

(9) Rewards shall be paid pursuant to the following schedule:

(a) A reward of up to \$25,000 may be granted for information leading to a conviction arising from a violation of an applicable criminal statute when the case is valued at \$1,000,000 or more.

(b) A reward of up to \$10,000 may be granted for information leading to a conviction arising from a violation of an applicable criminal statute when the case is valued at \$100,000 or more but less than \$1,000,000.

(c) A reward of up to \$5,000 may be granted for information leading to a conviction arising from a violation of an applicable criminal statute when the case is valued at \$20,000 or more but less than \$100,000.

(d) A reward of up to \$1,000 may be granted for information leading to a conviction arising from a violation of an applicable criminal statute when the case is valued at \$5,000 or more but less than \$20,000.

(e) A reward of up to \$500 may be granted for information leading to a conviction arising from a violation of an applicable criminal statute when the case is valued at less than \$5,000.

(f) \$250,000 has been allocated to pay rewards. In the event the allocated \$250,000 has been distributed no further rewards shall be granted.”

(10) Actual monetary loss in a case is not required for an applicant to receive a reward, but in such cases the appraised value of the property involved will be a relevant factor.

Specific Authority 624.308, 626.9892 FS. Law Implemented 624.307, 626.9892 FS. History—New_____.

69D-1.004 Reward Disbursement.

(1) When a decision regarding a reward has been made by the committee and approved by the Chief Financial Officer, the Anti-Fraud Reward Applicant will receive a check from the Department of Financial Services’ Revolving Travel Reimbursement Trust Fund. The reward will be presented by a regional supervisor and an investigator from the Division of Insurance Fraud. Upon receipt of the reward, the applicant will also be given a written notice explaining his or her responsibility to report this reward as income to the Internal Revenue Service.

(2) In the event that the applicant wishes to remain anonymous, a regional supervisor and an investigator from the Division of Insurance Fraud will take receipt of the check from the Department of Financial Services’ Revolving Travel Reimbursement Fund and will negotiate such for cash. The cash reward will then be paid by either of the Division employees to the anonymous applicant. Upon receipt of the reward, the anonymous applicant will also be given a written notice explaining his or her responsibility to report this reward as income to the Internal Revenue Service.

Specific Authority 624.308, 626.9892 FS. Law Implemented 624.307, 626.9892 FS. History—New_____.

**Section II
Proposed Rules**

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: Fair Consumer Practices
RULE NO.: 6E-1.0032

PURPOSE AND EFFECT: The Commission proposes the rule amendment to clarify admission standards and add guidance for licensees regarding special requirements or limitations of students.

SUMMARY: The proposed rule amendment adds guidance for licensees regarding special requirements or limitations of students and clarifies the admission standards.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 1005.22(1)(e)1., 1005.34 FS.

LAW IMPLEMENTED: 1005.04, 1005.22(1)(k), 1005.31(13), 1005.32(5), 1005.34 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-1.0032 Fair Consumer Practices.

(1) through (5) No change.

(6) Each prospective student shall be provided a written copy, or shall have access to an electronic copy, of the institution’s catalog prior to enrollment or the collection of any tuition, fees or other charges. The catalog shall contain the following required disclosures, and catalogs of licensed institutions must also contain the information required in subsections 6E-2.004(11) and (12), F.A.C.:

(a) through (f) No change.

(g) Admissions: The institution shall disclose its method of assessing a student’s ability to ~~complete~~ successfully ~~complete~~ the course of study for which he or she has applied. The requirements for admission (~~such as high school diploma, general equivalency diploma, or its equivalent~~) and for graduation shall be disclosed. If the practice of a career has special requirements or limitations, such as certain physical or

language capabilities or lack of a criminal record, such requirements or limitations shall be disclosed to prospective students interested in training for that career.

- (h) through (k) No change.
- (7) through (9) No change.

Specific Authority 1005.22(1)(e)1., 1005.34 FS. Law Implemented 1005.04, 1005.22(1)(k), 1005.31(13), 1005.32(5), 1005.34 FS. History—New 10-19-93, Amended 4-2-96, 11-5-00, 1-7-03, 1-20-04, 3-29-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2004

DEPARTMENT OF EDUCATION
Commission for Independent Education

RULE TITLE: Institutional Licensure

RULE NO.: 6E-2.002

PURPOSE AND EFFECT: The Commission proposes the rule amendment to clarify that an application is required to apply for annual licensure.

SUMMARY: The proposed rule amendment clarifies the process of granting an annual license.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 1005.22(1)(e), 1005.31(2), (3) FS. LAW IMPLEMENTED: 1005.22(1)(o),(2)(d), 1005.31, 1005.32, 1005.33 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-2.002 Institutional Licensure.

- (1) No change.
- (2) Annual License.

(a) Granting. An institution that holds a Provisional License, or seeks renewal of an Annual License, shall be granted an Annual License for a period not to exceed one year

when the Commission determines that the institution has submitted an application demonstrating ~~demonstrated~~ full compliance with all licensure standards and that all appropriate fees have been paid. A satisfactory on-site visit must occur prior to the granting of an initial Annual License. An accredited institution may submit a report of a satisfactory visit by its accrediting agency to satisfy this requirement.

- (b) through (d) No change.
- (3) No change.

Specific Authority 1005.22(1)(e), 1005.31(2),(3) FS. Law Implemented 1005.22(1)(o), (2)(d), 1005.31, 1005.32, 1005.33 FS. History—Repromulgated 12-5-74, Formerly 6E-4.01(1)(f)-(i), Readopted 11-11-75, Amended 2-6-78, 5-7-79, 10-13-83, Formerly 6E-2.02, Amended 11-27-88, 11-29-89, 10-19-93, 4-2-96, 4-11-00, 1-7-03, 12-23-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2004

DEPARTMENT OF EDUCATION
Commission for Independent Education

RULE TITLE: Actions Against a Licensee; Penalties

RULE NO.: 6E-2.0061

PURPOSE AND EFFECT: The Commission proposes the rule amendment to delete improper language relating to the procedure for notice of denial of licensure.

SUMMARY: The proposed rule amendment deletes unnecessary language for probable cause determinations by clarifying the procedure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 1005.22(1)(e)1., 1005.32(7), 1005.38 FS.

LAW IMPLEMENTED: 1005.32(7), 1005.34(3), 1005.38 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-2.0061 Actions Against a Licensee; Penalties.
 (1) through (6) No change.

(7) Probable cause. Determinations of probable cause shall be made as provided in Section 1005.38, F.S. Probable cause panels shall be appointed to consider suspected violations of law and to make findings, which shall be reported to the full Commission. If the probable cause panel makes a determination of probable cause, the Commission shall issue an administrative complaint ~~or notice of denial of licensure~~, and shall issue a cease and desist order as provided in Section 1005.38, F.S., if necessary to stop the violations. Probable cause panels shall be appointed and shall serve as follows:

(a) through (c) No change.
 (8) through (10) No change.

Specific Authority ~~1005.22(1)(e)1~~, 1005.32(7), 1005.38 FS. Law Implemented 1005.32(7), 1005.34(3), 1005.38 FS. History—New 10-13-83, Formerly 6E-2.061, Amended 5-20-87, 11-27-88, 11-29-89, 12-10-90, 10-19-93, 1-7-03, 7-20-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Commission for Independent Education
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for Independent Education
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2004

**DEPARTMENT OF LAW ENFORCEMENT
 Criminal Justice Standards and Training Commission**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Certification of Criminal Justice	
Training Instructors	11B-20
RULE TITLES:	RULE NOS.:
Definitions and Minimum Requirements	
for General Certification of Instructors	11B-20.001
Denial and Revocation of Instructor	
Certification	11B-20.0012
Commission Instructor Certification Categories	11B-20.0013
Minimum Requirements for High-Liability and	
Specialized Topics Instructor Certification	11B-20.0014
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.

SUMMARY: Creates and revises Commission forms; incorporates the new CMS Curriculum for certification of instructors; creates requirements for regulation of in-service instructors pursuant to the 2004 Legislation; revises rule definitions; revises the process for denying and revoking instructor certifications; revises instructor certification categories; revises the minimum requirements for high-liability and specialized topics instructor certifications; revises the instructor certification application process; and revises the process for maintenance and duration of instructor certifications.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

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

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

TIME AND DATE: 1:00 p.m., October 15, 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 Number (850)656-9597

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

THE FULL TEXT OF THE PROPOSED RULES IS:

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

(1) Definitions:

(a) "Successful completion" of a course is documented as a "Pass" on the completed Training Report, form CJSTC-67, revised ~~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 HB-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 subparagraph 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, 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 Commission-approved Basic Recruit Training Programs, ~~the 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 Commission-approved Basic Recruit Training Programs, ~~CMS Application Based Basic Recruit Training Curriculum,~~ CMS Firearms Instructor Course, and CMS Firearms Instructor Transition Course, shall comply with the requirements for CMS General Instructor Certification pursuant to 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 6/30/2004) 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 Commission-approved Basic Recruit Training Programs, the CMS First Aid Instructor Course, and CMS First Aid Instructor Transition Course, Medical First Responder topics in the CMS Application-Based Basic Recruit Training Curriculum, CMS Medical First Responder Instructor Course, and CMS First Responder to Emergencies Instructor Transition Course, Unit 1: Medical First Responder, shall comply with the requirements for CMS General Instructor Certification pursuant to 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. 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 Transition ~~Instructor~~ 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 at the employing agency or agencies in which the instructor applicant obtained their experience as a criminal justice officer.

~~(d) Human Diversity Instructor Certification. An instructor applicant shall successfully complete the following training courses through a 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 complete the 2002 Breath Test Instructor Update Course, are exempt from the requirements set forth in subparagraph (3)(d)1. of this rule section 11B-20.0014(3)(e)1., F.A.C. Alcohol Testing Program staff are also exempt from subparagraph (3)(d)1. of this rule section 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, agency administrator, or ~~the training center director's~~ designee shall:

(a) Collect the Instructor Certification Application form CJSTC-71 and document, verify, and maintain on file in the instructor training files at the training school, documentation verifying the instructor's professional expertise, pursuant with Rules 11B-20.001 and 11B-20.0014, F.A.C., for the specific certification being requested. 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 proficiency skills in the applicable high-liability topic. Instructors whose Specialized Topics Instructor Certification has lapsed shall complete an internship in the applicable high-liability topic ~~comply with the requirements for Commission certification pursuant to Rule 11B-20.0014, F.A.C.~~

(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 Course.

(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,

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, Telephone Number: (850)410-8615
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bureau Chief Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2004

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Certification of Criminal Justice
RULE CHAPTER NO.: 11B-21

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 rule references, deletes obsolete rule language, modifies requirements for certification, revises forms, creates new staffing and facility requirements.

SUMMARY: Revises Commission forms; updates rule sites; revises the requirements for conducting a training needs analysis to become a new training school; revises the satellite facility and equipment requirements; revises the training school staffing and facility requirements; and revises the training school certification and recertification requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

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

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

TIME AND DATE: 1:00 p.m., October 15, 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 Number (850)656-9597

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

THE FULL TEXT OF THE PROPOSED RULES 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 "C" 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 or 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) and (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 _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2004

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Certification and Employment or Appointment

RULE CHAPTER NO.:

11B-27

RULE TITLES: Moral Character

RULE NOS.:

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: Creates and revises Commission 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.

SUMMARY: Creates and revises Commission forms; requires that a break-in-service of 4 to 8 years requires demonstration of proficiency in the high-liability courses; revises the process for fingerprinting officers; revises documentation requirements for proof of a high school diploma and acceptable documents in the absence of a high school diploma; revises the temporary employment or appointment authorization process; revises the background investigations process; revises the controlled substance testing procedures; revises the probable cause determination process; revises the letter of acknowledgment process; and revises the canine team certification process.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), 943.133(3), 943.1395 FS. **LAW IMPLEMENTED:** 943.12, 943.12(3), (17), 943.13, 943.13(3), (7), (11), 943.131, 943.133, 943.135, 943.139, 943.1395, 943.1395(3), (5), (7), (8), 943.17, 943.17(1)(a), 943.1701, 943.1715, 943.1716, 943.253 FS.

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

TIME AND DATE: 1:00 p.m., October 15, 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 Number (850)656-9597

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

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-27.0011 Moral Character.

(1) 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:

1. through 8. No change.

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 submit to Commission staff or electronically transmit through the Commission's Automated Training Management System (ATMS), and maintain in file, to execute 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 943.131(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 a Commission-approved ~~An individual shall successfully complete a Basic Recruit Training Program, an individual shall successfully complete the program, achieve a passing score on the applicable~~ pursuant to Rules 11B-35.002, 11B-35.003, 11B-35.004, F.A.C., or former Rule 11B-29.002, F.A.C., pass the State Officer Certification Examination, 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 a public school, 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.firn.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 the applicable Successfully pass the 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.

(a) 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,_____.

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-27.0020(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 the employing agency shall have taken significant agency action as defined in subsections 11B-27.005(1) and (2), F.A.C. that the 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. No change.	

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:

<u>Violation:</u>	<u>Recommended Penalty Range:</u>
1. Excessive use of force; under the color of authority	Suspension of certification to revocation
2. Sexual harassment involving physical contact with or misuse of position	Probation of certification 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 or

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.,

Suspension of certification to revocation

F.A.C., with the intent to mislead or deceive

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 Certification process, and Proficiency 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 paragraphs (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, _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2004

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: Creates and revises Commission forms and corresponding rule language, 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.

SUMMARY: Creates and revises Commission forms; revises the time line for taking the SOCE; revises the SOCE test requirements for officers who have taken comparable basic recruit training programs; revises the SOCE eligibility requirements for inactive, out-of-state, military, and federal law enforcement officers; revises the special test accommodations for SOCE applicants; revises the SOCE examination review process; and implements the privacy act for review of examinations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1),(18), 943.1397, 943.173(3) FS.

LAW IMPLEMENTED: 120, 943.10, 943.12(18), 943.13(7),(10), 943.131(2), 943.1397, 943.1397(1),(3),(5), 943.173 FS.

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

TIME AND DATE: 1:00 p.m., October 15, 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 Number (850)656-9597

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

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-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 pursuant to of paragraph 11B-30.008(2)(c), F.A.C., and the High-Liability Basic Recruit Training proficiency requirements pursuant to 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 in the

High-Liability Basic Recruit Training Courses of 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 in the High-Liability Basic Recruit Training Courses of 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 shall be permitted to reschedule Commission staff shall permit rescheduling of all or part of the examination without further application or cost to the applicant. The applicant shall be notified Commission staff shall 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; or

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) ~~TD#~~: (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 Chapters 460 (Chiropractic), 490 (Psychological Services), 458 (Medical Practice), 459 (Osteopathy), 461 (Podiatric Medicine), 463 (Optometry), 468, Part I (Speech-Language Pathology and Audiology), or 490 (Psychological Services 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 section. Violation of this subsection shall be documented as provided in subsection (4) of this rule section.

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, _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2004

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Training Programs
RULE CHAPTER NO.: 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: Creates and revises 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.

SUMMARY: Creates and revises Commission forms; revises definitions; makes grammatical revisions; implements the CMS Application-Based Law Enforcement Basic Recruit Training Program Curriculum; revises the end-of-course examination process; revises course completion requirements; requires a Curriculum Version Number on the Basic Recruit Training Certificate; updates the basic abilities test violations; revises the timeline for completing basic recruit training programs; revises the requirements for transferring courses to another training school; revises the cross-over basic recruit training program requirements; revises Commission-approved training program course names; revises the requirements for completing Traditional and CMS basic recruit training programs; revises the high-liability course names and course completion requirements; revises the auxiliary basic recruit training program requirements; adds and revises advanced and specialized program course names; revises the exemption from basic recruit training program requirements; revises the process for employment as a criminal justice officer; revises the process for receiving a temporary employment authorization; and revises the process for the administration and security of end-of-course examination.

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.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), (18), 943.1397, 943.173(3) FS.

LAW IMPLEMENTED: 120, 943.10, 943.12(18), 943.13(7), (10), 943.131(2), 943.1397, 943.1397(1), (3), (5), 943.173 FS.

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

TIME AND DATE: 1:00 p.m., October 15, 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, (850)656-9597 (TDD).

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

THE FULL TEXT OF THE PROPOSED RULES IS:

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

(1) Throughout this rule chapter “training programs,” “courses,” “instructors,” and “training schools” refer to Commission-approved training programs, courses, instructors, and training schools. Commission-approved Basic Recruit, Advanced, 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, Advanced, 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, Advanced, 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 Commission-approved Advanced ~~an 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 Commission’s CMS Application-Based Law Enforcement Basic Recruit Training Program is Programs ~~are~~ 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, Advanced, 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, Advanced, 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>Course Hours</u>
2. 1112	<u>Canine Team Training Course</u>	400
3. 1113	<u>Laser Speed Measurement Device (LSMD) Transition Operators Course for Radar Operators</u>	12
4. 1132	<u>Parking Enforcement Specialist for Civilians</u>	16
5. 1133	<u>Selective Traffic Enforcement Program for Civilians</u>	80

6. 732	<u>Traffic Control Officer for Civilians</u>	8
7. 851	<u>Breath Test Operator Course</u>	24
8. 951	<u>Breath Test Operator Renewal Course</u>	6
9. 850	<u>Agency Inspector Course</u>	24
10. 950	<u>Agency Inspector Renewal Course</u>	6
11. 1134	<u>Criminal Justice Officer Ethics Course</u>	8
12. 1135	<u>Crimes Against Children</u>	Open
13. 1136	<u>Domestic Violence</u>	Open
14. 1137	<u>Violent Crime Investigator Training Course</u>	Open

(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 program.

(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. 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. Santa Fe Community College.

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

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. St. Petersburg Junior College.

4. Florida Highway Patrol.

5. Polk Community College.

6. Lake County Vocational Technical School.

7. Tallahassee Community College.

(f) Students participating in the field-test of the CMS Application-Based Basic Recruit Training Program shall be students seeking Commission training for the purpose of applying to take the State Officer Certification Examination and 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, Advanced, 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. Date(s) of course(s).

4. Full legal name names of all attending students.

5. Test scores when and test materials, 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.~~ Attaining school re-examination policy and document justification for each student reexamination administered.

~~13.12.~~ A list of expenditures from the Criminal Justice Standards and Training Trust Fund Officer Training Monies for Commission-approved Advanced ~~shall be included for 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 a Commission-approved ~~to be eligible to pass a~~ 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 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, Advanced, 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, Advanced 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>
<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.</u>	

(2) Within four years of the beginning date of a Commission-approved Basic Recruit Training Program, an individual shall successfully complete the program, achieve a passing score on the applicable a Basic Recruit Training Program pursuant to Rules 11B 35.002, 11B 35.003, 11B 35.004, F.A.C., or former Rule 11B 29.002, F.A.C., pass the State Officer Certification Examination (SOCE) 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 completed the applicable 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 the applicable Pass the 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 subsection (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 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 student shall successfully complete Commission-approved Basic Recruit Training Program Courses to be eligible to take the applicable State Officer Certification Examination. For each Basic Recruit Training Course, a student shall 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:

(a) Traditional Law Enforcement Basic Recruit Training Program (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 subparagraphs (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.

