

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Office of Agricultural Water Policy

RULE CHAPTER TITLE: Water Quality/Quantity BMPs for Indian River Area Citrus Growers

RULE CHAPTER NO.: 5M-2

RULE TITLE: Presumption of Compliance

RULE NO.: 5M-2.003

PURPOSE AND EFFECT: To amend Rule 5M-2.003, F.A.C., to incorporate the most recent version of the BMP manual.

SUBJECT AREA TO BE ADDRESSED: The rule amendment changes the date of the manual incorporated by reference to accurately reflect the most recent revisions.

SPECIFIC AUTHORITY: 403.067(7)(c)2. FS.

LAW IMPLEMENTED: 403.067(7)(c)2. FS.

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

If an accommodation is needed for a disability in order to participate in this meeting, please notify the Bureau of Personnel Management, Department of Agriculture and Consumer Services, (850)488-1806, at least seven days prior to the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Brittany Mayock, Environmental Specialist I, Office of Agricultural Water Policy, 1203 Governor's Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)488-6249, Fax (850)921-2153

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5M-2.003 Presumption of Compliance.

In order to obtain the presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S., for those pollutants addressed by the practices the applicant must:

(1) Conduct an assessment of the subject properties using the Citrus Grower Best Management Practices Checklist incorporated in the document titled Water Quality/Quantity BMPs for Indian River Area Citrus Groves (January, 2005 May 2000).

(2) Submit a Notice of Intent to Implement as outlined in Rule 5M-2.005, F.A.C.

(3) Implement the non-regulatory and incentive-based programs identified as a result of the assessment of the subject properties and listed in the Notice of Intent to Implement.

(4) Maintain documentation to verify the implementation and maintenance of the non-regulatory and incentive-based programs.

Specific Authority 403.067(7)(c)2. FS. Law Implemented 403.067(7)(c)2. FS. History--New 6-24-02, Amended

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Salary Incentive Program

RULE CHAPTER NO.: 11B-14

RULE TITLE: General Program Provisions

RULE NO.: 11B-14.002

PURPOSE AND EFFECT: To update Training Report form CJSTC-67.

SUBJECT AREA TO BE ADDRESSED: Commission forms.

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

LAW IMPLEMENTED: 943.22 FS.

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

TIME AND DATE: 10:00 a.m., October 4, 2005

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-14.002 General Program Provisions.

(1) No change.

(2) Career Development Training Program Courses, as defined in subsection 11B-14.001(1), F.A.C., and Advanced Training Program Courses, as defined in subsection 11B-14.001(3), F.A.C., that have been successfully completed, as defined in subsection 11B-14.001(9), F.A.C., by eligible officers, shall be verified by the training center director or designee, as defined in paragraph 11B-21.005(8)(a), F.A.C. To verify successful completion of a Commission-approved

Advanced or Career Development Training Program Course and to authorize salary incentive payments, a Training Report, form CJSTC-67, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference, shall be electronically transmitted to Commission staff through the Commission's ATMS.

(3) through (15) No change.

Specific Authority 943.03(4), 943.12(1), 943.22(2)(h) FS. Law Implemented 943.22 FS. History--New 10-16-78, Amended 9-11-79, 1-13-81, 5-16-83, 1-7-85, Formerly 11B-14.02, Amended 7-13-87, 9-3-87, 5-23-88, 5-14-92, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, \_\_\_\_\_.

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE CHAPTER TITLE: Criminal Justice Standards and Training Trust Fund  
 RULE CHAPTER NO.: 11B-18  
 RULE TITLE: Regional Training Areas  
 RULE NO.: 11B-18.004  
 PURPOSE AND EFFECT: To add two new Commission-certified criminal justice training schools for Regions IX and X.

SUBJECT AREA TO BE ADDRESSED: Commission-certified criminal justice training schools.

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

LAW IMPLEMENTED: 943.25(5) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-18.004 Regional Training Areas.

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

- (1) through (8) No change.
- (9) Region IX.
- (a) No change.

(b) Commission-certified training schools within Region IX: Hillsborough Community College Criminal Justice Institute, Manatee Technical Institute Criminal Justice Academy, Manatee Sheriff's Office Training Center, Pasco-Hernando Community College/Pasco-Hernando Police Academy, and St. Petersburg Junior College Southeastern Public Safety Institute.

(10) Region X.

(a) No change.

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

(11) through (16) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.25(5) FS. (Supp. 1998). History--New 1-13-81, Amended 7-28-82, 1-7-85, Formerly 11B-18.04, Amended 7-13-87, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04, \_\_\_\_\_.

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE CHAPTER TITLE: Certification of Criminal Justice Training Instructors  
 RULE CHAPTER NO.: 11B-20

DEFINITIONS AND MINIMUM REQUIREMENTS FOR GENERAL CERTIFICATION OF INSTRUCTORS	11B-20.001
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: To update Commission forms; remove the requirement of completing courses in a specific sequence for obtaining certification as a high-liability instructor; clarify existing rule language; remove the Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program from the list of programs that require a certified law topics instructor; clarify that instructor renewal dates shall not change when adding additional instructor certification topics; and add the specific date of March 31st for renewal of instructor certifications.

SUBJECT AREA TO BE ADDRESSED: Commission forms; high-liability instructor certification; instructor certification topics; obsolete training programs; and instructor renewal deadline.

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.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

(1) Definitions:

(a) "Successful completion" of a course is documented as a "Pass" on the completed Training Report, form CJSTC-67, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference.

(b) through (g) No change.

(2) Instructor applicants applying for instructor certification shall:

(a) Complete the Instructor Certification Application, form CJSTC-71, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference;

(b) through (c) No change.

(3) through (4) 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 7-21-82, 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, 11-30-04,\_\_\_\_\_.

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

(1) No change.

(2) High-Liability Instructor Certifications. Instructor applicants, who apply 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 applicants shall meet the following requirements for High-Liability Instructor Certification for each topic requested.

(a) No change.

(b) CMS 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 Vehicle Operations Instructor Course, and CMS Vehicle Operations Instructor Transition Course, shall comply with the requirements for CMS General Instructor Certification pursuant to paragraph 11B-20.001(3)(b), F.A.C., and prior to successfully complete ~~completing~~ one of the following training courses through a training school:

(c) No change.

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

(e) No change.

(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 Defensive Tactics Instructor Course, and CMS Defensive Tactics Instructor Transition Course, shall comply with the requirements for CMS General Instructor Certification pursuant to paragraph 11B-20.001(3)(b), F.A.C., and prior to successfully complete ~~completing~~ one of the following training courses through a training school:

(g) No change.

(h) CMS First Aid 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, shall comply with the requirements for CMS General Instructor Certification pursuant to paragraph 11B-20.001(3)(b), F.A.C., and prior to successfully complete ~~completing~~ the following training courses through a training school:

(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. The following Commission-approved Basic Recruit Training Programs require certified law topic instructors:

1. through 4. No change.

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

~~5.6. Traditional Correctional to Correctional Probation Basic Recruit Cross-Over Training Program.~~

~~6.7. Traditional Correctional Probation to Law Enforcement Basic Recruit Cross-Over Training Program.~~

~~7.8. Traditional Correctional Probation to Correctional Basic Recruit Cross-Over Training Program.~~

~~8.9. Law Enforcement Auxiliary Officer Basic Recruit Training Program.~~

~~9.10. Correctional Auxiliary Officer Basic Recruit Training Program.~~

~~10.11. 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 Radar Speed Measurement Instructor 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 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference.

2. No change.

(c) through (d) No change.

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, 11-30-04,\_\_\_\_\_.

11B-20.0016 Inspection of Instructor Certification Applications.

(1) through (2) No change.

(3) The effective date of the instructor certification shall be the date the application is approved by Commission staff. Application for additional instructor certification topics shall be made pursuant to Rules 11B-20.001 and 11B-20.0014, F.A.C. An instructor's renewal date shall not change with the addition of instructor certification topics. Any additional instructor certification topics applied for within six months of the instructor's renewal deadline shall automatically renew on the renewal deadline.

(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, 11-30-04,\_\_\_\_\_.

11B-20.0017 Maintenance and Duration of Instructor Certifications.

Documentation for instructors 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 5, 2005 ~~May 6, 2004~~, 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. Instructors whose High-Liability 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.

(1) Instructors shall successfully complete the instructional, proficiency, and continuing education requirements outlined below every four years. The expiration of an instructor's certification shall be March 31st of the fourth year following the instructor's initial certification.

Example:

<u>Original Instructor Certification Date</u>	<u>November 21, 2005</u>
<u>Instructor Four-year Anniversary Date</u>	<u>November 21, 2009</u>
<u>Instructor Renewal Deadline</u>	<u>March 31, 2010</u>

~~(2)(+)~~ Instructors shall maintain Good Moral Character Standards pursuant to paragraph 11B-20.0012(2)(c), F.A.C.

~~(3)(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



from the Commission’s driving facility requirement shall ensure that vehicle operation training exercises can be safely and effectively performed.

(5) through (11) 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 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, 11-30-04,\_\_\_\_\_.

