742	64.0
	TOTAL	830.0

(c)(e) Traditional Correctional Probation Basic Recruit Training Program: Traditional Correctional Probation Training Program.

Course Name	Course Number	Course Hours
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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
6. 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 CJK_0050 or CJB_1050	106.0 80.0
7. <u>CMS Correctional Probation Firearms</u>	TBA	16.0
Correctional Probation Firearms	CJD_795	16.0
8. <u>Medical First Responder (Options: CJT_362 or EMS_1059), or</u> CMS First Aid for Criminal Justice Officers	CJD_254	48.0
	CJK_0030	40.0
	CJK_0030 or CJB_1030	
Responder to Medical Emergencies Unit 1		
9. <u>Criminal Justice Special Topics, Module 15</u>	CJK_0095	20.0
	TOTAL	424.0
		438.0
(5) CMS Application-Based Basic Recruit Training Programs:		
(a) CMS Application-Based Law Enforcement Officer Basic Recruit Training Program		672.0
(b) CMS Application-Based Correctional Officer Basic Recruit Training Program		530.0
(c) CMS Application-Based Correctional Probation Officer Basic Recruit Training Program		438.0
<u>(d) CMS Application-Based Law Enforcement Basic Recruit Training Program:</u>		<u>760.0</u>
<u>1. Introduction and Law</u>	<u>CJK_0006</u>	<u>67.0</u>
<u>2. Human Issues</u>	<u>CJK_0010</u>	<u>50.0</u>
<u>3. Communications</u>	<u>CJK_0015</u>	<u>77.0</u>
<u>4. CMS Law Enforcement Vehicle Operations</u>	<u>CJK_0020</u>	<u>48.0</u>
<u>5. CMS First Aid for Criminal Justice Officers</u>	<u>CJK_0031</u>	<u>40.0</u>
<u>6. CMS Criminal Justice Firearms</u>	<u>CJK_0040</u>	<u>80.0</u>

7. <u>CMS Criminal Justice Defensive Tactics</u>	<u>CJK_0050</u>	<u>80.0</u>
8. <u>Patrol</u>	<u>CJK_0060</u>	<u>57.0</u>
9. <u>Investigations</u>	<u>CJK_0070</u>	<u>53.0</u>
10. <u>Investigating Offenses</u>	<u>CJK_0075</u>	<u>40.0</u>
11. <u>Traffic Stops</u>	<u>CJK_0080</u>	<u>62.0</u>
12. <u>Traffic Crash Investigations</u>	<u>CJK_0085</u>	<u>32.0</u>
13. <u>Tactical Applications</u>	<u>CJK_0090</u>	<u>14.0</u>
14. <u>Criminal Justice Special Topics</u>	<u>CJK_0095</u>	<u>20.0</u>

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

(a) Officers entering a basic recruit cross-over training program shall comply with the employment requirements of Section 943.1395(3), F.S., and subsections 11B-27.002(4) and 11B-35.002(2), F.A.C.; and

(b) An applicant requesting to attend a Commission-approved Basic Recruit Cross-Over Training Program shall:

1. Be an active certified officer in the discipline the officer is moving from; or

2. Have successfully completed a Commission-approved Basic Recruit Training Program and passed the State Officer Certification Examination (SOCE), within four years, for the discipline the officer is moving from.

(c) A Commission-approved Basic Recruit Cross-Over Training Program requires that an officer comply with Section 943.17(1)(g), F.S., successfully complete the required courses in the cross-over training program for the discipline in which cross-over certification is being requested, successfully complete the applicable high-liability training requirements pursuant to subsection (7) of this rule section, if applicable, and achieve a passing score on the applicable State Officer Certification Examination pursuant to Rule 11B-30.0062, F.A.C.

(d) Traditional Law Enforcement to Traditional Correctional Basic Recruit Cross-Over Training Program. A law enforcement officer shall complete the following courses to cross-over from the "Law Enforcement Discipline" to the "Correctional Officer Discipline":

<u>Course Name</u>	<u>Course Number</u>	<u>Course Hours</u>
<u>1. Cross-Over Law Enforcement to Correctional</u>	<u>CJD_780</u>	<u>16.0</u>
<u>2. Interpersonal Skills 2</u>	<u>CJD_750</u>	<u>50.0</u>
<u>3. Emergency Preparedness</u>	<u>CJD_741</u>	<u>26.0</u>
<u>4. Correctional Operations</u>	<u>CJD_752</u>	<u>64.0</u>
	<u>Total</u>	<u>156.0</u>

(e) Traditional Law Enforcement to Traditional Correctional Probation Basic Recruit Cross-Over Training Program. A law enforcement officer shall complete the following courses to cross-over from the “Law Enforcement Discipline” to the “Correctional Probation Officer Discipline”:

<u>Course Name</u>	<u>Course Number</u>	<u>Course Hours</u>
<u>1. Cross-Over Law Enforcement to Correctional Probation 1</u>	<u>CJD_735</u>	<u>66.5</u>
<u>2. Cross-Over Law Enforcement to Correctional Probation 2</u>	<u>CJD_736</u>	<u>67.5</u>
<u>3. Correctional Probation Operations</u>	<u>CJD_791</u>	<u>16.0</u>
	<u>Total</u>	<u>150.0</u>

(f) Traditional Correctional to Traditional Law Enforcement Basic Recruit Cross-Over Training Program. A correctional officer shall complete the following courses to cross-over from the “Correctional Discipline” to the “Law Enforcement Discipline”:

<u>Course Name</u>	<u>Course Number</u>	<u>Course Hours</u>
<u>1. Cross-Over Correctional to Law Enforcement</u>	<u>CJD_781</u>	<u>48.0</u>
<u>2. Law Enforcement Legal 3</u>	<u>CJD_730</u>	<u>32.0</u>
<u>3. Law Enforcement Patrol</u>	<u>CJD_731</u>	<u>64.0</u>
<u>4. Law Enforcement Traffic</u>	<u>CJD_732</u>	<u>46.0</u>
<u>5. CMS Law Enforcement Vehicle Operations</u>	<u>CJK_0020</u>	<u>48.0</u>
<u>6. Law Enforcement Investigations</u>	<u>CJD_734</u>	<u>64.0</u>
	<u>Total</u>	<u>302.0</u>

(g) Traditional Correctional to Traditional Correctional Probation Basic Recruit Cross-Over Training Program. A correctional officer shall complete the following courses to cross-over from the “Correctional Discipline” to the “Correctional Probation Discipline”:

<u>Course Name</u>	<u>Course Number</u>	<u>Course Hours</u>
<u>1. Cross-Over Correctional Legal to Correctional Probation</u>	<u>CJD_774</u>	<u>30.0</u>
<u>2. Cross-Over Correctional to Correctional Probation</u>	<u>CJD_775</u>	<u>26.0</u>
<u>3. Correctional Probation Communication Skills</u>	<u>CJD_793</u>	<u>70.0</u>
<u>4. Correctional Probation Supervision</u>	<u>CJD_794</u>	<u>54.0</u>
	<u>Total</u>	<u>180.0</u>

(h) Traditional Correctional Probation to Traditional Law Enforcement Basic Recruit Cross-Over Training Program. A correctional probation officer shall complete the following courses to cross-over from the “Correctional Probation Discipline” to the “Law Enforcement Discipline”:

<u>Course Name</u>	<u>Course Number</u>	<u>Course Hours</u>
<u>1. Cross-Over Correctional Probation Legal to Law Enforcement</u>	<u>CJD_796</u>	<u>46.0</u>
<u>2. Cross-Over Correctional Probation to Law Enforcement</u>	<u>CJD_797</u>	<u>64.0</u>
<u>3. Law Enforcement Patrol</u>	<u>CJD_731</u>	<u>64.0</u>
<u>4. Law Enforcement Traffic</u>	<u>CJD_732</u>	<u>46.0</u>
<u>5. CMS Law Enforcement Vehicle Operations</u>	<u>CJK_0020</u>	<u>48.0</u>
<u>6. Law Enforcement Investigations</u>	<u>CJD_734</u>	<u>64.0</u>
<u>7. CMS Criminal Justice Firearms</u>	<u>CJK_0040</u>	<u>80.0</u>
	<u>Total</u>	<u>412.0</u>

(i) Traditional Correctional Probation to Traditional Correctional Basic Recruit Cross-Over Training Program. A correctional probation officer shall complete the following courses to cross-over from the “Correctional Probation Discipline” to the “Correctional Discipline”:

<u>Course Name</u>	<u>Course Number</u>	<u>Course Hours</u>
<u>1. Cross-Over Correctional Probation to Correctional 1</u>	<u>CJD_798</u>	<u>50.0</u>
<u>2. Cross-Over Correctional Probation to Correctional 2</u>	<u>CJD_799</u>	<u>36.0</u>
<u>3. Emergency Preparedness</u>	<u>CJD_741</u>	<u>26.0</u>
<u>4. Correctional Operations</u>	<u>CJD_752</u>	<u>64.0</u>
<u>5. CMS Criminal Justice Firearms</u>	<u>CJK_0040</u>	<u>80.0</u>
	<u>Total</u>	<u>256.0</u>

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, 11-5-02, _____.

11B-35.0021 High-Liability Proficiency Courses for Basic Recruit Training and Instructor Training.

(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.

(1)(b) CMS Application Based Basic Recruit High-Liability Training Courses Program:

- (a)1- CMS Criminal Justice Firearms Course.
- (b)2- CMS Law Enforcement Vehicle Operations Course.
- (c)3- CMS Criminal Justice Defensive Tactics Course.
- (d)4- CMS First Aid for Criminal Justice Officers Course Responder to Emergencies, Unit 1: Medical First Responder.