Course Name	Course Number	Course Hours
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	64.0
7. Medical First Responder	CJK_0040 or CJB1040	

Course	Course	Course
(Options: CJT_362 or EMS_1059), or	CJD_254	48.0
CMS First Responder to Medical Emergencies Unit 1	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	CJD_723	32.0
CMS Law Enforcement Vehicle Operations	CJK_0020 or CJB_1020	
12. Law Enforcement Investigations	CJD_734	64.0
	TOTAL	672.0

(b) Traditional Correctional Basic Recruit Training Program:-

Course Name	Course Number	Course Hours
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
6. Criminal Justice Weapons, or CMS Criminal Justice Firearms	CJK_0050 or CJB_1050	80.0
	CJD_705	64.0
	CJK_0040 or CJB_1040	80.0
7. CMS First Aid for Criminal Justice Officers	CJK_0030	40.0
Medical First Responder (Options: CJT_362 or EMS_1059), or	CJD_254	48.0
CMS First Responder to Medical Emergencies Unit 1	CJK_0030 or CJB_1030	
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

(c) Combination Recruit Training Program

1. Criminal Justice Legal 1	CJD_710	54.0
2. Criminal Justice Legal 2	CJD_711	52.0
3. Criminal Justice Communications	CJD_712	62.0
4. Interpersonal Skills 1	CJD_713	66.0
5. Criminal Justice Defensive Tactics that includes the 38-hour	CJD_704	106.0

Preparation for Defensive Tactics Course, effective 7/1/98, or CMS Criminal Justice Defensive Tactics	CJK_0050 or CJB_1050	
6. Criminal Justice Weapons, or CMS Criminal Justice Firearms	CJD_705	64.0
7. Medical First Responder (Options: CJT_362 or EMS_1059), or CMS First Responder to Medical Emergencies Unit 1	CJD_254	48.0
8. Law Enforcement Legal 3	CJK_0030 or CJB_1030	
9. Law Enforcement Patrol	CJD_730	32.0
10. Law Enforcement Traffic	CJD_731	64.0
11. Law Enforcement Vehicle Operations, or CMS Law Enforcement Vehicle Operations	CJD_732	46.0
13. Interpersonal Skills 2	CJD_723	32.0
Law Enforcement Investigations	CJK_0020 or CJB_1020	
14. Emergency Preparedness	CJD_750	50.0
15. Correctional Operations	CJD_734	64.0
	CJD_741	26.0
	CJD_752	64.0
	TOTAL	830.0

(d) Associates of Science Criminal Justice Combination Academy Track

1. Criminal Justice Legal 1	CJD_700	54.0
2. Criminal Justice Legal 2	CJD_701	52.0
3. Criminal Justice Communications	CJD_702	62.0
4. Interpersonal Skills 1	CJD_703	66.0
5. Criminal Justice Defensive Tactics that includes the 38 hour Preparation for Defensive Tactics Course, effective 7/1/98, or CMS Criminal Justice Defensive Tactics	CJD_704	106.0
6. Criminal Justice Weapons, or CMS Criminal Justice Firearms	CJK_0050 or CJB_1050	
7. Medical First Responder (Options: CJT_362 or EMS_1059), or CMS First Responder to Medical Emergencies Unit 1	CJD_705	64.0
8. Law Enforcement Legal 3	CJK_0040 or CJB_1040	
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_720	32.0
12. Law Enforcement Investigations	CJD_721	64.0
13. Interpersonal Skills 2	CJD_722	46.0
14. Emergency Preparedness	CJD_723	32.0
15. Correctional Operations	CJK_0020 or CJB_1020	
	CJD_724	64.0
	CJD_740	50.0
	CJD_741	26.0
	CJD_742	64.0
	TOTAL	830.0

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

Course Name	Course Number	Course Hours
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_795	106.0
7. CMS Correctional Probation Firearms	CJK_0050 or CJB_1050	80.0
8. CMS First Aid for Criminal Justice Officer	TBA	16.0
Medical First Responder (Options: CJT_362 or EMS_1059), or CMS First Responder to Medical Emergencies Unit 1	CJD_795	16.0
9. Criminal Justice Special Topics, Module 15	CJK_0030	40.0
	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

(d) CMS Application Based Law Enforcement Basic Recruit Training Program:

1. Introduction and Law	CJK_0006	67.0
2. Human Issues	CJK_0010	50.0
3. Communications	CJK_0015	77.0
4. CMS Law Enforcement Vehicle Operations	CJK_0020	48.0
5. CMS First Aid for Criminal Justice Officers	CJK_0030	40.0
6. CMS Criminal Justice Firearms	CJK_0040	80.0
7. CMS Criminal Justice Defensive Tactics	CJK_0050	80.0

8. Patrol	CJK_0060	57.0
9. Investigations	CJK_0070	53.0
10. Investigating Offenses	CJK_0075	40.0
11. Traffic Stops	CJK_0080	62.0
12. Traffic Crash Investigations	CJK_0085	32.0
13. Tactical Applications	CJK_0090	14.0
14. Criminal Justice		
Special Topics	CJK_0095	20.0
	TOTAL	760.0

(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>
1. Cross-Over Law Enforcement to Correctional	CJD_780	16.0
2. Interpersonal Skills 2	CJD_750	50.0
3. Emergency Preparedness	CJD_741	26.0
4. Correctional Operations	CJD_752	64.0
	Total	156.0

(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>
1. Cross-Over Law Enforcement to Correctional Probation 1	CJD_735	66.5
2. Cross-Over Law Enforcement to Correctional Probation 2	CJD_736	67.5
3. Correctional Probation Operations	CJD_791	16.0
	Total	150.0

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

(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>
1. Cross-Over Correctional Legal to Correctional Probation	CJD_774	30.0
2. Cross-Over Correctional to Correctional Probation	CJD_775	26.0
3. Correctional Probation Communication Skills	CJD_793	70.0
4. Correctional Probation Supervision	CJD_794	54.0
	Total	180.0

(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) Basic Recruit High-Liability Training Courses:

~~(a) Traditional Basic Recruit Training Program:~~

- ~~1. Criminal Justice Weapons Course.~~
- ~~2. Law Enforcement Vehicle Operations Course.~~
- ~~3. Criminal Justice Defensive Tactics Course.~~
- ~~4. Medical First Responder Course.~~

~~(b) CMS Application-Based Basic Recruit Training Program:~~

- ~~(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. (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. (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. (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. (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)(d) 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 Ratios for Instruction of proficiency skills in the High-Liability Basic Recruit Training Courses and instructor courses. Student to Instructor Ratios for Instruction of 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 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, training 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 Course, Medical First Responder Course CMS First Aid Instructor Course, or Medical First Responder Instructor Course CMS First Aid Instructor Transition Course, at least one Commission-certified CMS First Aid Instructor Medical First Responder Instructor shall be required for every ten six students actively engaged in the practical and performance areas of the training portions of the training. Actively engaged is defined as “a student involved in the practical performance of any first aid skills training 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 delivered to is delivered to basic recruit students enrolled in a Commission-approved Traditional Basic Recruit Training Program.

2. A Basic Recruit Student Proficiency Demonstration. ~~The basic recruit student shall demonstrate at 100% proficiency, defensive tactics skills taught by a training school, with the results recorded on the required 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 Defensive Tactics Instructor Courses ~~Criminal Justice Defensive Tactics 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 delivered to ~~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 Firearms Instructor Course or the CMS Firearms Instructor Transition Course, pursuant to Rule 11B-20.0014, F.A.C., to instruct the following courses: The CMS Criminal Justice Firearms Course in a Commission-approved Basic Recruit Training Program, or the CMS Firearms Instructor Course, or the CMS Firearms Instructor Transition Course. The Criminal Justice Firearms Instructor Course is required training for instructors who instruct firearms in the Traditional Basic Recruit Training Program and Criminal Justice Firearms Instructor Course.

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

2. An instructor student shall demonstrate the required 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) and 943.17(1)(g), F.S., successfully complete the Auxiliary Officer Basic Recruit Training Program requirements outlined in this rule section, complete the applicable Commission-approved CMS High-Liability Basic Recruit Training Courses for vehicle operations, defensive tactics, and firearms, and shall be taught by a Commission-certified high-liability instructor at a training school or agency. Prerequisite Course at a training school, and 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</u>	
	<u>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 Medical First Responder</u>	40	<u>48</u>
	<u>CJK_0030</u>	
<u>Total Law Enforcement Auxiliary Officer Prerequisite Course Hours</u>	<u>TOTAL</u>	<u>94</u>
	<u>HOURS</u>	
(b) <u>CMS Criminal Justice Firearms</u>	<u>CJK_0040</u>	<u>80</u>
(c) <u>CMS Criminal Justice Defensive Tactics</u>	<u>CJK_0050</u>	<u>80</u>
(d) <u>CMS Law Enforcement Vehicle Operations</u>	<u>CJK_0020</u>	<u>48</u>
<u>(Optional: Based on employing agency requirements)</u>		
<u>Total Law Enforcement Auxiliary Officer Program Hours</u>	<u>TOTAL</u>	<u>302</u>
	<u>HOURS</u>	

(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</u>	
	<u>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 Medical</u>		
First Responder	<u>CJK_0030</u>	<u>40</u>
<u>Total Correctional Auxiliary Officer Prerequisite Course Hours</u>	<u>TOTAL</u>	<u>94</u>
	<u>HOURS</u>	
(b) <u>CMS Criminal Justice Firearms</u>	<u>CJK_0040</u>	<u>80</u>
(c) <u>CMS Criminal Justice Defensive Tactics</u>	<u>CJK_0050</u>	<u>80</u>
<u>Total Correctional Auxiliary Officer Program Hours</u>	<u>TOTAL</u>	<u>254</u>
	<u>HOURS</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.

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. Advanced 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 Number</u>	<u>Course Name</u>	<u>Course 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 Resistanc 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.

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 ~~T~~training ~~C~~ourses. 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 as a Commission-certified instructor. Commission-approved Specialized Instructor Training Courses are: ~~for certification as an instructor.~~

Course Number	Course Names:	Course Hours:	Course Number	Course Names:	Course Hours:
(a) 1101	Traditional General Instructor Techniques Course (Retired 6/30/04)	80	(a) 1125	Contraband Forfeiture	40
(b) 1115	General Instructor Refresher Course	8	(b) 1126	Human Diversity In-service Training for Professionalism and Ethics	4
(c)(b) 1116	CMS General Instructor Techniques Course	80	(c) 1127	Human Diversity In-service Training for Interdependent Relationships	8
(d)(e) 803	CMS General Instructor Transition Course	12 46	(d) 1128	Human Diversity In-service Training for Reducing Inter-group Conflict	4
(e)(d) 1102	Law Enforcement Vehicle Operations Instructor Course (Retired 6/30/04)	40	(e) 1129	Human Diversity In-service Training for Sexual Harassment in the Workplace	4
(f)(e) 800	CMS Law Enforcement Vehicle Operations Instructor Course	40	(f) 1130	Human Diversity In-service Training for Specialized Topics in Diversity	4
(g)(f) 805	CMS Law Enforcement Vehicle Operations Instructor Transition Course	16 42	(g) 1144	CMS Human Interaction Course	16
(h)(g) 1103	Criminal Justice Firearms Instructor Course (Retired 6/30/04)	44	(h)(g) 1131	Human Diversity In-service Training for Discriminatory Profiling and Professional Traffic Stops	4
(i)(h) 801	CMS Criminal Justice Firearms Instructor Course	44 FBA	(i)(h) 1112	Canine Team Training Course	400
(j)(i) 806	CMS Criminal Justice Firearms Instructor Transition Course	12	(j)(i) 1113	Laser Speed Measurement Measuring Device (LSMD) Transition	12
(k)(j) 1104	Defensive Tactics Instructor Course (Retired 6/30/04)	80	(k)(j) 1132	Operators Course for Radar Operators	16
(l)(k) 802	CMS Defensive Tactics Instructor Course	80 FBA	(l)(k) 1133	Parking Enforcement Specialist for Civilians	80
(m)(l) 807	CMS Defensive Tactics Instructor Transition Course	32	(m)(l) 732	Selective Traffic Enforcement Program for Civilians	8
(n)(m) 1105	Medical First Responder Instructor Course (Retired 6/30/04)	48	(n)(m) 851	Traffic Control Officer for Civilians	24
(o)(n) 1114	CMS Medical First Aid Responder Instructor Course	40 FBA	(o)(n) 951	Breath Test Operator Course	6
(p)(o) 804	CMS First Aid Instructor Transition Course	8	(p)(o) 850	Breath Test Operator Renewal Course	24
(q) 1107	Medical First Responder, to Emergencies Instructor Transition Course Unit 1: Medical First Responder	20	(q)(p) 950	Agency Inspector Course	6
(r) 1108	Human Diversity Train-the-Trainer Course	40	(r)(q) 1134	Agency Inspector Renewal Course	8
(s) 1109	Canine Team Training Instructor Course	40	(s)(r) 1135	Criminal Justice Officer Ethics Course	24 No hour requirement
(t) 1110	Radar Speed Measurement Instructors Training Course for Law Enforcement Officers	40	(t)(s) 1136	Crimes Against Children	8 No hour requirement
(u) 1111	Laser Speed Measurement Measuring Device (LSMD) Instructor Transition Instructors Course for Radar Instructors	24	(u)(t) 1137	Domestic Violence	40 No hour requirement
	Breath Test Instructor Certification Course	40	(v) 808	Violent Crime Investigator Training Course Courses	8
	Breath Test Instructor Certification Renewal Course	8	(w) 1140	CMS Field Training Officer Transition Course	6
			(x) 1141	Basic Incident Command System (ICS) Course	21

(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:

(y) 1142	<u>Advanced Incident Command System (ICS) Course</u>	<u>16</u>
(z) 1145	<u>Mental Retardation Course</u>	<u>1</u>
(aa) 1146	<u>Mental Illness Course</u>	<u>1</u>
(bb) 1147	<u>Alcohol and Substance Abuse Course</u>	<u>1</u>
(cc) 1148	<u>Physical Disabilities Course</u>	<u>1</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. The criminal justice training center director shall 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-27.00201(9), F.A.C., an "Inactive Florida Officer" means an individual who has met the certification and employment requirements of Section 943.13, F.S., and has not been employed as an officer in the discipline for which the individual was a Florida certified officer for a period of four 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, Firearms, Criminal Justice Weapons, Criminal Justice Defensive Tactics, First Aid Medical First 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, First Aid Medical First Responder or equivalent, Probationer Supervision, and firearms 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 skill ~~Proficiency~~ requirements for out-of-state, federal ~~or 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, ~~eriminal justice weapons, eriminal 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 ~~July 1, 2002, revised May 6, 2004~~, 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, _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2004

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiners Commission

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Standard Investigation Procedures	11G-2
RULE TITLES:	RULE NOS.:
Physical Evidence	11G-2.004
Practice Guidelines	11G-2.006

PURPOSE AND EFFECT: To clarify retention of physical evidence and update the Practice Guidelines.

SUMMARY: Requires fixed organs to be retained until completion of studies to determine the cause of death of the decedent. Clarifies retention of physical evidence by compliance with Rule 11G-2.006, F.A.C., and updates the Practice Guidelines.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 406.04 FS.

LAW IMPLEMENTED: 406.075, 406.11, 406.13 FS.

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

TIME AND DATE: 1:00 p.m., October 15, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Luten, Medical Examiner Commission Staff, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302

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 Number (850)656-9597.

THE FULL TEXT OF THE PROPOSED RULES 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 _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Craig Rockenstein, Assistant General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, Telephone number (850)410-7676

NAME OF SUPERVISOR OR PERSON WHO APPROVED PROPOSED RULE: Michael Ramage, General Counsel, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2004

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."

DEPARTMENT OF CORRECTIONS

RULE TITLE: Correctional Probation Officers: Appointment

RULE NO.: 33-302.103

and Responsibility

PURPOSE AND EFFECT: The purpose and effect of the proposed rule repeal is to eliminate unnecessary language and provisions that are duplicative of statutes and other rules.

SUMMARY: Unnecessary language and provisions that are duplicative of statutes and other rules is being eliminated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.103 Correctional Probation Officers: Appointment and Responsibility.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 5-28-86, Amended 2-15-98, 4-28-99, Formerly 33-24.011, Amended 11-12-01, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tina Hayes

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2004

DEPARTMENT OF CORRECTIONS

RULE TITLE: Placement of Inmates into Community Release Programs

RULE NO.: 33-601.606

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify provisions related to placement of community custody inmates in work release centers.

SUMMARY: The proposed rule allows placement of a community custody inmate at a work release center regardless of time constraints for the purposes of a program as well as a specialized work detail.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 945.091 FS.

LAW IMPLEMENTED: 945.091 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.606 Placement of Inmates into Community Release Programs.

- (1) No change.
- (2) Eligibility and Ineligibility Criteria.
 - (a) No change.

(b) In order to be eligible for community release programs an inmate must:

- 1. through 5. No change.
- 6. The Secretary of the Florida Department of Corrections, or his designee who shall be the Assistant Secretary for Institutions, shall have the authority to place an inmate who is in community custody at any work release center regardless of time constraints for the purpose of a specialized work detail or program.

(3) through (5) No change.

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History--New 3-14-01, Amended 9-2-01, 3-19-02, 11-18-02, 5-31-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tina Hayes

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 20, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 2004

DEPARTMENT OF CORRECTIONS

RULE TITLE: Permissible Items for Visitors

RULE NO.: 33-601.725

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to increase the amount of cash that may be brought in by visitors to purchase items from visiting park canteens or vending machines.

SUMMARY: The proposed rule increases from \$25 to \$50 the amount of cash that may be brought in by visitors to purchase items from visiting park canteens or vending machines.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.725 Permissible Items for Visitors.

- (1) Visitors shall be allowed to bring only authorized items listed into any department facility. Entry shall be denied if the visitor attempts to enter the institution or facility while

possessing any unauthorized item or any authorized item in more than the approved amounts. Authorized items shall be removed by the visitor at the end of the visit. Authorized items include:

(a) through (c) No change.

(d) Up to ~~\$50.00~~ ~~\$25.00~~, in \$1.00, ~~and~~ \$5.00, ~~\$10.00 and \$20.00~~ denominations only or silver change, per visitor, regardless of age, to purchase snacks and beverages from visiting park canteens or vending machines. All snacks and beverages shall be purchased and consumed in the visiting area. A small wallet or pouch may be used for containing the bills and any change received from the canteen or vending purchases.

(e) through (2) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Amended 5-27-02, 7-1-03, 12-30-03,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tina Hayes

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 20, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 2004

DEPARTMENT OF CORRECTIONS

RULE TITLE: Close Management
RULE NO.: 33-601.800

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to eliminate unnecessary language and to clarify provisions relating to canteen purchases, restriction of exercise, and educational and program opportunities.

SUMMARY: The proposed rule eliminates unnecessary forms, clarifies provisions relating to canteen purchases, provides for restriction of exercise pending a disciplinary hearing for a major rule violation, and clarifies availability of educational and program opportunities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.800 Close Management.

(1) through (9) No change.

(10) Conditions and Privileges in CM Units.

(a) through (f) No change.

(g) Canteen Items.

1. Inmates in CMI and II, following 30 days in close management status and having no major rule violations during this period, will be allowed to make canteen purchases through canteen order once per week unless restricted by disciplinary action. Inmates in CMI and II will be allowed to purchase up to five non-food items and five food items. In making this determination, with the exception of stamps and notebook paper, it is the number of items that is counted not the type of item. For example, three security pens counts as three items, not one item. Twenty-five stamps or fewer will count as one item and two packages or less of notebook paper will count as one item.

2. Inmates in CMIII, following 30 days in close management status and having no major rule violations during this period, will be allowed to make canteen purchases through canteen order once each week unless restricted by disciplinary action. Inmates in CMIII will be allowed to purchase up to five non-food items and ten food items. In making the determination, with the exception of stamps and notebook paper, it is the number of items that is counted not the type of item. For example, three packages of cookies count as three items, not one item.

