

**Section I**  
**Notice of Development of Proposed Rules**  
**and Negotiated Rulemaking**

NONE

**Section II**  
**Proposed Rules**

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE NO.:       RULE TITLE:

11B-14.002       General Program Provisions

PURPOSE AND EFFECT: Subsection 11B-14.002(2), F.A.C.: Revises the Training Report, form CJSTC-67 to conform with the renumbering of subsections to subsections 11B-35.001(6)-(15), F.A.C.

SUMMARY: Revises the Training Report, form CJSTC-67.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will

not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

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

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

LAW IMPLEMENTED: 943.22 FS.

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

DATE AND TIME: Wednesday, May 13, 2015, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Criminal Justice

Professionalism Conference Room B1055, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Joyce Gainous-Harris at (850)410-8615, joycegainous-harris@fdle.state.fl.us or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joyce Gainous-Harris at (850)410-8615, joycegainous-harris@fdle.state.fl.us or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE 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 \_\_\_\_\_, effective \_\_\_\_\_ ~~November 8, 2007~~, hereby incorporated by reference \_\_\_\_\_, shall be electronically transmitted to Commission staff through the Commission’s ATMS. Form CJSTC-67 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(3) through (15) No change.

Rulemaking 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, 3-27-06, 3-21-07, 6-9-08, 3-13-13, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Bureau Chief Glen Hopkins

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2015  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 21, 2014

#### DEPARTMENT OF LAW ENFORCEMENT

##### Criminal Justice Standards and Training Commission

RULE NO.: RULE TITLE:

11B-18.004 Regional Training Areas

PURPOSE AND EFFECT: Paragraph 11B-18.004(2)(b), F.A.C.: Renames Washington-Holmes Technical Center Criminal Justice Program to Florida Panhandle Technical College Public Safety Institute at the request of the training school.

Paragraph 11B-18.004(6)(a), F.A.C.: Moves the Hernando County Sheriff's Office to the Region VI training area from the Region IX training area at the request of the Hernando County Sheriff's Office.

Paragraph 11B-18.004(7)(b), F.A.C.: Renames Eastern Florida State College Institute of Public Safety to Eastern Florida State College Public Safety Institute; and Lake Tech Center Institute of Public Safety to Lake Technical College Criminal Justice Academy at the request of the criminal justice training schools.

Paragraph 11B-18.004(9)(a), F.A.C.: Moves the Hernando County Sheriff's Office from the Region IX training area to the Region VI training area at the request of the Hernando County Sheriff's Office.

Paragraph 11B-18.004(9)(b), F.A.C.: Renames the Pasco-Hernando Community College Public Service Technology Center to Pasco-Hernando State College; and Manatee Technical Institute Law Enforcement Academy to Manatee Technical College at the request of the criminal justice training schools.

SUMMARY: Renames Washington-Holmes Technical Center Criminal Justice Program to Florida Panhandle Technical College Public Safety Institute; adds the Hernando County Sheriff's Office to the Region VI training area; renames Eastern Florida State College Institute of Public Safety to Eastern Florida State College Public Safety Institute; renames Lake Tech Center Institute of Public Safety to Lake Technical College Criminal Justice Academy; removes the Hernando County Sheriff's Office from the Region IX training area and adds the Hernando County Sheriff's Office to the Region VI training area; revises the name of Pasco-Hernando Community College Public Service Technology Center to Pasco-Hernando State College; and revises the name of Manatee Technical Institute Law Enforcement Academy to Manatee Technical College.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department's economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

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

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

LAW IMPLEMENTED: 943.25(5) FS.

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

DATE AND TIME: Wednesday, May 13, 2015, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Criminal Justice Professionalism Conference Room B1055, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Joyce Gainous-Harris at (850)410-8615, joycegainous-harris@fdle.state.fl.us or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joyce Gainous-Harris at (850)410-8615, joycegainous-harris@fdle.state.fl.us or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE 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) No change.
- (2) Region II.
- (a) No change.

(b) Commission-certified training schools within Region II: Chipola College Center for Public Service, Gulf Coast State College Criminal Justice Training Academy, and Florida Panhandle Technical College Public Safety Institute. ~~Washington Holmes Technical Center Criminal Justice Program.~~

- (3) through (5) No change.

- (6) Region VI.

(a) Criminal justice agencies within Levy, Citrus, Hernando (~~excluding the Hernando County Sheriff's Office~~), Marion, and Sumter counties, and the State Attorney's Office for the Fifth Judicial Circuit.

- (b) No change.

- (7) Region VII.

- (a) No change.

(b) Commission-certified training schools within Region VII: Eastern Florida State College Public Safety Institute of Public Safety, Criminal Justice Institute at Valencia College, Daytona State College School of Emergency Services Institute, Criminal Justice Academy of Osceola, Lake Technical College Criminal Justice Academy ~~Lake Tech Center Institute of Public Safety~~, and Seminole State College Criminal Justice Institute.

- (8) No change.

- (9) Region IX.

(a) Criminal justice agencies within Pasco, Pinellas, Hillsborough, and Manatee counties, ~~the Hernando County Sheriff's Office~~, and the State Attorney's Office for the Sixth and Thirteenth Judicial Circuits.