(2)(e) Instructor High-Liability Training Courses:

- (a)1- Firearms Instructor Course. (This course will be retired June 30, 2004)

- ~~(b)2-~~ CMS Firearms Instructor Course.
- ~~(c)3-~~ CMS Firearms Instructor Transition Course.
- ~~(d)4-~~ ~~Law Enforcement~~ Vehicle Operations Instructor Course. (This course will be retired June 30, 2004)
- ~~(e)5-~~ CMS ~~Law Enforcement~~ Vehicle Operations Instructor Course.
- ~~(f)6-~~ CMS ~~Law Enforcement~~ Vehicle Operations Instructor Transition Course.
- ~~(g)7-~~ Defensive Tactics Instructor Course. (This course will be retired June 30, 2004)
- ~~(h)8-~~ CMS Defensive Tactics Instructor Course.
- ~~(i)9-~~ CMS Defensive Tactics Instructor Transition Course.
- ~~(j)10-~~ ~~Medical~~ First Responder Instructor Course. (This course will be retired June 30, 2004)
- ~~(k)11-~~ CMS ~~Medical~~ First Aid Responder Instructor Course.
- ~~(l)12-~~ CMS First Aid Responder to Emergencies Instructor Transition Course, Unit 1: Medical First Responder.

~~(3)(4)~~ Applicants shall complete the training requirements set forth in subsection 11B-20.0014~~(2)(4)~~, F.A.C., to become certified by the Commission to instruct in the high-liability topics of firearms, vehicle operations, defensive tactics, and first aid areas.

~~(4)(2)~~ Instructor to student Student to Instructor Ratios for Instruction of proficiency skills in High-Liability Basic Recruit Courses and instructor courses High-Liability Proficiency Training.

(a) For instruction of the CMS Criminal Justice Firearms Weapons Course, CMS or Firearms Instructor Course, or CMS Firearms Instructor Transition Course, there shall be no more than six students actively engaged on a firearms range for each Commission-certified firearms instructor actively engaged on a firearms range. Actively engaged is defined as “a student on the firing range handling a weapon.”

(b) For instruction of the CMS Law Enforcement Vehicle Operations Course, CMS or Law Enforcement Vehicle Operations Instructor Course, or CMS Vehicle Operations Instructor Transition Course, there shall be at least one Commission-certified driving instructor for each vehicle actively engaged 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) For instruction of the CMS Criminal Justice Defensive Tactics Course, CMS or Defensive Tactics Instructor Course, or CMS Defensive Tactics Instructor Transition Course, there shall be no more than ten eight students actively engaged in defensive tactics for each Commission-certified defensive

tactics instructor while actively engaged in defensive tactics. 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 instructors for the first twenty students. Each additional twenty students, or any portion thereof, shall require an additional instructor.

(d) For instruction of training the CMS Criminal Justice Firearms Course, CMS Firearms Instructor Course, CMS Firearms Instructor Transition Course, CMS Law Enforcement Vehicle Operations Course, CMS Vehicle Operations Instructor Course or CMS Vehicle Operations Instructor Transition course, courses for firearms 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 be a Commission-certified instructor for the High-Liability Basic Recruit Training Course being trained, and shall not be included as an instructor to comply with the instructor to student or instructor to vehicle student to instructor ratio requirements.

(e) For instruction of the CMS First Aid for Criminal Justice Officers Medical First Responder Course, CMS First Aid or Medical First Responder Instructor Course, or CMS First Aid Instructor Transition Course, at least one Commission-certified CMS First Aid Medical First Responder Instructor shall be required for every ten six students actively engaged in the practical and performance areas of the portions of the training. Actively engaged is defined as “a student involved in the practical performance of any first aid medical first responder skills training.” CPR Instructors, who possess a valid CPR Instructor Certification, which is at minimum the “Basic Life Support (BLS) Healthcare Provider Level” with the American Heart Association, “CPR for the Professional Rescuer” with the American Red Cross and American Safety and Health Institute, or “Advanced First Aid and CPR” with the National Safety Council, are permitted to instruct CPR in the CMS First Aid for Criminal Justice Officers Course or the CMS First Aid Instructor Course, or be used to meet the required instructor to student ratio for demonstration of proficiency in these courses. The instructor to student ratio shall match the prerequisites set forth in the approved CPR course certification requirements. A copy of the Instructor Exemption Application, form CJSTC-82, revised May 6, 2004, hereby incorporated by reference, and a copy of the instructor’s valid CPR Instructor Certification shall be maintained in the instructors file.

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, 11-5-02, _____.

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

(1) Pursuant to subsection 11B-35.002(1), F.A.C., Commission-approved Basic Recruit Training Programs shall be offered only at training schools certified by the Criminal Justice Standards and Training Commission for the respective discipline.

(2) A student enrolled in a Commission-approved Basic Recruit Training Program may transfer courses to another training school, provided the courses have been successfully completed and Basic Recruit Training Courses that have been successfully completed at one training school, to another training school, if the student has exited the previous training school in "good standing," pursuant to 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.~~

(a) Courses completed in a Traditional Basic Recruit Training Program shall be recognized and transferable to a Traditional Basic Recruit Training Program in a different training school.

(b) Courses completed in the CMS Application-Based Law Enforcement Basic Recruit Training Program shall be transferable to a CMS Application-Based Law Enforcement Basic Recruit Training Program in a different training school.

(c) High-Liability Basic Recruit Training Courses successfully completed in a Traditional Law Enforcement Basic Recruit Training Program shall be transferable to the CMS Application-Based Law Enforcement Basic Recruit Training Program provided the student requesting the transfer has successfully completed the High-Liability Basic Recruit Training Course designated as "CMS New" for which the transfer is requested.

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

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

(5) Each training school shall establish written criteria that specify the conditions that constitute leaving a Commission-approved Basic Recruit Training Program in "good standing." For this purpose, "good standing" is defined as a student being eligible to continue at the previous 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 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 the Commission's CMS Application-Based Law Enforcement Basic Recruit Training Program, the student shall continue in the same program ~~CMS Basic Recruit Training~~. If the student began a Commission-approved Traditional Basic Recruit Training Program, the student shall continue in the same program ~~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, 11-5-02,

11B-35.0024 Student Performance in Commission-approved; High-Liability Basic Recruit Training Courses and High-Liability Instructor Training Courses.

(1) Students enrolled in a Commission-approved Basic Recruit Training Program and a High-Liability Instructor Training Course shall qualify through demonstration of proficiency skills in the applicable High-Liability Basic Recruit Training Courses and instructor courses high-liability proficiency skills and a written examination.

(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 topics training areas of firearms, vehicle operations, defensive tactics, and first aid ~~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.

(3) Completion of a high-liability course and demonstration of proficiency in the high-liability topics is required for each of the following courses: CMS Criminal Justice Defensive Tactics Course, CMS Defensive Tactics

Instructor Courses, CMS Criminal Justice Firearms Course, CMS Firearms Instructor Courses, CMS Law Enforcement Vehicle Operations Course, CMS Vehicle Operations Instructor Courses, CMS First Aid for Criminal Justice Officers Course, and CMS First Aid Instructor Courses. The required Traditional High-Liability Training Courses and the required demonstration of the high-liability proficiency skills are:

(a) CMS Criminal Justice Defensive Tactics Course.

1. The CMS Criminal Justice Defensive Tactics Course shall be is delivered to basic recruit students enrolled in a Commission-approved Traditional Basic Recruit Training Program.

2. Basic Recruit Student Proficiency Demonstration. A The basic recruit student shall demonstrate at 100% proficiency, defensive tactics skills taught by a training school, with the results recorded on the required CMS Defensive Tactics Performance Evaluation, form CJSTC-6 CMS, created May 6, 2004 Defensive Tactics Performance Evaluation, form CJSTC-6, revised February 7, 2002, hereby incorporated by reference.

3. The CMS Defensive Tactics Chemical Agent Exposure Training Evaluation, form CJSTC-6A CMS, created May 6, 2004, hereby incorporated by reference, is not a mandated evaluation form and shall only be completed if applicable.

(b) CMS Criminal Justice Defensive Tactics Instructor Courses Instructor Course.

1. An instructor student shall complete the CMS Defensive Tactics Instructor Course or the CMS Defensive Tactics Instructor Transition Course, pursuant to Rule 11B-20.0014, F.A.C., to instruct the following courses: The CMS Criminal Justice Defensive Tactics Course in a Commission-approved Basic Recruit Training Program, or the CMS Defensive Tactics Instructor Course, or the CMS Defensive Tactics Instructor Transition Course. 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. A defensive tactics instructor student shall demonstrate the Defensive Tactics High-Liability Proficiency Skills with the results recorded on the required CJSTC-6 CMS form. 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.

a. CMS Defensive Tactics Instructor Course. An instructor student shall demonstrate the required Defensive Tactics High-Liability Proficiency Skills at 100% for all proficiency skills.

b. CMS Defensive Tactics Instructor Transition Course. An instructor student shall demonstrate the required Defensive Tactics High-Liability Proficiency Skills at 100% for all proficiency skills designated as "New" in the course and on form CJSTC-6 CMS.

(c) CMS Criminal Justice Firearms Weapons Course.

1. The CMS Criminal Justice Firearms Weapons Course shall be is delivered to basic recruit students enrolled in a Commission-approved Traditional Basic Recruit Training Program.