3. No change.

4. CM inmates who submit an order for canteen items and then refuse delivery shall be subject to disciplinary action and loss of canteen privileges.

(h) No change.

(i) Legal Access – An inmate in close management will have access to his or her personal legal papers and law books and have correspondence access with the law library. Access to the law library will be obtained through delivery of research materials to an inmate’s cell, and access to visits with research aides. Although the inmate may not be represented by an attorney at any administrative hearing under this rule, access to an attorney or aide to that attorney will be granted for legal visits at any reasonable time during normal business hours. Indigent inmates will be provided paper and writing utensils in order to prepare legal papers. Inmates who are not indigent will be allowed to purchase paper and envelopes from the canteen for this purpose ~~by completing Form DC6 251, CMI and II Canteen Order, or Form DC6 252, CMIII Canteen Order,~~

within the stated time frames. ~~Forms DC6-251 and DC6-252 are incorporated by reference in subsection (19) of this rule.~~ Typewriters or typing services are not considered required items and will not be permitted in close management cells. Inmates with disabilities that hinder the preparation of legal correspondence will be allowed the use of auxiliary aids (writer/reader). An inmate who is provided an auxiliary aid shall also be allowed access to a research aide for the purpose of preparing legal documents, legal mail, and filing grievances.

(j) through (l) No change.

(m) Exercise – Those inmates confined on a 24-hour basis excluding showers and clinic trips may exercise in their cells. If the inmate requests a physical fitness program handout, the wellness specialist or the close management officer shall provide the inmate with an in-cell exercise guide and document such on the Close Management Daily Record of Segregation, Form DC6-229A. However, an exercise schedule shall be implemented to ensure a minimum of six hours per week (two hours three days per week) of exercise out of doors. The assignment and participation of an inmate on the restricted labor squad or other outside work squad required to work outside at least one day per week will satisfy the minimum exercise requirements for the week. Such exercise periods shall be documented on Form DC6-229A. The ICT is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation as defined in this rule, or if the inmate has pending a disciplinary hearing for a major rule violation as defined in this rule. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length. Medical restrictions determined by health services staff can also place limitations on the amount and type of exercise permitted. Such restrictions of exercise periods will be documented on the Close Management Daily Record of Segregation, Form DC6-229A. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him that will accomplish the need for exercise and take into account the particular inmate’s limitations. Close management inmates shall be allowed equal access to outdoor exercise areas with exercise stations.

(n) No change.

(11) Programs and Privileges in Close Management Units.

(a) through (c) No change.

(d) CMIII. In addition to the programs provided above for CM I inmates, and those privileges outlined in subparagraphs (11)(b)1.-4. of this rule, the following privileges are authorized:

1. CM III inmates will be entitled to:

a. Unless restricted pursuant to Rule 33-601.731, F.A.C., CMIII inmates shall be eligible to receive one two-hour contact personal visit by appointment after completing 30 days in close management status and having no major rule violations during this period.

b. CMIII inmates shall be subject to placement on non-contact status as outlined in Rule 33-601.735, F.A.C.

c. If found guilty of a major rule violation ~~disciplinary infraction~~ while assigned to CM III, the inmate is eligible to be considered for visits 14 days following release from disciplinary status or the disciplinary hearing if a penalty other than disciplinary confinement was imposed.

d. The inmate is eligible to receive one two-hour contact personal visit by appointment after each subsequent 14 day period with no major rule violations during this period unless security or safety concern would preclude a visit. The warden will determine the level of supervision and restraint required.

2. through 3. No change.

4. CMIII inmates shall be provided with at least the same opportunities for educational and program participation as provided to CMII inmates.

(12) through (18) No change.

(19) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of any of these forms are available from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) through (h) No change.

~~(i) Form DC6-251, CMI and II Canteen Order, effective date April 8, 2004.~~

~~(j) Form DC6-252, CMIII Canteen Order, effective date April 8, 2004.~~

(k) through (n) renumbered (i) through (l) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History–New 2-1-01, Amended 12-16-01, 4-8-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tina Hayes

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 20, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 2004

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Telephone Use
RULE NO.: 33-602.205

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that inmates are not allowed to place business telephone numbers or cell phone numbers on their telephone lists.

SUMMARY: The proposed rule provides that inmates are not allowed to place business telephone numbers or cell phone numbers on their telephone lists.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.205 Inmate Telephone Use.

(1) No change.

(2) Inmate telephone procedures will be conducted as follows:

(a) To initiate telephone privileges, inmates shall complete Form DC6-223, Inmate Telephone Agreement and Number List. Each inmate is limited to no more than 10 names and numbers of persons he or she wishes to access. Inmates shall not be allowed to telephone any person not on this list except as outlined in paragraph (3)(a) and subsection (4) of this rule. Inmates shall not make three-way telephone calls nor make calls to numbers on the list which are then transferred to other telephone numbers. Inmates shall not be allowed to include business telephone numbers or cell phone numbers on the list.

(b) The reception center classification staff shall compile the inmate calling list through use of Form DC6-223, in conjunction with the acquisition of the inmate visiting list. Form DC6-223 shall become part of the inmate's permanent file and shall accompany the inmate with each subsequent transfer. Form DC6-223 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, FL 32399-2500. The effective date of this form is February 4, 2003.

(c) through (15) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 11-19-81, Formerly 33-3.125, Amended 11-21-86, 1-6-92, 3-24-97, 7-22-97, 12-21-98, Formerly 33-3.0125, Amended 2-7-00, 6-18-02, 2-4-03, 12-30-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tina Hayes

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 20, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 2004

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Ambulatory Surgical Center Services

RULE NO.: 59G-4.020

PURPOSE AND EFFECT: The purpose of the proposed rule is to incorporate by reference the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, January 2004. Appendix A of the handbook contains the 2004 procedure codes and payment groups in effect for dates of service beginning on January 1, 2004. The handbook has been revised, policy updated, and the Health Insurance Portability and Accountability Act (HIPAA) requirements for providers has also been incorporated. The effect will be to incorporate in the rule the current Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook.

SUMMARY: The proposed rule incorporates by reference the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, January 2004. The handbook update consists of covered code and payment group revisions to Appendix A, Ambulatory Surgical Center Procedure Codes and Groups, routinely updated every year. The revised code list is effective for dates of service beginning on January 1, 2004. The handbook was revised, policy updated, and the Health Insurance Portability and Accountability Act (HIPAA) requirements were also incorporated in the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

TIME AND DATE: 9:00 a.m., Monday, October 18, 2004

PLACE: Agency for Health Care Administration, 2728 Fort Knox Boulevard, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Melissa Bassett, Medical Health Care Program Analyst, Bureau of Medicaid Services, 2728 Fort Knox Boulevard, Building 3, Tallahassee, Florida 32308, (850)922-7724

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.020 Ambulatory Surgical Center Services.

(1) No change.

(2) All ambulatory surgical center providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, ~~January 2004~~ July 2003, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated in Rule 59G-4.001 ~~5-020~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 10-25-84, Formerly 10C-7.531, Amended 5-13-92, 7-12-92, 7-27-93, Formerly 10C-7.0531, Amended 9-8-94, 7-3-95, 11-18-97, 10-27-98, 1-1-01, 7-26-01, 2-25-03, 2-17-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Melissa Bassett

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2004

DEPARTMENT OF MANAGEMENT SERVICES

State Technology Office

RULE CHAPTER TITLE: Florida Information Technology Life Cycle Policies and Standards

RULE CHAPTER NO.: 60DD-7

RULE TITLES: Purpose; Definitions; Policy; and Applicability

RULE NOS.: 60DD-7.001

Project Management Methodology

60DD-7.002

Information Systems Development

60DD-7.003

Methodology (ISDM)

60DD-7.004

Initiation Phase

60DD-7.005

Needs Assessment or Feasibility Phase

60DD-7.006

Planning Phase

60DD-7.007

Requirements Analysis Phase

60DD-7.008

Design Phase

60DD-7.009

Acquisition/Development Phase

60DD-7.010

Integration, Testing and Acceptance Phase

60DD-7.011

Implementation Phase

60DD-7.012

Operations and Maintenance Phase

60DD-7.013

Disposition Phase

60DD-7.014

Standards Adopted

60DD-7.014

PURPOSE, EFFECT AND SUMMARY: The purpose and effect of the Florida Information Technology Life Cycle Policies and Standards is to promulgate state policies regarding information technology projects and to define minimum standards and provide a best practice model which establishes the framework and processes for a structured approach to the complete life cycle management of information technology resources.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 282.102(16) FS.

LAW IMPLEMENTED: 282.102(2) FS.

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

TIME AND DATE: 9:00 a.m., Monday, October 25, 2004

PLACE: Betty Easley Center, 4075 Esplanade Way, Room 166, Tallahassee, Florida 32399-0950

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should advise the State Technology Office at least 2 calendar days before the workshop, by contacting: Matthew Kimball, (850)922-5511, Matt.Kimball@MyFlorida.com

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dee Lopez, State Technology Office, Department of Management Services, 4030 Esplanade Way, Suite 280K, Tallahassee, Florida 32399-0950, (850)922-7573, Dee.Lopez@MyFlorida.com

THE FULL TEXT OF THE PROPOSED RULES IS:

60DD-7.001 Purpose; Definitions; Policy; and Applicability.

(1) Purpose.

(a) Rules 60DD-7.001-.014, F.A.C., shall be known as the Information Technology Life Cycle Policies and Standards.

(b) It is the intent of this rule chapter to establish an Information Technology (IT) Life Cycle which provides a flexible framework for approaching a variety of information technology projects. Primary emphasis is placed on the information and systems decisions to be made and the proper timing of decisions. The framework enables system developers, project managers, program/account analysts, and business/system owners and users to combine activities, processes and products, as appropriate, and to select the tools and methodologies best suited to the unique needs of each project. The purpose of the Information Technology Life Cycle is to:

1. Establish a common Project Management Methodology identifying the phases of an information technology project, specific processes to be performed within each phase and standard tasks that comprise each process.

2. Establish a common Information Systems Development Methodology outlining procedures, practices, and guidelines governing the initiation, concept development, planning, requirements analysis, design, development, integration and test, implementation, operations, maintenance and disposition of information technology.

3. Define minimum standards and provide a best practice model which establishes the framework and processes for a structured approach to the complete life cycle management of information technology resources. Standards are required administrative procedures or management controls utilizing current, open, non-proprietary or non-vendor specific technologies.

(c) The Project Management Methodology and the Information Systems Development Methodology are two different parts of the Information Technology Life Cycle that work in conjunction with one another: Project Management defines how to manage a project; the Information Systems Development Methodology describes the tasks that must be completed to produce a product or service.

(2) Definitions.

(a) The following terms are defined:

1. Acceptance Management – A process to be used throughout a project to obtain approval from an authorized Customer Decision Maker for work done on the project to date. This process is defined and included in the Project Plan. The approval at each phase means the deliverable(s) are completed to the satisfaction of the Customer. In order for a deliverable to be considered “complete” and “acceptable” it is measured against pre-determined acceptance criteria.

2. Agency – Those entities described in Section 216.011(1)(qq), F.S.

3. Availability Date – The date, as established by a holding agency, on which information technology equipment to be released as surplus will be removed from the operational environment.

4. Best Practice – A technique or methodology that, through experience and research, has proven to reliably lead to a desired result. A commitment to using the best practices in any field is a commitment to using all the knowledge and technology at one’s disposal to ensure success.

5. Change Control Board – A formally constituted group of stakeholders (including the Project Sponsor) responsible for approving or rejecting changes to the project.

6. Change Management – Provides methods to identify, track, evaluate, and integrate requested changes to the scope of the project. Each change request is documented and submitted

for approval by the project’s Change Control Board (CCB). All requests (approved or not) are logged and tracked by the Project Manager.

7. Comprehensive Risk Analysis – A process that systematically identifies valuable system resources and threats to those resources, quantifies loss exposures (i.e. loss potential) based on estimated frequencies and costs of occurrence, and recommends how to allocate resources to countermeasure so to minimize total exposure. The analysis lists risks in order of cost and criticality, thereby determining where countermeasures should be applied first.

8. Communication Plan – Defines how information about the project will be delivered to project team members, sponsor(s), stakeholders, business owners, and Users. The Plan details the method (i.e., e-mail, reports, meetings) and frequency of communication by whom and to whom.

9. Configuration Management – A discipline applying technical and administrative direction to identify and document the functional and physical characteristics of a system component, control changes to those characteristics, record and report change processing and implementation status, and verify compliance with specified requirements.

10. Customer – members of the Organization(s) that identified the need for the product or service the project will develop. A Customer may or may not be a User.

11. Customer Decision-Makers – Those members of the Customer community of the Organization who have been designated to make project decisions on behalf of major business units that will use, or will be affected by, the product or service the project will deliver.

12. Customer Representatives – Members of the Customer community of the Organization that are identified and made available to the project for their subject matter expertise. Their main responsibility is to accurately represent the Organization’s business needs, act as a liaison between the Project Team and the Organization, participate in testing the product or service, and using and evaluating the product or service while providing feedback to the Project Team.

13. Deliverable – A product or service satisfying one or more objective of the project.

14. Digital Divide Council – A State Technology Office program permitting governmental entities in Florida to list surplus equipment to determine whether community centers or not-for-profit entities are eligible to and wish to receive surplus information technology equipment free of charge.

15. Holding Agency – Any agency as defined in Section 282.0041(1), F.S., which has accountability for the information technology equipment to be declared surplus.

16. Information Systems – The application programs and databases used by state agencies to carry out agency missions and responsibilities.

17. Information Systems Development Methodology – A set of principles, practices and procedures which is used to define, develop, and implement information systems. An information systems development methodology guides the sequence of working tasks, defines task prerequisites and results, and establishes key checkpoints. It may also identify the resources, tools and techniques to be used for a task or set of tasks.

18. Information Systems Development Tools and Techniques – Specific strategies or standardized methods or procedures to guide the execution of one or more systems development tasks. Prototyping, joint applications design, structured analysis and design, information engineering, object-oriented design, reverse engineering, and structured programming are examples of systems development methods. Computer-aided software (or systems) engineering (CASE) products, fourth-generation languages and data dictionaries are examples of automated tools and enabling technologies that are used in conjunction with information systems development methodologies.

19. “Information Technology,” “Information Technology Resources,” “Information Resources,” or “Information Technology System” – Any transmission, emission or reception of signs, signals, writings, images, and sounds of intelligence of any nature by wire, radio, optical, or other electromagnetic systems and includes all facilities and equipment owned, leased, or used by all agencies and political subdivisions of state government, and a full-service information-processing facility offering hardware, software, operations, integration, networking and consulting services.

20. Information Technology Equipment – Information technology equipment designed for the automated storage, manipulation, or retrieval of data by electronic or mechanical means, or both, including, but not limited to, central processing units, including mini-processors and micro-processors, and related peripheral equipment such as data storage devices, document scanners, data entry, terminal systems, computer-related word processing systems and equipment and systems for computer networks.

21. Issue Management and Escalation – A process for capturing, reporting, escalating, tracking, and resolving problems that occur as a project progresses.

22. Maintenance Services – The remedial or preventive procedures performed on information technology equipment.

23. Networks or networking – Networks provide design, programming, development and operational support for local area networks (“LANs”), wide area networks (“WANs”) and other networks. Networks support client/server applications, telephony support, high-speed or real-time audio and video support and may develop and/or utilize bridges, routers, gateways and transport media.

24. Organization – A business unit within an agency that identifies a business need(s) for the product or service the project will develop. Frequently an Organization will identify key Customer Representatives and Customer Decision-Makers.

25. Phase – A series of processes organized into a distinct stage of project development. The end of a project phase usually coincides with the approval of a major deliverable.

26. Platform – The foundation technology of a computer system. The hardware and systems software that together provide support for an application program and the services they support.

27. Process – A series of actions bringing about a result.

28. Project – A temporary endeavor undertaken to create a unique product or service.

29. Project Manager – The person responsible for ensuring that the Project Team completes the project. The Project Manager develops the Project Plan with the team and manages the team’s performance of project tasks. It is also the responsibility of the Project Manager to secure acceptance and approval of deliverables from the Project Sponsor and Stakeholders.

30. Project Sponsor – A manager with demonstrable interest in the outcome of the project who is responsible for securing spending authority and resources for the project. Ideally, the Project Sponsor should be the highest-ranking manager possible, in proportion to the project size and scope. The Project Sponsor initiates the Project Proposal process, champions the project in the Organization, approves major deliverables, signs off on approvals to proceed to each succeeding project phase and is the ultimate decision-maker for the project. The Project Sponsor may elect to delegate any of these responsibilities to other agency personnel.

31. Project Team – One or more resources responsible for executing tasks and producing deliverables as outlined in the Project Plan and directed by the Project Manager, at whatever level of effort or participation that has been defined for them.

32. Provider – A third party such as contractor, vendor or private organization providing products, services or support.

33. Quality Assurance – Evaluation of project performance on a regular basis to ensure that the project will satisfy the established quality standards.

34. Quality Control – Monitoring of project results to ensure compliance with the appropriate established quality standards and to eliminate causes of non-compliance.

35. Quality Standards – Criteria established to ensure that each deliverable created meets a certain level of quality agreed to by the Customer and Project Manager.

36. Repairs required – FAIR – Required repairs are considerable and are estimated to range from 16 percent to 40 percent of original acquisition cost.

37. Repairs required – GOOD – Required repairs are minor and should not exceed 15 percent of the original acquisition cost.

38. Repairs required – POOR – Required repairs are major because property is badly damaged, worn or deteriorated, and are estimated to range from 41 percent to 65 percent of the original acquisition cost.

39. Risk – The likelihood or probability that a loss of information resources will occur.

40. Risk Analysis, risk assessment – See: Comprehensive Risk Analysis.

41. Risk Management – Decisions and subsequent actions designed to accept exposure or to reduce vulnerabilities by either mitigating the risks or applying cost effective controls.

42. Systems Development – Refers to all actions, functions or activities performed by agencies for the purpose of defining, acquiring, developing, enhancing, modifying, testing, or implementing information systems.

43. User – An individual or Organization who operates or interacts directly with the system; one who uses the services of a system. This user may or may not be the Customer.

(b) Other terms shall have their commonly understood meaning.

(3) Policy. It is the policy of the State of Florida that all state follow a structured Information Systems Development Methodology in managing information technology resources. Due to a wide variance in methods, techniques and tools used to support the evolution of systems, the Information Technology Life Cycle set forth in this rule:

(a) Defines a set of phases, tasks, activities and deliverables that are normally associated with information technology projects;

(b) Identifies a minimal set of tasks and activities that can be used to provide required deliverables;

(c) Provides a flexible set of phases, tasks, activities and deliverables that allow for variations in size, scope and complexity of information technology projects; and

(d) Provides a framework that can accommodate the use of various systems development methodologies, tools and techniques.

(4) Applicability.

(a) The Information Technology Life Cycle Policies and Standards of this rule chapter apply to all entities described in Section 216.011(1)(qq), F.S. As set forth in Section 282.3031, F.S., the functions of information resources management are assigned to the university boards of trustees; to the community college boards of trustees for the community colleges; to the Supreme Court for the judicial branch; to each state attorney and public defender; and to the State Technology Office for the agencies within the executive branch of state government.

(b) Exceptions. The policies and standards set forth in this rule chapter shall not affect the supervision, control, management or coordination of information technology and information technology personnel that any cabinet officer listed in s. 4, Art. IV, Florida Constitution deems necessary for the exercise of his or her statutory or constitutional duties.

Specific Authority 282.102(16) FS. Law Implemented 282.102(2) FS. History–New _____.

60DD-7.002 Project Management Methodology.