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE CHAPTER TITLE: Certification and Employment  
 RULE CHAPTER NO.: 11B-27

or Appointment  
 RULE TITLES: Moral Character  
 RULE NOS.: 11B-27.0011

Certification, Employment or Appointment,  
 Reactivation, and Terminating Employment

or Appointment of Officers  
 11B-27.002

Maintenance of Officer Certification  
 11B-27.00212

Temporary Employment Authorization  
 11B-27.00213

Background Investigations  
 11B-27.0022

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: To update Commission forms; revise moral character offenses; revise officer discipline penalty guidelines and range of penalties; add rule language for the mandatory requirement to complete the Law Enforcement Officer Firearms Qualification Standard every two years; and add a time line for submitting certification eligibility form CJSTC-59.

SUBJECT AREA TO BE ADDRESSED: Commission forms; moral character offenses; officer discipline penalty guidelines; range of officer discipline penalties; and certification eligibility.

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

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

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TIME AND DATE: 10:00 a.m., October 4, 2005

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-27.0011 Moral Character.

(1) through (3) No change.

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

(a) through (b) No change.

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

1. through 11. No change.

~~12. Making a false statement(s) of fact, under oath, as to misconduct related to an agency duty with the intent to mislead or deceive. “Agency duty” means any duty as defined by the agency head, or his or her designee.~~

~~12.13-~~ Intentional abuse of a Temporary Employment Authorization, pursuant to Section 943.131(1), F.S., pursuant to Rule 11B-27.00225, F.A.C., or is consistent with and indicative of the ingestion of a controlled substance pursuant to Chapter 893, F.S., and not having a specific nanogram level listed in Rule 11B-27.00225, F.A.C., shall be an affirmative defense to this provision to establish that any such ingestion was lawful. Any test of this kind relied upon by the Commission for disciplinary action, shall comply with the requirements for reliability and integrity of the testing process pursuant to Rule 11B-27.00225, F.A.C.

(5) through (8) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.13(7), 943.1395(7) FS. History–New 1-7-85, Formerly 11B-27.011, Amended 7-13-87, 10-25-88, 12-13-92, 9-5-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 4-11-04, 11-30-04,\_\_\_\_\_.

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

(1) No change.

(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 a Registration of Employment Affidavit of Compliance, form

CJSTC-60, revised February 7, 2002, hereby incorporated by reference, attesting to compliance by the employing agency with the following requirements:

(a) For law enforcement, correctional, and correctional probation officer applicants who have not been previously certified and who have complied with the certification requirements pursuant to Sections 943.13(1)-(10), F.S., the employing agency shall certify to the Commission that the applicant is eligible for certification by submitting to Commission staff or electronically transmitting through the Commission's Automated Training Management System (ATMS), a completed Officer Certification Application, form CJSTC-59, revised February 7, 2002, hereby incorporated by reference, within 30 days of the applicant's compliance with the certification requirements. Upon receipt of an Officer Certification Application Deficiency Notification, form CJSTC-259, revised May 5, 2005 ~~February 7, 2002~~, the employing agency shall maintain on file, a copy of form CJSTC-59 and any other employment documentation. The employing agency shall submit a copy of form CJSTC-259 and the missing or deficient documentation to Commission staff within 90 days of the date the form was signed and issued to the agency. Failure by the employing agency to submit missing or deficient documentation within the required 90 days may result in denial of an applicant's request for certification. An officer applicant shall not work in a sworn capacity prior to meeting the requirements of Sections 943.13 and 943.131, F.S.

(b) 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) The files of newly hired officers are subject to an on-site inspection by Commission staff to ensure compliance with the requirements of Chapter 943, F.S., and Rule Chapter 11B-27, F.A.C. The following documents shall be reviewed for completeness:

1. through 10. No change.

11. An Equivalency-of-Training, form CJSTC-76, revised May 6, 2004, and an Equivalency-of-Training Proficiency of Demonstration, form CJSTC-76A, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference for previous Florida and out-of-state, federal, or military officers, if the officer utilized this training option.

12. through 15. No change.

(4) through (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, 11-30-04,\_\_\_\_\_.

11B-27.00212 Maintenance of Officer Certification.

(1) through (3) No change.

(4) Continuing education or training pursuant to Section 943.135, F.S. Upon an officer's completion of the required continuing education or training the employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, a completed Mandatory Retraining Report, form CJSTC-74, revised May 5, 2005 ~~February 7, 2002~~, hereby incorporated by reference.

(5) through (14) No change.

(15) Law Enforcement Officer Firearms Qualification Standard. Beginning July 1, 2006, a law enforcement officer shall be required to qualify on the Commission's approved course of fire with the proficiency skills documented on the Law Enforcement Officer Firearms Qualification Standard form, CJSTC-86A, created August 4, 2005, hereby incorporated by reference, and maintained in the officer's employment file.

(a) A certified law enforcement officer who fails to demonstrate proficiency skills on the required firearms qualification standard shall not perform the duties of a sworn officer.

(b) Reporting of the compliance with this standard shall be June 30, 2008, and every two years thereafter. Documentation supporting the demonstration of proficiency skills shall be reported on the Mandatory Firearms Training Report Form CJSTC-86, created August 4, 2005, hereby incorporated by reference, and maintained in the officer's employment file. The employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, a completed form CJSTC-86.

(c) In the event a certified law enforcement officer fails to meet this standard by June 30 of each reporting year, the officer's certificate shall become inactive until the employing agency provides documentation to Commission staff establishing that the firearms qualification standard has been satisfied.

(d) The certificate of a law enforcement officer shall become inactive if the officer has separated from employment or appointment and is not reemployed or reappointed within the two-year reporting cycle. The officer will be required to comply with the firearms qualification standard upon employment or appointment.

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, 11-30-04,\_\_\_\_\_.

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) No change.

(2) An agency head is authorized to 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, revised May 5, 2005 ~~created May 6, 2004~~, hereby incorporated by reference, and maintained in the trainee's file at the employing agency. The 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.

(3) through (5) No change.

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 11-30-04, \_\_\_\_\_.

11B-27.0022 Background Investigations.

(1) 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 5, 2005 ~~May 6, 2004~~, pursuant to Sections 943.134(2) and (4), F.S., hereby incorporated by reference.

(c) 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, 11-30-04, \_\_\_\_\_.

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

(1) through (4) 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:

1. through 9. No change.

Violation	Recommended Penalty Range
10. Driving or boating under the influence (316.193 and 327.35, F.S.) <u>Second DUI Offense</u>	Probation with substance abuse counseling <u>Prospective suspension to revocation</u>

11. through 12. No change.

(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:

1. through 11. No change.

Violation	Recommended Penalty Range
12. <u>Making a false statement(s) of fact, under oath, as to misconduct related to an agency duty, as defined in subparagraph 11B-27.0011(4)(c)12, F.A.C., with the intent to mislead or deceive</u>	<u>Suspension to revocation</u>
<del>12-13.</del> Conduct that subverts or attempts to subvert the Basic Abilities Test process pursuant to paragraphs 11B-35.0011(1)(a)-(f), F.A.C.	Revocation

(d) No change.

(6) 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, 4-11-04, 11-30-04, \_\_\_\_\_.





(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 the Commission-approved Examination Admission Voucher CJSTC-517 an applicant identification, and 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 section 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(17), 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, 11-30-04,\_\_\_\_\_.

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 the State Officer Certification Examination (SOCE) with an overall scale score equal to or higher than the established cut-off score. 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 May 5, 2005 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(17), 943.1397(1) FS. History—New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04,\_\_\_\_\_.

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

(1) Individuals who have failed 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 May 5, 2005 February 7, 2002, hereby incorporated by reference. To be eligible to file 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 at the Florida

Department of Law Enforcement, Criminal Justice Professionalism Program. 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 grade review shall be provided with the SOCE test results and the State Officer Certification Examination Review, form CJSTC-511, revised May 5, 2005 May 6, 2004, hereby incorporated by reference. Form CJSTC-511 shall be signed by the individual requesting the review at the conclusion of an Examination Review Session. Only individuals scheduled for the Examination Review Session shall be present during an Examination Review Session.

(c) No change.

(3) through (4) No change.

Specific Authority 943.03(4), 943.12(1),(18) FS. Law Implemented 943.12(17), 943.173 FS. History—New 1-10-94, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04,\_\_\_\_\_.

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Training Programs	11B-35
RULE TITLES:	RULE NOS.:
General Training Programs; Requirements and Specifications	11B-35.001
Basic Recruit Training Programs for Law Enforcement, Correctional and Correctional Probation	11B-35.002
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
Advanced Training Program	11B-35.006
Specialized Training Program	11B-35.007
Exemption from Basic Recruit Training	11B-35.009
PURPOSE AND EFFECT: To update Commission forms, decrease course hours in the Traditional Correctional Basic Recruit Training Program and cross-over training programs; retire the Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training program and include provisions	

for completion of the program prior to implementation of the new CMS Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program; correct basic recruit training program course names; remove erroneous rule language; revise and add advance and specialized training program courses.

SUBJECT AREA TO BE ADDRESSED: Commission forms; basic recruit training programs and courses for law enforcement, correctional, and correctional probation; and advanced specialized training program courses.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1),(2), 943.17 FS.

LAW IMPLEMENTED: 943.12, 943.12(5), 943.131(2), 943.17, 943.175, 943.17(1), 943.17(1)(a), 943.25 FS.

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

TIME AND DATE: 10:00 a.m., October 4, 2005

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

(1) through (6) No change.

(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% on the end-of-course examination, exclusive of demonstration of proficiency skills in the High-Liability Basic Recruit Training Courses.

(c) through (e) No change.