2. A basic recruit student shall demonstrate the required Firearms High-Liability Proficiency Skills at 80% or higher using a handgun (revolver or semi-automatic pistol for both daylight and night), with the results recorded on the required CMS Firearms Performance Evaluation form CJSTC-4 CMS, created May 6, 2004, hereby incorporated by reference. Handgun. The basic recruit student shall demonstrate high-liability proficiency skills at 80% with a handgun on the Firearms Course of Fire.

3. A Shotgun. The basic recruit student shall complete receive instruction on the handling of a long gun (shotgun or rifle) shotgun and shall fire the long gun a shotgun as prescribed in the course curriculum. There are no proficiency requirements for the long gun 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) CMS Firearms Instructor Courses Criminal Justice Firearms Instructor Course.

1. An instructor student shall complete the CMS The Criminal Justice Firearms Instructor Course or the CMS Firearms Instructor Transition Course, pursuant to Rule 11B-20.0014, F.A.C., to is required training for instructors who instruct the following courses: The CMS Criminal Justice Firearms Course firearms in a the Commission-approved Traditional Basic Recruit Training Program, or the CMS and Criminal Justice Firearms Instructor Course, or the CMS Firearms Instructor Transition Course.

2. A firearms instructor student shall demonstrate the required Firearms High-Liability Proficiency Skills with the results recorded on the required CJSTC-4 CMS form. 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.

a. CMS Firearms Instructor Course. An instructor student shall demonstrate the required Firearms High-Liability Proficiency Skills at 80% or higher using a handgun (revolver or semi-automatic pistol for daylight or night). There are no proficiency skills requirements for the long gun.

b. CMS Firearms Instructor Transition Course. There are no required proficiency skills requirements for the handgun or long gun.

(e) CMS First Aid for Criminal Justice Officers Medical First Responder Course.

1. The CMS First Aid for Criminal Justice Officers Medical First Responder Course shall be is delivered to basic recruit students enrolled in a Commission-approved the Traditional Basic Recruit Training Program.

2. A basic recruit student shall demonstrate the required First Aid High-Liability Proficiency Skills proficiency at 100%; with the results recorded on the required CMS First Aid Performance Evaluation, form CJSTC-5 CMS, created May 6, 2004, Medical First Responder Performance Evaluation, form CJSTC 5, revised February 7, 2002, hereby incorporated by reference.

(f) CMS First Aid Instructor Courses Medical First Responder Instructor Course.

1. An instructor student shall complete the CMS First Aid Instructor Course or the CMS First Aid Instructor Transition Course, pursuant to Rule 11B-20.0014, F.A.C., to instruct the following courses: The CMS First Aid for Criminal Justice Officers Course in a Commission-approved Basic Recruit Training Program, or the CMS First Aid Instructor Course or the CMS First Aid Instructor Transition Course. 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. An instructor student shall demonstrate the required First Aid High-Liability Proficiency Skills with the results recorded on the required CJSTC-5 CMS form. The instructor student shall demonstrate proficiency at 100%, with the results recorded on the required Medical First Responder Performance Evaluation form CJSTC-5.

a. CMS First Aid Instructor Course. An instructor student shall demonstrate the required First Aid High-Liability Proficiency Skills at 100% for all proficiency skills.

b. CMS First Aid Instructor Transition Course. An instructor student shall demonstrate the required First Aid High-Liability Proficiency Skills at 100% for all proficiency skills designated as "New" in the course, and on the required CJSTC-5 CMS form.

(g) CMS Law Enforcement Vehicle Operations Course.

1. The CMS Law Enforcement Vehicle Operations Course shall be is delivered to basic recruit students enrolled in a Commission-approved Traditional Basic Recruit Training Program.

2. A basic recruit student shall demonstrate the required First Aid High-Liability Proficiency Skills high-liability proficiency skill, with four three out of five four runs (80%) (75%) for each exercise, with the results recorded on the required CMS Vehicle Operations Performance Evaluation, form CJSTC-7 CMS, created May 6, 2004, Law Enforcement Vehicle Operations Performance Evaluation, form CJSTC-7, revised February 7, 2002, hereby incorporated by reference.

(h) CMS Vehicle Operations Instructor Courses Law Enforcement Vehicle Operations Instructor Course.

1. An instructor student shall complete the CMS The Law Enforcement Vehicle Operations Instructor Course or the CMS Vehicle Operations Instructor Transition Course, pursuant to Rule 11B-20.0014, F.A.C., to is required training for instructors who instruct the following courses: The CMS Law Enforcement Vehicle Operations Course vehicle operations in a the Commission-approved Traditional Basic Recruit Training Program, or the CMS and Law Enforcement Vehicle Operations Instructor Course, or the CMS Vehicle Operations Instructor Transition Course.

2. An instructor student shall demonstrate the required Vehicle Operations High-Liability Proficiency Skills high-liability proficiency skill, with four out of five runs (80%) for each exercise, with the results recorded on the required CJSTC-7 CMS form Law Enforcement Vehicle Operations Performance Evaluation form.

a. CMS Vehicle Operations Instructor Course. An instructor student shall demonstrate the required Vehicle Operations High-Liability Proficiency Skills with four out of five runs (80%) for each exercise.

b. CMS Vehicle Operations Instructor Transition Course. An instructor student shall drive the course for the "New" vehicle operation techniques.

(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.

(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, 11-5-02, _____.

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

(1) Commission-approved Auxiliary Basic Recruit Training Programs are created to train applicants for employment or appointment by criminal justice agencies, with or without compensation, to assist or aid full-time or part-time officers. 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) ~~To become certified For certification as an auxiliary officer, an applicant individual shall meet the requirements outlined in Sections 943.13(1)-(9) and (11), 943.17(1)(g), F.S., successfully complete the Auxiliary Officer Basic Recruit Training Program requirements outlined in this rule section Prerequisite Course at a training school, and complete the applicable Commission-approved CMS High-Liability Basic Recruit Training Courses for vehicle operations, defensive tactics, and firearms shall be taught by a Commission-certified high-liability instructor at a training school or agency, following applicable 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, effective July 1, 1998, or CMS Criminal Justice Defensive Tactics.~~

~~(c) Law Enforcement Vehicle Operations or CMS Law Enforcement Vehicle Operations (employing agency requirement).~~

(3) ~~A training school shall submit form CJSTC-67 to Commission staff upon an individual's successful completion of a Law Enforcement or Correctional Auxiliary Officer Prerequisite Course. The training school or agency shall document the student's successful completion of the applicable High-Liability Basic Recruit Training Courses, pursuant to subsection 11B-35.0024(3), F.A.C. Regardless of where the High-Liability Basic Recruit Training Course is completed, the employing agency shall maintain the training documentation in the officer's file. High-Liability Training Courses shall be taught by a high-liability instructor, pursuant to subsection 11B-20.0014(4), F.A.C., whether taught at a training school or criminal justice agency.~~

(4) ~~Commission-approved High-Liability Basic Recruit Training Courses instructed at a Commission-certified training school shall be recognized by the Commission for applicants requesting certification as a law enforcement, correctional, or correctional probation officer if the applicant has maintained active employment within a discipline as an auxiliary officer, or has completed training within the past four years pursuant to subsection 11B-35.002(2), F.A.C. Recognition of completed high-liability courses shall comply with subsection 11B-35.002(7), F.A.C. A 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 skill 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.

(5) ~~Law Enforcement Auxiliary Officer Basic Recruit Training Program requirements. The Auxiliary Basic Recruit Training Programs are:~~

(a) ~~Law Enforcement Auxiliary Officer Prerequisite Course topics effective January 1, 1997:~~

<u>TOPICS:</u>	<u>Minimum Hours:</u>
1. Administration	1
2. Community Interaction	6
3. Introduction to Basic Law	24
4. Post Crime Considerations	6
5. Introduction to Traffic	5
6. Field Activities	12
7. <u>CMS First Aid for Criminal Justice Officers</u> <u>CJK_0031</u>	<u>40 48</u>
<u>Medical First Responder</u>	
<u>Total Law Enforcement Auxiliary Officer Prerequisite Course Hours</u>	<u>TOTAL HOURS 94 102</u>

(b) CMS Criminal Justice Firearms CJK_0040 80

(c) CMS Criminal Justice Defensive Tactics CJK_0050 80

(d) CMS Law Enforcement Vehicle Operations CJK_0020 48

~~(Optional: Based on employing agency requirements)~~
Total Law Enforcement Auxiliary Officer Program Hours
TOTAL HOURS 302

(6)(b) ~~Correctional Auxiliary Officer Basic Recruit Training Program requirements:~~

(a) ~~Correctional Auxiliary Officer Prerequisite Course topics effective January 1, 1997:~~

<u>TOPICS:</u>	<u>Minimum Hours:</u>
1. Administration	1
2. Legal	24
3. Report Writing	4
4. Safety Issues	4
5. Interpersonal Skills	5
6. Security Procedures and Inmate Supervision	4
7. Equipment	2
8. Facility Movement	4
9. Correctional Operation and Intake Procedures	1
10. Inmate Property	2
11. Search Procedures	3
12. <u>CMS First Aid for Criminal Justice Officers</u> <u>CJK_0031</u>	<u>40 48</u>
<u>Medical First Responder</u>	
<u>Total Correctional Auxiliary Officer Prerequisite Course Hours</u>	<u>TOTAL HOURS 94 102</u>

(b) <u>CMS Criminal Justice</u>		
<u>Firearms</u>	<u>CJK_0040</u>	<u>80</u>
(c) <u>CMS Criminal Justice</u>		
<u>Defensive Tactics</u>	<u>CJK_0050</u>	<u>80</u>
<u>Total Correctional Auxiliary</u>		
<u>Officer Program Hours</u>	<u>TOTAL HOURS</u>	<u>254</u>
<u>(7) Correctional Probation Auxiliary Officer Basic Recruit Training Program. To become a Correctional Probation Auxiliary Officer an individual shall complete the Traditional Correctional Probation Officer Basic Recruit Training Program pursuant to paragraph 11B-35.002(8)(c), F.A.C.</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 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, _____.