(1) Key Principle. The Project Management Methodology set forth in this rule chapter is aligned with the *Project Management Institute's (PMI®) Guide to the Project Management Body of Knowledge (PMBOK®)*, the recognized American National Standards Institute standard, incorporated by reference at subsection 60DD-7.014 (1), F.A.C.

(2) Project Management Methodology Overview. While no two projects are alike, all projects should progress through the same five project management phases:

(a) Project Origination – In this phase an individual proposes a project to create a product or develop a service that addresses a need for the Organization. The Organization submits the Project Proposal to an evaluation and selection process. If selected, a budget or further management commitment for the project is required before a Project Manager is assigned and the project is authorized to progress to Project Initiation. Processes include:

1. Develop a Project Proposal – Tasks include developing a Business Case and a Proposed Solution.

2. Evaluate a Project Proposal – Tasks include presenting, evaluating and optionally rating the Project Proposal using predetermined evaluation criteria.

3. Accepting or rejecting the Project Proposal.

(b) Project Initiation – A Project Manager is assigned and works with the Project Sponsor to identify the necessary resources and team members needed to further develop the key project parameters: Cost, Scope, Schedule and Quality. The Project Team documents its charge in the form of a Project Charter, which is based on the Project Proposal, which includes the initial Business Case. Approval of the Project Charter by the Project Sponsor authorizes the designated team to begin the initial planning effort. The initial Project Plan differs in the level of detail and the validity of its estimates from Project Origination, and must be at a level sufficient to acquire any additional resources needed to progress. The Project Plan also includes plans for involving and communicating with all parties that are affected by the project, as well as identification of an initial set of foreseeable risks that can threaten the project. At the conclusion of Project Initiation, based on the initial planning documents, the Business Case is revised and re-evaluated and a decision is made to either halt the project or proceed to Project Planning. Processes include:

1. Preparing for the Project – Tasks include identifying a Project Sponsor, identifying the initial Project Team, reviewing historical information, developing a Project Charter, conducting a Project Kick-Off Meeting and Establishing a Project Repository.

2. Defining the Cost, Scope, Schedule and Quantity – Tasks include defining the Project Scope, developing a high-level Schedule, identifying Quality Standards and establishing a Project Budget.

3. Performing Risk Identification – Tasks include identifying and documenting Risks.

4. Developing Initial Project Plan – Tasks include identifying and documenting Stakeholders' involvement in project, developing a Communication Plan, and compiling/gathering all information to produce the initial Project Plan.

5. Confirming Approval to Proceed to Next Step – Tasks include reviewing and refining the Business Case, preparing Formal Acceptance package, and gaining Approval Signature from Project Sponsor.

(c) Project Planning – This phase builds on the work done in Project Initiation, refining and augmenting Cost, Scope, Schedule, Quality and Project Plan deliverables. A number of key elements are added to the Project Plan, including project-specific items such as change control, acceptance management and issue management, as well as items such as organizational change management and project transition. The initial list of project risks is augmented, and detailed mitigation plans are developed. Project Planning marks the completion of the Project Plan. At the conclusion of Project Planning, the Business Case is revised and re-evaluated based on the completed planning documents and a decision is again made to either halt the project or commit the resources necessary for Project Execution and Control. Processes include:

1. Conducting Project Planning Kick-Off – Tasks include orienting new Project Team Members, reviewing outputs of Project Initiation and current Project Status, and kicking off project planning.

2. Refining the Cost, Scope, Schedule and Quality parameters – Tasks include refining the Project Scope, Project Schedule, Quality Standards and Quality Assurance activities and the Project Budget.

3. Performing Risk Assessment – Tasks include identifying new Risks and updating existing Risks as needed, quantifying the Risks and developing a Risk Management Plan.

4. Refining the Project Plan – Tasks include defining Change Control, Acceptance Management, Issues Management and Escalation processes, refining the Communications Plan, defining the Organizational Change Management Plan, establishing Time and Cost Baseline, developing the Project Team, and developing the Project Implementation and Transition Plan.

5. Confirming Approval to Proceed to Next Phase – Tasks include reviewing and refining the Business Case, preparing the Formal Acceptance package, and gaining Approval Signature from the Project Sponsor.

(d) Project Execution and Control – The phase where most of the resources are applied/expended on the project. The primary task of the Project Manager during this phase is to manage and control the tasks on the defined project Schedule to develop the product or service the project is expected to deliver and manage the project's budget, scope, schedule and risks. The Project Manager uses the processes and plans prepared during Project Initiation and Project Planning to manage the project, while preparing the business organization for the implementation of the product/service and for transitioning the product/service responsibility from the Project Team to the Organization. Processes include:

1. Conducting Project Execution and Control Kick-Off – Tasks include orienting new Project Team Members (as needed), reviewing outputs of Project Planning, and kicking-off Project Execution and Control.

2. Managing Cost, Scope, Schedule and Quality parameters – Tasks include managing the Project Scope, Project Schedule and Project Budget, and implementing Quality Control.

3. Monitoring and Controlling Risks – Tasks include monitoring and controlling Risks and impact Risks have on Costs, Scope, Schedule and Quality.

4. Managing Project Execution – Tasks include managing Change Control processes, acceptance of Deliverables, managing Issues, executing the Communication Plan, managing Organizational Change, managing the Project Team, and managing the Project Implementation and Transition Plan.

5. Gaining Project Acceptance – Task include conducting the Final Status Meeting and gaining Acceptance Signature from the Project Sponsor.

(e) Project Closeout – In this last phase the Project Team assesses the outcome of the project, as well as the performance of the Project Team and the Organization. This assessment is accomplished primarily through soliciting and evaluating feedback from Customers, Project Team members, Consumers and other Stakeholders. The primary purpose of this assessment is to document best practices and lessons learned for use on future projects. Key project metrics are also captured to enable the business Organization to compare and evaluate performance measurements across projects. Processes include:

1. Conducting the Post-Implementation Review – Tasks include soliciting Feedback, conducting Project Assessment, and preparing the Post-Implementation Report.

2. Performing Project Closeout – Tasks include updating skills inventory, providing performance feedback, and archiving Project Information (repository).

Specific Authority 282.102(16) FS. Law Implemented 282.102(2) FS. History—New _____.

60DD-7.003 Information Systems Development Methodology (ISDM).

(1) Key Objectives. The Information Technology (IT) Life Cycle outlines proven business practices to system developers, project managers, program/account analysts and business/system owners and users throughout agencies. Key objectives include:

- (a) To reduce the risk of project failure;
- (b) To consider system and data requirements throughout the entire life of the system;
- (c) To identify technical and management issues early;
- (d) To disclose all life cycle costs to guide business decisions;
- (e) To foster realistic expectations of what the systems will and will not provide;
- (f) To provide information to better balance programmatic, technical, management and cost aspects of proposed system development, modification and retirement;
- (g) To encourage periodic evaluations to identify systems are no longer effective;
- (h) To measure progress and status for effective corrective action;
- (i) To support effective resource management and budget planning; and
- (j) To consider meeting current and future business requirements.

(2) Key Principle.

(3) Information Systems Development Methodology Overview. While no two development efforts are exactly alike, there are ten standard phases and processes that all systems development projects should follow:

(a) Initiation – In Initiation, agency management, usually the Project Sponsor, determines it is necessary to enhance a business process through the application of information technology. An initial Business Case is prepared.

(b) Needs Assessment or Feasibility – The Business Case developed during Initiation is re-examined to ensure it is still appropriately defined and address an existing business need.

(c) Planning – This validation effort provides the Project Team with the basis for a detailed schedule defining the steps needed to obtain a thorough understanding of the business requirements and an initial view of staffing needs.

(d) Requirements Analysis – In Requirements Analysis, the needs of the Organization are captured in as much detail as possible. The Project Manager leads the Project Team in working with the Customers to define what the new system must do. By obtaining a detailed and comprehensive understanding of the business requirements, the Project Team can develop the Functional Specification that will drive the system design.

(e) Design – Design builds upon the work performed during Requirements Analysis, and results in a translation of the functional requirements into a complete technical solution. This solution dictates the technical architecture, standards, specifications and strategies to be followed throughout the building, testing and implementation of the system. The completion of Design also marks the point in the project at which the Project Manager should be able to plan, in detail, all future project phases.

(f) Acquisition/Development – Throughout Acquisition/Development, the Project Team builds and tests the various modules of the application, including any utilities that will be needed during Integration, Testing and Acceptance. As system components are built, they will be tested both individually and in logically related and integrated groupings until such time as a full system test has been performed to validate functionality. Documentation and training materials are also developed during this phase.

(g) Integration, Testing and Acceptance – During Integration, Testing and Acceptance, the focus of system validation efforts shifts from those team members responsible for developing the application to those who will ultimately use the system in the execution of their daily responsibilities. In addition to confirming that the system meets functional expectations, activities are aimed at validating all aspects of data conversion and system deployment.

(h) Implementation – The system or system modifications are installed and become operational during the Implementation. Activities include training, installation of the system in a production setting, and transition of ownership of the system from the Project Team to the Organization.

(i) Operations and Maintenance – This phase represents more than half the life cycle costs. In this phase, it is essential that all facets of operations and maintenance are performed and the system checked to ensure that it meets the needs initially stated in the Planning phase.

(j) Disposition – The Disposition Phase will be implemented to either eliminate a large part of a system or, as in most cases, close down a system and end the life cycle processes. The system, or hardware in this phase has been declared surplus or obsolete and will be scheduled for shut-down.

Specific Authority 282.102(16) FS. Law Implemented 282.102(2) FS. History—New _____.

60DD-7.004 Initiation Phase.

(1) Objective. Information Technology projects may be initiated as a result of change in federal, state or local law, change in agency business functions, business process improvement, or improvement in information technology. The purposes of the Initiation Phase are to:

- (a) Identify and validate an opportunity to improve business accomplishments of the Organization or a deficiency related to a business need;

(b) Identify significant assumptions and constraints on solutions to the stated need; and

(c) Recommend the exploration of alternative concepts and methods to satisfy the need.

(2) Tasks and Activities. The following activities shall be performed as part of the Initiation Phase:

(a) A Business Case should be clearly expressed in business terms. Sufficient detailed background should be provided to explain history, issues and customer service opportunities that can be realized through improvements to business processes with the potential support of information technology. A predetermination of a specific automated solution, tool or product should be made.

(b) A Project Sponsor should be appointed by the Organization to act as the principal authority on matters regarding the business need(s), the interpretation of functional requirements, and the mediation of issues regarding the priority, scope and domain of business requirements.

(3) Deliverables. The following deliverables shall be initiated during the Initiation Phase:

(a) Business Case – This may also be called a Concept Proposal, Project Proposal or Statement of Need. It identifies the business need, agency strategic goals not currently being met or mission performance needs to be improved.

(b) Other documents as required by agency.

(4) Phase Review and Approvals. Approval will be annotated on the Concept Proposal by the Project Sponsor and the Agency Chief Information Officer.

Specific Authority 282.102(16) FS, Law Implemented 282.102(2) FS, History–New _____.

60DD-7.005 Needs Assessment or Feasibility Phase.

(1) Objective. Needs Assessment or Feasibility assessment begins when the Business Case has been formally approved and additional analysis needed prior to the beginning of system development. Depending on the size, scope and complexity of the business need, a Feasibility Study may be required in lieu of a standard Needs Assessment.

(2) Tasks and Activities. The following activities shall be performed as part of the Needs Assessment or Feasibility Phase:

(a) The Project Team, if appointed at this phase, or business or technical experts should analyze all feasible technical, business process, and commercial alternatives which may meet the business need. Each alternative should then be analyzed in terms of life cycle cost, technical capability and schedule availability.

(b) A high-level baseline of schedule, cost, and performance measures should be prepared. The baseline estimates will be refined in subsequent phases.

(c) An Acquisition Strategy may be prepared which identifies who will accomplish the required work (such as in-house staff, external contractors, hosted solution). An

Acquisition Strategy may deal with issues such as currently available technologies, or Commercial Off-the-Shelf (COTS) solutions.

(d) An initial Risk Analysis should be performed which identifies any programmatic or technical risks and documented in a Risk Management Plan and possibly the Cost Benefit Analysis.

(e) Project Funding. staff and other resources should be clearly identified.

(3) Deliverables. The following deliverables shall be initiated during the Needs Assessment or Feasibility Phase:

(a) A Needs Assessment or Feasibility Study which identifies the scope, high-level requirements, benefits, business assumptions, and program costs and schedules. It records management decisions on the proposed system. If a Feasibility Study is required, it should also address whether feasible solutions exist before full life cycle resources are committed, as well as how the Organization will operate once the approved system is implemented and assess how the system will impact employees and customers.

(b) A Cost Benefit Analysis which identifies cost or benefit information for analyzing and evaluating alternative solutions to a problem and for making decisions about initiating, and continuing, the development of information technology systems. The analysis should clearly indicate the Total Cost of Ownership over the life of the system, or at least projected to five or more years.

(c) A high-level Project Spending Plan which addresses all proposed project and implementation costs.

(d) A Risk Management Plan which identifies project risks and specifies the plans to reduce or mitigate the risks.

(e) Other documents as required by agency.

(4) Approvals. Results of this phase should be presented to all Stakeholders and Customer Decision Makers, along with a recommendation to:

(a) Proceed to next phase; or

(b) Continue additional Needs Assessment or Feasibility analysis; or

(c) Terminate the project.

(5) Phase Review and Approvals. Approval will be annotated on the Business Case by the Project Sponsor, the Agency Chief Information Officer, and any other agency staff as needed (for example, Budget or Planning Officer).

Specific Authority 282.102(16) FS, Law Implemented 282.102(2) FS, History–New _____.

60DD-7.006 Planning Phase.

(1) Objective. To ensure the products or services being acquired or developed provide the required capability on-time and within budget, items such as project resources, activities, schedules, tools, and reviews are clearly defined.

(2) Tasks and Activities. The following activities shall be performed as part of the Planning Phase:

(a) The Acquisition Strategy is reviewed and the role of system development contractors is reviewed and finalized. For example, one strategy option may include system contractors to be used in the Requirements Analysis Phase. In this case, the Planning Phase must include solicitation preparation and source selection of the participating contractors.

(b) The Project Schedule should be refined taking into account risks and resource availability.

(c) All processes to be used for the remainder of the project should be clearly identified. This may result in establishing teams or work groups for creating, gathering or adapting/adopting processes such as quality assurance, configuration management, change management and change control.

(d) Establish relationships and agreements with internal and external organizations that will be involved with the project.

(e) Develop the Project Management Plan which will be used to execute the management aspects of the project. A Work Breakdown Structure should also be created at this time.

(f) Study and analyze security implications of the technical alternatives and ensure the alternatives address all aspects or constraints imposed by security requirements. These may be documented in a System Security Plan as needed.

(g) Depending on the Acquisition Strategy, the Planning Phase may be used to plan the solicitation and the selection criteria for awarding all external acquisition solutions, or the Planning Phase may be delayed until the completion of the Requirements Analysis Phase in order to distribute the detailed Functional Requirements Document to prospective vendors.

(3) Deliverables. The following deliverables shall be initiated during the Planning Phase.

(a) An Acquisition Plan which addresses how all state resources, contractor support services, hardware, software, security, telecommunications and other resources as needed will be acquired during the life of the project.

(b) A Configuration Management Plan shall be prepared which describes the process that will be used to identify, manage, control and audit the project's configuration. This plan should also define the configuration management structure, roles and responsibilities to be used in executing these processes.

(c) A Quality Assurance Plan shall be prepared which documents that the delivered products or services satisfy contractual agreements, and meet or exceed quality standards established in the prior phase.

(d) A System Security Plan shall be prepared consistent with the Florida Information Resource Security Policies and Standards detailing the types of information technology security required based, at a minimum, on the type of information being processed and the degree of sensitivity.

(e) A Project Management Plan, or Project Plan, shall be prepared for all projects regardless of size or scope. It shall document the required job tasks, schedule, allocated resources and interrelationships with other projects, milestones and review requirements.

(f) A Performance Management Plan shall be prepared that identifies the performance measurements, and associated metrics, that will be satisfied by completion of the project.

(g) An initial Testing or Validation Plan may be prepared at this phase, or delayed until the Requirements Analysis Phase.

(h) Other documents as required by agency.

(4) Phase Review and Approvals. The Project Manager, together with the Project Team, will prepare and present a Project Status Review for the Project Sponsor and all Customer Decision Makers and Stakeholders (as needed). The review should address:

(a) Planning Phase activities status;

(b) Planning Status for subsequent phases – emphasizing details of next phase;

(c) Resource Availability; and

(d) Outstanding Issues or Risks.

Specific Authority 282.102(16) FS. Law Implemented 282.102(2) FS. History—New _____.

60DD-7.007 Requirements Analysis Phase.

(1) Objective. The Requirements Analysis Phase begins when the Project Sponsor has approved all Planning documents associated with the project. The analysis gathered in this phase may reveal new insights into the overall information systems requirements. When this occurs, all deliverables will be revised to reflect the updated analysis. The emphasis should be on determining what functions must be performed, rather than how to perform those functions. Information gathered in this phase includes:

(a) Inputs,

(b) Processes (described at the functional level),

(c) Outputs,

(d) Interfaces, and

(e) Other agency requirements as needed.

(2) Tasks and Activities. The following activities shall be performed as part of the Requirements Analysis Phase:

(a) Analyze and Document Requirements. Project Team members should analyze the intended use of the system and specify the functional and data requirements. Data and workflow diagrams, entity-relationship diagrams and/or process models may be prepared to represent relationships between business functions and required data. A high-level technical architecture and logical design may be prepared that describes the key processes and data needed to support the desired business functionality. Users and business area experts

should be used to evaluate all identified processes and data structures to ensure accuracy and completeness. Items to be evaluated include:

1. Functional and capability specifications, including performance, physical characteristics and environmental conditions;

2. External interfaces;

3. Safety specifications, including those related to operations and maintenance, environment, personal injury;

4. Security specifications;

5. Data definitions and database requirements;

6. Installation and acceptance requirements;

7. User documentation; and

8. User operation and maintenance requirements.

(b) Develop Test Criteria and Plan. If not begun earlier, identify test criteria and prepare Test Plan. The Test Plan will include information about the test environment, what tests will be performed, test procedures, and traceability back to the business requirements.

(c) Develop Interface Control Document. If there are any external interfaces, identify each interface, the data exchanged and security requirements.

(d) Conduct a Functional and Data Requirements Review to validate that all requirements are sufficiently detailed and can be tested.

(3) Deliverables. The following deliverables shall be initiated during the Requirements Analysis Phase:

(a) A Functional Requirements Document shall be prepared which will serve as the foundation for system design and development.

(b) A Test or Validation Plan shall be prepared which ensures that all aspects of the system are properly tested and can be implemented. The Test Plan shall identify the scope, content, methodology, sequence, management of, and responsibilities for test activities. Acceptance tests shall be performed in a test environment that duplicates the production environment as much as possible. Types of testing include:

1. Unit/module testing;

2. Subsystem integration testing;

3. Independent security testing;

4. Functional qualification testing;

5. User acceptance testing; and

6. Beta testing.

(c) An Interface Control Document which provides an outline for use in the specification of requirements imposed on one or more systems, subsystems or other system components.

(4) Phase Review and Approvals. The Project Manager, together with the Project Team, will prepare and present a Project Status Review for the Project Sponsor and all Customer Decision Makers and Stakeholders (as needed). The review should address:

(a) Requirements Analysis Phase activities status;

(b) Planning Status for subsequent phases – emphasizing details on next phase to include pending contract actions;

(c) Resource Availability; and

(d) Outstanding Issues or Risks.