(b) Commission-certified training schools within Region IX: Hillsborough Community College Criminal Justice Institute, Manatee Technical College Institute ~~Law Enforcement Academy~~, Manatee County Sheriff's Office Training Center, Pasco-Hernando State Community College Public Service Technology Center, and St. Petersburg College Southeastern Public Safety Institute.

- (10) through (16) No change.

Rulemaking 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, 3-27-06, 3-21-07, 9-28-09, 6-3-10, 3-13-13, 5-29-14, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Bureau Chief Glen Hopkins

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2015  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 21, 2014

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE NOS.: RULE TITLES:

- 11B-20.001 Definitions and Minimum Requirements for General Certification of Instructors
- 11B-20.0014 Minimum Requirements for High-Liability and Specialized Instructor Certifications
- 11B-20.0016 Inspection of Instructor Certification Applications
- 11B-20.0017 Maintenance and Duration of Instructor Certifications

PURPOSE AND EFFECT: Paragraph 11B-20.001(1)(a), F.A.C.: Revises the Training Report, form CJSTC-67 to conform with the renumbering of subsections to Rule 11B-35.001(6)-(15).

Subsection 11B-20.001(4), F.A.C.: Incorporates the revised Instructor Exemption, form CJSTC-82, because of the renumbering of the rule section.

Subparagraph 11B-20.0014(2)(d)5., F.A.C.: Clarifies that CPR instructors who possess an active CPR instructor certification from the American Heart Association (AHA), American Red Cross (ARC), American Safety & Health Institute (ASHI), or other entity referenced in Rule 64J-1.022, F.A.C., may request to obtain certification to instruct in first aid.

Subparagraph 11B-20.0014(d)7., F.A.C.: Changes the paragraph numbering to identify specific requirements for instructor applicants to provide documentation of their current certification or license to qualify for obtaining a First Aid Instructor Certification.

Subparagraph 11B-20.0014(3)(c)2., F.A.C.: Clarifies that a canine team instructor applicant's required experience does not include handling of canine teams used exclusively for tracking and trailing or specific detection.

Subparagraph 11B-20.0014(3)(c)4., F.A.C.: Clarifies that applicants may request canine team instructor certification if they have successfully completed the Canine Team Training Instructor Course number 1199 or the retired Canine Team Training Instructor Course number 1107 through a training school.

Subsection 11B-20.0016(4), F.A.C.: Revises the name of the Instructor Certification Deficiency Notification form CJSTC-271 by removing the word "Application" from the title to make consistent with rule.

Rule 11B-20.0017, F.A.C.: Revises the Instructor Compliance Application CJSTC-84 form to add diving to the list of the high-liability certifications.

**SUMMARY:** Revises the Training Report, form CJSTC-67; revises the Instructor Exemption, form CJSTC-82; specifies that CPR instructors may request certification to instruct in first aid if they possess an active CPR instructor certification from entities referenced in Rule 64J-1.022, F.A.C.; rennumbers the paragraph to identify specific instructor applicant requirements.; prohibits a canine handler from becoming a Commission-approved canine instructor without the required experience as a criminal justice canine handler; allows canine team instructor applicants to meet certification requirements if they successfully complete the retired Canine Team Training Instructor Course number 1107; revises the name of the Instructor Certification Deficiency Notification form CJSTC-271; and revises the Instructor Compliance Application form CJSTC-84.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:** The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department's economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

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

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

**LAW IMPLEMENTED:** 943.22 FS.

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

**DATE AND TIME:** Wednesday, May 13, 2015, 10:00 a.m.

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**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Joyce Gainous-Harris at (850)410-8615, joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308

**THE FULL TEXT OF THE PROPOSED RULE 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 \_\_\_\_\_, effective \_\_\_\_\_ ~~November 8, 2007~~, hereby incorporated by reference. Form CJSTC-67 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(b) through (i) No change.

(2) through (3) No change.

(4) Exemption from General Instructor Certification. An individual, who has a professional or technical certification or three years of experience in the specified subject matter to be instructed, shall be exempt from General Instructor Certification. The training center director or designee shall document the individual's qualifications by completing the Instructor Exemption, form CJSTC-82, revised \_\_\_\_\_, effective \_\_\_\_\_ ~~December 16, 2010, (effective 3/2013)~~, hereby incorporated by reference, which shall be maintained in the course file at the training school. Form CJSTC-82 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(5) through (6) No change.

Rulemaking 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, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 6-3-10, 5-21-12, 3-13-13, 5-29-14, \_\_\_\_\_.

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

- (1) No change.
- (2) High-Liability Instructor Topics.
  - (a) through (c) No change.
  - (d) First Aid Instructor Certification. Instructor applicants who request to obtain certification to instruct in first aid shall:

1. through 4. No change.

5. Possess and maintain an active ~~valid~~ CPR Instructor Certification from the American Heart Association (AHA), American Red Cross (ARC), American Safety & Health Institute (ASHI), or other ~~an~~ entity referenced in the Department of Health Rule 64J-1.022, F.A.C. The instructor shall not let the CPR Instructor Certification lapse and shall provide documentation of renewal to the certifying agency or training school. If the CPR Instructor Certification expires during the instructor certification period, the instructor shall not instruct in first responder or first aid until the CPR Instructor Certification is renewed; or

6. The following individuals, based on their education and training experience in the United States or its territories, are eligible for First Aid Instructor Certification without completing additional Commission-approved training and shall comply with subparagraphs (2)(d)4.-5. of this rule section:

a. through g. No change.