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

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, 11-5-02, Repealed _____.

11B-35.006 Advanced Training Program.

(1) Commission-approved Advanced Training Program Courses were created to enhance an officer's knowledge, skills, and abilities for the job the officer performs and are used by an officer to satisfy mandatory retraining requirements or eligibility for salary incentive monies pursuant to Rule Chapter 11B-14, F.A.C. An officer may not receive both salary incentive credit and mandatory retraining credit for completion of an Advanced Training Program Course. Such courses shall include one major topic and be at least 40 hours long training programs shall include specific courses that are offered by training schools, which have been approved by the Commission and taught by instructors.

~~(2) Advanced Training Courses shall include one major topic, shall be at least 40 hours long, and may be used by the officer to satisfy mandatory retraining requirements or eligibility for salary incentive payments when delivered through a training school. An officer may not receive both salary incentive credit and mandatory retraining credit for completion of an Advanced Training Course.~~

~~(2)(3) The following is a complete list of Advanced Training Program Courses:~~

<u>Course</u>	<u>Course</u>	<u>Course</u>
<u>Number</u>	<u>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
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 July 1, 1998.	
100	Crimes Against the Elderly and Disabled	40 hours

- 809 *CMS Field Training Officer Program Course (This course is not mandated for field training officers) 40 hours
- 1100 *Field Training Officer Course for Correctional and Correctional Probation Officers 40 hours

*Officers who are currently receiving salary incentive payment for completion of the Field Training Officer Course number 051, are not eligible to receive additional salary incentive credit for course number 809 or 1100.

~~(3)~~(4) 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.

~~(4)~~(5) Only officers and support personnel who have written approval from their respective agency head or designee may attend Advanced Training Program 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 training school.

~~(5)~~(6) To successfully complete an Advanced Training Program Course, a student shall comply with student attendance, performance, and course documentation requirements pursuant to Rule 11B-35.001, F.A.C.

(a) A Radar Operator Performance Report, form CJSTC-8, revised ~~May 6, 2004 February 7, 2002~~, hereby incorporated by reference, shall be completed for the Radar Speed Measurement Training Course for Law Enforcement Officers.

(b) A Laser Operator Performance Report, form CJSTC-9, revised ~~May 6, 2004 February 7, 2002~~, hereby incorporated by reference, shall be completed for the Laser Speed Measurement Operators ~~Training~~ Course for Law Enforcement Officers.

~~(7) Criminal Justice Standards and Training Trust Fund Officer Training Monies may be expended to conduct Advanced Training Courses pursuant to Rule Chapter 11B-18, F.A.C.~~

~~(6)~~(8) Training schools shall report the successful completion of Advanced Training Program Courses for officers pursuant to paragraph 11B-35.001(10)(b), F.A.C. 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 the 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, 11-5-02, _____.

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) Specialized Goals and Objectives;
- (b) Instructor Training Courses; and
- (c) Specialized Training Courses.

(2) Courses developed from the Specialized Goals and Objectives ~~that~~ have been designed to use Commission-established categories, topics, and objectives that encompass subject matter pertinent to training within the criminal justice profession. Such courses shall be developed using a “menu” approach to fulfill local criminal justice agency training needs.

(a) Commission-established categories for Specialized Goals and Objectives are:

- 1. Communication Skills.
- 2. Crime Prevention.
- 3. Health.
- 4. High-Liability.
- 5. Investigations.
- 6. Legal Issues.
- 7. Management and Supervision.
- 8. Science and Technology.
- 9. Inmate Supervision and Control.
- 10. Community Policing.

(b) A training school shall adhere to the following procedures to develop courses from the Specialized Goals and Objectives:

- 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. ~~Maintain~~ Formulate information required for the Specialized Training Program Course file pursuant to Rule 11B-35.001, F.A.C.

8. Combine categories, topics, and objectives to develop a Specialized Training Program Course. In addition, objectives may be extracted from the Advanced Training Program Course series to develop a Specialized Training Program Course. If a portion of an Advanced Training Program 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. A minimum of four ~~Four~~ hours of course instruction are 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. CJSTC-16.

10. Document the training by completing a Specialized Training Documentation, form, revised February 7, 2002, hereby incorporated by reference, and when applicable complete a Specialized Training Documentation Supplemental, form CJSTC-16A, revised ~~May 6, 2004~~ February 7, 2002, hereby incorporated by reference. Forms CJSTC-16 and CJSTC-16A shall be maintained in the student's class file at the training school.

(3) Specialized 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 a Commission-certified ~~an~~ instructor. Commission-approved Specialized Instructor Training Courses are:

	<u>Course Number</u>	<u>Course Names:</u>	<u>Course Hours:</u>
(a)	<u>1101</u>	Traditional <u>General</u> Instructor Techniques Course (<u>Retired 6/30/04</u>)	80
(b)	<u>1115</u>	<u>General Instructor Refresher Course</u>	8
(c)(b)	<u>1116</u>	General <u>General</u> Instructor Techniques Course	80
(d)(e)	803	CMS <u>General</u> Instructor Transition Course	12 46
(e)(d)	<u>1102</u>	Law Enforcement <u>Law Enforcement</u> Vehicle Operations Instructor Course (<u>Retired 6/30/04</u>)	40
(f)(e)	800	CMS Law Enforcement <u>Law Enforcement</u> Vehicle Operations Instructor Course	40
(g)(f)	805	CMS Law Enforcement <u>Law Enforcement</u> Vehicle Operations Instructor Transition Course	16 42
(h)(g)	1103	Criminal Justice <u>Criminal Justice</u> Firearms Instructor Course (<u>Retired 6/30/04</u>)	44
(i)(h)	<u>801</u>	CMS Criminal Justice <u>Criminal Justice</u> Firearms Instructor Course	44 TBA
(j)(i)	<u>806</u>	CMS Criminal Justice <u>Criminal Justice</u> Firearms Instructor Transition Course	12
(k)(j)	<u>1104</u>	<u>Defensive Tactics</u> Instructor Course (<u>Retired 6/30/04</u>)	80
(l)(k)	<u>802</u>	CMS <u>Defensive Tactics</u> Instructor Course	80 TBA
(m)(l)	<u>807</u>	CMS <u>Defensive Tactics</u> Instructor Transition Course	32

(n)(m)	<u>1105</u>	Medical <u>Medical</u> First Responder Instructor Course (<u>Retired 6/30/04</u>)	48
(o)(n)	<u>1114</u>	CMS Medical <u>Medical</u> First Aid Responder Instructor Course	40 TBA
(p)(o)	<u>804</u>	CMS Medical <u>Medical</u> First Aid Responder, to Emergencies Instructor Transition Course Unit 1: Medical First Responder	8
(p)		Human Diversity <u>Human Diversity</u> Train-the-Trainer Course	20
(q)	<u>1107</u>	Canine Team Training <u>Canine Team Training</u> Instructor Course	40
(r)	<u>1108</u>	Radar Speed Measurement <u>Radar Speed Measurement</u> Instructors Training Course for Law Enforcement Officers	40
(s)	<u>1109</u>	Laser Speed Measurement <u>Laser Speed Measurement</u> Measuring Device (LSMD) Instructor Transition Instructors Course for Radar Instructors	24
(t)	<u>1110</u>	Breath Test Instructor <u>Breath Test Instructor</u> Certification Course	40
(u)	<u>1111</u>	Breath Test Instructor <u>Breath Test Instructor</u> Certification Renewal Course	8

(4) Commission-approved Specialized Training Program Courses developed and approved by the Commission that have not been designated as Commission-approved Advanced Training Program Courses:

	<u>Course Number</u>	<u>Course Names</u>	<u>Course Hours:</u>
(a)	<u>1125</u>	<u>Contraband Forfeiture</u>	40
(b)	<u>1126</u>	<u>Human Diversity In-service Training for Professionalism and Ethics</u>	4
(c)	<u>1127</u>	<u>Human Diversity In-service Training for Interdependent Relationships</u>	8
(d)	<u>1128</u>	<u>Human Diversity In-service Training for Reducing Inter-group Conflict</u>	4
(e)	<u>1129</u>	<u>Human Diversity In-service Training for Sexual Harassment in the Workplace</u>	4
(f)	<u>1130</u>	<u>Human Diversity In-service Training for Specialized Topics in Diversity</u>	4
(g)	<u>TBA</u>	<u>CMS Human Interaction Course</u>	16