Specific Authority 282.102(16) FS. Law Implemented 282.102(2) FS. History—New _____.

60DD-7.008 Design Phase.

(1) Objective. The objective of the Design Phase is to transform the detailed, defined Functional Requirements into complete detailed Functional Specifications. The decisions made in this phase address, in detail, how the system will meet the defined functional, physical, interface, and data requirements. Design Phase activities may be iterative, producing first a general system design that outlines the functional features of the system, then a more detailed design that expands the general design by providing all technical data.

(2) Tasks and Activities. The following tasks and activities performed during the Design Phase may vary depending on the project:

(a) Identify the Development, Testing and Production Environments. Describe the architecture where the application/software will be developed and tested and who is responsible for this activity.

(b) Design the Application. Identify general system characteristics and data storage and access requirements for any database(s). Also identify all user interfaces, business rules and application logic. A top-level architecture of the system should be documented identifying all hardware, software and manual operations.

(c) Begin written documentation that will ensure continued operation of the system once it is completed.

(d) A Preliminary Design Review may be performed at this point to ensure the initial design concept is consistent with the overall architecture and satisfies the functional, security and technical requirements specified in the Functional Requirements Document.

(e) A User Manual or other user documentation may be initially drafted for all intended end-users. Be sure to address Americans with Disabilities Act (ADA) requirements.

(f) Design Conversion/Migration/Transition Strategies that may be needed when converting current information to the new system.

(g) Conduct a Security Risk Assessment which addresses assets, threats, vulnerabilities, likelihood, consequences and safeguards of all system components. The Risk Assessment should be evaluated for compliance with baseline security requirements.

(h) Conduct a Critical Design Review of all design documents at the end of the Design Phase and verify that all functional, security, and technical requirements are consistent with the overall architecture.

(3) Deliverables. The following deliverables shall be initiated during the Design Phase:

(a) A Security Risk Assessment which will identify the threats and vulnerabilities of the system to determine the risks and address appropriate and cost-effective measures.

(b) A Conversion Plan describing the strategies involved in converting data from an existing system to another hardware or software environment. The original system's functional requirements should be re-examined, if possible, to determine if the original requirements are still valid.

(c) A Systems Design Document which describes the system requirements, operating environment, system and subsystem architecture, files and database design, input formats, output layouts, user interfaces, detailed design, processing logic and all external interfaces. It is used in conjunction with the Functional Requirements Document to provide a complete system specification of all user requirements for the system. The Systems Design Document should reflect the user's perspective of the system design.

(d) An Implementation Plan should be prepared which describes how the information system will be deployed and installed into an operational system. The plan should contain an overview of the system, a brief description of the major tasks required for implementation, the overall resources needed to support the implementation effort (including hardware, software, facilities, materials, staffing resources), and any site-specific requirements.

(e) An Operations Manual or System Administration Manual Depending on environment (such as mainframes), these manuals include a detailed operational description of the information system and its associated environment.

(f) A Training Plan should be prepared which outlines the objectives, needs, strategy and curriculum to be address when training users on the new or enhanced system.

(g) A User Manual should be prepared (if not already started) which contains all essential information for the user to make full use of the information system. This manual should include a description of the system functions and capabilities, contingencies and alternate modes of operation, and step-by-step procedures for system access and use.

(4) Phase Review and Approvals. The Project Manager, together with the Project Team, will prepare and present a Project Status Review for the Project Sponsor and all Customer Decision Makers and Stakeholders (as needed). The review should address:

(a) Design Phase activities status;

(b) Planning Status for subsequent phases – emphasizing details on the next phase to include pending contract actions;

(c) Resource Availability; and

(d) Outstanding Issues or Risks.

Specific Authority 282.102(16) FS. Law Implemented 282.102(2) FS. History–New _____.

60DD-7.009 Acquisition/Development Phase.

(1) Objective. The objective of the Development Phase is to convert the deliverables of the Design Phase into the complete information system. Although much of the activity is related to computer programs, this phase also puts into place the hardware, software, security and communications environments for the system.

(2) Tasks and Activities. The following tasks and activities performed during the Development Phase may vary depending on the project:

(a) Code and Test Software according to agency standards and approved specifications.

(b) Integrate the software configuration items with hardware configuration items, manual operations and other systems as necessary.

(d) Install software in Development and Test environments in accordance with the Installation Plan. When the installed software product is replacing an existing system, the developer shall support any parallel activities as required. The developer shall ensure that the software code and databases initialize, execute and terminate as specified.

(e) Conduct Software Testing using approved Test or Validation Plan.

(3) Deliverables. The following deliverables shall be initiated during the Acquisition/Development Phase:

(a) A Contingency Plan which contains emergency response procedures; backup arrangements, procedures, and responsibilities; post-disaster recovery procedures and responsibilities. Contingency Plans shall be routinely reviewed, updated and tested to enable vital operations and resources to be restored as quickly as possible.

(b) A Software Development Document shall be prepared which contains documentation pertaining to the development of each unit or module, including test cases, software, test results, approvals and any other items that will help explain the functionality of the software.

(c) The actual System Software.

(d) Test Files and Data shall be provided by the end of this phase.

(e) An Integration Document which explains how the software components integrate with the hardware components.

(4) Phase Review and Approvals. The Project Manager, together with the Project Team, will prepare and present a Project Status Review for the Project Sponsor and all Customer Decision Makers and Stakeholders (as needed). The review should address:

(a) Acquisition/Development Phase activities status;

(b) Planning Status for subsequent phases – emphasizing details on the next phase to include pending contract actions;

(c) Resource Availability; and

(d) Outstanding Issues or Risks.

Specific Authority 282.102(16) FS. Law Implemented 282.102(2) FS.
History—New _____.

60DD-7.010 Integration, Testing and Acceptance Phase.

(1) Objective. The objective of this phase is to prove that the developed system satisfies the requirements defined in the Functional Requirements Document. Several types of tests may be conducted at this phase, including user acceptance testing, which should be done in a simulated “real” user environment.

(2) Tasks and Activities. The following tasks and activities performed during the Integration, Testing and Acceptance Phase may vary depending on the project:

(a) Establish the Test Environment. If not previously completed, the final test environment should be created and all test teams in place and familiar with Test or Validation Plan.

(b) Conduct Integration Testing and Security Testing. The test database(s) should be loaded with appropriate test data and the Test or Validation Plan executed for all system tests. All results shall be documented. Failed components shall be migrated back to the Development Phase for rework and passed components moved forward to Acceptance Testing.

(c) Conduct Acceptance Testing. Whenever possible, this should be restricted to users only. Failed components should be migrated back to the Development Phase for rework and passed components moved forward to Implementation.

(3) Deliverables. The following deliverables shall be initiated during the Integration, Testing and Acceptance Phase:

(a) A Test Analysis Report which documents each test – unit/module, subsystem integration, system, user acceptance and security. This report should also include a brief summary of the perceived readiness for migration to Production.

(b) A Test Problem Report which documents problems encountered during testing.

(c) A Security Certification and Assessment, when appropriate.

(4) Phase Review and Approvals. The Project Manager, together with the Project Team, will prepare and present a Project Status Review for the Project Sponsor and all Customer Decision Makers and Stakeholders (as needed). The review should address:

(a) Integration, Testing and Acceptance Phase activities status;

(b) Planning Status for subsequent phases – emphasizing details on next phase to include pending contract actions;

(c) Resource Availability; and

(d) Outstanding Issues or Risks.

Specific Authority 282.102(16) FS. Law Implemented 282.102(2) FS.
History—New _____.

60DD-7.011 Implementation Phase.

(1) Objective. In this phase the system or system modifications are installed and made operational in a Production environment. This phase is initiated after the

system has been tested (which may be an iterative process) and accepted by the Customer Decision-Makers and the Project Manager.

(2) Tasks and Activities. The following tasks and activities performed during the Implementation Phase may vary depending on the project:

(a) Notifying Users of new implementation. An implementation notice shall be sent to all users and organizations directly or indirectly affected by the implementation. The notice shall include:

1. The schedule of the Implementation;

2. A brief summary of the benefits of the system;

3. A summary of the difference between the old and new system;

4. The responsibilities of users affected by the implementation during this phase; and

5. The process to follow for system support (including contact names and phone numbers).

(b) Execute the Training Plan ensuring that all users have received adequate training prior to implementation of new system or major enhancements.

(c) Perform Data Entry or Conversion. Regardless of whether this data is manual or in an automated form, data input and verification are critical activities in this phase. Various verification methods may be used including Parallel Testing of old and new systems.

(d) Install System in Production environment.

(e) Conduct Post-Implementation Review to determine the success of the project through the Implementation Phase, recommend system enhancements and provide feedback for future similar projects. All user requests for changes to the system after Implementation should be carefully documented and evaluated with initial Functional Requirements and System Design.

(3) Deliverables. The following deliverables shall be initiated during the Implementation Phase:

(a) Delivered System. After the Implementation Phase Review, some form of approval shall be signed by the Product Manager.

(b) A Change Implementation Notice which identifies any formal requests and approvals for changes made during Implementation.

(4) Phase Review and Approvals. During the Implementation Phase Review, recommendations may be made to correct errors, improve user satisfaction or improve system performance. For contract development, analysis should be performed to determine if additional activity is within the scope of the Statement of Work or within the original contract. The Project Manager should sign-off on the final Implementation and verify the acceptance of the delivered system by the system users/owner.

Specific Authority 282.102(16) FS. Law Implemented 282.102(2) FS.
History—New _____.

60DD-7.012 Operations and Maintenance Phase.

(1) Objective. The emphasis of this phase is to ensure that the users' needs are met and the system continues to perform as specified in the operational environment. Additionally, as operations and maintenance personnel monitor the current system they may become aware of better ways to improve the system and therefore make recommendations. Changes will be required to fix problems, possibly add features and make improvements to the system. This phase will continue as long as the system is in use.

(2) Tasks and Activities. The following tasks and activities performed during the Operations and Maintenance Phase may vary depending on the project:

(a) Identify Systems Operations. This may be performed by one or more users depending on the size of the system and the number of platforms. The Operations Manual should have been prepared which identifies tasks, activities and responsible parties for performing day-to-day system operations. This Manual should continue to be updated as needed. Key tasks and activities include:

1. Ensure that systems and networks are running and available during defined hours of operation;

2. Implement non-emergency requests during scheduled outages;

3. Ensure all processes (manual and automated) are documented in the operating procedures and comply with system documentation;

4. Acquisition and storage of supplies;

5. Perform backups;

6. Perform physical security functions including ensuring adequate personnel have proper security clearances and proper access privileges;

7. Ensure contingency planning for disaster recovery is current and tested;

8. Ensure users are trained on current and new processes;

9. Ensure that service level objectives are kept accurate and are monitored;

10. Maintain performance measurements, statistics, and system logs; and

11. Monitor performance statistics, reporting results and escalating problems when they occur.

(b) Maintain Data and Software Administration is needed to ensure that input and output data and databases are correct and continually checked for accuracy and completeness. This includes ensuring that regularly scheduled jobs are submitted and completed correctly. Key tasks and activities include:

1. Performing a periodic validation of data; correcting data related problems when necessary;

2. Performing Production Control and Quality Control functions;

3. Interfacing with other functional areas for day-to-day checking/corrections;

4. Installing, configuring, upgrading and maintaining databases (including updating processes, data flows and objects);

5. Developing and performing data/database backup and recovery routines for data integrity and recoverability;

6. Developing and maintaining a Performance and Tuning Plan for online processes and databases; and

7. Performing configuration/design audits to ensure software, system, parameter configurations are correct.

(c) Identify Problem Management and Change Management Process. A User Satisfaction Review or Customer Satisfaction Survey should be periodically distributed to all, or a percentage of users, to determine if systems are accurate and reliable. Additionally, System administrators and operators should have a method to make recommendations for upgrade of hardware and/or system architecture. A request for modifications to a system may result in a new project and a new project initiation plan.

(d) Maintenance of System/Software. Daily operation of the system/software may necessitate that maintenance personnel identify potential modifications needed to ensure the system continues to operate as intended, and produces quality data. Modifications may be needed to provide new capabilities or to take advantage of hardware upgrades or new releases of system and application software used to operate the system. New capabilities may begin a new problem modification process resulting in a new project and a new project initiation plan.

(e) Maintenance of System Documentation. As modifications are made to the Production Environment, all previously prepared documents should be updated. This includes: System Security Plan, Operations Manual, Contingency Plan, and others as needed.

(3) Deliverables. The following deliverables shall be initiated during the Operations and Maintenance Phase:

(a) In-Process Review Report. In-Process Reviews (IPR) shall be scheduled on a predetermined schedule (quarterly recommended, but at least once a year) to monitor performance measures against baseline measures. Results of this review may be documented in an In-Process Review Report.

(b) User Satisfaction Reports which can be used as a tool to determine the current user satisfaction with the performance capabilities of an existing application or initiate a proposal for a new system.

(4) Phase Review and Approvals. Review activities will occur periodically to determine whether:

(a) The system is operating as intended and meeting performance expectations;

(b) The system is not operating as intended and needs corrections or modifications; and

(c) The users are satisfied with the operation and performance of the system.

(d) Any major system modifications needed after the system has been implemented will follow the Information Systems Development Methodology as outlined in this rule chapter.

Specific Authority 282.102(16) FS. Law Implemented 282.102(2) FS. History–New _____.

60DD-7.013 Disposition Phase.

(1) Objective. The State Technology Office recognizes that as advancements in technology force more information technology products into the waste stream, this equipment could pose significant environmental hazards if not properly disposed or recycled. The purpose of this phase is to encourage the reuse and recycling of used information technology equipment.

(2) Tasks and Activities. The following tasks and activities performed during the Disposition Phase may vary depending on the project:

(a) Prepare Disposition Plan which identifies:

1. How and when the termination of the system/data will be conducted, and when

2. System Termination Date;

3. Software components to be kept;

4. Data to be maintained for audit purposes; and

5. Disposition of remaining equipment.

(b) Archival or Transfer of Data – It is the sole responsibility of each agency in accordance with Rule 60DD-2.009, F.A.C., to erase all confidential or exempt information contained in all electronic memory components from information technology equipment prior to transfer or final disposition.

(c) Archival or Transfer of Software components

(d) Transfer of Information Technology Equipment.

1. Prior to final disposition of information technology equipment or trade of surplus equipment for new information technology equipment, agencies shall, consistent with the requirements of Chapter 273, Florida Statutes, transfer information technology equipment to other agencies, political subdivisions, non-profit corporations or educational institutions. Agencies wishing to transfer such equipment may utilize the placement services of the State Technology Office's Digital Divide Council at www.digitaldividecouncil.com or by writing to:

State Technology Office

Attention: Digital Divide Council

4030 Esplanade Way

Tallahassee, Florida 32399-0950

2. Property containing hazardous materials, including, lead that is contained within the solder on electronic circuit boards, lead in cathode ray tube glass and frit, UPS battery back-up batteries, cadmium and lithium found within rechargeable batteries, and mercury that is found within telecommunications or electrical distribution switching

equipment, that cannot be transferred as set forth in subparagraph 60DD-7.013(2)(d)1., Florida Administrative Code, should be disposed of consistent with section 403.705, F.S., and Rule Chapter 62-730, F.A.C., Dept. of Environmental Protection Rules for Hazardous Waste.

(e) Final Disposition Procedures – The final disposition of information technology shall be in accordance with Chapter 273, Florida Statutes and shall include the following information:

1. All items that are recycled or disposed of must be certified as surplus, and be examined by one or more review boards, to make recommendations on approval or disapproval of classification of the information technology items as surplus.

2. Each holding agency must develop and implement rules or guidelines outlining the processes to properly and legally dispose of information technology and must retain all associated documentation to be presented during formal audit procedures.

3. Each holding agency shall document the following information regarding the information technology equipment:

a. Agency Property Identification number, serial number, manufacturer's name, equipment type, and model number.

b. Condition value of the information technology equipment, utilizing definitions set forth in subsection 60DD-7.001(2), F.A.C.

c. Facts and circumstances regarding transfer or disposal of the equipment, including compliance with all applicable environmental protection laws.

d. Documentation of recycling or disposal actions shall be reported to the respective agency Asset Manager/Property Administrator.

e. For any software, hardware, or data that is collected during the disposition, the holding agency shall retain for future use. Software licensing data and any applicable maintenance agreement information shall be adjusted to reflect the transaction(s).

Specific Authority 282.102(16) FS. Law Implemented 282.102(2) FS. History–New _____.

60DD-7.014 Standards Adopted.

The Project Management Methodology set forth in this rule chapter shall be construed consistent with the *Project Management Institute's (PMI®) Guide to the Project Management Body of Knowledge (PMBOK®)*, the recognized American National Standards Institute standard, which is hereby incorporated by reference. Copies can be obtained at www.ansi.org or by writing to:

American National Standards Institute

1819 L Street, NW, Suite 600

Washington, DC 20036

Specific Authority 282.102(16) FS. Law Implemented 282.102(2) FS. History–New _____.

NAME OF PERSON ORIGINATED PROPOSED RULE: Dee Lopez, State Technology Office, Department of Management Services.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marsteller, Chief Information Officer, State Technology Office, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 14, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 2004

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE CHAPTER TITLE: Florida State Employees' Charitable Campaign
 RULE CHAPTER NO.: 60L-39

RULE TITLES: General Requirements 60L-39.002
 Statewide Steering Committee 60L-39.003
 Application Procedures 60L-39.005
 Duties and Responsibilities of the Fiscal Agent 60L-39.006

PURPOSE AND EFFECT: Amend the rules regarding the Florida State Employees' Charitable Campaign.

SUMMARY: The amendments clarify the role of the Steering Committee of the Florida State Employees' Charitable Campaign and eliminate redundant language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 110.181(3)(a) FS.

LAW IMPLEMENTED: 110.181 FS.

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

TIME AND DATE: 2:00 p.m., November 8, 2004

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should advise the Department at least 2 calendar days before the workshop, by contacting Marta McPherson: (850)488-2707.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Kuczanski, Chairman, Florida State Employees' Charitable Campaign, Department of Management Services, 4050 Esplanade Way, Suite 280L, Tallahassee, Florida 32399-0950, (850)414-6736

THE FULL TEXT OF THE PROPOSED RULES IS:

60L-39.002 General Requirements.

(1) The State of Florida has an interest in establishing a single state employee charitable campaign that (a) minimizes workplace disruption and administrative costs and (b) ensures the voluntary nature of employee participation.

(2) The State of Florida has an obligation to ensure that organizations participating in the FSECC meet the eligibility criteria outlined in Rule 60L-39.004, F.A.C.

(3) Truly voluntary giving is fundamental to FSECC fundraising activities. Actions that do not allow free choices, or that even create the appearance that employees are not free to choose whether to give, are contrary to FSECC fundraising policy.

(4) The FSECC shall be the only workplace charitable fundraising program in state government that receives official state coordination and support.

(5) Charitable organizations and federations shall not permit, plan, or conduct distribution of any materials, solicitation, or services within State facilities as part of the campaign, except for the campaign materials approved by the Steering Committee. Organizations and federations are encouraged, however, to publicize their activities and solicit employee participation in the FSECC through the news media or other private outlets outside State facilities.

(6) A geographical area campaign brochure shall not list both the state or national charitable organization and its local affiliate or other subunit. Similarly-named organizations shall not be listed, unless the Steering Committee determines they do not deliver services to overlapping or identical geographical areas. In cases where dual listings occur, and the organizations cannot resolve the issue themselves, the Steering Committee shall grant preference for listing in the following order: (a) local, (b) state, and then (c) national.