(8) No change.

(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 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 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) through (f) No change.

(g) Not withstanding subsection 11B-27.002(4), F.A.C., a basic recruit student enrolled in a Commission-approved Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program with a beginning date prior to April 1, 2005, shall be allowed to continue in the program until the student successfully completes, fails, or withdraws from the program.

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

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

3. A basic recruit student who meets the conditions stated in this rule section shall have successfully passed the end-of-course examination(s) by March 31, 2006.

(10) Reporting requirements for Commission-approved Basic Recruit, Advanced, and Specialized Training Program Courses 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 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference, to Commission staff through the Commission's Automated Training Management System (ATMS).

- (b) through (c) No change.
- (11) through (15) No change.

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, 11-30-04, \_\_\_\_\_.

**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 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:

(a)	Traditional Law Enforcement Basic Recruit Training Program (Retired June 30, 2004)	672.0 hours
(b)	Traditional Correctional Basic Recruit Training Program	532.0 hours
(c)	Traditional Correctional Probation Basic Recruit Training Program	412.0 <del>424.0</del> hours
(d)	CMS Application-Based Law Enforcement Basic Recruit Training Program	760.0 hours
(e)	Traditional Law Enforcement to Correctional Basic Recruit Cross-Over Training Program	156.0 hours
(f)	Traditional Law Enforcement to Correctional Probation Basic Recruit Cross-Over Training Program	<u>134.0</u> <del>+50.0</del> hours
(g)	Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program (Retired March 30, 2005)	<del>302.0</del> hours
(h)	<u>Traditional Correctional to CMS Law Enforcement Basic Recruit Cross-Over Training Program</u>	<u>434.0</u> hours
(i)(h)	Traditional Correctional to Correctional Probation Basic Recruit Cross-Over Training Program	<u>168.0</u> <del>+80.0</del> hours
(j)(f)	Traditional Correctional Probation to Correctional Basic Recruit Cross-Over Training Program	412.0 hours
(k)(f)	Traditional Correctional Probation to Law Enforcement Basic Recruit Cross-Over Training Program	256.0 hours
(l)(k)	Law Enforcement Auxiliary Officer Basic Recruit Training Program	294.0 hours
(m)(f)	Correctional Auxiliary Officer Basic Recruit Training Program	254.0 hours
(n)(m)	Correctional Probation Auxiliary Officer Basic Recruit Training Program. To become certified as a Correctional Probation Auxiliary Officer, pursuant to subsection 11B-35.003(7), F.A.C., a basic recruit student shall complete the Correctional Probation Basic Recruit Training Program, pursuant to paragraph (8)(c) of this rule section.	

- (2) through (7) No change.

(8) 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:

- (a) No change.
- (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.	CMS Criminal Justice Defensive Tactics	CJK_0050	80.0
6.	CMS Criminal Justice Firearms	CJK_0040	80.0
7.	CMS First Aid for Criminal Justice Officers	<del>CJK_0031</del> <del>0030</del>	40.0
8.	Interpersonal Skills 2	CJD_750	50.0
9.	Emergency Preparedness	CJD_741	26.0
10.	Correctional Operations	CJD_752	64.0
11.	CMS Criminal Justice Special Topics, Module 15	CJK_0095	20.0
	TOTAL		532.0

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

	Course Name	Course Number	Course Hours
1.	Correctional Probation Legal	CJD_790	60.0
<del>2.</del>	<del>Correctional Probation Operations</del>	<del>CJD_791</del>	<del>16.0</del>
<del>2.3.</del>	Correctional Probation Interpersonal Skills	CJD_792	68.0
<del>3.4.</del>	Correctional Probation Communication Skills	CJD_793	70.0
<del>4.5.</del>	Correctional Probation Supervision	CJD_794	<del>58.0</del> <del>54.0</del>
<del>5.6.</del>	CMS Criminal Justice Defensive Tactics	CJK_0050	80.0
<del>6.7.</del>	CMS Correctional Probation Firearms	<del>CJK_0255</del> <del>TBA</del>	16.0
<del>7.8.</del>	CMS First Aid for Criminal Justice Officers	<del>CJK_0031</del> <del>0030</del>	40.0
<del>8.9.</del>	Criminal Justice Special Topics, <del>Module 15</del>	CJK_0095	20.0
	Total		<u>412.0</u> <del>424.0</del>

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

	Course Name	Course Number	Course Hours
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	<del>CJK_0031</del> <del>0030</del>	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	<u>54.0</u> <del>44.0</del>
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) through (d) No change.

(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":

	Course Name	Course Number	Course Hours
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		134.0 +50.0

(f) Traditional Correctional to Traditional Law Enforcement Basic Recruit Cross-Over Training Program (Retired March 30, 2005). A correctional officer shall complete the following courses to cross-over from the "Correctional Discipline" to the "Law Enforcement Discipline":

	Course Name	Course Number	Course Hours
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 CMS 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":

	Course Name	Course Number	Course Hours
1.	Cross-Over Correctional to CMS Law Enforcement Introduction	CJK_0211	94.0
2.	Cross-Over Correctional to Law Enforcement CMS High-Liability (End-of-course examination is not required for CJK_0212)	CJK_0212	8.0
3.	Cross-Over Correctional to Law Enforcement Tactical Applications	CJK_0213	40.0
4.	CMS Law Enforcement Vehicle Operations	CJK_0020	48.0
5.	Patrol	CJK_0060	57.0
6.	Investigations	CJK_0070	53.0
7.	Investigating Offenses	CJK_0075	40.0
8.	Traffic Stops	CJK_0080	62.0
9.	Traffic Crash Investigations	CJK_0085	32.0
	Total		434.0

(h)(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":

	Course Name	Course Number	Course Hours
1.	Cross-Over Correctional Legal to Correctional Probation	CJD_774	30.0
2.	Cross-Over Correctional to Correctional Probation	CJD_775	14.0 26.0
3.	Correctional Probation Communication Skills	CJD_793	70.0
4.	Correctional Probation Supervision	CJD_794	54.0
	Total		168.0 +80.0

(i)(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":

1. through 7. No change.

(j)(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":

1. through 5. No change.

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, 11-30-04, \_\_\_\_\_.

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

(1) through (2) No change.

(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.

(a) through (b) No change.

(c) CMS Criminal Justice Firearms Course.

1. No change.

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, revised May 5, 2005 created May 6, 2004, hereby incorporated by reference.

3. No change.

(d) through (f) No change.

(g) CMS Law Enforcement Vehicle Operations Course.

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

2. A basic recruit student shall demonstrate the required Vehicle Operations Proficiency Skills with four out of five runs (80%) for each exercise, with the results recorded on the required CMS Vehicle Operations Performance Evaluation, form CJSTC-7 CMS, revised May 5, 2005 ~~created May 6, 2004~~, hereby incorporated by reference.

(h) No change.

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, 11-30-04,\_\_\_\_\_.

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

(1) through (4) No change.

(5) Law Enforcement Auxiliary Officer Basic Recruit Training Program requirements.

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

Topic Areas	Course Number	Minimum Hours
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. CMS First Aid for Criminal Justice Officers	CJK_00310030	40
Total Law Enforcement Auxiliary Officer Prerequisite Course Hours		94
(b) CMS Criminal Justice Firearms	CJK_0040	80
(c) CMS Criminal Justice Defensive Tactics	CJK_0050	80
(d) CMS Law Enforcement Vehicle Operations (Optional: Based on employing agency requirements)	CJK_0020	48
Total Law Enforcement Auxiliary Officer Program Hours		302

(6) Correctional Auxiliary Officer Basic Recruit Training Program requirements.

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

Topic Areas	Course Number	Minimum Hours
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. CMS First Aid for Criminal Justice Officers	CJK_0031 0030	40
Total Correctional Auxiliary Officer Prerequisite Course Hours		94
(b) CMS Criminal Justice Firearms	CJK_0040	80
(c) CMS Criminal Justice Defensive Tactics	CJK_0050	80
Total Correctional Auxiliary Officer Program Hours		254

(7) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(5), 943.17(1)(a) FS. History--New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04,\_\_\_\_\_.

11B-35.006 Advanced Training Program.

(1) No change.

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

Course Number	Course Name	Course Hours
006	Line Supervision	80 hours
007	Middle Management	80 hours
011	Developing and Maintaining a Sound Organization	40 hours
012	Planning the Effective Use of Financial Resources	40 hours
013	Building and Maintaining a Sound Behavioral Climate	40 hours
016	Narcotics Identification and Investigation	40 hours
019	Criminal Law	40 hours
020	Case Preparation and Court Presentation	40 hours
032	Special Tactical Problems	40 hours
033	Sex Crimes Investigation	40 hours
036	Injury and Death Investigation	40 hours
047	Interviews and Interrogations	40 hours
050	Stress Awareness and <u>Management Techniques Resolution</u>	40 hours
053	Crisis Intervention	40 hours
054	Organized Crime	40 hours
055	Radar Speed Measurement Training Course for Law Enforcement Officers	40 hours
057	Discipline and Special Confinement Techniques	40 hours
058	Youthful Offender Program	40 hours
068	Advanced Report Writing and Review	40 hours
072	Fire Fighting for Correctional Officers	40 hours
073	Human and Community Relations	40 hours
074	Drug Abuse Awareness and Education	40 hours
077	Underwater Police Science and Technology	80 hours
080	Computer Applications in Criminal Justice	40 hours
085	Emergency Preparedness for Correctional Officers	40 hours
087	Advanced Traffic Accident Investigations	80 hours
088	Traffic Accident Reconstruction	80 hours
090	School Resource Officer	40 hours
091	Domestic Intervention	40 hours
093	Hostage Negotiations	40 hours
094	Drug Abuse Resistance Education (D.A.R.E.) – FDLE instructed only	80 hours
095	Laser Speed Measurement Operators 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
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
1151	<u>Conducting Background Investigations</u>	40.0 TBA
1152	<u>Investigation and Supervision of Officer Involved Shootings</u>	40.0

\*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) through (4) No change.