(h)(g)	<u>1131</u>	Human Diversity In-service Training for Discriminatory Profiling and Professional Traffic Stops	4
(i)(h)	<u>1112</u>	Canine Team Training Course	400
(j)(i)	<u>1113</u>	Laser Speed Measurement Measuring Device (LSMD) Transition Operators Course for Radar Operators	12
(k)(j)	<u>1132</u>	Parking Enforcement Specialist for Civilians	16
(l)(k)	<u>1133</u>	Selective Traffic Enforcement Program for Civilians	80
(m)(l)	<u>732</u>	Traffic Control Officer for Civilians	8
(n)(m)	<u>851</u>	Breath Test Operator Course	24
(o)(n)	<u>951</u>	Breath Test Operator Renewal Course	6
(p)(o)	<u>850</u>	Agency Inspector Course	24
(q)(p)	<u>950</u>	Agency Inspector Renewal Course	6
(r)(q)	<u>1134</u>	Criminal Justice Officer Ethics Course	8
(s)(r)	<u>1135</u>	Crimes Against Children	<u>24</u> No hour requirement
(t)(s)	<u>1136</u>	Domestic Violence	<u>8</u> No hour requirement
(u)(t)	<u>1137</u>	Violent Crime Investigator Training Course Courses	<u>40</u> No hour requirement
(v)	<u>808</u>	<u>CMS Field Training Officer Transition Course</u>	<u>8</u>
(w)	<u>1140</u>	<u>Basic Incident Command System (ICS) Course</u>	<u>6</u>
(x)	<u>1141</u>	<u>Intermediate Incident Command System (ICS) Course</u>	<u>21</u>
(y)	<u>1142</u>	<u>Advanced Incident Command System (ICS) Course</u>	<u>16</u>
(z)	<u>TBA</u>	<u>Mental Retardation Course</u>	<u>TBA</u>
(aa)	<u>TBA</u>	<u>Mental Illness Course</u>	<u>TBA</u>
(bb)	<u>TBA</u>	<u>Alcohol and Substance Abuse Course</u>	<u>TBA</u>
(cc)	<u>TBA</u>	<u>Physical Disabilities Course</u>	<u>TBA</u>

(5) Successfully completed Commission-approved Specialized Training Program Courses may be credited toward an officer's mandatory retraining requirement pursuant to Rule 11B-27.00212, F.A.C. 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 training pursuant to paragraph 11B-35.001(10)(b), F.A.C., 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.~~

~~(7)(8) Criminal Justice Standards and Training Trust Fund Officer Training Monies may be expended to conduct Commission-approved Specialized Training Program Courses pursuant to subsection 11B-35.007(1), F.A.C. Officer Training Monies shall be expended pursuant to the requirements of Rule 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 a 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.~~

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, 11-5-02, _____.

11B-35.0085 Criminal Justice Training School Requirements for Local 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 used in all Commission-approved courses in the following manner:

(1) Pursuant with Section 943.173(2), F.S., the Commission shall authorize the administration of examinations at training schools. Administration of examinations shall consist of the training center director or designee(s) developing examination items, maintaining examination item banks, preparing examination forms, administering examinations, retaining student examinations, proctoring, grading, and recording the results of the examinations.

(2) A training center director shall develop and maintain written procedures outlining the security of training school examinations to include preparation, administration, proctoring, storing, grading, disposal, and student review ensure that the security and confidentiality of examinations are maintained, and upon request shall make available examination materials for inspection by Commission staff.

(3) Written procedures, examinations and examination materials shall be made available for inspection by Commission staff.

(4) To maintain the security of the examinations outlined in this rule section, a training center director shall ensure that:

(a) The security and confidentiality of examinations and examination materials are maintained and obsolete examination materials are destroyed.

(b) Examination materials are secured and accessible only by training school staff approved by the training center director.

(c) Examination items are not reviewed with students prior to administration of the test.

(d) Student contact with examination materials is conducted in a controlled presentation to prohibit students from recording or transcribing test questions and answers.

(5) ~~(3)~~ Examination materials, including the examination and individual answer forms for each training course, shall be retained for not less than two 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 11-5-02,_____.

11B-35.009 Exemption from Basic Recruit Training.

(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.

(b) "Comparable basic recruit training program in another state or for the federal government," 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 subsection (3) of this rule section Rule 11B-35.009, F.A.C., for the discipline in which the applicant is seeking an exemption,

pursuant to Section 943.13(2), F.S. Commission-approved Basic Recruit Training Courses may be substituted for courses not included in basic level training.

(c) "Another state" means one or more of the United States or its territories, or any combination thereof, with the exception of the State of Florida.

(d) "Federal Government" means any agency of the United States government that employs or appoints sworn officers, a Native American Indian tribe or band that employs or appoints sworn officers, or any branch or entity of the United States Armed Forces or any combination thereof.

(e) "Full time" means any employed or appointed status in which a normal work week consists of forty 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 an individual whose work experience, as required in this rule section, meets the definition of a law enforcement, correctional, and correctional probation officer pursuant to Section 943.10(1)-(3), F.S. any officer defined in Section 943.10, F.S.

(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, excluding periods during which an individual was enrolled in or attending basic recruit training.

(h) Pursuant to Section 943.1395(3), F.S., and subsection 11B-27.00212(11) ~~11B-27.00204(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 to eight or more years.

(2) An individual who applies for certification as a Florida officer shall qualify is qualified for exemption from completing a Commission-approved Basic Recruit Training Program if the applicant has:

(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. There shall be no more than an 8-year break in employment, which is measured from the separation date of the most recent qualifying employment to the time a complete application is submitted for an exemption under this rule section. The 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 Commission-approved Basic Recruit Training Program, the employing agency or Criminal Justice Selection Center shall:

(a) Verify that the applicant's law enforcement training is comparable to the Commission's CMS Application-Based 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, Constitutional Law and Legal Issues, Report Writing, Interpersonal Skills, Firearms ~~Criminal Justice Weapons~~, ~~Criminal Justice~~ Defensive Tactics, First Aid Medical First Responder or equivalent, Vehicle Operations, Law Enforcement Patrol, Criminal Investigations, Traffic Crash Investigations, and Traffic Control and Stops.

(b) Verify that the applicant's correctional officer training is comparable to the Commission's Traditional 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 Aid Responder or equivalent, and Correctional Facility Operations.

(c) Verify that the applicant's correctional probation officer training is comparable to the Commission's Traditional 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 Aid 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 to eight ~~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) ~~Been 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 inactive Florida Officers. Upon verification of an individual's request for exemption of training 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 May 6, 2004 ~~February 7, 2002~~, hereby incorporated by reference, for out-of-state, federal, and inactive 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) High-Liability Basic Recruit Training proficiency skills ~~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 Basic Recruit Training Proficiency Skills ~~high-liability proficiency skills~~ of vehicle operations, firearms, ~~criminal justice weapons~~, ~~criminal justice~~ defensive tactics, and first aid 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 achieve a passing score on ~~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 Basic Recruit Training Proficiency Skills ~~high-liability proficiency skills~~, the training school shall complete an ~~submit to Commission staff a completed~~

Equivalency of Training Proficiency Demonstration, form CJSTC-76A revised May 6, 2004 July 1, 2002, hereby incorporated by reference, and provide a copy of the form to the officer. The training center director or designee shall, within thirty days of course completion, electronically transmit a completed Training Report form CJSTC-67 through the Commission’s ATMS, or submit an updated form CJSTC-67.

(7) Individuals, who have qualified for an exemption from a Commission-approved Basic Recruit Training Program, pursuant to this rule section, shall become employed within four years of the date the exemption from basic recruit training was approved.

(8) Individuals applying for exemption from a Commission-approved Basic Recruit Training Program, outlined in this rule section, shall not engage in conduct that subverts or attempts to subvert the State Officer Examination (SOCE) process pursuant to Rule 11B-30.009, F.A.C.

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, 11-5-02, _____.

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Criminal History Records

Dissemination Policy 11C-6

RULE TITLE: RULE NO.:

Retention of Applicant Fingerprints 11C-6.010

PURPOSE AND EFFECT: Creation of the rule is required by statute. The rule specifies the manner in which applicant fingerprints will be retained by the Department of Law Enforcement when authorized by law, searched against incoming arrest records with notice of matches given to the submitting agency, and the charge for this service.

SUBJECT AREA TO BE ADDRESSED: Retention of and searching against applicant fingerprints, as authorized by Sections 1012.32(3), 1012.465 and 1012.56, F.S.

SPECIFIC AUTHORITY: 1012.32(3), 1012.465, 1012.56 FS.

LAW IMPLEMENTED: 1012.32(3), 1012.465, 1012.56 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, July 27, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Martha Wright, Bureau Chief, User Services Bureau, Criminal Justice Information Services, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11C-6.010 Retention of Applicant Fingerprints.

(1) The Florida Department of Law Enforcement shall enter and retain in the Automated Fingerprint Identification System (AFIS) the applicant fingerprints submitted for state and national criminal history checks by agencies having statutory authorization, as indicated in the Law Implemented section below, to participate in the Applicant Fingerprint Retention and Notification Program (AFRNP) for current and prospective employees, contractors, volunteers, and persons seeking to be licensed or certified.

(2) Such applicant fingerprints shall be submitted on paper or in a digitized format for entry into AFIS, and shall be retained in the AFRNP database, in such a manner as to be distinct from the criminal history record database.

(3) Agencies submitting applicant fingerprints in accordance with the authorizing statute, as indicated in the Law Implemented section below, shall notify individual applicants of the requirements of participation in the AFRNP.

(4) When the subject of fingerprints submitted for retention under this program is identified with fingerprints from an incoming Florida arrest, as confirmed by fingerprint comparison, the Department shall immediately advise the agency which submitted the applicant fingerprints of the arrest in writing. Arrests made in other states or by the federal government will not result in notification, as access to these arrests is restricted by federal law. The information on arrests for these applicants in other states and by the federal government is available only upon a fingerprint submission to the Federal Bureau of Investigation.

(5) The annual fee for participation in the AFRNP shall be \$6 per individual record retained.

(6) The initial entry of an applicant’s fingerprints into the AFRNP database must be accompanied by a state and national criminal history records check. There is no additional fee for the first year of participation in the program. For each succeeding year, the \$6 per record annual fee will be charged.

(7) Governmental agencies will be charged this fee in one of two ways according to the agency’s preference: (a) Annually in advance on October 1 or (b) Annually in advance on the anniversary of the individual applicant’s initial entry into the program.