(7) Campaign brochures shall:

(a) Include the words Florida State Employees' Charitable Campaign on the front cover;

(b) Include the official FSECC logo on the front cover; and

(c) Exclude the area fiscal agent logo and name, except as contact information within the brochure.

Specific Authority 110.181(3) FS. Law Implemented 110.181 FS. History--New 1-6-02, Amended _____

60L-39.003 Statewide Steering Committee.

(1) The members of the FSECC Steering Committee, whose members shall serve staggered four-year terms, shall:

(1) Establish the policies and guidelines of the campaign, which shall include the following:

~~(2)(a) The FSECC Steering Committee shall arrange publication of information about the application process – including deadlines, address for obtaining materials, and criteria for eligibility – in sufficient time to prepare applications and supporting documentation.~~

~~(3)(b) The FSECC Steering Committee shall review all new and renewing applications before June 1 on the basis of their compliance with the established criteria and their timely submission.~~

~~(e) Review the required documentation submitted by federations for each of their member organizations that participated in the prior year’s campaign.~~

~~(d) Each year the committee will review the renewal applications and documentation for each independent or unaffiliated agency, whether new or renewing.~~

~~(2) Decide all applications by a simple majority vote of those members attending, so long as a quorum of the membership is present.~~

~~(3) Review and approve the campaign brochures, which shall:~~

~~(a) Include the words Florida State Employees’ Charitable Campaign on the front cover;~~

~~(b) Include the official Campaign logo on the front cover;~~

~~(c) Exclude the area fiscal agent logo and name, except for contact information within the brochure.~~

~~(4) The FSECC Steering Committee shall notify applicants of decisions on applications within a period that allows time for an appeal in accordance with Rule 60L-39.007, F.A.C.~~

Specific Authority 110.181(3) FS. Law Implemented 110.181 FS. History–New 1-6-02, Amended 3-5-04,_____.

60L-39.005 Application Procedures.

(1) Annual applications for participation in the FSECC (Form DMS-ADM-100, Application for Participation in the Florida State Employees’ Charitable Campaign, effective ~~March 5, 2004, and Form DMS-ADM-101, Renewing Organization Application for Participation in the Florida State Employees’ Charitable Campaign,~~ _____ effective which are hereby incorporated by reference) shall be submitted to the Steering Committee Chair. Applications must be postmarked by April 1 of each year for a charitable organization to be considered eligible for that year’s Campaign. A federation shall submit applications on behalf of its member organizations. Form DMS-ADM-100 can be obtained by writing to:

Florida State Employees’ Charitable Campaign
 Department of Management Services
 4050 Esplanade Way, Suite 280
 Tallahassee, Florida 32399-0950

(2) Any organizations that did not participate in the FSECC during the previous year ~~and all independent/unaffiliated organizations~~ shall submit a complete

~~application with documentation verifying compliance with eligibility outlined in Section 110.181(1), F.S. and Rule 60L-39.004, F.A.C. Form DMS-ADM-100, incorporated by reference at subsection 60L-39.005(1), F.A.C.~~

~~(3) Renewing applications (Form DMS ADM 101, Renewing Organization Application for Participation in the Florida State Employees’ Charitable Campaign, effective March 5, 2004, which is hereby incorporated by reference) must be postmarked by April 1 of each year for a charitable organization to be considered eligible for that year’s Campaign. A federation shall submit renewing applications on behalf of its member organizations. Form DMS ADM 101 can be obtained by writing to:~~

Florida State Employees’ Charitable Campaign
 Department of Management Services
 4050 Esplanade Way, Suite 280
 Tallahassee, Florida 32399-0950

~~(4) If any member is new to a federation, or did not participate in the FSECC during the previous year, the federation shall provide a complete application and sufficient documentation to verify that the member is in compliance with all relevant criteria.~~

~~(3)(5) The Steering Committee shall request additional information from an applicant if necessary for purposes of clarifying eligibility. Requested information must be supplied within five working days of the receipt of the Committee’s request.~~

Specific Authority 110.181(3) FS. Law Implemented 110.181 FS. History–New 1-1-02, Amended 3-5-04,_____.

60L-39.006 Duties and Responsibilities of the Fiscal Agent.

(1) The state fiscal agent, which the Department shall select through competitive procurement, shall provide state level coordination of the campaign and oversee the activities of area fiscal agents, which receive, account for, and distribute charitable contributions among participating charitable organizations. The state fiscal agent shall ensure that campaign brochures and materials treat all participating organizations and federations equally and fairly. Campaign brochures shall provide fair listing order and the same type, size, and color print for all participating organizations and for all federations.

(2) The duties and responsibilities of the area fiscal agent shall include the following:

(a) Selecting, training and managing a local steering committee composed of state employees in the fiscal agent area to assist in conducting the campaign and to direct the distribution of undesignated funds.

(b) Training employee keyworkers and volunteers in the methods of non-coercive solicitation.

(c) Honoring employee designations.

(d) Helping to ensure that no employee is coerced or questioned as to the employee's designation or its amount, other than for arithmetical inconsistencies.

(e) Responding in a timely and appropriate manner to inquiries from employees, participating organizations, federations and/or the Steering Committee.

(f) Notifying participating organizations and federations of the name and address of the local steering committee chairperson and ensuring them access to the steering committee meetings.

(g) For meetings during which undesignated funds will be discussed, ensuring a minimum of a two-week notice to participating ~~organizations and~~ federations is provided required.

(h) Ensuring that distribution of undesignated funds is limited to participating organizations and federations in the FSECC.

(i) Ensuring the timely distribution of campaign funds to participating organizations and federations.

(j) Withholding the reasonable costs for conducting the campaign and for accounting and distribution to the participating organizations and federations. These costs shall be shared proportionately by the participating federations and independent/unaffiliated organizations based on their percentage share of the gross campaign.

Specific Authority 110.181(3) FS. Law Implemented 110.181 FS. History--New 1-6-02, Amended 3-5-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: John Kuczwanski, Chairman, Florida State Employees' Charitable Campaign Steering Committee

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Kuczwanski, Chairman, Florida State Employees' Charitable Campaign Steering Committee

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 13, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States
RULE NO.: 61G1-11.017

PURPOSE AND EFFECT: The propose rule is intended to address the eligibility of exemption from licensure renewal requirements for a licensee who is the spouse of a member of the U.S. Armed Forces.

SUMMARY: After the showing of proof to the Board, a licensee who is the spouse of a member of the Armed Forces of the United States and has been caused to be absent from the State of Florida because of their spouse's duties with the Armed Forces shall be exempt from all licensure renewal provisions under these rules during such absence.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.02(2) FS.

LAW IMPLEMENTED: 455.02(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-11.017 Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States. A licensee who is the spouse of a member of the Armed Forces of the United States and has been caused to be absent from the State of Florida because of their spouse's duties with the Armed Forces shall be exempt from all licensure renewal provisions under these rules during such absence. The licensee must show proof to the Board of their absence from the state and the spouse's military status.

Specific Authority 455.02(2) FS. Law Implemented 455.02(2) FS. History--New_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: The Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Approved Form; Incorporation
RULE NO.: 61G4-12.006

PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth the single form currently utilized by the Board.

SUMMARY: The proposed rule amendment clarifies the rule with regard to the form utilized by the Board and incorporated by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

No Statement of Estimated Regulatory Cost was prepared. Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 489.108 FS.

LAW IMPLEMENTED: 120.52(15), 489.108, 489.143 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-12.006 ~~List of Approved Forms~~; Incorporation.

The following forms used by the Board in its dealings with the public ~~is~~ ~~are~~ hereby adopted and incorporated by reference, and can be obtained from the Board at the following address: Florida Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-1039.

~~(1) Registrations:~~

~~(a) Application for Contractor Registration, DBPR/CILB/031 (Rev. 01/01);~~

~~(b) Registration Change of Status, DBPR/CILB/017 (Rev. 01/01);~~

~~(2) Certifications: Certification Change of Status, DBPR/CILB/025 (Rev. 01/01);~~

~~(3) Examinations:~~

~~(a) Applicant Information Booklet - Construction Examinations, DBPR/CILB/007 (Rev. 01/01);~~

~~(b) Application for Certification Examination, DBPR/CILB/001 (Rev. 01/01);~~

~~(c) Application for Retake Certification Examination, DBPR/CILB/002 (Rev. 7/00);~~

~~(4) Continuing Education:~~

~~(a) Sponsor/Course Approval Application, DBPR/CILB/057/2/98;~~

~~(b) CILB Continuing Education for Contractors Attendance Roster, DBPR/CILB/055 (Rev. 1 95);~~

~~(c) Instructors' Qualifications Form, DBPR/CILB/058/1-94;~~

~~(d) CILB Disciplinary Hearings Attendance Sheet, DBPR/CILB/056/1-94;~~

~~(5) Licensing:~~

~~(a) Application for Qualified Business Organization (QB) License Number, DBPR/CILB/029/ (Rev. 01/01);~~

~~(b) Qualified Business Organization (QB) Change of Status Application, DBPR/CILB/030/ (Rev. 01/01);~~

~~(c) Financially Responsible Officer (FRO) Application, DBPR/CILB/021/ (Rev. 01/01);~~

~~(d) Application to Qualify an Additional Business Organization, DBPR/CILB/020 (Rev. 01/01);~~

~~(e) Limited Non-Renewable Registration Requirements and Application, DBPR/CILB/033 (Rev. 01/01);~~

~~(6) Construction Industries Recovery Fund: Construction Industries Recovery Fund Claim Form, DBPR/CILB/022 (Rev. 01/01);~~

~~(7) Application for Certification of Registered Contractors, DBPR/CILB/032/ (Rev. 01/01);~~

Specific Authority 489.108 FS. Law Implemented 120.52(15), 489.108, 489.143, 489.115, 489.118, 489.119, 489.1195 FS. History-New 1-6-80, Formerly 21E-12.06, Amended 1-1-89, Formerly 21E-12.006, Amended 1-4-94, 2-24-94, 11-23-95, 2-6-96, 7-22-96, 11-25-97, 8-2-98, 2-24-00, 3-26-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Approval of Continuing Education Courses

RULE NO.: 61G4-18.004

PURPOSE AND EFFECT: The proposed rule amendments are intended to set forth the criteria for course providers making application to the Board to offer interactive distance learning courses.

SUMMARY: The proposed rule amendments set forth the criteria for course providers offering interactive distance learning courses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

No Statement of Estimated Regulatory Cost was prepared. Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 455.2123, 489.108, 489.115 FS.
 LAW IMPLEMENTED: 455.2179, 489.115 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61G4-18.004 Approval of Continuing Education Courses.
 (1) through (2) No change.
 (3) The application shall include the total number of classroom or interactive distance learning hours, the course syllabus, a detailed outline of the contents of the course, the name and qualifications of all instructors known at the time of the application and the minimum qualifications of any instructors not known at the time of the application. In addition, a course provider making application to offer interactive distance learning must submit evidence of the following:
 (a) The means by which the course will demonstrate interactivity between the student and course provider within a maximum of 24 hours, which promotes student involvement, and demonstrates that the course measures learning and addresses comprehension of content at regular intervals.
 (b) The means by which the course provider is able to monitor student enrollment, participation and course completion.
 (c) The means by which the course provider will be able to satisfactorily demonstrate that stated course hours are consistent with the actual hours spent by each student to complete the course.
 (d) The means by which the provider will assure qualified instructor(s) will be available to answer questions and provide students with necessary support during the duration of the course.
 (e) That the student will be required to complete a statement at the beginning and end of the course that indicates that he/she personally completed each module/session of instruction.
 (4) through (10) No change.

Specific Authority 455.2123, 489.108, 489.115 FS. Law Implemented 455.2179, 489.115 FS. History—New 12-2-93, Amended 7-20-94, 1-18-95, 7-2-95, 11-25-97, 5-30-00, 3-25-01, 11-10-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 4, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE TITLES:	RULE NOS.:
Quarterly Reporting Regarding Working Capital Requirements	61G7-10.001
Annual Financial Statements	61G7-10.0011
Notification of Initiation or Termination of Contractual Relationship	61G7-10.0013
Reporting of Change of Status Required; Effect on Licensees; Change of Licensee Name	61G7-10.002
On-Site Investigations	61G7-10.003

PURPOSE AND EFFECT: These rules are being amended to update forms, remove obsolete language, and add website addresses.

SUMMARY: Rule 61G7-10.001, F.A.C., sets forth the requirements for reporting, at the end of each calendar quarter, a statement affirming that it maintains positive working capital and accounting net worth sufficient to meet its obligations; 61G7-10.0011, F.A.C., sets forth the requirements for annual reporting and the necessary forms to report the information; 61G7-10.0013, F.A.C., requires notification of various persons and agencies when initiating or terminating contractual relationships and sets forth the forms used to file such report; 61G7-10.002, F.A.C., sets forth updated forms required for reporting changes of status, effect on licensees, and name changes and sets out requirements for sale or transfer of company stocks; and Rule 61G17-10.003, F.A.C., sets forth requirements for on-site investigations and the updated forms to be completed for same.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 468.522, 478.525(3), 468.525(3)(d), 468.526, 468.529(1), 568.530(3), 468.531 FS.

LAW IMPLEMENTED: 468.520, 468.524(2), 468.525(3), 568.525(3)(d), 468.526, 468.529(3), 468.530(3), 468.531, 468.535 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED IN THE FAW (IF NOT REQUESTED, IN WRITING, A HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Anthony Spivey, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, FL 32399-0767

THE FULL TEXT OF THE PROPOSED RULES IS:

61G7-10.001 Quarterly Reporting Regarding Working Capital Requirements.

Each employee leasing company shall submit, not later than 75 days after the end of each calendar quarter, a statement to the Board of Employee Leasing Companies affirming that it is in compliance with Section 468.525(3)(d), F.S., in that it is maintaining positive working capital, and accounting net worth, and has adequate reserves to pay, when due, all payroll taxes, workers' compensation and health insurance premiums, and amounts due under any plan of self-insurance or partial self-insurance. This statement shall be made on Form DBPR EL 4504 ~~DBPR/EL-004~~ entitled "Quarterly Report Form," effective 03-18-04 ~~12-19-94~~, which shall be filed with a copy of the company's workers' compensation certificate of insurance in effect for the current quarter including confirmation from the insurance carrier that the Board will receive at least 30-days notification of cancellation of such insurance, and the company's balance sheet and income statement for the quarter. The form, together with its instructions, are incorporated herein by reference and may be obtained by contacting the Board's office at 1940 North Monroe Street, Tallahassee, Florida 32399-0767; or its Website at www.myflorida.com. An employee leasing company may satisfy the requirements of this rule by submitting a certified true copy of its current National Associate of Professional Employer Organizations ~~Staff Leasing Association~~ quarterly report and copies of its balance sheet and income statement for the quarter.

Specific Authority 468.522, 468.525(3)(d), 468.529(1) FS. Law Implemented 468.525(3)(d), 468.529(1) FS. History—New 8-12-92, Amended 6-1-93, Formerly 21EE-10.001, Amended 5-8-94, 12-19-94,_____.

61G7-10.0011 Annual Financial Statements.

(1) Each employee leasing company shall submit, not later than 120 days after their fiscal year end, a copy of their current fiscal year end financial statements, prepared in accordance with generally accepted accounting principles, which shall include statement of income and retained earnings, balance sheet, statement of changes in financial position (cash flows),

and applicable footnotes. This information shall be submitted on the form entitled Standard Financial Statement, DBPR EL 4506, ~~DBPR/EL-006~~, herein incorporated by reference and effective 03-18-04, ~~7-1-93~~, copies of which may ~~can~~ be obtained from the Board office or its Website at www.myflorida.com. The financial statements are to reflect positive working capital and positive accounting net worth, as required in Section 468.525(3). Financial statements which are not audited must be accompanied by a completed Form DBPR EL 4503, entitled Employee Leasing Company Attestation to Financial Statements, ~~DBPR/EL-003~~, as required in rule 61G7-5.003, F.A.C.

(2) through (4) No change.

Specific Authority 468.522 FS. Law Implemented 468.525 FS. History—New 5-8-94, Amended 6-30-99, 5-21-00,_____.

61G7-10.0013 Notification of Initiation or Termination of Contractual Relationship.

To facilitate each employee leasing company's compliance with its responsibilities under s. Section 468.529(3), F.S., within a 30-day period each licensed employee leasing company must notify their workers' compensation carrier, the Department of Financial Services, Division of Workers' Compensation and the Division of Unemployment Compensation of the Agency for Workforce Innovation, of the initiation or termination of any contractual relationship with a client company on Form DBPR EL 4502 ~~DBPR-EL-4502~~, entitled "Client Initiation or Termination Form," effective 03-18-04, ~~02/28/03~~, which is incorporated herein by reference and may be obtained by contacting the Board's office and at its Website at www.myflorida.com.

Specific Authority 468.522 FS. Law Implemented 468.520, 468.529(3) FS., as amended by s. 42, Chapter 94-119, Laws of Florida. History—New 7-20-92, Formerly 21EE-6.005, Amended 10-19-94, Formerly 61G7-6.005, Amended 7-30-03,_____.

61G7-10.002 Reporting of Change of Status Required; Effect on Licensees; Change of Licensee Name.

(1) through (2)(c) No change.

(d) Sale or transfer of company stock which causes a change in controlling person(s) or other changes in the information contained in the original application.	Form DBPR EL 4510, forms BPR/EL-010 , entitled Application for Licensure As An Employee Leasing Company Controlling Person, effective 03-18-04 and DBPR EL 4511, BPR/EL-011 , entitled Application for Certificate of Approval for Change of Ownership, effective 03-18-04 where applicable. The above forms are incorporated by reference and available from the Board office or from the website at www.myflorida.com. In the original application Application For Certificate Of Approval For Change of Ownership, which are hereby incorporated by reference, and will be effective September 1996, copies of which may be obtained from the Board Office.
(e) Sale or transfer of company stock.	Change of Ownership application EL 4511, which causes a change in control and where applicable, controlling person license application for each new controlling person, EL 4510, and Historical Sketch form, DBPR EL 4512, where applicable.
(f)(e) Sale or transfer of business assets (buyer takes over business; seller gets out of business)	new company application if buyer not already licensed , and fee from buyer – old license does not transfer but remains with seller; unless already licensed, new controlling person license application and fee for each new controlling person as defined in Rule 61G7-6.003, F.A.C.
(f) through (h) renumber (g) through (i)	No change.

(3) through (7) No change.

Specific Authority 468.522, 468.524(2), 468.525(3), 468.526, 468.530(3), 468.531 FS. Law Implemented 468.524(2), 468.525(3), 468.526, 468.530(3), 468.531 FS. History—New 1-27-93, Amended 5-20-93, Formerly 21EE-10.002, Amended 10-24-93, 8-17-94, 11-9-95, 5-21-96, 11-24-96, 3-18-97, _____.

61G7-10.003 On-Site Investigations.

(1) No change.

(2) The Department will, however, in lieu of an on-site investigation, audit, or review, accept submission of Quarterly Reports as defined in Rule 61G7-10.001, F.A.C., so long as the reports are submitted within the time frames and manner set out therein and so long as the reports submitted show the licensee is in compliance with the provisions of Part XI of Chapter 468, F.S. Reports which fail to evidence compliance or which are untimely filed will form the basis for disciplinary action or a full investigation. In order to take advantage of this option each licensee must sign Form DBPR Form EL 4515 ~~EL-015~~ entitled Quarterly Report Agreement, incorporated herein by reference and effective 03-18-04, ~~5-21-00~~, in which the licensee agrees to abide by the provisions of this rule and Rule 61G7-10.001, F.A.C. Submission of Quarterly Reports in compliance with this Rule shall be considered as compliance with the provisions of Rule 61G7-10.001, F.A.C. If, however, a licensee determines to subject itself to on-site inspections then the Quarterly Reports required under Rule 61G7-10.001, F.A.C., shall still be filed as required by the Rule.