(5) 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) No change.

(b) A Laser Operator Performance Report, form CJSTC-9, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference, shall be completed for the Laser Speed Measurement Operators Course for Law Enforcement Officers.

(6) No change.

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, 11-30-04,\_\_\_\_\_.

11B-35.007 Specialized Training Program.

(1) through (3) No change.

(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:

(a) through (cc) No change.

	Course Number	Course Names	Course Hours
(dd)	1149	CMS Special Populations Course	32.0
(ee)	1150	CMS Problem-Solving Model: SECURE Specialized Training Course	6.0

(5) through (7) No change.

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, 11-30-04,\_\_\_\_\_.

11B-35.009 Exemption from Basic Recruit Training.

(1) through (5) No change.

(6) High-Liability Basic Recruit Training proficiency skills requirements for out-of-state, federal, 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 of vehicle operations, firearms, defensive tactics, and first aid, pursuant to Rule 11B-35.0024, F.A.C., for the discipline for which certification is sought. Such officers shall achieve a passing score on 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 the training school shall complete an Equivalency-of-Training Proficiency Demonstration, form CJSTC-76A, revised May 5, 2005 ~~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) through (8) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.131(2) FS. History–New 1-2-97, Amended 7-7-99, 11-5-02, 11-30-04,\_\_\_\_\_.

**DEPARTMENT OF LAW ENFORCEMENT**

**Division of Local Law Enforcement Assistance**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Implied Consent and Alcohol Testing Program	11D-8
RULE TITLES:	RULE NOS.:
Definitions	11D-8.002
Department Inspection and Registration of Breath Test Instruments	11D-8.004
Agency Inspection of Breath Test Instruments	11D-8.006
Approved Breath Test Instruments – Access, Facility Requirements, Observation Period, and Operational Procedures	11D-8.007
Breath Test Operator and Agency Inspector	11D-8.008
Denial, Revocation, and Suspension of Permits	11D-8.015
Forms	11D-8.017

PURPOSE AND EFFECT: Proposed revisions to the above rules are necessary to address new instrumentation for use in Florida.

SUBJECT AREA TO BE ADDRESSED: The Department’s rule chapter concerning regulation and implementation of Florida’s implied consent and alcohol testing program. The program rules govern definitions of terminology; regulation of and qualifications for alcohol test permit holders; use and maintenance of breath test instruments.

SPECIFIC AUTHORITY: 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS.

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

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

TIME AND DATE: 10:00 a.m., Wednesday, October 5, 2005  
 PLACE: Florida Department of Law Enforcement, 1819 Miccosukee Commons, Conference Room, Tallahassee, FL  
 NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-7900 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rafael E. Madrigal, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11D-8.002 Definitions.

(1) through (12) No change.

(13) Authorized Repair Facility – the Department, the breath test instrument manufacturer, or an entity authorized by the breath test instrument manufacturer to service and repair such breath test instrument.

(14) through (26) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a),(b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-6-99, 7-29-01, 11-5-02, 12-9-04,\_\_\_\_\_.

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

(1) through (2) No change.

(3) Department inspections shall be conducted in accordance with Department Inspection Procedures FDLE/ATP Form 35 – Rev. March 2004 for the Intoxilyzer 5000 Series, or Department Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 36 – Rev. August 2005 March 2004 for the Intoxilyzer 8000; and the results reported on FDLE/ATP Form 26 – Department Inspection Report – Rev. March 2004 for the Intoxilyzer 5000 Series, or FDLE/ATP Form 41 – Department Inspection Report – Intoxilyzer 8000 – March 2004 for the Intoxilyzer 8000.

(4) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04,\_\_\_\_\_.

11D-8.006 Agency Inspection of Breath Test Instruments.

(1) Evidentiary breath test instruments shall be inspected by an agency inspector at least once each calendar month. The agency inspection shall be conducted in accordance with Agency Inspection Procedures FDLE/ATP Form 16 - Rev. March 2004 for the Intoxilyzer 5000 Series, or Agency Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 39 – Rev. August 2005 March 2004 for the Intoxilyzer 8000; and the results reported on FDLE/ATP Form 24 – Agency Inspection Report – Rev. March 2001 for the Intoxilyzer 5000 Series, or FDLE/ATP Form 40 – Agency Inspection Report – Intoxilyzer 8000 – March 2004 for the Intoxilyzer 8000.

(2) through (3) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04,\_\_\_\_\_.

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

(1) Evidentiary breath test instruments shall only be accessible to a person issued a valid permit by the Department and to persons authorized by a permit holder. This section does not prohibit agencies from sending an instrument to an authorized repair facility. Only authorized repair facilities are authorized to remove the top cover of an Intoxilyzer 8000 evidentiary breath test instrument.

(2) through (3) No change.

(4) When operating an Intoxilyzer 5000 Series instrument, a breath test operator shall conduct a breath test in accordance with, and shall record the results on, the Breath Test Results Affidavit FDLE/ATP Form 14 – Rev. March 2002. When operating an Intoxilyzer 8000 instrument, a breath test operator shall conduct a breath test in accordance with Operational Procedures Intoxilyzer 8000 FDLE/ATP Form 37 – Rev. August 2005 March 2004, and the results of the test shall be recorded on the Breath Alcohol Test Affidavit – Intoxilyzer 8000 FDLE/ATP Form 38 – March 2004.

(5) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04,\_\_\_\_\_.

11D-8.008 Breath Test Operator and Agency Inspector.

(1) Qualifications for Breath Test Operator Permit – An applicant for a breath test operator permit must meet the following qualifications:

(a) through (d) No change.

(e) Submit to the Department a complete written application ~~and proof of course completion, examination results, proficiency testing documentation and proof of age~~ upon successful completion of the breath test operator course, but no later than ninety days after completion.

(2) Qualifications for Agency Inspector Permit – An applicant for an agency inspector permit must meet the following qualifications:

(a) through (b) No change.

(c) Submits to the Department a complete written application ~~and proof of course completion, examination results and proficiency testing documentation~~ upon successful completion of the agency inspector course, but no later than ninety days after completion.

(d) No change.

(3) through (8) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1934(3), 322.63(3)(b), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04,\_\_\_\_\_.



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

(1) through (2) No change.

(3) The Department is authorized to revoke any permit for any of the following reasons:

(a) Knowingly making a false statement or providing false information on any agency document or on any document required by these rules.

(b) through (e) No change.

(4) through (6) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a),(b), 327.352(1)(b)3. FS. Law Implemented 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.353(2), 327.354(3) FS. History--New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04,\_\_\_\_\_.

11D-8.017 Forms.

The following forms referenced in these rules are hereby incorporated by reference:

FDLE/ATP Form 13 – Breath Test Log – Effective January 1997.

FDLE/ATP Form 14 – Breath Test Result Affidavit – Revised March 2002.

FDLE/ATP Form 16 – Agency Inspection Procedures – Revised March 2004.

FDLE/ATP Form 24 – Agency Inspection Report – Revised March 2001.

FDLE/ATP Form 26 – Department Inspection Report – Revised March 2004.

FDLE/ATP Form 32 – Certificate of Assurance – Revised March 2001.

FDLE/ATP Form 34 – Instrument Evaluation Procedures – Revised March 2004.

FDLE/ATP Form 35 – Department Inspection Procedures – Revised March 2004.

FDLE/ATP Form 36 – Department Inspection Procedures – Intoxilyzer 8000 – Revised August 2005 ~~March 2004.~~

FDLE/ATP Form 37 – Operational Procedures – Intoxilyzer 8000 – Revised August 2005 ~~March 2004.~~

FDLE/ATP Form 38 – Breath Alcohol Test Affidavit – Intoxilyzer 8000 – March 2004.

FDLE/ATP Form 39 – Agency Inspection Procedures – Intoxilyzer 8000 – Revised August 2005 ~~March 2004.~~

FDLE/ATP Form 40 – Agency Inspection Report – Intoxilyzer 8000 – March 2004.

FDLE/ATP Form 41 – Department Inspection Report – Intoxilyzer 8000 – March 2004.

These forms may be obtained by contacting the Florida Department of Law Enforcement, Alcohol Testing Program, P. O. Box 1489, Tallahassee, Florida 32302. Agencies will be provided blank forms upon request and without cost for their alcohol testing program use.

Specific Authority 316.1932(1)(a)2.,(f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a),(b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2)(b), 327.354(3) FS. History--New 10-31-93, Amended 2-1-95, 1-1-97, 9-29-01, 11-5-02, 12-9-04,\_\_\_\_\_.