(8) As a condition of participation in the AFRNP, the agency must inform the Department in writing and receive written confirmation from the Department of all persons with retained fingerprints who are no longer employed, licensed, certified, or otherwise associated with the agency in order that such persons may be removed from the AFRNP database. With respect to any person previously entered in the database for whom the Department does not receive notification of removal by September 29 in the case of the first billing option above at

paragraph (7), or by two days prior to the anniversary date in the case of the second billing option, the annual fee must be paid.

Specific Authority 1012.32(3), 1012.465, 1012.56 FS. Law Implemented 1012.32(3), 1012.465, 1012.56 FS. History—New _____.

DEPARTMENT OF LAW ENFORCEMENT

Division of Local Law Enforcement Assistance

RULE CHAPTER TITLE: Implied Consent and Alcohol Testing Program
 RULE CHAPTER NO.: 11D-8

RULE TITLES: Definitions
 RULE NOS.: 11D-8.002

Approval of Breath Test Methods and Instruments
 11D-8.003

Approval of Alcohol Reference Solution and Sources
 11D-8.0035

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
 11D-8.008

Qualifications for Instructors
 11D-8.010

Blood Alcohol Permit – Analyst
 11D-8.013

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

Forms
 11D-8.017

PURPOSE AND EFFECT: Proposed revisions to the above rules are necessary to address new instrumentation for use in Florida and recent developments in the field of alcohol testing.

SUBJECT AREA TO BE ADDRESSED: The Department’s rules chapter concerning regulation and implementation of Florida’s implied consent and alcohol testing program. The program rules govern definitions of terminology based on academic, scientific and common usage; issuance and regulation of alcohol test permits; approval and evaluation of breath and blood alcohol test methods; approval, use and inspection of breath test instruments and records; training requirements and qualifications for alcohol test permit holders.

SPECIFIC AUTHORITY: 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS.

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

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

TIME AND DATE: 10:00 a.m., Tuesday, July 27, 2004

PLACE: Florida Department of Law Enforcement, 1819 Miccosukee Commons, Conference Room, Tallahassee, FL
 NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-7900 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rafael E. Madrigal, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11D-8.002 Definitions.

(1) Acceptable Range – ~~means~~ the results of alcohol reference solutions ~~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 (9) No change.

(10) Analyst – a person who has been issued a ~~Blood Analyst~~ permit by the Department to conduct blood alcohol analyses.

(11) through (12) No change.

(13) Authorized Repair Facility – an entity authorized by the breath test instrument manufacturer to service and repair such breath test instrument.

(14) through (19) No change.

(20) Dry Gas Standard – a standard consisting of 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 (23) No change.

(24) Permit – when issued by the Department, certifies that the holder has met all necessary qualifications, remains in full compliance with these rules and is authorized to perform all related duties. A permit is issued only to a qualified applicant and remains valid and in full effect until determined otherwise by the Department. ~~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.~~

(25) through (26) 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. 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, 11-5-02, _____.

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

(1) No change.

(2) The Department approves breath test methods and new instrumentation to ensure the accuracy and reliability of breath test results. The Department has approved the following breath test instrumentation 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 evaluated approved by the Department in accordance with Instrument Evaluation Procedures FDLE/ATP Form 34 – Rev. March 2004 2002.

(3) No change.

(4) ~~The determination to evaluate an evidentiary breath test instrument for use in the State of Florida will be made by the Department. Upon notification by the Department that an evidentiary breath test instrument will be evaluated, the instrument's manufacturer shall submit the following to the Department:~~

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

~~(b) The instrument's model designation;~~

~~(c) At least two (2) instruments for evaluation and a certificate of calibration for each instrument;~~

~~(d) A description of the instrument;~~

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

~~(f) A schematic design and a mechanical drawing of the instrument;~~

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

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

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

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

(4)(5) A Department inspection performed in accordance with Rule 11D-8.004, F.A.C., validates the approval, accuracy and reliability of an evidentiary breath test instrument manufacturer whose instrument has been previously approved by the Department shall notify the Department in writing prior to making any modification or adding a new option to such instrument. The Department shall evaluate such modifications or options to an approved breath test instrument and determine whether they affect the instrument's method of analysis or analytical reliability.

~~(5)(6)~~ The Department shall conduct evaluations for approval of new instrumentation under sections (4) ~~and (5)~~ in accordance with Instrument Evaluation Procedures FDLE/ATP Form 34 – Rev. March 2004 2001.

~~(6)(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. 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, 11-5-02, _____.

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

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

(a) The source must prepare alcohol reference solution, and be capable of producing a minimum batch volume of 800 bottles, each containing at least 500 milliliters, to produce the following vapor alcohol concentrations: 0.05 g/210L, 0.08 g/210L, and 0.20 g/210L using only distilled or deionized water;

~~(b) The source must use reagent grade or U.S.P. grade ethanol in the preparation of the alcohol reference solution;~~

~~(c) The source must be capable of producing a minimum batch volume of 800 bottles, each containing at least 500 milliliters, to produce the following vapor alcohol concentrations: 0.05 g/210L, 0.08 g/210L, and 0.20 g/210L;~~

~~(b)(d)~~ The source must have performed and documented tests that demonstrate that the alcohol reference solutions are reliable for at least two years from the date of manufacture.

(2) The Department shall approve each lot of alcohol reference solution prior to distribution for use in Florida.

(a) No change.

(b) The Department shall notify the source that the approved lots may be distributed for use in Florida, and shall issue a Certificate of Assurance, FDLE/ATP Form 32 – Rev. March 2001. ~~Upon a determination by the Department that a lot of alcohol reference solution fails to meet the requirements for approval, the Department shall notify the source approved by the Department.~~

(3) through (4) No change.

Specific Authority 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3, 327.352(1)(d) FS. Law Implemented 316.1932(1)(b)2, 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History—New 7-6-99, Amended 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 are traceable to ~~comply with specifications of~~ the National Institute of Standards and Technology.

(b) Each dry gas standard lot 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 ~~300~~ 800 cylinders of dry gas standard during a thirty day period at an a vapor alcohol concentration of 0.08 g/210L.

(d) No change.

~~(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 not be used in agency or Department inspections beyond within two years of the expiration 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 11-5-02, Amended _____.

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 inspection validates the instrument’s approval for evidentiary use, and 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) Registered breath test instruments shall be inspected by the Department at least once each calendar year, and must be accessible to the Department for inspection. Any evidentiary breath test instrument returned from an authorized repair facility shall be inspected by the Department prior to being placed in evidentiary use. The inspection validates the instrument’s approval for evidentiary use.

(3) Department inspections shall be conducted in accordance with Department Inspection Procedures FDLE/ATP Form 35 – Rev. March ~~2004~~ 2002 for the Intoxilyzer 5000 Series, or Department Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 36 – March ~~2004~~ 2002 for the Intoxilyzer 8000.

(4) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 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 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, _____.

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 ~~2004~~ 2002 for the Intoxilyzer 5000 Series, or Agency Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 39 – March ~~2004~~ 2002 for the Intoxilyzer 8000.

(2) through (3) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 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 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, _____.

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

(1) Evidentiary breath test instruments shall only be accessible to a person issued a valid permit by the Department and to persons authorized by in the presence of a permit holder. This section does not prohibit agencies from sending an instrument to an authorized repair facility.

(2) through (5) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 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 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, _____.

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: 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. Dry gas standard certificates of analysis shall be retained by an agency for at least three years after receipt.

(2) The above records shall be accessible to the Department upon request. At least once each calendar month each agency shall electronically transmit to the Department all breath tests conducted on that agency’s Intoxilyzer 8000 evidentiary breath test instruments.

(3) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 322.63(3), 327.354(3) FS. History—New 7-29-01, Amended 11-5-02,_____.

11D-8.008 Breath Test Operator and Agency Inspector.

(1) Qualifications for Breath Test Operator Permit – An applicant for a breath test operator permit must meet the following qualifications:

(a) through (b) No change.

(c) Present employment by an agency, or the Department; ~~or documentation from an agency head certifying that the person will be employed or authorized by the agency to conduct breath tests or agency inspections;~~

(d) No change.

(e) Submit to the Department a complete written ~~or electronic~~ application and proof ~~copies of the certificate of course completion, examination results, proficiency testing documentation and proof of age upon successful completion of the breath test operator course, but no later than ninety days after completion. The applicant shall also provide the above documentation to the applicant's employing agency.~~

(2) Qualifications for Agency Inspector Permit – An applicant for an agency inspector permit must meet the following qualifications:

(a) through (b) No change.

(c) Submits to the Department a complete written ~~or electronic~~ application and proof ~~copies of the certificate of course completion, examination results and proficiency testing documentation upon successful completion of the agency inspector course, but no later than ninety days after completion. The applicant shall also provide the above documentation to the applicant's employing agency.~~

(d) Present employment by an agency or the Department.

(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 applicable Commission-approved Renewal Course by June 30 following the ~~fourth~~ four (4) year permit anniversary date, and during each subsequent four-year cycle. Successful completion of the Commission-approved Agency Inspector Course or Agency Inspector Renewal Course also satisfies an Agency Inspector's breath test operator continuing education requirements.

(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 renewal course in subsection (1)(d) or (2)(b) above. Any permit that remains inactive under this section for more than three (3) months shall be revoked.~~

(5) A breath test operator or agency inspector must notify the Department in writing of any change of employment within thirty days of such change.

~~(5)(6)~~ Permits to conduct breath tests and inspect breath test instruments issued pursuant to former 11D-8.008, F.A.C., shall remain valid until such permits expire or otherwise become invalid in accordance with those rules.

~~(6)(7)~~ 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.