(3) No change.

Specific Authority 468.522 FS. Law Implemented 468.525(3)(d), 468.535 FS. History—New 5-21-00, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Employee Leasing Companies
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Employee Leasing Companies

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

RULE TITLE: Schedule of Fees Adopted by the Board
 RULE NO.: 61G16-3.001
 PURPOSE AND EFFECT: The Board’s proposed rule amendment revises the fees regarding applications for licensure by examination or by endorsement.

SUMMARY: The proposed rule amends the fees as set forth in paragraphs (1)(a) and (2)(a) of the current rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.213(2), 455.217, 455.219, 455.271, 492.104, 492.1101 FS.

LAW IMPLEMENTED: 455.217, 455.219, 455.271, 492.105, 492.106, 492.1101, 492.111, 455.213(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Knap, Executive Director, Board of Professional Geologists, 1940 N. Monroe Street, Tallahassee, FL 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G16-3.001 Schedule of Fees Adopted by the Board.

The following fees are prescribed by the Board:

(1) Application for Licensure by Examination:

(a) The application fee for licensure by examination shall be one hundred fifty dollars (\$150) (~~\$100~~) and shall be nonrefundable.

(b) and (c) No change.

(2) Application for Licensure by Endorsement:

(a) The application fee for licensure by endorsement shall be one hundred fifty dollars (\$150) (~~\$100~~) and shall be nonrefundable.

(b) No change.

(3) through (5) No change.

Specific Authority 455.213(2), 455.217, 455.219, 455.271, 492.104, 492.1101 FS. Law Implemented 455.217, 455.219, 455.271, 492.105, 492.106, 492.1101, 492.111, 455.213(2) FS. History—New 4-27-88, Amended 3-15-90, 2-21-91, 10-27-91, Formerly 21DD-3.001, Amended 5-27-96, 5-14-97, 9-18-97, 11-23-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

The Board of Professional Geologists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:

The Board of Professional Geologists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

July 29, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

August 13, 2004

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 Hearing Aid Specialists

RULE TITLE: Posting of Prices

RULE NO.: 64B6-6.009

PURPOSE AND EFFECT: To clarify the existing rule.

SUMMARY: To update the language indicating that only subsection (a) or (b) is required.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 484.044 FS.

LAW IMPLEMENTED: 484.051 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Hearing Aid Specialist, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-6.009 Posting of Prices.

(1) The licensee shall display, in a conspicuous place, the availability of itemization of total purchase price of the hearing aid.

(2) Notice of availability of itemization of purchase price shall be displayed in an area easily visible to the prospective client by one of the following:

(a) through (b) No change.

Specific Authority 484.044 FS. Law Implemented 484.051 FS. History—New 8-12-87, Formerly 21JJ-6.008, 61G9-6.008, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Hearing Aid Specialists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:

Board of Hearing Aid Specialists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

July 30, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

August 20, 2004

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE TITLE: Fraudulent, False, Deceptive or Misleading Advertising

RULE NO.: 64B6-7.004

PURPOSE AND EFFECT: To clarify the existing rule language.

SUMMARY: This rule makes clear that the usual sale price must appear either in the advertisement or the location where the sale or services take place.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.077, 484.044 FS.

LAW IMPLEMENTED: 456.077, 484.056(1)(f) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Hearing Aid Specialist, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-7.004 Fraudulent, False, Deceptive or Misleading Advertising.

An advertisement or advertising is fraudulent, false, deceptive or misleading if it:

- (1) through (2) No change.
- (3) Is misleading or deceptive because its content or the context in which it is presented makes only a partial disclosure of relevant facts.

(a) Specifically, it is misleading and deceptive to advertise a discounted price without specifying, without identifying either in the advertisement or at the store or other location where sales of products or services take place, the specific product or service against which the discounted price applies and without specifying either in the advertisement or at the store or other location where sales of products or services take place, the usual price for the product or services identified either in the advertisement or at the store or other location where sales of product or services take place.

- (b) No change.
- (4) through (6) No change.

Specific Authority 484.044 FS. Law Implemented 484.056(1)(f) FS. History--New 8-12-87, Amended 10-15-90, Formerly 21JJ-7.007, 61G9-7.007, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Hearing Aid Specialists
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Hearing Aid Specialists
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 30, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2004

**DEPARTMENT OF HEALTH
Board of Pharmacy**

RULE TITLES: Examination Requirements
RULE NOS.: 64B16-26.200
64B16-26.203
PURPOSE AND EFFECT: The Board proposes the rule amendments to update the rules and to consolidate all requirements for licensure application by examination into Chapter 64B16-26, F.A.C.
SUMMARY: The proposed rule amendments set forth the requirements for licensure application by examination.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.017, 456.033, 465.005 FS.
LAW IMPLEMENTED: 456.013(1),(7), 456.017, 456.033, 465.007, 465.022 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULES IS:

64B16-26.200 Examination Requirements.

(1) ~~The areas of competency to be covered by the examination provided in Section 465.007, F.S., shall be as follows:~~

- (a) Part A – North American Pharmacist Licensure Examination (NAPLEX).
 - ~~1. Manage Drug Therapy to Optimize Patient Outcomes (50%);~~
 - ~~2. Assure the Safe and Accurate Preparation and Dispensing of Medications (25%);~~
 - ~~3. Provide Drug Information and Promote Public Health (25%);~~

- (b) Part B – Multistate Pharmacy Jurisprudence Examination – Florida Version,
 - ~~1. Pharmacy Practice (78%);~~
 - ~~2. Licensure, Registration, Certification, and Operational Requirements (17%);~~
 - ~~3. Regulatory Structure and Terms (5%);~~

~~(2)(a) The relative weight assigned in grading each score tested in the examination and the score necessary to achieve a passing grade on the examination shall be as follows:~~

~~(b) An applicant must obtain a scaled score of 75 on Part A of the examination, and a scaled score of 75 on Part B of the examination. On Part A of the examination, the candidate's raw scores are converted to a scale of 0-150. This scaled score on Part A of the exam is a single integrated score that represents the areas of competency set forth in subparagraphs 64B16-26.200(1)(a)1-5., F.A.C., above. The subcompetencies set forth in subparagraphs 64B16-26.200(1)(a)1-5., F.A.C., are not separate subsections and may not be scored, taken or passed independently of the entire examination described in paragraph 64B16-26.200(1)(a), F.A.C. Parts A and B of the examination are independent examinations and may not be averaged.~~

Specific Authority 456.017, 465.005 FS. Law Implemented 456.017 FS. History—New 10-17-79, Amended 2-8-81, 6-22-82, 8-16-84, 4-30-85, Formerly 21S-12.01, Amended 5-6-86, Formerly 21S-12.001, Amended 1-10-93, Formerly 21S-26.200, 61F10-26.200, Amended 7-1-97, Formerly 59X-26.200, Amended 3-22-99,_____.

(Substantial rewording of Rule 64B16-26.203 follows. See Florida Administrative Code for present text.)

64B16-26.203 Licensure by ~~Manner of Application~~— Examination; Application.

Applicants who are at least 18 years of age and a recipient of a degree from a school or college of pharmacy accredited by an accrediting agency recognized and approved by the United States Office of Education may apply to take the licensure examination.

(1) All applications for licensure by examination must be made on board approved form DOH/MQA/PH101 (Rev 1/8/03), Application for Pharmacist Examination, which is hereby incorporated by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, and must be accompanied with a non-refundable application fee and an initial license fee set forth in Rules 64B16-26.1001 and 64B16-26.1002, F.A.C.

(2) The applicant must submit proof of having met the following requirements:

(a) Completion of an internship program provided by either an accredited school or college of pharmacy or a state board of pharmacy or jointly by both provided that the program meets requirements of Rule 64B16-26.2031, F.A.C.

(b) Completion of an HIV/AIDS course of no less than 3 contact hours covering the subject listed in Rule 64B16-26.602, F.A.C. For those applicants who apply within one year following receipt of their pharmacy degree, completed academic course work on HIV/AIDS will be accepted by the Board as an educational course under this section, provided such course work is no less than 3 contact hours and that it covers the subjects listed in Rule 64B16-26.601, F.A.C., as evidenced by a letter attesting to subject matter covered from the Dean of the University.

(c) Completion of a course not less than 2 hours on medication errors that covers the subjects listed in Rule 64B16-26.601, F.A.C. For those applicants who apply within one year following receipt of their pharmacy degree, completed academic course work on medication errors will be accepted by the Board as an educational course under this section, provided such course work is no less than 2 contact hours and that it covers the subjects listed in Rule 64B16-26.601, F.A.C., as evidenced by a letter attesting to subject matter covered from the Dean of the University.

(3) An applicant must reapply under the following conditions:

(a) For candidates applying after the effective date of this subsection, if all requirements for licensure are not met within one year of the receipt of the application.

(b) For candidates applying prior to the effective date of this subsection, if all requirements for licensure are not met within one year of the effective date of this subsection.

(4) Passing examination scores may be used upon reapplication only if the examination was completed within 3 years of the reapplication.

Specific Authority 456.033, 465.005 FS. Law Implemented 456.013(1), (7), 456.033, 465.007, 465.022 FS. History—New 10-17-79, Formerly 21S-12.04, 21S-12.004, Amended 7-31-91, 10-14-91, Formerly 21S-26.203, 61F10-26.203, Amended 7-1-97, Formerly 59X-26.203, Amended 8-17-99, 10-15-01, 1-2-02, 1-12-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 28, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 2004

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE TITLE: On-the-Job Training, Role and Observation of Speech-Language Pathology and Audiology Assistants

RULE NO.: 64B20-4.003

PURPOSE AND EFFECT: The Board proposes to add an activity to the list of activities that may not be delegated by a speech-language pathologist to a speech-language pathology assistant. The addition will prohibit a licensed speech-language pathology assistant from making a determination that dismissal criteria have been met.

SUMMARY: The rule adds an activity that may not be delegated by a speech-language pathologist to a speech-language pathology assistant. Licensed speech-language pathology assistants will be prohibited from making a determination that dismissal criteria have been met.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 468.1135(4) FS.

LAW IMPLEMENTED: 468.1215, 468.1125(3),(4) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B20-4.003 On-the-Job Training, Role and Observation of Speech-Language Pathology and Audiology Assistants.

(1) through (4) No change.

(5) The speech-language pathology licensee shall not delegate to the speech-language pathology assistant any tasks which call for a diagnostic interpretation or put the client at physical risk. The following tasks shall not be delegated to a speech-language pathology assistant:

(a) Conducting the initial interview with the client.

(b) Performing initial testing or evaluation.

(c) Determining or discussing specific diagnoses with the client or making statements regarding prognosis or levels of proficiency.

(d) Relating or discussing with clients or consumers of services the reports from other professionals or related services unless those findings have previously been interpreted and reported by the supervising licensee.

(e) Providing any interpretation or elaboration of information that is contained in reports written by the licensee, although he or she may, upon assignment from the licensee, present information regarding clients at staffings or conferences; however, the assistant may discuss with the client or consumer specifically observed behaviors that have occurred during a treatment when they are supported by objective data.

(f) Performing any procedure where there is a risk of physical injury as a result of the procedure; specifically, the insertion of tracheoesophageal prostheses or catheter into the esophageal puncture; endoscopy; administration of barium or other substances for the assessment of swallowing; fitting or insertion of tracheal valves or instrumentation for generation of voice; and initial measurements and fitting of oral prostheses.

(g) Devising or planning treatment based upon assessment or diagnostic findings.

(h) Providing counseling to the client or to his or her family.

(i) Making referrals for additional services.

(j) Signing any document without the co-signature of the licensee.

(k) Using any title other than the Speech-Language Pathology Assistant.

(l) Determine dismissal criteria have been met.

(6) through (11) No change.

Specific Authority 468.1135(4) FS. Law Implemented 468.1125(3),(4), 468.1215 FS. History—New 3-14-91, Formerly 21LL-4.003, 61F14-4.003, Amended 9-8-94, 8-17-95, Formerly 59BB-4.003, Amended 2-2-04,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Speech-Language Pathology and Audiology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Speech-Language Pathology and Audiology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 21, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18, 2004

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE TITLES:	RULE NOS.:
Disciplinary Guidelines	64B20-7.001
Mediation	64B20-7.007

PURPOSE AND EFFECT: Concerning the disciplinary guidelines, the Board proposes to authorize lowering the normal minimum fine for first and second offense violations of Section 468.1295(1)(e), F.S., to allow for violations of this statutory provision that do not involve fraud, or making a false or fraudulent representation and are not subject to the \$10,000.00 minimum mandatory fine requirements of Section 456.072(2)(d), F.S. Concerning the mediation rule, the Board proposes to authorize mediation of complaints against licensees that are based on alleged violations of Sections 468.1246, 468.1255, F.S. concerning non-payment of statutory refunds for hearing aid sales, while deleting some superfluous language.

SUMMARY: The disciplinary guidelines change authorizes less than a \$10,000.00 fine for first and second offense advertising violations that do not involve fraud or false or fraudulent representations. The mediation change authorizes mediation of complaints against licensees where the alleged violation is failing to pay a statutory refund on a hearing aid sale. The change also deletes some superfluous language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 468.1135(4), 456.078 FS.

LAW IMPLEMENTED: 456.063, 456.072, 456.076, 468.1295, 468.1296, 456.078 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pamela E. King, Executive Director, Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

64B20-7.001 Disciplinary Guidelines.

(1) through (3) No change.

(4) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses is descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included. For applicants, any and all offenses listed herein are sufficient for refusal to certify an application for licensure. In addition to the penalty imposed, the Board shall recover the costs of investigation and prosecution of the case. Additionally, if the Board makes a finding of pecuniary benefit or self-gain related to the violation, then the Board shall require refunds of fees billed and collected from the patient or a third party on behalf of the patient.

VIOLATIONS RECOMMENDED PENALTIES

First Offense Second Offense Third Offense

(a) through (d) No change.

(e) False, deceptive, or misleading advertising. (468.1295(1)(e), F.S.).

(f) From a letter of concern to 6 months suspension of the license, and up to an administrative fine of \$10,000.00.

(g) From 6 to 9 months suspension of the license, and up to an administrative fine of \$10,000.00.

(h) From 9 months suspension to revocation of the license, and an administrative fine of \$10,000.00.

(i) through (bb) No change.

Specific Authority 468.1135(4) FS. Law Implemented 456.063, 456.072, 456.076, 468.1295, 468.1296 FS. History--New 2-7-91, Amended 11-9-92, Formerly 21LL-7.001, Formerly 59BB-7.001, Amended 10-25-00, 4-14-02,

64B20-7.007 Mediation.

(1) "Mediation" means a process whereby a mediator appointed by the Department agency acts to encourage and to facilitate resolution of a legally sufficient complaint. It is an informal and nonadversarial process with the objective of assisting the parties to reach a mutually acceptable agreement.

(2) The Board finds that mediation is an acceptable method of dispute resolution for the following violations: ~~as it is economic in nature or can be remedied by the licensee:~~

(a) Failure of the licensee to timely respond to a continuing education audit;

(b) Failure of the licensee to pay a refund for a cancelled hearing aid transaction in violation of section 468.1246 or 468.1255 F.S., unless the violation involves intentional misconduct by the licensee.

Specific Authority 456.078 FS. Law Implemented 456.078 FS. History--New 11-1-94, Formerly 59BB-7.007, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Speech-Language Pathology and Audiology

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Speech-Language Pathology and Audiology

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: August 21, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: March 12, 2004

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:

Definitions

RULE NOS.:

67-48.002

Terms and Conditions of SAIL Loans

67-48.010

PURPOSE, EFFECT AND SUMMARY: The purpose of this Rule is to clarify the procedures by which the Corporation shall determine development cash flow for purposes of calculating interest due on loans made under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes. (F.S.)

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087, 420.5089(2) FS.

IR REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barb Goltz, Chief Financial Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULES IS:

67-48.002 Definitions.

(1) through (32) No change.

(33) "Development Cash Flow" means, with respect to SAIL Developments, cash flow of a SAIL Development as calculated in the statement of cash flows prepared in accordance with generally accepted accounting principles ("GAAP") and adjusted for items not disclosed in the operating pro forma included in the final credit underwriting report, as approved by the Board including but not limited to extraordinary fees and expenses, payments on debt subordinate to the SAIL loan and capital expenditures.

(34) No change.

(35) "Development Expenses" means, with respect to SAIL Developments, usual and customary operating and financial costs, such as the compliance monitoring fee, the

financial monitoring fee, replacement reserves, the servicing fee and the debt service reserves. As it relates to SAIL Developments and to the application of Development Cash Flow described in subsections 67-48.010(3) & (4), F.A.C., the term includes only those expenses disclosed in the operating pro forma included in the final credit underwriting report, as approved by the Board does not include extraordinary capital expenses, developer fees and other non-operating expenses.

Specific Authority 420.507 FS. Law Implemented 420.5087, 420.5089(2) FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 91-48.002, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, 3-21-04,

67-48.010 Terms and Conditions of SAIL Loans.

(1) through (3)(b) No change.

(c) Except as provided in Section 420.5087(5), F.S., the amount of any superior mortgages combined with the SAIL mortgage shall be less than the appraised value of the Development. Any debt service reserve requirement associated with a superior mortgage shall be excluded from the amount of the superior mortgage for purposes of this calculation.

(d)(e) Payment on the loans shall be based upon the Development Cash Flow, as determined pursuant to the SAIL Cash Flow Reporting Form SR-1. Any distribution or payment to the Principal(s) or any Affiliate of the Principal or to the Developer or any Affiliate of the Developer, whether paid directly or indirectly, which was not expressly disclosed in determining debt service coverage in the Board approved final Credit Underwriting Report, will be added back to the amount of cash available for the SAIL loan interest payment, as calculated in the SAIL Cash Flow Reporting Form SR-1, for the purpose of determining interest due. Interest may be deferred as set forth in subsection 67-48.010(6), F.A.C., without constituting a default on the loan.

Specific Authority 420.507 FS. Law Implemented 420.5087, 420.5089(2) FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 91-48.002, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, 3-21-04,

NAME OF PERSON ORIGINATING PROPOSED RULE: Debra King, Loan Servicing Manager. Florida Housing Finance Corporation. 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Wellington Meffert. General Counsel, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 27, 2004

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-54.002
Notice of Program and Invitation and Application to Participate	67-54.003
Program Documents	67-54.004
Issuance of Certificate	67-54.005
Loan Processing	67-54.006
Eligible Borrowers	67-54.007
Eligible Properties	67-54.008
Reporting Requirements	67-54.009
Fees	67-54.010

PURPOSE AND EFFECT: The purpose of Rule Chapter 67-54, Florida Administrative Code (F.A.C.), is to establish the procedures by which the Florida Housing Finance Corporation shall: administer and implement the Mortgage Credit Certificate Program provisions authorized by Florida Statutes, Section 159.81, F.S., and identify the definitions for terms for the program.

SUMMARY: The proposed Rule prescribes the processes and procedures used for allocating by Mortgage Credit Certificate Program.

STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 159.81 FS.

LAW IMPLEMENTED: 420.5099 FS.

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

TIME AND DATE: 2:00 p.m., October 18, 2004

PLACE: Florida Housing Finance Corporation, Seltzer Room, 6th Floor, 227 North Bronough Street, Tallahassee, FL 32301

Any person requiring special accommodations at the Hearing because of a disability or physical impairment should contact Edny Sanchez-Gammons, Florida Housing Finance Corporation, (850)488-4197, at least five days prior to the Hearing. If you are hearing or speech impaired, please contact the Florida Housing Finance Corporation using the Florida Dual Party Relay System, 1(800)955-9770 (Voice) or 1(800)988-8711 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Wallisa Cobb, Single Family Bonds Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULES IS:

67-54.002 Definitions.