**DEPARTMENT OF LAW ENFORCEMENT**

**Division of Local Law Enforcement Assistance**

RULE CHAPTER TITLE: Edward Byrne Memorial Justice Assistance Grant Program

RULE CHAPTER NO.: 11D-9

RULE TITLES: Definitions

RULE NOS.: 11D-9.001

Funds Availability for JAG-Countywide and JAG Direct

11D-9.002

Limitations on Funds Use

11D-9.003

Eligible Purposes and Programs

11D-9.004

Application and Award Procedures for JAG-Countywide and JAG-Direct

11D-9.005

Forms and Instructions

11D-9.006

PURPOSE AND EFFECT: The purpose of this rule is to: (1) update and clarify rule language to conform to federal program requirements governing the merger of the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program and the Local Law Enforcement Block Grant (LLEBG) Program, (2) identify two federal funding streams; 60% of the funding will be called JAG-Countywide and 40% of the funding will be called JAG-Direct.

SUBJECT AREA TO BE ADDRESSED: Edward Byrne Memorial Justice Assistance Grant Program.

SPECIFIC AUTHORITY: 943.03(4), 943.403 FS.

LAW IMPLEMENTED: 943.25(1), 943.402 FS.

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

TIME AND DATE: 10:00 a.m., October 4, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Janice Parrish, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8700

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

~~EDWARD BYRNE MEMORIAL JUSTICE STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE FORMULA GRANT PROGRAM~~

11D-9.001 Definitions.

As used in these rules, except where the context clearly indicates a different meaning, the following terms shall have the meaning indicated:

(1) "Act" means the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, et. seq., as amended.

(2) "BJA" means the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice.

(3) "~~JAG Byrne Program~~" means the Edward Byrne Memorial Justice Assistance Grant Program Memorial State and Local Law Enforcement Assistance Formula Grant Program.

(4) "JAG-Countywide" means the 60% funding stream that was formerly known as the Byrne Program. "~~CJRI Plan~~" means the Criminal Justice Records Improvement Plan.

(5) "JAG-Direct" means the 40% funding stream that was formerly known as the Local Law Enforcement Block Grant Program. "~~Criminal History Records (CHR) Set aside Funds~~" means that percentage of available Anti Drug Abuse Act of 1988 funds as determined by the BJA which must be utilized by state and local units of government for the purpose of improving the completeness, accuracy and timely submission of the information contained within offender criminal history records.

(6) "Criminal Justice System" means agencies established by state and local units of government to apprehend, prosecute, and adjudicate criminal offenders, including correctional agencies established to carry out the sentence imposed upon criminal offenders.

(7) "Department" means the Florida Department of Law Enforcement.

(8) "Eligible Application" is an application for Act funds, which meets the requirements of Rules 11D-9.002, 11D-9.003, 11D-9.004 and 11D-9.005, F.A.C.

(9) "~~Florida's Federal Funding Work Group~~" means the organizational body which will provide recommendations to the Department regarding the state's effort to improve the contents of Florida's Criminal History Records in accordance with the requirements of the federal Anti Drug Abuse Act of 1988. The work group shall consist of a representative from the Office of the State Courts Administrator, the Florida Department of Law Enforcement, the Florida Department of Corrections, the Florida Department of Juvenile Justice and the Florida Association of Court Clerks.

(10) "~~Local Applicant~~" means any governing body of a city or county, however styled, including that of a consolidated or metropolitan government and including an Indian Tribe which performs law enforcement functions as determined by the Secretary of the Interior.

(11) "~~OCJG~~" means the Office of Criminal Justice Grants, Business Support Programs, Florida Department of Law Enforcement.

(12) "~~State Applicant~~" means any unit of the executive, legislative or judicial branches of state government which performs functions related to the purposes of the Act.

(13) "~~Statewide Strategy for Drug Control, Violence Prevention, and System Improvement~~" means a policy designed to address the problems of illegal drug use and violent crime and to improve the efficiency and effectiveness of the criminal justice system in accordance with the Act.

(14) "~~Substance Abuse and Violent Crime Identification Matrix~~" means a set of statistical factors and values used by the Department to ascertain the degree of the drug problem or violent crime within any particular county relative to any other particular county.

Specific Authority 943.03(4), 943.403 FS. Law Implemented 943.25(1), 943.402 FS. History—New 2-6-90, Amended 4-2-92, 2-7-95, Formerly 9G-16.002, Amended 3-8-99, Formerly 9B-61.002, Amended 11-5-02,

11D-9.002 Funds Availability for JAG-Countywide and JAG Direct.

(1) JAG-Countywide. The amount of funds available shall be that amount allocated each federal fiscal year to the State of Florida by the federal government under the Act and appropriated by the legislature.

(2) The Department shall attempt to obligate all of the funds available in the current federal fiscal year, but may obligate part or all of the funds in a later federal fiscal year, when permitted by Federal law and applicable Florida Statutes.

~~(3) The percentage of funds obligated to state units of government, in the aggregate, shall be no more than that percentage equal to the state government share of total state and local criminal justice expenditures as determined annually by the BJA.~~

(a) Based on appropriations by The Florida Legislature the Department shall notify in writing those state agencies known to have been appropriated a portion of the Act funds, including CHR set aside funds. Such notice shall identify funding available, the purposes for which these funds may be used and the procedures required for receipt of such funds.

(b) State agencies so notified shall be obligated the appropriated funds upon receipt of an application for such funds from the affected agency.

(4) The percentage of federal funds obligated to local units of government, in the aggregate, shall be no less than the percentage equal to the local government share of total state and local criminal justice expenditures as determined annually by the BJA.

(3)(a) The Department shall establish a Substance Abuse and Violent Crime Identification Matrix which, ~~less Criminal History Records Set aside Funds~~, shall be used, in conjunction with population, to determine the amount of funds allocated to each county in accordance with paragraph 11D-9.002(4)(c), F.A.C., of this subsection. Through analysis of statewide databases, the Department shall determine the rate, trend and magnitude of the following group indices and their identified variables for the most recent five years of available data in each of Florida's counties:

~~(a)1-~~ Violent Crime Index.

~~1.a-~~ Number of Burglary Offenses.

~~2.b-~~ Number of Larceny Offenses.

~~3.e-~~ Number of Robbery Offenses.

~~4.d-~~ Number of Murder Offenses.

~~(b)2-~~ Juvenile Involvement in Drugs Index.

~~1.a-~~ Number of juveniles arrested for sale and possession of marijuana.

~~2.b-~~ Number of juveniles arrested for sale and possession of cocaine.

~~3.e-~~ Drug Arrest Index. Number of arrests for sale and possession of any drug.

~~(c)4-~~ Cocaine Factor Index. Number of arrests for sale and possession of cocaine.

~~(4)(b)~~ Based on the rate, trend and magnitude of these indices in each county relative to every other county, the Department shall generate a listing of the counties. Such listing shall be generated every two years.

~~(5)(e)~~ Each county shall be allocated a percentage of local share federal funds equal to one-half of the sum of that county's percentage of statewide need as determined by the Substance Abuse and Violent Crime Identification Matrix plus that county's percentage of the total state population.

~~(6)(d)~~ Each application for local share JAG-Countywide Byrne Program funds shall represent agreement on expenditure of grant funds among at least 51 percent of the local units of government which also represent at least 51 percent of the population within the geographic boundaries of the applicant's county.

~~(7)(e)~~ In the event that at least 51 percent of the units of government which also represent at least 51 percent of the population in any county are unable to agree upon the expenditure of funds by the application deadline established by the program announcement or are unable to expend all of their allocated funds by the end of the grant period, said funds shall be distributed at the discretion of the Department.

~~(5) The Department shall allocate local CHR set-aside funds to the criminal justice system for the purpose of improving the completeness, accuracy and timely submission of information contained in the Florida Department of Law Enforcement's offender criminal history records. The recommendations of the Florida Federal Work Group shall be considered by the Department prior to such allocation.~~

~~(a) Local recipients of CHR set-aside funds shall be notified by the Department.~~

~~(b) The requirement for 51 percent letters that applies to other local applications does not apply in this case.~~

(8) JAG-Direct. BJA determines eligibility of JAG-Direct funds. Distribution of JAG-Direct funds will be determined by using the latest available UCR data and distributed to local units of government.

Specific Authority 943.03(4), 943.403 FS. Law Implemented 943.25(1), 943.402 FS. History—New 2-6-90, Amended 4-2-92, 2-7-95, Formerly 9G-16.003, Amended 3-8-99, Formerly 9B-61.003, Amended 11-5-02,

11D-9.003 Limitations on Funds Use.