~~7.A.~~ To obtain a First Aid Instructor Certification, the instructor applicant shall provide a copy of the current qualifying professional's certification or license and shall not allow the qualifying professional's certification or license to lapse. The instructor applicant shall provide documentation of renewal to the certifying agency or training school. If the qualifying professional's certification or license expires during the certification period, the instructor shall not instruct in first aid until the professional's certification or license is renewed.

(3) Specialized Instructor Certifications. Instructor applicants who apply for a Specialized Instructor Certification shall have completed the applicable specialized instructor course within four years of the date the instructor applicant applies for certification. Instructor applicants who apply for a Specialized Instructor Certification more than four years from the date training was completed shall meet the requirements for completing an internship and demonstration of proficiency skills if applicable to the specialized topic. Instructor applicants shall meet the following requirements for each Specialized Instructor Certification requested:

(a) through (b) No change.

(c) Canine Team Instructor Certification. Instructor applicants who request to obtain certification to instruct Commission-approved canine team training courses shall:

- 1. No change.
- 2. Possess a minimum of five years criminal justice canine team experience documented in the instructor applicant's file at the training school or agency. This does not include canines used by certified officers exclusively for tracking and trailing or specific detection, which are excluded from the certification process.
- 3. No change.
- 4. Successfully complete the Canine Team Training Instructor Course number 1199 or Canine Team Training Instructor Course number 1107 (retired 11/6/2013), through a training school.
- 5. through 8. No change.
- (d) No change.

Rulemaking 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, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 3-13-13, 5-29-14, \_\_\_\_\_.

11B-20.0016 Inspection of Instructor Certification Applications.

- (1) through (3) No change.
- (4) The instructor applicant shall satisfy the deficiency(s) by submitting the required documentation to Commission staff within 90 days of the receipt of the Instructor Certification Deficiency Notification ~~Application~~ form CJSTC-271. The Commission has the authority to grant or deny the instructor applicant's certification for failure to meet the 90-day requirement. Upon denial of the application, the instructor applicant may reapply for certification.

Rulemaking 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, 3-27-06, 6-9-08, 3-13-13, \_\_\_\_\_.

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 \_\_\_\_\_, ~~November 8, 2007~~, hereby incorporated by reference, to verify compliance with the mandatory retraining requirements. Form CJSTC-84 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(1) through (8) No change.

Rulemaking Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.14(3) FS. History—New 7-29-01, Amended 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 6-3-10, 3-13-13, 5-29-14, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Bureau Chief Glen Hopkins  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2015  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 21, 2014

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE NO.: 11B-21.002  
RULE TITLE: Criminal Justice Training Schools' Request for Certification, Expansion of Certification, and Re-certification

PURPOSE AND EFFECT: Subsection 11B-21.002(1), F.A.C.: Revises the Training School Certification, Re-certification, or Expansion of Certification Application, form CJSTC-29, to add the applicant's region and certification period; and clarify the certification type.

SUMMARY: Updates the Training School Certification, Re-certification, or Expansion of Certification Application, form CJSTC-29.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department's economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

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

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), (2) FS.  
LAW IMPLEMENTED: 943.12(3), (7), 943.14 FS.

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

DATE AND TIME: Wednesday, May 13, 2015, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Criminal Justice Professionalism Conference Room B1055, Tallahassee, Florida 32308

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joyce Gainous-Harris at (850)410-8615, joycegainous-harris@fdle.state.fl.us or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) Training organizations requesting Commission certification, re-certification, or expansion of a current certification shall apply to the Commission by submitting to Commission staff a completed Training School Certification, Re-certification, or Expansion of Certification Application, form CJSTC-29, revised, effective \_\_\_\_\_, October 30, 2008, hereby incorporated by reference \_\_\_\_\_. Form CJSTC-29 shall reflect that certification is for the training organization requesting the certification, re-certification, or expansion of a current certification. Form CJSTC-29 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(2) through (5) No change.

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

7-7-99, 8-22-00, 11-5-02, 11-30-04, 3-21-07, 6-9-08, 9-28-09, 3-13-13,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Bureau Chief Glen Hopkins  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2015  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 21, 2014

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE NOS.:      RULE TITLES:  
 11B-27.0011      Moral Character  
 11B-27.002      Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers  
 11B-27.013      Canine Team Certification

PURPOSE AND EFFECT: Subsection 11B-27.0011(4)(c), F.A.C.: Repeals form CJSTC-85, entitled Recommended Response to Resistance and Levels of Resistance, due to Graham vs. Connor Case Law incorporated in the Commission’s Curriculum.

Subparagraph 11B-27.002(3)(a)11., F.A.C.: Changes the name and contents of form CJSTC-76 from “Equivalency-of-Training” to “Exemption-From-Training”; and changes the name and contents of form CJSTC-76A from “Equivalency-of-Training Proficiency Demonstration” to “Exemption-From-Training Proficiency Demonstration” to add exemptions to prevent individuals from having to retake a basic recruit program.

Paragraph 11B-27.002(4)(b),F.A.C.: Makes grammatical change by replacing “has not complied” with “fails to comply”. , F.A.C.

Paragraph 11B-27.013(1)(a), F.A.C.: Revises “tracking and trailing” terminology for consistency with other rule language sections.