(1) “Acquisition Price” means the cost of acquiring a single-family residence from the seller as a completed residential unit.

(2) “Annualized Current Income” means the mortgagor’s annualized current gross income. Annualized current gross income is current gross monthly income multiplied by twelve (12). Current gross monthly income is the sum of monthly gross pay; any additional income from overtime, part-time employment, bonuses, dividends, interest royalties, pensions, Veterans Administration (VA) compensation, net rental income, etc.; and other income (such as alimony, child support, public assistance, sick pay, social security benefits, unemployment compensation, income received from trusts, and income received from business activities or investments.)

(3) “Applicant” means an individual or individuals who apply for a MCC.

(4) “Certified Indebtedness Amount” means the amount of indebtedness that is incurred by the MCC Eligible Borrower to acquire a Principal Residence.

(5) “Code” means the Internal Revenue Code of 1986.

(6) “Conventional Mortgage Loan” means a Mortgage Loan other than an FHA Insured Mortgage Loan, USDA-RD Guaranteed Mortgage Loan, VA Guaranteed Mortgage Loan or HUD Section 184 Guaranteed Mortgage Loan, satisfying the requirements of Freddie Mac, Fannie Mae or a private mortgage insurance provider.

(7) “Corporation” means the Florida Housing Finance Corporation whose Tax Identification Number is 59-3451366.

(8) “Eligible Properties” means a residence located in Florida and is eligible for insurance under the FHA, VA, USDA, and Private Mortgage Insurance (PMI) guidelines, if applicable.

(9) “Existing Home” means any residential dwelling which has been occupied and is not considered new construction.

(10) “FHA” means the Federal Housing Administration of the U.S. Department of Housing and Urban Development.

(11) “First Time Home Buyer” means eligible persons or families, except eligible persons or families acquiring a single-family residence in a MCC Targeted Area, who have not had an ownership interest in a principal single-family residence at any time during the preceding 3-year period prior to the date the mortgage is executed, other than a construction period loan, a bridge loan or other similar temporary initial financing with a term generally not exceeding 24 months with respect to the single-family residence.

(12) “IRS” means Internal Revenue Service.

(13) “Issuer” means the Florida Housing Finance Corporation, a public politic authorized to issue bonds or MCC.

(14) “Maximum Acquisition Price” means the maximum purchase price of a Single Family Residence, as prescribed in the IRS Revenue Procedures 2004-24, hereby incorporated by reference. The Acquisition Price Limits are also subject to the FHA/VA/RD limits for the counties, hereby incorporated by reference. Copies of these documents may be obtained by contacting the Single Family Bonds Program Administrator at 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329.

(15) “Maximum Annual Family Income” means, with respect to Mortgage Loans originated on new and existing Single Family Residences, the annual family income may not exceed 115% (or 140% in MCC Targeted Areas) of the state or local median income, whichever is greater as required by federal law.

(16) “MCC” means Mortgage Credit Certificate, which shall not exceed 50% of the Eligible Person’s annual mortgage interest paid, not to exceed \$2,000.

(17) “MCC Eligible Borrower” means a person or persons or family or families:

(a) Whose total annual family income does not exceed the appropriate maximum annual family income established by the Corporation under the Single-Family Mortgage Revenue Bond program; and

(b) To the extent required by federal law with respect to each person who purchases a single-family residence not located within a MCC Targeted Area, each such person who is executing the mortgage is a First Time Home Buyer.

(18) “MCC Participating Lender” means any commercial bank, savings and loans association, savings bank, credit union, mortgage company or other lender lawfully able to transact business in the State of Florida and who enters into a Lender Participation Agreement with the Issuer to participate in the MCC Program.

(19) “MCC Program” means Florida Housing’s MCC Program established as a qualified mortgage credit certificate program within the meaning of Section 25 of the Code.

(20) “MCC Targeted Area” means a census tract in which 70% or more of the households have an income which is 80% or less of the statewide median family income. Borrowers purchasing home in these areas are not subject to the prior home ownership restriction. A copy of the listing of such areas can be obtained by contacting the Single Family Bonds Program Administrator at 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329.

(21) “New Construction” means a residential dwelling unit which has not previously been occupied.

(22) “Origination Agreement” means an agreement describing the mortgage originator’s rights and responsibilities made between the Corporation and MCC Participating Lenders.

(23) “Origination Guide” means the guide which sets forth the parameters for the MCC Program.

(24) “Principal Residence” means housing that the MCC Eligible Borrower will occupy as a primary residence and that will not have more than 15% of the square footage used in a trade or business, or that will not be used as investment property.

(25) “VA” means the Department of Veterans Affairs, an agency of the United States of America.

Specific Authority 420.507(12),(24) FS. Law Implemented 420.5099 FS. History–New _____.

67-54.003 Notice of Program and Invitation and Application to Participate.

(1) The Corporation shall publish a notice in the Florida Administrative Weekly and local newspapers announcing its intention to issue MCC and inviting potential MCC Participating Lenders to submit offers to originate to the Corporation at least 90 days prior to selection.

(2) Applications to Participate may be obtained by contacting the Single Family Bonds Administrator at 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1397 or visiting www.floridahousing.org.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History–New _____.

67-54.004 Program Documents.

The following program documents will identify the respective roles of the Corporation, the MCC Participating Lender, and the MCC Eligible Borrower:

(1) Origination Agreement; and

(2) Origination Guide. A copy of this document may be obtained by contacting the Single Family Bonds Administrator at 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1397.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History–New _____.

67-54.005 Issuance of Certificates.

(1) The Corporation shall determine when certificates shall be made available statewide for MCC Eligible Borrowers. The Corporation shall review all offers to originate and designate those lenders that shall originate MCC. MCC Participating Lenders will be notified of their acceptance via the Notice of Acceptance.

(2) Twenty percent (20%) of the allocation shall be reserved for at least 1 year after the date on which the certificates are first made available with respect to MCC Targeted Area residences.

Specific Authority 159.81 FS. Law Implemented 420.5099 FS. History–New _____.

67-54.006 Loan Processing.

(1) Any financing provided from the proceeds of a qualified mortgage revenue bond is prohibited.

(2) All applicants for MCC are processed by the MCC Participating Lenders in accordance with the Conventional Mortgage Loan standard underwriting criteria and additional criteria which may be imposed by IRC Section 25 and the Corporation. The closed loan documents shall be presented to the Corporation or its designee for compliance review and issuance of a mortgage credit certificate pursuant to guidelines set forth in the Origination Guide.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History–New _____.

67-54.007 Eligible Borrowers.

MCC Eligible Borrowers under MCC program:

(1) Must possess an ownership interest and occupy the residence as a principal residence within sixty days after loan closing. The Eligible Borrower must notify the MCC Participating Lender and the Corporation if he/she ceases to occupy the property as the primary residence. At that time, the MCC will be revoked and the Eligible Borrower must stop using the MCC Credit:

(2) Must not have owned a principal, including a mobile home (whether or not on a permanent foundation), located within or outside the State of Florida during the three-year period ending on the date the mortgage is executed, unless the residence is being purchased in a MCC Targeted Area;

(3) Must meet household income limits for the MCC Program. MCC Participating Lenders must calculate income by using the procedures outlined in the Origination Guide.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History–New _____.

67-54.008 Eligible Properties.

(1) The residence must be located in the State of Florida and must be eligible for insurance under the FHA, VA, USDA, Conventional and MI Insurer.

(2) The property must be a single family detached house, condominium or townhouse or a manufactured home eligible for FHA, VA, USDA, Conventional or PMI insurer mortgage insurance under a land-home transaction; 30 year amortization, fixed to a permanent foundation.

(3) No more than 15% of the total area of the principal residence can be used for the principal place of business for, or in connection with, any trade or business on an exclusive and regular basis.

(4) The Acquisition Price may not exceed the limits prescribed in the Origination Guide (1) Manufactured homes shall have a minimum of 400 square feet of living space and a minimum width in excess of 102 inches.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History–New _____.

67-54.009 Reporting Requirements.

The Corporation shall report the following information to MCC Participating Lenders and the IRS as prescribed in IRC Section 25:

(1) The name, address, and social security number of the MCC Eligible Borrower; and

(2) The certificate's issuer, date of issuer, Certified Indebtedness Amount, and certificate credit rate.

Specific Authority 420.507(12),(24) FS. Law Implemented 420.5099 FS. History--New _____.

67-54.010 Fees.

In connection with the origination of a MCC, the Corporation shall collect from the MCC Eligible Borrower a non-refundable reservation fee, payable at the time of application as identified in the Origination Guide. A copy of this document may be obtained by contacting the Single Family Bonds Administrator at 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1397.

Specific Authority 420.507(12), 420.507(24), 420.507(4) FS. Law Implemented 420.5099 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wallisa Cobb, Single Family Bonds Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Esrone McDaniels, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 30, 2004, Corporation Board Meeting

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 27, 2004, Vol. 30, No. 35

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE TITLE: _____ RULE NO.:

Policies and Endorsements Covering Employees Engaged in Work in Florida 69L-6.019

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment to Rule 69L-6.019, F.A.C., is to describe activities that constitute "engaged in work" in this state by employees of a construction industry employer headquartered outside this state. Sections 440.10(1)(g) and 440.38(7), Florida Statutes, were amended to require employers headquartered outside this state who have employees "engaged in work" in this state to obtain a Florida workers' compensation policy or an endorsement utilizing Florida class codes, rates, rules, and manuals that are in compliance with and approved under the provisions of Chapter 440, Florida Statutes, and the Florida Insurance Code.

SUMMARY: The rule defines "engaged in work" to include any construction activity involving building, clearing, filling, excavation or improvement of real property or any activity classified by the Basic Manual. The rule also provides that maintaining permanent staff or hiring employees in Florida for activities in Florida constitutes being engaged in work.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 440.10(1)(g), 440.591 FS.

LAW IMPLEMENTED: 440.10(1)(g), 440.38(7) FS.

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

TIME AND DATE: 9:30 a.m., October 22, 2004

PLACE: 104J Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Andrew Sabolic, Acting Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.019 Policies and Endorsements Covering Employees Engaged in Work in Florida.

(1) through (5) No change.

(6) An employee of a construction industry employer headquartered outside the state of Florida is "engaged in work" in Florida if he or she participates in any one of the following activities in the state of Florida:

(a) The employee engages in new construction, alterations, or any job or any construction activities involving any form of the building, clearing, filling, excavation or improvement in the size or use of any structure or the appearance of any land as defined in Section 440.02(8), F.S. or performs any job duties or activities which would be subject to those contracting classifications identified in the Contracting Classification Premium Adjustment Program contained in the Florida State Special pages of the Basic Manual (as incorporated in Rule 69L-6.021, F.A.C.) within the borders of the state of Florida, regardless of whether an employee returns to his or her home state each night, or

(b) If the employer maintains a permanent staff of employees or superintendents and the staff employee or superintendent is assigned to construction activities in Florida for the duration of the job or any portion thereof, or

(c) If the employer hires employees in Florida for the specific purpose of completing all or any portion of construction contract work and related construction activities in the state of Florida.

Specific Authority 440.107(9), 440.591 FS. Law Implemented 440.10(1)(g), 440.38(7) FS. History--New 6-19-04, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dan Sumner, Deputy Director of Workers' Compensation, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tanner Holloman, Director of Workers' Compensation, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 3, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2004

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: Healthy Lifestyle Rebate Employee Health Care Access Act Annual and Quarterly Statement Reporting Requirement

RULE NOS.: 690-149.0055 690-149.038

PURPOSE, EFFECT AND SUMMARY: To implement the provisions of HB 1629 regarding rebates for healthy lifestyles as well as amending the underwriting margin of 5% to 4% in the small group market to comply with the change in statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308(1), 627.410(6), 627.6699(5)(i)3.a.,4.,(6), 641.36, 641.31(2) FS.

LAW IMPLEMENTED: 624.307(1), 624.424(6), 627.6402, 627.65626, 627.6699(6)(b), 641.31(40) FS.

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

TIME AND DATE: 1:30 p.m., October 21, 2004
PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Frank Dino, Office of Insurance Regulation, e-mail: dinof@dfs.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

690-149.0055 Healthy Lifestyle Rebate.

(1) Employer Group Coverage.

(a) All insurers and HMOs subject to the provisions of Section 627.65626 or 641.31(40), F.S. and issuing small employer group health insurance coverage, where such coverage meets the standards of creditable coverage as defined in Section 627.6561(5), F.S., shall provide for a healthy lifestyle rebate.

(b)1. All insurers and HMOs shall file for approval the standards it will use for determining the level of rebate, i.e. between 0% and 10%, for different health status indicators, which shall include reduction in weight, body mass index, and smoking cessation.

2. The filed standards shall provide that the rebate is available and attainable by all employers on a nondiscriminatory basis and be without regard to the health or claim status of the insured.

3. The filing of the standards shall address the method and timing of the determination and application of the rebate.

(c)1. For purposes of rate filings, the rebate made shall be accounted as a reduction to the earned premium and clearly identified in the filing.

2. Rate filings shall include the number of employers participating in the rebate program and the distribution of the policies by size of rebate earned.

(d) The insurer or HMO shall provide an appropriate rebate for maintenance or improvement of health status for any program offered by an employer as determined by agreed upon health status indicators.

(e) This rule shall be effective for all policies issued or renewed on or after January 1, 2005 with the first rebate available January 1, 2006.

(2) Individual Coverage

(a) Any individual health insurance coverage subject to the provisions of Section 627.6402, F.S., and where such coverage meets the standards of creditable coverage as defined in Section 627.6561(5), F.S., shall provide for a healthy lifestyle rebate.

(b)1. All insurers shall file for approval the standards it will use for determining the level of rebate, i.e. between 0% and 10%, for different health status indicators, which shall include reduction in weight, body mass index, and smoking cessation.

2. The filed standards shall provide that the rebate is available and attainable by all insureds on a nondiscriminatory basis and be without regard to the health or claim status of the insured.

3. The filing of the standards shall address the method and timing of the determination and application of the rebate.

(c)1. For purposes of rate filings, the rebate made shall be accounted as a reduction to the earned premium and clearly identified in the filing.

2. Rate filings shall include the number of policies participating in the rebate program and the distribution of the policies by size of rebate earned.

(d) The insurer shall provide an appropriate rebate for maintenance or improvement of health status for any program approved by the insurer as determined by agreed upon health status indicators.

(e) This rule shall be effective for all policies issued or renewed on or after January 1, 2005 with the first rebate available January 1, 2006.

Specific Authority 624.308(1), 627.410(6), 641.36, 641.31(2) FS. Law Implemented 624.307(1), 627.6402, 627.65626, 641.31(40) FS. History—New

69O-149.038 Employee Health Care Access Act Annual and Quarterly Statement Reporting Requirement.

(1) through (2) No change.

(3)(a) No change

(b)1. If the percentage deviation from the modified community rate due to adjustments in the rate actually charged policyholders for claim experience, health status, or duration adjustments is 4 ½ percent or more, the carrier shall limit the application of claim experience, health status, or duration adjustments to credits only effective no more than 60 days following the report date.

2. This shall apply to all groups with original issue dates or anniversary dates for renewals on or after this 60 days.

3. If a group was in process of application review and issuance, and would have received a surcharge, but the policy was not issued or renewed until after the 60 day period, the surcharge may not be applied.

(c) No change.

(d) A carrier that is limited to credits only, pursuant to paragraph (b) or (c) above, shall be limited to credits only until a subsequent reporting period demonstrating that the percentage deviation from the modified community rate due to adjustments in the rate actually charged policyholders for claim experience, health status, or duration adjustments is less than 4 ½ percent.

Specific Authority 627.6699(5)(i)3.a.,4.a.,(6),(16) FS. Law Implemented 624.424(6), 627.6699(6)(b),(5)(i)3.a., 4.a. FS. History—New 3-1-93, Amended 11-7-93, 8-4-02, 6-19-03, Formerly 4-149.038, Amended 5-18-04.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Richard Robleto, Bureau Chief, Life and Health Forms and Rates, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 21, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 23, 2004

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: Healthy Lifestyle Rebate
RULE NO.: 69O-191.0545

PURPOSE, EFFECT AND SUMMARY: To implement the provisions of HB 1629 regarding rebates for healthy lifestyles in HMO filings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 641.36, 641.31(2) FS.

LAW IMPLEMENTED: 641.31(40) FS. [HB 1629]

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

TIME AND DATE: 1:30 p.m., October 21, 2004

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Frank Dino, Office of Insurance Regulation, E-mail: dinof@dfs.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-191.0545 Healthy Lifestyle Rebate.

(1) Employer Group Coverage is as provided by subsection 69O-149.0055(1), F.A.C.

(2) Individual Coverage.

(a)1. All HMOs shall file for approval the standards it will use for determining the level of rebate, i.e. between 0% and 10%, for different health status indicators, which shall include reduction in weight, body mass index, and smoking cessation.

2. The filed standards shall provide that the rebate is available and attainable by all subscribers on a nondiscriminatory basis and be without regard to the health or claim status of the insured.

3. The filing of the standards shall address the method and timing of the determination and application of the rebate.

(b)1. For purposes of rate filings, the rebate made shall be accounted as a reduction to the earned premium and clearly identified in the filing.

2. Rate filings shall include the number of contracts participating in the rebate program and the distribution of the contracts by size of rebate earned.

(c) The HMO shall provide an appropriate rebate for maintenance or improvement of health status for any program approved by the HMO as determined by agreed upon health status indicators.

(d) This rule shall be effective for all contracts issued or renewed on or after January 1, 2005 with the first rebate available January 1, 2006.

Specific Authority 641.36, 641.31(2) FS. Law Implemented 641.31(40) FS. [HB 1629]. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Robleto, Bureau Chief, Life and Health Forms and Rates, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 21, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 23, 2004

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.094222
RULE TITLE: Standards for Mid-Year Promotion of Retained Third Graders

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 34, August 20, 2004, Florida Administrative Weekly has been continued from September 21, 2004 to October 19, 2004.

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.”

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 FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER NO.: 69A-60
RULE NOS.: 69A-60.005, 69A-60.007
RULE CHAPTER TITLE: The Florida Fire Prevention Code
RULE TITLES: Publications Referenced in NFPA 1, the Florida 2003 Edition, and NFPA 101, the Florida 2003 Edition, Added to the Florida Fire Prevention Code
Enforcement and Appeal of the Florida Fire Prevention Code

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to proposed Rules 69A.60.005 and 69A-60.007, F.A.C., in accordance with subparagraph 120.54(3)(d)1., Florida Statutes (2003), published in Vol. 30, No. 20, on May 14, 2004, of the Florida Administrative Weekly. These changes are being made to address concerns expressed at the two public hearings and comments by the Joint Administrative Procedures Committee.

The rule sections enumerated above are changed to read:

69A-60.005 Publications Referenced in NFPA 1, the Florida 2003 Edition, and NFPA 101, the Florida 2003 Edition editions, Added to the Florida Fire Prevention Code.

(1) No change.

(2) The following publications are hereby also adopted and incorporated by reference herein and added to the Florida Fire Prevention Code and shall take effect on the effective date of this rule:

NFPA 10, 2002 edition, Standard for Portable Fire Extinguishers

NFPA 11, 2002 edition, Standard for Low, Medium and High Expansion Foam

NFPA 11A, 1999 2002 edition, Standard for Medium- and High-Expansion Foam Systems