~~Restrictions on the use of monies for routine equipment, personnel costs, construction and supplanting of state and local funds, land acquisition, and the number of months applicants may receive financial support are as follows:~~

~~(1) Equipment and Hardware. The purchase or acquisition of equipment or hardware with grant funds is prohibited unless the purchase or acquisition is utilized in an approved program.~~

~~(2) General Salaries and Personnel Costs. Payment of personnel costs with grant funds is prohibited unless the costs for services are directly related to the grant as a part of a program. Grant funds may be used to compensate personnel for time engaged in conducting or participating in training programs or to compensate personnel engaged in research, development, demonstration or short-term programs related to the purposes of the Act.~~

~~(3) Construction. Use of the grant funds for construction projects is prohibited, except construction of correctional facilities.~~

~~(4) Land Acquisition. Acquisition of land with grant funds is prohibited.~~

~~(5) Non-Supplantation. Grant funds shall not be used to supplant state or local funds, but will be used to increase the amounts of such funds that would, in the absence of grants funds, be made available for drug and violent crime law enforcement activities.~~

~~(6) Projects which have received grant funds made available under the Act for an aggregate of 48 calendar months, including funds received under the Anti Drug Abuse Act of 1986 and the Justice Assistance Act of 1984, shall not be considered an eligible project in any subsequent funding cycle, except for the following projects:~~

~~(a) Administration.~~

~~(b) Victims Assistance Programs, or Multijurisdictional Gang or Drug Task Forces.~~

~~(c) Criminal History Records when waived by BJA, because it is essential to continue funding a particular subgrantee to complete an individual project beyond 4 years in order to achieve the goals established by the Act and State's approved CJRI Plan.~~

Specific Authority 943.03(4), 943.403 FS. Law Implemented 943.25(1), 943.402 FS. History—New 2-6-90, Amended 2-7-95, Formerly 9G-16.006, 9B-61.006, Amended 11-5-02, Repealed \_\_\_\_\_.

11D-9.004 Eligible Purposes and Programs.

~~The Act provides that funds may only be used for the purposes as authorized by Congress pursuant to Title I of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, et. seq., as amended. Any other uses or proposed uses shall be denied.~~

Specific Authority 943.03(4), 943.403 FS. Law Implemented 943.25(1), 943.402 FS. History--New 2-6-90, Amended 2-7-95, Formerly 9G-16.007, 9B-61.007, Amended 11-5-02, Repealed.

11D-9.005 Application and Award Procedures for JAG-Countywide and JAG-Direct.

(1) JAG-Countywide Notification Process for State Applicants.

(a) The Department shall notify in writing state agencies that are appropriated a portion of the JAG-Countywide funds. Such notice shall identify the funding available, the purposes for which these funds may be used and the procedures required for receipt of such funds.

(b) State agencies so notified shall be obligated the appropriated funds upon receipt of an application for such funds from the affected agency.

(c) Applicants who submit proposals to the Department for consideration shall submit two originals of the completed application package which is filled out via the Subgrant Information ON-line System (SIMON).

(2)(+)~~(1)~~ JAG-Countywide Notification Process for Local Applicants.

(a) To initiate a funding cycle, the Department shall notify all eligible agencies and jurisdictions through publication in the Florida Administrative Weekly. The funding cycle shall be advertised in the Florida Administrative Weekly at least 30 days prior to the deadline for submitting applications.

(b) In addition to the notice specified in paragraph (1)(a) of this section, the Department shall send notice of the funding cycle and a program announcement to the Chairman, Board of County Commissioners, in each county. The Department shall also provide a courtesy copy of said notice and program announcement to the Chief Elected Official of the governing body of each city located in each county so notified.

(c) The Chairman, Board of County Commissioners, in each county so notified shall return to the Department within 30 days of receiving notification, a statement of certification indicating the county's willingness to serve as the coordinating unit of government for at least 51 percent of the units of government which also represent at least 51 percent of the population located in said county. When the county identifies a county coordinator, the Department shall send application forms to the coordinator.

(d) In the event the county declines to serve as the coordinating unit of government, the Department shall request the governing body of each municipality, in descending order of population, to serve as the coordinating unit of government.

(3)(2)~~(1)~~ JAG-Countywide Local Application Process.

(a) Each applicant is encouraged to appoint a Substance Abuse and Violent Crime Policy Advisory Board, the membership of which shall include at a minimum the following persons or their authorized designee: Chief Circuit Judge, State Attorney, Public Defender, Sheriff, Chief of Police of each municipality within the county or a Chief of Police

designated by those Chiefs of Police as their representative, Jail Administrator, Clerk of the Court, Superintendent of Education and a representative of local drug treatment programs. An existing Board or Council whose membership includes the listed representatives may be utilized in lieu of appointing a new Board or Council. The Substance Abuse and Violent Crime Policy Advisory Board shall serve as the primary body for coordinating drug abuse efforts undertaken with funds provided by the Act.

(b) Each applicant is encouraged to designate an Office of Substance Abuse and Violent Crime Policy for the purposes of:

1. Providing administrative support to the Substance Abuse and Violent Crime Policy Advisory Board;

2. Preparing an application on behalf of at least 51 percent of the local units of government that also represents at least 51 percent of the population in the applicant's county;

3. Administering funds received from the OCGJ, including receipt, review, processing, monitoring, progress and financial report review, technical assistance, grant adjustment, accounting, auditing and fund disbursements; and

4. Coordinating the drug control and violent crime prevention and enforcement activities of the county's criminal justice system, education system and drug treatment systems.

(c) An office or agency performing other functions within the applicant unit of government may be designated as the Office of Substance Abuse and Violent Crime Policy.

(d) Applicants who submit proposals to the Department for consideration shall submit two originals of the completed application package which is filled out via the Subgrant Information ON-line System (SIMON).

(e) The Department shall review all applications for JAG-Countywide Act funds and shall reject any application not meeting the requirements of these rules and applicable federal and state laws.

(4) JAG-Direct Notification Process for Local Applicants. To initiate a funding cycle, the Department shall send notice of the funding cycle and a program announcement to the local agency head, being the mayor of the city or the chairman, in each county.

(5) JAG-Direct Local Application Process.

(a) Applicants who submit proposals to the Department for consideration shall submit two originals of the completed application package which is filled out via the Subgrant Information ON-line System (SIMON).

(b) The Department shall review all applications for Act funds and shall reject any application not meeting the requirements of these rules and applicable federal and state laws.

Specific Authority 943.03(4), 943.403 FS. Law Implemented 943.25(1), 943.402 FS. History--New 2-6-90, Amended 2-7-95, Formerly 9G-16.008, Amended 6-22-00, Formerly 9B-61.008, Amended 11-5-02, \_\_\_\_\_.



investigative expenses, salary and overtime for the efforts of officers and employees directly linked to a funded investigation and other expenses related to investigations approved for funding by the Council.

(2) Each ~~matching~~ funding request shall designate a lead investigative agency that will serve as the liaison between the Council and the participating agencies for the purposes of coordinating the collection of information and in disbursing funds approved by the Council. Each participating agency shall agree to promptly provide requested information to the Council, to provide regular performance reports and information related to funded investigations as required by the Council, retain documentation and proof of expenditures or personnel efforts as may be required by the Council, and submit to any audit or review of the use of received funds as may be required by the Council.

(3) If an additional agency is brought into the investigation after funding has already been appropriated and no additional monies are being sought and there is no change of focus of the investigation, a lead investigative agency is authorized to request that the additional agency be permitted to share in council funds for the investigation.

(a) The lead agency shall verify and endorse both that agency match funding is available from the new agency and that all requirements of Rule 11N-1.0031, F.A.C., will be fulfilled by the new agency.

(b) Pursuant to Rule 11N-1.0031, F.A.C., the new agency shall guarantee its agreements are completed and obtain agency match funding before presenting its package, with the lead agency's endorsement, to the Chairperson of the Council.

(c) The Council Chairperson shall have the ability to make interim ratification of additional agencies participation in a specific funded investigation until the next regularly scheduled council meeting at which time the entire Council shall vote upon the issue.

(4) No change.

(5) ~~Matching~~ Funding from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account is available only to a Florida state or local law enforcement agency, and such funding shall be used for investigative purposes directly linked to the investigative effort approved for funding by the Council. As used herein, "law enforcement agency" includes a Florida police department, a Florida sheriff's office, a regional office of the Florida Department of Law Enforcement or other Florida state law enforcement agency, the Florida Comptroller's Office of Financial Investigations, or a troop of the Florida Highway Patrol.

However, the term excludes state attorneys' offices and the Office of Statewide Prosecution except for resources provided by such offices exclusively dedicated to investigative efforts approved for funding by the Council.

(6) Limits Upon Drug Control Matching Funding.

(a) The maximum ~~matching~~ funding provided by the Council on a single investigation shall be \$100,000. However, an approved investigative effort may consist of multiple investigations, each of which may receive ~~matching~~ funding up to \$100,000.

(b) No law enforcement agency as defined herein may receive more than \$200,000 in Council drug control matching funds during the agency's fiscal year.

(c) In each agency fiscal year, payment of overtime with Council matching funds shall not exceed \$10,000 per officer or employee dedicated to the funded investigative effort.

(d) The Council may fund all, a portion, or none of a proposed investigative effort seeking drug control matching funding.

(e) No change.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 10-25-01, Amended 12-3-03, \_\_\_\_\_.

11N-1.005 Procedures for Formal Funding Requests for Violent Crime Investigative Reimbursement Funding.

(1) No change.

(2) In order to assure careful consideration of requests before presentation to the Council, written requests for funding shall be submitted by the head of the Regional Violent Crime Investigative Coordinating Team so that they are received at least ~~thirty fifteen~~ days prior to the next scheduled Violent Crime and Drug Control Council meeting. Requests shall be mailed to: Florida Violent Crime and Drug Control Council, c/o Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, and shall indicate who will be making the presentation to the Council.

(3) through (9) No change.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 3-10-94, Amended 10-10-95, 10-25-01, 12-3-03, \_\_\_\_\_.

11N-1.0051 Procedures for Funding Requests for ~~Matching~~ Drug Control Investigative Funding.

(1) No change.

(2) All requests for ~~matching~~ drug control investigative effort funds from the Violent Crime and Drug Control Council must be developed in conjunction with, and approved by, the Team in the region from in which the lead requesting agency is located. No request submitted without the endorsement of the Team will be considered by the Council.