Paragraph 11B-27.013(1)(b), F.A.C.: Adds language prohibiting a canine evaluator from verifying equivalent training that he or she delivered to maintain the integrity of the canine evaluator.

Paragraph 11B-27.013(1)(c), F.A.C.: Clarifies that “equivalent training” includes Canine Team Training Course number 1198 (not delivered at Commission-certified training school), or any canine team training course other than the Commission-approved Canine Team Training Course number 1198; and shall be a minimum of 480 hours and shall comply with the goals and objectives of the Canine Team Training Course number 1198. For a previously Commission-certified handler

assigned a new canine, equivalent training shall refer to the 80-hour minimum training requirement.

Subsection 11B-27.013(2), F.A.C.: Revises the paragraph numbering to include the list of requirements for canine team certification in sub-paragraph (2)(a)-(e) and moves the unrelated language regarding the Canine Team Certification Application form CJSTC-70 to sub-paragraph (2)(e) of this rule section.

Paragraph 11B-27.013(2)(b), F.A.C.: Provides certification deadline of October 31, 2015, for canine teams that took the retired Canine Team Training Course number 1112 before November 6, 2013 to ensure that canine teams acquire new certification on a timely basis.

Paragraph 11B-27.013(2)(e), F.A.C.: Moves language from paragraph (2) to sub-paragraph (2)(e) of this rule section to introduce and incorporate the Canine Team Certification Application form CJSTC-70.

Paragraph 11B-27.013(2)(e), F.A.C.: Updates the Canine Team Certification Application form CJSTC-70 to clarify the types of canine training delivered by the training school and requires the FDLE Field Specialist to sign the completed form to certify the canine team has complied with the provisions of Rule 11B-27.013, F.A.C.

Paragraph 11B-27.013(3)(a), F.A.C.: Clarifies the completion of the Canine Team Certification Application form CJSTC-70 as documentation to apply for canine team certification and moves language from paragraph (2) to this rule section.

Paragraph 11B-27.013(3)(b), F.A.C.: Clarifies and introduces a list of required documentation for successful completion of canine team training.

Subparagraph 11B-27.013(3)(b)2., F.A.C.: Introduces and incorporates the Canine Course Equivalency Checklist form CJSTC-70A as documentation of the successful completion of an equivalent training course.

Subparagraph 11B-27.013(3)(b)2.a.-b., F.A.C.: Clarifies “equivalent training” as the Canine Team Training Course number 1198 not delivered at Commission-certified training school, or any canine team training course other than the Commission-approved Canine Team Training Course number 1198; and shall be a minimum of 480 hours and shall comply with the goals and objectives of the Canine Team Training Course number 1198. For a previously Commission-certified handler assigned a new canine, equivalent training shall refer to the 80-hour minimum training requirement.

Subparagraph 11B-27.013(3)(b)3, F.A.C.: Clarifies that the Commission-approved canine evaluator verifies and does not approve equivalent curriculum and allows the Commission-certified Canine Instructors to teach courses without the approval of a Commission-approved canine evaluator.

Subparagraphs 11B-27.013(3)(c)-(d)1.-4., F.A.C.: Renumbers paragraph 11B-27.013(3) and removes redundant rule

language about canine team certification that appears in this same rule section.

Paragraph 11B-27.013(3)(c), F.A.C.: Updates the Canine Team Performance Evaluation form CJSTC-83 to add more documentation of proficiency skills to the form.

Subparagraph 11B-27.013(3)(c)5., F.A.C.: Clarifies the course “number 1198” is entitled Canine Team Training Course to identify the course.

Subparagraph 11B-27.013(3)(c)6., F.A.C.: Clarifies the course “number 1198” is entitled Canine Team Training Course to identify the course.

Subparagraph 11B-27.013(3)(c)7., F.A.C.: Removes repetitive language from other rule sections to clarify the required documentation for canine team training.

Paragraphs 11B-27.013(4)(b)-(c), F.A.C.: Clarifies the canine team certification requirement to ensure the deficiency notification process is consistent with other instructor certifications and renumbers rule section.

Paragraph 11B-27.013(5)(c), F.A.C.: Removes redundant and unrelated language about the certification process.

Paragraphs 11B-27.013(6)(a)-(c), F.A.C.: Revises the Canine Team Certification Deficiency Notification form CJSTC-270 by removing the word “Application” from the title and clarifies the process for addressing deficiencies of canine team applicant files.

Subsection 11B-27.013(7), F.A.C.: Revises the paragraph numbering of Rule 11B-27.013(7), introduces list of requirements for evaluator applicants, and removes unnecessary language.

Paragraphs 11B-27.013(7)(a)-(c), F.A.C.: Clarifies “tracking and trailing” terminology and updates renumbering for consistency with other rule language sections.