~~(7)(8)~~ Any breath test operator or agency inspector who fails to successfully complete the Commission-approved renewal course shall not perform any duties authorized by the permit until successful completion of the ~~Commission-approved renewal course if within the continuing education cycle, or Commission-approved basic course if beyond the continuing education cycle.~~

(8) Members of the Department's Alcohol Testing Program who instruct Commission-approved breath test courses may use such course instruction to satisfy their continuing education requirements under this section.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 327.352(1)(b)3. 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, 11-5-02,_____.

11D-8.010 Qualifications for Instructors.

(1) No change.

(2) Unless exempted by the Commission, at least once every four years each breath test instructor must successfully complete the Commission-approved breath test instructor certification renewal course in order to remain qualified for a breath test instructor certification. Successful completion of the Commission-approved breath test instructor certification course or breath test instructor certification renewal course satisfies that person's agency inspector and breath test operator continuing education requirements. Each breath test instructor must also successfully complete all Department breath test instructor update courses.

(3) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 327.352(1)(b)3. 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, 11-5-02,_____.

11D-8.013 Blood Alcohol Permit – Analyst.

(1) No change.

(2) Qualifications for blood analyst permit – To qualify, the applicant must meet all of the following requirements:

(a) Department approval of analytical procedure(s). All proposed analytical procedures will be reviewed ~~by the Department. The~~ and a determination of approval will be made by the Department ~~after considering the recommendation made by the reviewer(s);~~

(b) 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) through (b) No change.

(c) ~~A statement of the~~ Employs a concentration range over which the procedure is calibrated ~~with documentation supporting that the calibration is linear over the stated range.~~ The calibration curve must be linear over the stated range ~~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 of different alcohol concentrations: 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 at least a minimum of two (2) controls, one (1) control containing alcohol 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 containing alcohol, one at 0.05 g/100mL or less and one at 0.20g/100mL or higher;

(e) Includes the analysis of an a blank, alcohol-free control, and the analysis of a whole blood or serum control. The whole blood or serum control may be used to satisfy the control requirement(s) in subsection (d);

(f) through (g) No change.

(4) through (5) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(b)3. 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, 11-5-02,_____.

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

(1) Notwithstanding an applicant’s qualifications, the Department shall deny an application for an original permit where the applicant:

(a) through (c) No change.

(d) Had the permit previously revoked under section (3) below.

(2) The Department is authorized to suspend any permit ~~for a period of six months~~ for any of the following reasons:

(a) through (c) No change.

(3) The Department is authorized to revoke any permit for any of the following reasons:

(a) through (c) No change.

(d) Performing the duties of a breath test operator, agency inspector, ~~breath test instructor,~~ or analyst with knowledge that the applicable permit is suspended or in violation of continuing education requirements.

(e) No change.

(4) 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. 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, 11-5-02,_____.

11D-8.017 Forms.

The following forms referenced in these rules are hereby incorporated by reference:

FDLE/ATP Form 13 – Breath Test Log – Effective January 1997.

FDLE/ATP Form 14 – Breath Test Result Affidavit – Revised March 2002.

FDLE/ATP Form 16 – Agency Inspection Procedures – Revised March ~~2004~~ 2002.

FDLE/ATP Form 24 – Agency Inspection Report – Revised March 2001.

FDLE/ATP Form 32 – Certificate of Assurance – Revised March 2001.

FDLE/ATP Form 34 – Instrument Evaluation Procedures – Revised March ~~2004~~ 2002.

FDLE/ATP Form 35 – Department Inspection Procedures – Revised March ~~2004~~ 2002.

FDLE/ATP Form 36 – Department Inspection Procedures – Intoxilyzer 8000 – March ~~2004~~ 2002.

FDLE/ATP Form 37 – Operational Procedures – Intoxilyzer 8000 – March ~~2004~~ 2002.

FDLE/ATP Form 38 – Breath Alcohol Test Affidavit – Intoxilyzer 8000 – March ~~2004~~ 2002.

FDLE/ATP Form 39 – Agency Inspection Procedures – Intoxilyzer 8000 – March ~~2004~~ 2002.

These forms may be obtained by contacting the Florida Department of Law Enforcement, Alcohol Testing Program, P. O. Box 1489, Tallahassee, Florida 32302. Agencies will be provided blank forms upon request and without cost for their alcohol testing program use.

Specific Authority 316.1932(1)(a)2.,(f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a),(b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2)(b), 327.354(3) FS. History–New 10-31-93, Amended 2-1-95, 1-1-97, 9-29-01, 11-5-02,_____.

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiners Commission

RULE CHAPTER TITLE: Standard Investigation Procedures

RULE CHAPTER NO. 11G-2

RULE TITLES: Physical Evidence

RULE NOS.: 11G-2.004

Practice Guidelines

11G-2.006

PURPOSE AND EFFECT: To clarify retention of physical evidence and update the Practice Guidelines.

SUBJECT AREA TO BE ADDRESSED: Retention of physical evidence and Medical Examiner procedures.

SPECIFIC AUTHORITY: 406.04 FS.

LAW IMPLEMENTED: 406.075, 406.11, 406.13 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, July 27, 2004
 PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Conference Room, 3rd Floor, Quad C, Tallahassee, FL

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jim Lutten, Medical Examiner Commission Staff, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302-1489

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11G-2.004 Physical Evidence.

(1) through (3) No change.

(4) Physical Evidence shall be retained by the medical examiner as follows:

(a) Stained sections shall be preserved indefinitely and embedded tissue preserved for at least ten (10) years.;

(b) Fixed organs shall be retained until the medical examiner has completed his or her studies of them.

~~(c)(b) All other specimens shall be retained for one year; and afterwards at the discretion of the medical examiner.~~

~~(d)(e) All other physical evidence not released to another investigative agency or to the owner shall be retained for one year; and afterwards at the discretion of the medical examiner.~~

(e) Physical Evidence that is retained for any period longer than is specified above must be held in accordance with Rule 11G-2.006, F.A.C.

(5) through (8) No change.

Specific Authority 406.04 FS. Law Implemented 406.11, 406.13 FS. History—New 10-18-81, Formerly 11G-2.04, Amended 8-27-87, 10-14-96, 7-29-01,

11G-2.006 Practice Guidelines.

The duties and standards of care of a medical examiner are to be consistent with those contained in the Practice Guidelines for Florida Medical Examiners, Sponsored by ~~of~~ the Florida Association of Medical Examiners, which publication is dated ~~5-15-2003 9-29-99~~ and is hereby incorporated by reference.

Specific Authority 406.04 FS. Law Implemented 406.075, 406.11, 406.13 FS. History—New 7-29-01, Amended _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

EXECUTIVE OFFICE OF THE GOVERNOR

Office of Tourism, Trade and Economic Development

RULE CHAPTER TITLE: Entertainment Industry Financial Incentive Program
 RULE CHAPTER NO.: 27M-2

PURPOSE AND EFFECT: The Board plans to develop rules to set forth the financial incentive program to be implemented by the Office of Film and Entertainment.

SUBJECT AREA TO BE ADDRESSED: Entertainment Industry Financial Incentive Program.

SPECIFIC AUTHORITY: 288.1253(2) FS.

LAW IMPLEMENTED: 288.1253 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Albershardt, Film Commissioner, Executive Office of the Governor, The Capitol, Tallahassee, Florida 32399-0001

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Continuing Education Provider Requirements
 RULE NO.: 61G8-17.0041

PURPOSE AND EFFECT: The Board proposes to provide for alternative, non-classroom continuing education.

SUBJECT AREA TO BE ADDRESSED: Continuing education provider requirements.

SPECIFIC AUTHORITY: 455.213(7),(8), 470.005 (1) FS.

LAW IMPLEMENTED: 455.213(7),(8) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Required Records Maintained by Provider RULE NO.: 61G8-17.0043
 PURPOSE AND EFFECT: The Board proposes to provide for alternative, non-classroom continuing education.
 SUBJECT AREA TO BE ADDRESSED: Required records maintained by the provider.
 SPECIFIC AUTHORITY: 455.213(7),(8), 470.005(1) FS.
 LAW IMPLEMENTED: 455.213 (7),(8) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Inspection Criteria (Funeral Establishments) RULE NO.: 61G8-21.003
 PURPOSE AND EFFECT: The Board proposes to revise inspection criteria.
 SUBJECT AREA TO BE ADDRESSED: Inspection criteria.
 SPECIFIC AUTHORITY: 470.005(3), 470.024(10) FS.
 LAW IMPLEMENTED: 470.005(3), 470.024(10) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Disciplinary Guidelines RULE NO.: 61G8-30.001
 PURPOSE AND EFFECT: The Board proposes to amend the disciplinary guidelines.
 SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.
 SPECIFIC AUTHORITY: 455.2273, 470.005 FS.
 LAW IMPLEMENTED: 455.2273, 470.019, 470.031, 470.036 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: Juanita Chastain, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida, 32399-0750
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architects

RULE TITLE: Disciplinary Matters RULE NO.: 61G10-14.003
 PURPOSE AND EFFECT: The Board proposes to amend disciplinary rules.
 SUBJECT AREA TO BE ADDRESSED: The Board will address disciplinary matters.
 SPECIFIC AUTHORITY: 455.2273, 481.306, 481.325 FS.
 LAW IMPLEMENTED: 455.273, 481.323, 481.325 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Landscape Architects, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Applications by Individuals
 RULE NO.: 61J2-2.027

PURPOSE AND EFFECT: The purpose of the proposed rule development workshop is to discuss requiring applicants to submit criminal background records with their application.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to the application process for real estate licensure.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.17, 475.175, 475.451 FS., Georgia Association of Realtors, Inc., et al. v. Florida Real Estate Commission, et al., Civil Case No. 87-15-Orl-Civ-18 (M.D. Fla. 1987)

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW, (IF REQUESTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, AN ADDITIONAL HEARING WILL BE SCHEDULED AND NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY):

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, July 20, 2004

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE: Licensure by Endorsement Through National Certification
 RULE NO.: 64B1-3.009

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine if an amendment is necessary.