(3) Prior to submitting a request for drug control matching funds to the Department of Law Enforcement for review and consideration for Council funding, the Team shall assure that the various requirements of this rule have been satisfied. The Team shall discuss each mandatory criteria element stated in this rule, explaining in detail how the criteria is met. In addition, the Team shall identify and discuss each non-mandatory criteria identified in this rule reasonably applicable to the request. The Team shall assure that the

funding proposal has been explained in sufficient detail to promote a fair review and evaluation of the request by the Department and the Council.

(4) through (6) No change.

(7) The Office of Statewide Intelligence (OSI) shall present to the Council all cases forwarded to it by the regional Teams, indicating its prioritization determinations at a meeting of the Council. The presentation must include a recommendation of which cases OSI believes should receive funding priority and the amount of drug control matching funding recommended and may identify the relative strengths and weaknesses of the cases under consideration in meeting the underlying goals of Council matching funding.

(8) The Council will make its drug control matching funding decisions based upon the information presented to it by OSI, or otherwise made available at a Council meeting, and the availability of funds for use by the Council. The Council may direct that approved funding shall be paid in a lump sum or in installments. The Council may fund all, a portion, or none of a request presented to it.

(9) No change.

(10) Council-provided drug control matching funds shall be expended in a manner consistent with the investigative purposes approved by Council, and may not be utilized to pay any part of the commitment made by the recipient agencies in determining their amount of agency match funds ~~to be matched by the Council provided funds.~~

(11) No change.

(12) In order to assure careful consideration of original requests for drug control matching funding and resubmitted requests for funding that have been previously denied, the written requests and approvals shall be submitted by the head of the Team to the Office of Statewide Intelligence no later than 30 days prior to the meeting of the Council in which the request for matching funding might be considered.

(13) Agencies seeking drug control matching funding under this section shall cooperate with the Team in the agencies' area, and provide all information as requested by the Team to assist in the preparation of a funding request, including information to identify the amounts of agency funds being committed by each participating agency to be matched by Council drug control matching funds. The head of each requesting agency that seeks to receive Council drug control matching funds shall include in the submission to the Team a certification in writing that to the agency head's best knowledge and belief, the request complies with the requirements established by law and this rule for funding. The agency head shall also agree to provide requested information to the Council to assist the Council in its performance-monitoring obligations and shall agree to retain proof and documentation as may be required by the Council and to submit to any audits or reviews of agency utilization of Council funds or funds derived from any Council-funded

investigative effort as may be performed. The request shall be accompanied by Form FDLE/OSI-003, ~~Matching Drug Control & Money Laundering Application~~, revised 12/03/2004 ~~10/07/04~~, incorporated by reference.

(14) Funding Calculations.

(a) In calculating the amount being provided ~~by~~ as an ~~requesting~~ agency match ~~for which matching Council funds may be provided~~, the Council shall consider:

1. The base salary (including benefits and taxes) and overtime compensation pledged (including benefits and taxes) of agency employees for that portion of the employees' efforts dedicated exclusively to the proposed investigative effort, and

2. Normal operating costs directly attributable to the proposed investigative effort as specifically identified by the requesting agency, subject to the exclusions listed below.

(b) No change.

(15) Council-provided funds shall not be used for any purposes ~~used~~ by the requesting agency in calculating its agency match ~~contribution to be matched by Council Funds~~. Where an employee's overtime has been pledged by an agency as a match ~~contribution to be matched by Council funds~~, no Council-provided funds may be used for the employee's overtime until such time as the agency's ~~pledged~~ match overtime funding has been completely expended. Council Matching funds shall not be used to purchase or lease vehicles, vessels, aircraft or conveyances, computer equipment, or buildings or the maintenance or repair of any such property or equipment. Council Matching funds shall not be used to pay employee base salaries. In each agency's fiscal year, up to \$10,000 in Council matching funds may be applied to an employee's overtime (including benefits and taxes) for efforts dedicated exclusively to the funded investigative effort. Matching Council funds may be used for the temporary rental of property or equipment for an undercover operation in support of the investigative effort, or for use in surveillance activities tied to the investigative effort. Matching Council funds may be utilized to pay overtime of agency employees' efforts directly in support of the funded investigative effort, limited to \$10,000 per employee in the employee's agency's fiscal year.

(16) Council Matching Funding Documentation.

(a) Agencies receiving drug control matching funding under this section shall provide a written quarterly report of expenditures of Council funds and of the progress of the investigative effort. The report shall be prepared in consultation with the Regional Drug Enforcement Coordinating Team and submitted by that Team through the Office of Statewide Intelligence for compilation and presentation to the Council at a quarterly meeting. Form FDLE/OSI-004A, ~~Matching Drug Control Quarterly Report~~, revised 12/03/2004 ~~10/08/02~~, incorporated by reference, shall be utilized to make the report. In addition, the Council may require oral progress reports to be made at Council meetings by

a representative of the Regional Drug Enforcement Coordinating Team or a designee of the lead investigative agency in a funded investigative effort. Agencies receiving Drug Control funding after September 1, 2005, shall utilize FDLE/OSI-004B, Drug Control Bi-Annual Report, revised 12/03/2004, hereby incorporated by reference.

(b) Agencies receiving ~~matching~~ Council funding shall retain documentation supporting the amounts and purposes of expenditures made from ~~matching~~ Council funds, the amounts and purposes of expenditure of agency match funds pledged as the basis for the amount of funds to be matched by the Council, the performance and accomplishments of the investigative efforts, and shall make these available to the Council upon request. With regard to agency personnel assigned to investigative efforts receiving Council funds, each agency shall retain, and make available to the Council as requested, each employee's official time and leave records and such other documentation demonstrating the time devoted by the employee to the funded investigative effort, but these records shall not be submitted with either FDLE/OSI-004A or FDLE/OSI-004B.

(c) Agencies receiving ~~matching~~ Council funding shall provide such other information as ~~may be~~ required by the Council or the Office of Statewide Intelligence in its capacity as support staff, to assist ~~the Council~~ in preparing its annual report to the Legislature, to assist audits of Council activities, or to assist the Council and OSI in fulfilling their ~~its~~ role to monitor the performance of funded investigations.

(17) No change.

(18) If an agency receiving Council ~~matching~~ funds is subsequently reimbursed or funded from another source of funding for the expenditures funded by the Council, the receiving agency shall return to the Council an amount that is the lesser of the subsequent reimbursement or the ~~matching~~ funding received from the Council.

(19) If agencies receiving Council funding fail to submit the required forms, FDLE/OSI-004A or FDLE/OSI-004B, by the stated deadline, the Council Chair in consultation with FDLE/OSI staff is authorized to request that all unexpended funds be returned within 30 days. Upon such a finding, the Agency Head of the funded agencies will be notified in writing as to the manner in which such funds must be returned. Any agency that is delinquent in submitting either form FDLE/OSI-004A or FDLE/OSI-004B by 90 or more days shall be subject to this provision.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 10-25-01, Amended 12-3-03, \_\_\_\_\_.

11N-1.006 Contributions.

Local law enforcement agencies may contribute to the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account by submitting funds to the executive director of the Department of Law Enforcement. Contributions should be accompanied by a written statement designating the

funds to the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account. Agencies receiving forfeiture proceeds by reason of an investigative effort receiving ~~matching~~ Council funds may contribute a portion of those proceeds to the Department of Law Enforcement for use by the Council in further ~~matching~~ funding efforts.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 3-10-94, Amended 10-10-95, 10-25-01, \_\_\_\_\_.

11N-1.009 Victim/Witness Protection Program.

(1) Requests for Victim Witness Protection funding, pursuant to Section 943.031(6), F.S., must be made using the Victim/Witness Protection Program Application, form FDLE/OSI-005, revised 10/8/02 and incorporated by reference.

(2) In order to be considered for funding, completed applications shall be submitted to ~~FDLE, OSI the Victim and Witness Protection Review Committee~~, at least 30 ~~15~~ days prior to the next scheduled Violent Crime and Drug Control Council (VCDCC) meeting.

Application information and dates of scheduled VCDCC meetings can be found at <http://osiweb.fldle.flejn.net/VCDCC/vwcases/vwapplication.htm>.

(3) Completed forms shall be mailed to:

Chairperson, Florida Violent Crime & Drug Control Council  
 c/o Florida Department of Law Enforcement  
 Post Office Box 1489  
 Tallahassee, Florida 32302-1489  
Attn: Violent Crime Agent/Office of Statewide Intelligence ~~Attn: SA Kris Cullen/Office of Statewide Intelligence~~

Specific Authority 943.03(4) FS. Law Implemented 943.031(6), 914.25 FS. History--New 12-3-03, Amended \_\_\_\_\_.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**PUBLIC SERVICE COMMISSION**

DOCKET NO: 050531-EU

RULE TITLE: Bulk Power System Reliability Standards  
 PURPOSE AND EFFECT: To discuss the Florida Reliability Coordinating Council Inc.'s Petition to Initiate Rulemaking to Adopt Rule 25-6.0186, F.A.C.  
 SUBJECT AREA TO BE ADDRESSED: Petition to Initiate Rulemaking on Bulk Power System Reliability Standards.