**SUMMARY:** Repeals the form CJSTC-85, entitled Recommended Response to Resistance and Levels of Resistance; revises the names of the Exemption-From-Training form CJSTC-76 and the Exemption-From-Training Proficiency Demonstration form CJSTC-76A to mirror language in the statute; makes grammatical change by replacing “has not complied” with “fails to comply”; updates term “tracking and trailing”; removes unnecessary language for consistency with other rule language and adds language to maintain the integrity of the canine evaluator; specifies the courses that qualify for “equivalent training”; includes the requirements for canine team certification and moves unrelated language about canine team documentation to another section; adds a certification deadline of October 31, 2015 to ensure that canine teams acquire new certification on a timely basis; explains the use of the Canine Team Certification Application form CJSTC-70 for canine team certification; updates the Canine Team Certification Application form CJSTC-70 to comply with rule provisions;

adds language to specify the Canine Team Certification Application form CJSTC-70 is required documentation for canine team certification; introduces the training required for canine teams; adds language to clarify the Canine Team Certification Application form CJSTC-70 is required documentation for an equivalent training course; specifies the courses that qualify for “equivalent training” includes the Canine Team Training Course number 1198 not delivered at Commission-certified training school or any canine team training course other than the Commission-approved Canine Team Training Course number 1198; allows the Commission-certified Canine Instructors to teach courses without the approval of a Commission-approved canine evaluator; renumbers paragraph 11B-27.013(3), F.A.C. and removes redundant rule language; revises the Canine Team Performance Evaluation form CJSTC-83; adds “number 1198” to the Canine Team Training Course to identify the course number; removes repetitive language; Clarifies the canine team certification requirement and ensures the deficiency notification process is consistent with other instructor certifications; removes redundant and unrelated language; updates the name of the Canine Team Certification Deficiency Notification form CJSTC-270 and clarifies the inspection process of canine team applicant files; provides list of requirements for approval of evaluator status and changes terms for consistency; and updates term “tracking and trailing”, makes grammatical change, and revises paragraph renumbering of rule section.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:** The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

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

**RULEMAKING AUTHORITY:** 943.03(4), 943.12(1) FS.

**LAW IMPLEMENTED:** 943.13(7), 943.1395(7), 943.12(3), 943.13, 943.133, 943.139, 943.1395, 943.12(16) FS.



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

DATE AND TIME: Wednesday, May 13, 2015, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Criminal Justice Professionalism Conference Room B1055, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Joyce Gainous-Harris at (850)410-8615, joycegainous-harris@fdle.state.fl.us or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joyce Gainous-Harris at (850)410-8615, joycegainous-harris@fdle.state.fl.us or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE 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 Section 943.1395(6) or (7), F.S., a certified officer’s failure to maintain good moral character required by Section 943.13(7), F.S., is defined as:

(a) through (b) No change.

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

1. Excessive use of force, defined as a use of force on a person by any officer that is not justified under Sections 776.05 or 776.07, F.S., or a use of force on an inmate or prisoner by any correctional officer that would not be authorized under Section 944.35(1)(a), F.S. ~~The Recommended Response to Resistance and Levels of Resistance, form CJSTC 85, revised February 7, 2002, hereby incorporated by reference, is a reference tool to evaluate use of force. Form CJSTC 85 can be obtained at the following FDLE Internet address: [~~onalism Program Forms.aspx, or by contacting Commission staff at \(850\) 410 8615.~~](http://www.fdle.state.fl.us/Content/CJST/Publications/Professi</a></del></p>
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2. through 14. No change.

(d) No change.

(5) through (7) No change.

Rulemaking 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, 3-27-06, 3-21-07, 6-9-08, 4-16-09, 6-3-10, 5-21-12, 3-13-13, 5-29-14, \_\_\_\_\_.

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

(1) through (2) No change.

(3) Employment requirements pursuant to Sections 943.13, F.S., shall be documented on an Agency New Hire Report, form CJSTC-207, revised November 8, 2007, hereby incorporated by reference. Form CJSTC-207 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(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. All documents collected in conjunction with the background investigation shall be available for review. The following documents shall be reviewed for completeness:

1. through 10. No change.

11. An ~~Exemption-From-Equivalency of Training~~, form CJSTC-76, revised \_\_\_\_\_, effective \_\_\_\_\_, ~~November 7, 2013, effective 5/2014~~, hereby incorporated by reference \_\_\_\_\_, and an ~~Exemption-From-Equivalency of Training Proficiency Demonstration~~, form CJSTC-76A, revised, effective \_\_\_\_\_, ~~December 16, 2010, (effective 5/2012)~~, hereby incorporated by reference \_\_\_\_\_, for previous Florida and out-of-state, federal, or military officers, if the officer used this training option. Forms CJSTC-76 and CJSTC-76A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

12. through 15. No change.

(b) No change.

(4)(a) No change.

(b) An individual who ~~fails to comply has not complied~~ with the requirements in paragraph (4)(a) of this rule section for the discipline in which the training was completed, within four years of the date of beginning such training, shall as a

condition for obtaining employment, comply with the following:

- 1. through 2. No change.
- (5) through (6) No change.

Rulemaking 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, 3-27-06, 3-21-07, 6-9-08, 6-3-10, 5-21-12, 3-13-13, 5-29-14, \_\_\_\_\_.

11B-27.013 Canine Team Certification.

(1) Definitions.

(a) "Canine team" shall refer to a certified officer and a specific canine working together in the performance of law enforcement or correctional duties. "Handler" refers to the certified officer who trains and controls the canine. This definition does not include canines used by certified officers exclusively for tracking and trailing or specific detection, which are excluded from the certification process.