SUBJECT AREA TO BE ADDRESSED: Licensure by endorsement through national certification.

SPECIFIC AUTHORITY: 457.104 FS.

LAW IMPLEMENTED: 457.105 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLES: Acupuncture Program Requirements
 Documentation Necessary for Licensure Application
 RULE NOS.: 64B1-4.001
 64B1-4.0011

PURPOSE AND EFFECT: The Board proposes to review the existing language in these rules to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Acupuncture program requirements and documentation necessary for licensure application.

SPECIFIC AUTHORITY: 456.033, 457.102, 457.104, 457.105 FS.

LAW IMPLEMENTED: 456.033, 457.102, 457.105 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: RULE NO.:

Licensure Requirements for Applicants from 64B5-2.0146
 Non-Accredited Schools or Colleges

PURPOSE AND EFFECT: The Board proposes to review the rule amendments to determine whether necessary to clarify educational requirements.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments add the words “general dental” to describe educational requirements for resident programs and educational remediation.

SPECIFIC AUTHORITY: 466.004 FS.

LAW IMPLEMENTED: 456.033(6), 466.006, 466.0075 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-2.0146 Licensure Requirements for Applicants from Non-Accredited Schools or Colleges.

- (1) No change.
- (2) An applicant who otherwise meets the requirements of Section 466.006(3), F.S., and chooses to apply pursuant to Section 466.006(3)(b), F.S., will be required to:
 - (a) Complete a full-time, matriculated, general dental resident program offered by an accredited dental school which provides remediation to the level of an accredited D.D.S. or D.M.D. program and which has a duration equivalent to at least 2 academic years at the sponsoring institution.
 - (b) No change.
 - (c) Present to the Board the following documents:
 - 1. through 2. No change.
 - 3. A letter addressed to the Board from the dean of the sponsoring institution’s dental school stating that the applicant successfully completed the sponsored supplemental general dental education program and attained the educational equivalency of a graduating senior at the sponsoring institution’s dental school and completed the requirements of two academic years in a general dental program providing educational remediation to the level of a D.D.S. or D.M.D. recipient.

(3) through (4) No change.

Specific Authority 466.004 FS. Law Implemented 456.033(6), 466.006, 466.0075 FS. History–New 10-15-92, Formerly 21G-2.0146, 61F5-2.0146, Amended 9-24-96, Formerly 59Q-2.0146, Amended 8-19-97, 5-20-01,

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: RULE NO.:

Biennial Renewal of Massage 64B7-28.002
 Establishment License

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Biennial renewal of massage establishment license.

SPECIFIC AUTHORITY: 480.035(7), 480.043(8), 480.044 FS.

LAW IMPLEMENTED: 480.044(1)(e), 480.067(1)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:

Physician Assistant Licensure Renewal 64B8-30.005
 and Reactivation

PURPOSE AND EFFECT: The proposed rule amendments are intended to make the Board of Medicine’s rule identical to the Board of Osteopathic Medicine’s rule.

SUBJECT AREA TO BE ADDRESSED: Licensure reactivation and delinquent status license.

SPECIFIC AUTHORITY: 456.013, 456.031(1)(a), 456.033(1), 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.031(1), 456.033, 458.347 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-30.005 Physician Assistant Licensure Renewal and Reactivation.

(1) through (3) No change.

(4) Reactivation of Inactive License. To reactivate a license that has been inactive for two (2) consecutive biennial cycles ~~an inactive license~~, the licensee must:

(a) through (f) No change.

(5) through (6) No change.

(7) The failure of any license holder to ~~either~~ ~~renew the license or elect inactive status~~ before the license expires shall cause the license to become delinquent.

(a) The delinquent status licensee must ~~affirmatively~~ apply for active or inactive license status during the licensure cycle in which the license becomes delinquent. The failure by the delinquent status licensee to become active or inactive ~~cause the license to be reactivated or made inactive~~ before the expiration of the licensure cycle in which the license became delinquent shall render the license null and void without further action by the Board or the Department.

(b) The delinquent status licensee who applies for active or inactive licensure ~~license reactivation or inactive status~~ shall:

1. File with the Department the completed application for either active or inactive license status reactivation as required by Section 458.347, F.S., or inactive status as required by Section 456.036, F.S.;

2. Pay to the Board ~~either the applicable license renewal reactivation fee or the inactive status fee~~, the delinquency fee, and if applicable, the processing fee; and

3. If active status reactivation ~~is~~ elected, demonstrate compliance with the continuing education requirements found in Rule 64B8-30.005, F.A.C.

Specific Authority 456.013, 456.031(1)(a), 456.033(1), 458.309, 458.347 FS. Law Implemented 456.013, 456.031(1), 456.033, 458.347 FS. History—New 5-13-87, Amended 1-9-92, Formerly 21M-17.0035, Amended 9-21-93, Formerly 61F6-17.0035, Amended 11-30-94, Formerly 59R-30.005, Amended 6-7-98, 3-3-02, 10-12-03,_____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Fees Regarding Physician Assistants

RULE NO.: 64B8-30.019

PURPOSE AND EFFECT: The proposed rule amendment is intended to reduce licensure renewal fees for physician assistants by 25%.

SUBJECT AREA TO BE ADDRESSED: Reduction in renewal fees.

SPECIFIC AUTHORITY: 456.036(5),(7), 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.036(5),(7), 458.347 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-30.019 Fees Regarding Physician Assistants.

The following fees are prescribed by the Council and adopted by the Boards:

(1) through (3) No change.

(4) The application fee for a person applying to be certified as a prescribing physician assistant shall be \$200.00. The fee for initial certification as a prescribing physician assistant shall be \$150.00 ~~\$200.00~~. No additional fees will be required for any separate application for a distinct area of practice or a change in practice setting during the same biennium.

(5) The biennial renewal fee for an active or inactive physician assistant licensed pursuant to Section 458.347 or 459.022(7), F.S., shall be \$150.00 ~~\$200.00~~. Licenses not renewed at the end of a biennial period shall automatically become delinquent.

(6) through (9) No change.

Specific Authority 456.036(5),(7), 458.309, 458.347 FS. Law Implemented 456.036(5),(7), 458.347 FS. History—New 8-11-98, Amended 7-30-03,_____.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Physician Assistant Fees

RULE NO.: 64B15-6.013

PURPOSE AND EFFECT: The proposed rule amendment is intended to reduce licensure renewal fees for physician assistants by 25%.

SUBJECT AREA TO BE ADDRESSED: Reduction in renewal fees.

SPECIFIC AUTHORITY: 456.036(5),(7), 459.005, 459.009, 459.022(7) FS.

LAW IMPLEMENTED: 456.036(5),(7), 459.009, 459.022(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-6.013 Physician Assistant Fees.

The following fees are prescribed by the Council and adopted by the Boards:

(1) through (3) No change.

(4) The application fee for a person applying to be certified as a prescribing physician assistant shall be \$200.00. The fee for initial certification as a prescribing physician assistant shall be \$200.00. The renewal fee for a prescribing physician assistant shall be \$150.00 ~~\$200.00~~. No additional fees will be required for any separate application for a distinct area of practice or a change in practice setting during the same biennium.

(5) The biennial renewal fee for an active or inactive physician assistant certified pursuant to Section 458.347 or 459.022(7), F.S., shall be \$150.00 ~~\$200~~. Certificates not renewed at the end of a biennial period shall automatically become delinquent.

(6) through (9) No change.

Specific Authority 456.036(5),(7), 459.005, 459.009, 459.022(7) FS. Law Implemented 456.036(5),(7), 459.009, 459.022(7) FS. History—New 11-4-93, Amended 2-20-94, Formerly 61F9-6.013, 59W-6.013, Amended 8-11-98, 2-23-04,_____.

DEPARTMENT OF HEALTH

Division of Children’s Medical Services

RULE TITLE: Diagnostic and Treatment Facilities or

RULE NO.:

Services – Specific 64C-4.003

PURPOSE AND EFFECT: The Division proposes to review the existing language in this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Diagnostic and treatment facilities or services.

SPECIFIC AUTHORITY: 391.026(18) FS.

LAW IMPLEMENTED: 391.026(18) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tobi L. Goodman, Government Analyst II, Children’s Medical Services Network, 4052 Bald Cypress Way, Bin #A06, Tallahassee, Florida 32399-1707, (850)245-4444, Ext. 2226, Fax (850)921-5241

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

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE CHAPTER TITLE: Child Care Food Program

RULE CHAPTER NO.: 64F-17

PURPOSE AND EFFECT: The Department of Health, Bureau of Child Nutrition Programs, will be revising its rules and proposing new rules to assure that program requirements are set forth and to assure program participation is consistent with program goals.

SUBJECT AREA TO BE ADDRESSED: The Child Care Food Program administered by the Department of Health, Bureau of Child Nutrition Programs.

SPECIFIC AUTHORITY: 383.011(2)(c) FS.

LAW IMPLEMENTED: 383.011(1)(i) FS.

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

TIME AND DATE: 10:00 a.m., July 27, 2004

PLACE: The Department of Health, Capital Circle Office Center, Room 220P, 4025 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julia P. Forrester, Assistant General Counsel, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, BIN A02, Tallahassee, Florida 32399-1703, (850)245-4005.

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