RULE NO.: 25-6.0186



SPECIFIC AUTHORITY: 120.54(2) FS.  
LAW IMPLEMENTED: 120.54(2) FS.  
A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
TIME AND DATE: 10:30 a.m., October 6, 2005  
PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, Florida

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Christiana T. Moore, Office of the General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6098

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT, AS REQUESTED BY THE FRCC, IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Personnel Management System**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Florida State Employees Charitable Campaign	60L-39
RULE TITLES:	RULE NOS.:
Scope and Purpose	60L-39.001
General Requirements	60L-39.002
Statewide Steering Committee	60L-39.003
Eligibility Criteria for Participation by Charitable Organizations	60L-39.004
Application Procedures	60L-39.005
Duties and Responsibilities of the Fiscal Agent	60L-39.006
Appeals	60L-39.007

PURPOSE AND EFFECT: To consider amendments to the Rules listed above.

SUBJECT AREA TO BE ADDRESSED: Scope and Purpose of Chapter 60L-39, General Requirement, Statewide Steering Committee, Eligibility Criteria for Participation by Charitable Organizations, Application Procedures, Duties and Responsibilities of the Fiscal Agent and Appeals.

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

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
TIME AND DATE: 10:00 a.m., Monday, September 29, 2005  
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: Julie Shaw, (850)487-3423.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, 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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE TITLE: General Licensing Forms  
RULE NO.: 61-6.022

PURPOSE AND EFFECT: This rule incorporates Department-wide forms utilized in applications for professional and business licensing.

SUBJECT AREA TO BE ADDRESSED: The rule will adopt and incorporate by reference Department-wide licensing forms.

SPECIFIC AUTHORITY: 455.213(1) FS.  
LAW IMPLEMENTED: 455.203, 455.213 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE SECRETARY, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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: Jennifer Causseaux, (850)414-7677. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jennifer Causseaux, Office of the General Counsel, 1940 North Monroe Street, Tallahassee, FL 32399

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE TITLE: Examination for Swimming Pool Specialty Contractors

RULE NO.: 61G4-16.003

PURPOSE AND EFFECT: The Board proposes to describe practical examination for Swimming Pool Specialty Contractors.

SUBJECT AREA TO BE ADDRESSED: Practical examination for Swimming Pool Specialty Contractors.

SPECIFIC AUTHORITY: 489.108 FS.

LAW IMPLEMENTED: 489.108 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE CHAPTER TITLE: Biennial License Renewal

RULE CHAPTER NO.: 64B7-28

PURPOSE AND EFFECT: The Board proposes the development of rule amendments and new rules to address retired status licenses and other issues in order to implement Section 456.036, F.S., 2005 and other laws.

SUBJECT AREA TO BE ADDRESSED: Biennial License Renewal.

SPECIFIC AUTHORITY: 456.013, 456.024(2), 456.025(7), 456.034, 456.036, 480.035(7), 480.0415, 480.0425, 480.043(8), 480.044 FS.

LAW IMPLEMENTED: 456.013, 456.024(2), 456.025(7), 456.034, 456.036, 480.043(7), 480.044, 480.067(1)(b), 480.0415, 480.0425 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy Practice**

RULE TITLES: Wall Certificate and Duplicate License Fee

RULE NOS.: 64B11-2.010

Applicants Seeking Reentry

64B11-2.012

PURPOSE AND EFFECT: The Board proposes to review the existing language in these rules to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Wall Certificate and Duplicate License Fee; Applicants Seeking Reentry.

SPECIFIC AUTHORITY: 456.025(2),(7), 468.204, 468.209 FS.

LAW IMPLEMENTED: 456.025(2),(7), 468.209(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy Practice**

RULE TITLES: Duplicate License Fee

RULE NOS.: 64B11-3.008

Applicants Seeking Reentry

64B11-3.009

PURPOSE AND EFFECT: The Board proposes to review the existing language in these rules to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Duplicate License Fee; Applicants Seeking Reentry.

SPECIFIC AUTHORITY: 456.025(2),(7), 468.204, 468.209 FS.

LAW IMPLEMENTED: 456.025(2),(7), 468.209(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy Practice**

RULE TITLE: Standards of Practice; Discipline

RULE NO.: 64B11-4.003

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Standards of Practice; Discipline.

SPECIFIC AUTHORITY: 456.079, 468.204 FS.

LAW IMPLEMENTED: 456.072, 456.079, 468.217 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy Practice**

RULE TITLE: Retired Status and Reactivation of Retired Status License; Fees

RULE NO.: 64B11-5.004

PURPOSE AND EFFECT: The Board proposes the development of this rule to address retired status licenses in order to implement Section 456.036, F.S., 2005 and other laws.

SUBJECT AREA TO BE ADDRESSED: Retired Status and Reactivation of Retired Status License; Fees.

SPECIFIC AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 456.036 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE TITLE: Emergency Medical Technician

RULE NO.: 64E-2.008

PURPOSE AND EFFECT: The Department of Health has determined that it is necessary to amend the rule relating to the certification of Emergency Medical Technicians.

SUBJECT AREA TO BE ADDRESSED: Emergency Medical Technician.

SPECIFIC AUTHORITY: 381.0011, 381.0034, 381.0035, 401.23, 401.27, 401.35 FS.

LAW IMPLEMENTED: 381.001, 401.23, 401.27, 401.34, 401.35, 401.41, 401.411, 401.414 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Don L. Bennett, Bureau Chief, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64E-2.008 Emergency Medical Technician.

(1) through (4) No change.

(5) Individuals who document their possession of the following in their application shall be deemed to satisfy subsection 64E-2.010(4), F.A.C., for certification as an EMT only while these criteria are applicable:

(a) Status as a member of the United States military;

(b) Valid EMT certification from the National Registry of Emergency Medical Technicians; and

(c) Assignment to Florida as part of a training program to operate as an EMT.

Specific Authority 381.0011, 381.0034, 381.0035, 401.23, 401.27, 401.35 FS. Law Implemented 381.001, 401.23, 401.27, 401.34, 401.35, 401.41, 401.411, 401.414 FS. History--New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.56, Amended 11-2-86, 4-12-88, 8-3-88, 12-10-92, 11-30-93, 12-10-95, 1-26-97, Formerly 10D-66.056, Amended 8-4-98, 1-3-99, 9-3-00, 4-15-01, 6-3-02, 11-3-02, \_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Consumer Services

RULE TITLES: Registration

RULE NOS.: 5J-12.002

Educational Assistance Program

5J-12.005

PURPOSE AND EFFECT: The purpose and effect for subsection 5J-12.002(2), F.A.C., relating to Registration is to delete outdated language no longer applicable to the registration process. Rule 5J-12.005, F.A.C., initiates rules relating to the Educational Assistance Program.

SUMMARY: Subsection 5J-12.002(2), F.A.C., deletes the language relating to occupational license numbers and Rule 5J-12.005, F.A.C., establishes new rules for the Educational Assistance Program.

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

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

SPECIFIC AUTHORITY: 559.2201, 570.07(23) FS.

LAW IMPLEMENTED: 559.904, 559.916 FS.

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

TIME AND DATE: 10:00 a.m., October 11, 2005

PLACE: Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3679

THE FULL TEXT OF THE PROPOSED RULES IS:

5J-12.002 Registration.

~~(1) No change.~~

~~(2)(a) Form DACS 10900 will not be deemed incomplete for failure to furnish a valid occupational license number, provided the motor vehicle repair shop is unable to obtain such number until it exhibits an active registration certificate issued by the Department pursuant to Section 559.904(7), F.S.~~

~~(b) If the Department approves the application submitted by the motor vehicle repair shop and issues a registration certificate to conduct business as a motor vehicle repair shop, the motor vehicle repair shop shall, within 30 days after issuance, provide the occupational license number to the Department.~~

~~(c) If the motor vehicle repair shop fails to provide the valid occupational license number within the prescribed 30 day period, such failure shall be grounds for suspension or revocation of registration.~~

Specific Authority 559.92201, 570.07(23) FS. Law Implemented 559.904, 559.916 FS. History--New 1-18-95, Amended 5-24-95, 2-11-98, 1-20-03, 11-4-03, 6-27-05, \_\_\_\_\_.

#### 5J-12.005 Educational Assistance Program.

(1) Definitions: For the purposes of Rule 5J-12.005, F.A.C., the following terms shall have the following meanings:

(a) "Technical Training" means training specifically related to mechanical and collision repairs and service.

(b) "Sponsored by" means financially supported or underwritten in whole or in part.

(c) "Instruction" means any coursework, seminar, in-service training, or other such program which is open to the public.

(d) "Educational institution" means an institution or organization described in Section 212.08(7)(cc)8.a., F.S.

(e) "Common ownership" means:

1. For an individual, the same individual or spouse of the same individual.

2. For a corporation or other entity created and existing by operation of law, one-half or more of the shares or other ownership interest in the entity are owned, controlled, or held for the benefit of the same person or individual or spouse of the same individual.

3. For a partnership, one-half or more of the partners are the same.

(2) Any motor vehicle repair shop that holds a current valid registration issued by the Department under the Motor Vehicle Repair Act and is not subject to any open enforcement proceedings by the Department, may apply for financial assistance for employees of the shop to undertake technical training or courses of study in motor vehicle repair. The shop shall use form DACS 10910, Educational Assistance Application, Motor Vehicle Repair Act, effective 8/05, hereby incorporated by reference. Copies of this form may be obtained