(b) "Canine evaluator" shall refer to a person who is authorized by the Commission to administer the ~~c~~Canine ~~t~~Team ~~p~~Performance ~~e~~Evaluation to canine teams and to attest to the proficiency of the canine team pursuant with the performance evaluation. The evaluator shall determine if training submitted by an agency that is requesting certification is equivalent to the 480-hour Canine Team Training Course number 1198, ~~herein referred to as "Canine Team Training Course."~~ The canine team evaluator applicant requesting approval of the Commission shall be required to possess the minimum training and experience pursuant to subsection (7) of this rule section, and documented in a request to Commission staff. A Commission-approved evaluator shall not verify equivalent training that he or she delivered.

(c) "Equivalent Training" shall refer to the Canine Team Training Course number 1198 not delivered at a Commission-certified training school, or any canine team training course other than the Commission-approved Canine Team Training Course number 1198. Equivalent training shall be a minimum of 480 hours and shall comply with the goals and objectives of the Canine Team Training Course number 1198. For a previously Commission-certified handler assigned a new canine, equivalent training shall refer to the 80-hour minimum training requirement.

(2) Canine team certification requirements. Commission certification of a canine team is not required. If a canine team seeks Commission certification, the canine team shall meet the following requirements: Prior to submitting a Canine Team Certification Application, form CJSTC-70, revised November 7, 2013, effective 5/2014, hereby incorporated by reference, the agency employing the canine team shall collect, verify, and have on file documents establishing compliance with the

~~requirements of this rule section, regardless of where canine training takes place. The employing agency submitting form CJSTC-70 shall provide documentation of training to the Commission approved evaluator for review and verification approval as equivalent training. Form CJSTC-70 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/>~~

~~Professionalism Program Forms.aspx, or by contacting Commission staff at (850) 410-8615.~~

(a) A canine team shall successfully complete the Canine Team Training Course number 1198, or equivalent training as defined in subsection (1) of this rule section, at a minimum of 480 hours before applying for certification, or

(b) A canine team that has successfully completed the Canine Team Training Course number 1112, or equivalent training, at a minimum of 400 hours prior to the retirement of that course on November 6, 2013, shall become certified by October 31, 2015. Failure to become certified by that date shall require the canine team to successfully complete Canine Team Training Course number 1198, or equivalent training, at a minimum of 480 hours.

(c) A canine team shall successfully demonstrate proficiency skills pursuant to paragraph (3)(c) of this rule section.

(d) A previously Commission-certified handler assigned a new canine shall comply with the training goals and objectives in the Canine Team Training Course number 1198, with the exception of the academic block of instruction. The canine team shall train for a minimum of 80 hours, which shall be verified by a Commission-approved evaluator as equivalent training, and successfully demonstrate the required proficiency skills.

(e) A canine team shall provide documentation of the canine team's compliance with certification requirements and submit a Canine Team Certification Application, form CJSTC-70, revised \_\_\_\_\_, hereby incorporated by reference \_\_\_\_\_. Form CJSTC-70 can be obtained at the following FDLE Internet address: <http://www.fldle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

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

(a) A completed Canine Team Certification Application form ~~CJSTC-70~~ CJSTC-70. Prior to submitting a form CJSTC-70, the agency employing the canine team shall collect, verify, and have on file documents establishing compliance with the requirements of this rule section, regardless of where canine training takes place.

(b)(b)4. Documentation of successful completion of canine team training shall include the following:

1. Certificate of A certificate issued to the canine team by a Commission certified training school documenting successful completion of the Canine Team Training Course number 1198 delivered at a Commission-certified training school and taught by Commission-certified Canine Instructors; or

2. Successful completion of the equivalent training shall be documented on the Canine Course Equivalency Checklist form CJSTC-70A, revised \_\_\_\_\_, hereby incorporated by reference \_\_\_\_\_, Form CJSTC-70A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. A previously certified handler assigned a new canine shall comply with the objectives of the Canine Team Training Course, which excludes the academic block of instruction.

a. Canine Team Training Course number 1198 not delivered at a Commission-certified training school shall be deemed as equivalent training by a Commission-approved evaluator.

b. Any canine team training course other than the Commission-approved Canine Team Training Course number 1198 shall be deemed equivalent training by a Commission-approved evaluator if the course is a minimum of 480 hours and complies with the objectives of the Canine Team Training Course number 1198.

3. The employing agency submitting form CJSTC-70 shall provide documentation of training to the Commission-approved evaluator. The evaluator shall review and document of the training on form CJSTC-70A.

(c) Documentation of successful completion of the Canine Team Training Course not delivered at a Commission certified training school. The course shall be taught using Commission-certified Canine Instructors, approved by a Commission-approved evaluator and documented on the Canine Course Equivalency Checklist, Form CJSTC 70A, created November 7, 2013, effective 5/2014, hereby incorporated by reference, prior to an evaluator conducting a canine team performance evaluation for Commission Certification. Form CJSTC 70A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(d) Successful completion of an equivalent training course approved by a Commission approved evaluator shall be documented on form CJSTC 70A.

~~1. Equivalent training is any canine team training course other than a Commission approved Canine Team Training Course.~~

~~2. Equivalent training shall be a minimum of 480 hours and complies with the goals and objectives of the Canine Team Training Course.~~

~~3. A Commission approved evaluator shall not approve equivalent training that he or she taught.~~

~~4. The employing agency submitting form CJSTC 70 shall provide documentation of training to the Commission-approved evaluator. The evaluator shall review and document approval of the training on form CJSTC 70A prior to conducting a performance evaluation for Commission certification.~~

(c)(e) A completed Canine Team Performance Evaluation form CJSTC-83, revised \_\_\_\_\_, effective \_\_\_\_\_, November 7, 2013, effective 5/2014, hereby incorporated by reference \_\_\_\_\_, shall be verified by evaluator(s) to ensure the canine team completed the proficiency requirements. Form CJSTC-83 can be obtained at the following FDLE Internet address:

<http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

1. through 4. No change.

5. If a canine team fails to successfully demonstrate proficiency in the specific failed topic(s) during the second attempt, the handler shall remediate with the same canine in the specific failed topic outlined in the Canine Team Training Course number 1198. The canine team shall retest after a minimum of 30 days from the date of the second failure. The handler shall provide documentation, to include lesson plans and signed attendance rosters, of the remedial training to the Commission approved evaluators prior to the administration of the re-evaluation. The canine team shall repeat the performance evaluation in its entirety under the supervision of two Commission-approved evaluators. One evaluator shall be an evaluator who was involved in the initial proficiency failure for that canine team. The handler shall provide documentation, to include lesson plans and signed attendance rosters, of the remedial training to the Commission-approved evaluators prior to the administration of the re-evaluation.

6. A canine team that has failed a third attempt to pass a Canine Team Performance Evaluation shall be deemed to have failed the certification process, and shall complete the Canine Team Training Course number 1198 or an equivalent training course prior to submitting an application for certification. Form CJSTC-83 shall be used to document the third failure of the canine team and submitted by one of the canine team evaluators to the Florida Department of Law Enforcement,

Criminal Justice Professionalism, Post Office Box 1489, Tallahassee, Florida 32302.

~~7. Prior to requesting certification, the canine team shall complete the Canine Team Training Course or equivalent training outlined in paragraph (3)(b), (c), or (d) of this rule section. Documentation of the training shall be made available to the Commission-approved evaluators prior to the administration of a subsequent canine team performance evaluation. The evaluation shall be conducted pursuant with paragraph (3)(e) of this rule section.~~

(4) Renewal of Certification.

(a) No change.

(b) If the canine team handler applying for recertification has not changed canines or the canine team certification has not expired, the employing agency requesting renewal of the certification shall complete the applicable sections and submit form CJSTC-70 marked "Renewal," and document the canine team proficiency on form CJSTC-83, in compliance with the requirements of subsection (3)(e) of this rule section.

(c) If the canine team's certification has expired, the employing agency requesting renewal of the ~~canine team's~~ certification shall complete the applicable sections and submit form CJSTC-70 marked "Renewal," and document the canine team's proficiency on form CJSTC-83, in compliance with the requirements of ~~pursuant to~~ subsection (3)(e) of this rule section.

(5) Change of assigned canine team. If a Commission-certified canine handler or canine ceases to be assigned as part of a canine team by the employing agency, the certification shall lapse.

(a) through (b) No change.

~~(e) A canine handler who has not previously been certified by the Commission, shall provide documentation of the canine team's compliance with the requirements of this rule section, to include lesson plans and signed attendance rosters, regardless of the prior certification of the canine, and submit form CJSTC 70 marked "New."~~

(6) Inspection of canine team applicant files.

(a) Upon determination of an unfavorable inspection, by Commission staff, the deficiencies shall be documented on a Canine Team Certification Deficiency Notification Application, form CJSTC-270, revised \_\_\_\_\_, November 7, 2013, effective 5/2014, hereby incorporated by reference \_\_\_\_\_. Form CJSTC-270 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(b) The employing agency shall satisfy the deficiency(ies) by submitting the required documentation to Commission staff within 90 days of the receipt of the Canine Team Certification

Deficiency Notification Application form CJSTC-270. The Commission has the authority to deny the employing agency's request for canine team certification for failure to meet the 90-day requirement. Upon denial of the application, the employing agency may reapply for canine team certification.

~~(b) Upon issuance of an unfavorable inspection on a Canine Team Certification Deficiency Notification Application, form CJSTC 270, revised November 7, 2013, effective 5/2014, hereby incorporated by reference, the deficiencies shall be noted on form CJSTC 270. Form CJSTC 270 can be obtained at the following FDLE Internet address:~~

~~<http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615.~~

~~(c) The employing agency shall receive a Canine Team Certification if the corrected documentation has been received within the 90-day period or upon a favorable inspection.~~

~~(7) Canine Team Evaluators. Prior to being approved by the Commission as a canine team evaluator, the evaluator shall provide documentation verifying the evaluator applicant has complied with the following requirements:~~

(a) Prior to being approved by the Commission as a canine team evaluator, the evaluator applicant shall provide documentation verifying the evaluator applicant has complied with the following requirements:

1.(a) Documentation of one year of experience as a Commission-certified canine team instructor.

2.(b) Documentation Document on form CJSTC-70 that the canine team evaluator applicant has taught the Canine Team Training Course number 1198 or equivalent training in its entirety to a minimum of six canine teams that have successfully completed the Canine Team Certification process. Canine teams trained exclusively for tracking and trailing or specific detection shall not be included in this total.

3.(e) Verification that the canine team evaluator applicant has evaluated a minimum of twelve canine teams under the supervision of Commission-approved evaluators, which shall be documented on form CJSTC-83. Canine teams trained exclusively for tracking and trailing or specific detection shall not be included in this total.

4.(d) A letter of recommendation for the canine team evaluator applicant from a training center director, agency administrator, or designee.

5.(e) Request for evaluator status. A letter from the canine team evaluator applicant requesting approval from the Commission as a "canine team evaluator" shall be forwarded to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, P.O. Box 1489, Tallahassee, Florida 32302, Attention Bureau Chief of the Bureau of Standards, for the initial request for approval as a canine team

evaluator. The letter shall include the evaluator’s full name, the last four digits of the evaluator’s social security number, complete address, and documentation of compliance with the standards set forth in this rule section.

~~(b)(f)~~ Approval of canine team evaluator status. Upon a review of the documents and determination that the evaluator applicant has complied with the requirements set forth in this rule section, a letter acknowledging approval by the Commission shall be forwarded to the evaluator applicant.

~~(c)(g)~~ Maintenance of canine team evaluator status. Commission-approved evaluators shall be required to submit a request for continuance as an evaluator, to the address in paragraph ~~(7)(a)(e)~~ of this rule section within four years of the date of approval, with documentation that verifies the evaluator has completed a minimum of four canine team performance evaluations within the four-year period. The verifying documentation shall be copies of form CJSTC-70 attesting that the performance evaluation was administered by the evaluator. A canine team evaluator’s “approval status” shall expire four years following the date approved by the Commission. If the Commission-approved evaluator’s “approval status” expires, the evaluator shall comply with the maintenance requirements in this rule section as an evaluator applicant under the supervision of two Commission-approved canine team evaluators and shall document the evaluation skills on form CJSTC-83. Canine team evaluators with an expired status shall submit for approval ~~for~~ a “request for evaluator status” and comply with the requirements in ~~paragraph section~~ ~~(7)(a)(e)~~ of this rule section.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(16) FS. History-New 3-29-89, Amended 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 6-3-10, 3-13-13, 5-29-14, 5-29-14, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Bureau Chief Glen Hopkins  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2015  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 21, 2014

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

RULE NOS.: 11B-30.006  
 RULE TITLES: State Officer Certification Examination General Eligibility Requirements  
 11B-30.012  
 Post Review of Examination Questions, Answers, Papers, Grades, and Grading Key  
 PURPOSE AND EFFECT: Subsection 11B-30.006(1), F.A.C.: Incorporates the revised Training Report, form

CJSTC-67, and changes the subsection reference because of the renumbering of subsections 11B-35.001(6)-(15), F.A.C.

Paragraphs 11B-30.006(2)(b)-(c): Revises the Exemption-From-Training form CJSTC-76 and changes the form name to mirror the language in statute.

Rule 11B-30.012: Clarifies the intent of Rule 11B-30.012, F.A.C., by renaming the title from “Post Review of Examination Questions, Answers, Papers, Grades, and Grading Key” to “Post Examination Review of Missed Questions, Answers, and Grading Key”.

Paragraphs 11B-30.012(1)-(6), F.A.C.: Implements the new Computer-based State Officer Certification Examination to increase the service level to citizens and allows the review to be equally available regardless of location.

SUMMARY: Revises the Training Report, form CJSTC-67; changes the name of the Exemption-From-Training form CJSTC-76 to mirror language in statute; renames the title of Rule 11B-30.012, F.A.C., to Post Examination Review of Missed Questions, Answers, and Grading Key to clarify the intent of the rule; and revises the procedures for post-examination review of missed questions, answers, and grading key to implement the new Computer-based State Officer Certification Examination.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

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

RULEMAKING AUTHORITY: 943.03(4), 943.12(1) FS.  
 LAW IMPLEMENTED: 943.12(17), 943.131(2), 943.1397 FS.

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

DATE AND TIME: Wednesday, May 13, 2015, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Criminal Justice Professionalism Conference Room B1055, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Joyce Gainous-Harris at (850)410-8615, joycegainous-harris@fdle.state.fl.us or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joyce Gainous-Harris at (850)410-8615, joycegainous-harris@fdle.state.fl.us or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) For the purposes of this rule chapter, the terms “successfully completed” and “successfully complete” are defined as being denoted with a “Pass,” pursuant to subsection 11B-35.001(8)(9), F.A.C., on the completed Training Report, form CJSTC-67, revised \_\_\_\_\_, effective \_\_\_\_\_, ~~November 8, 2007~~, hereby incorporated by reference \_\_\_\_\_. Form CJSTC-67 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

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

(a) No change.

(b) Inactive Florida law enforcement, correctional, and correctional probation officers, defined in Section 943.1395(3), F.S., who comply with paragraph 11B-27.00212(12)(a), F.A.C., and Rule 11B-35.009, F.A.C., shall pass the SOCE within one year of notification of approval of the Exemption-From-Equivalency-of-Training, form CJSTC-76, revised \_\_\_\_\_, effective \_\_\_\_\_, ~~November 7, 2013~~, ~~effective 5/2014~~, incorporated by reference \_\_\_\_\_. Form CJSTC-76 can be obtained at the following FDLE Internet address:

<http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(c) Out-of-state, military, and federal law enforcement, correctional, and correctional probation officers who comply with Rule 11B-35.009, F.A.C., shall pass the SOCE within one year of notification of approval of the Exemption-From-Equivalency-of-Training form CJSTC-76.

Rulemaking 943.03(4), 943.12(1) FS. Law Implemented 943.12(17), 943.131(2), 943.1397 FS. History—New 1-10-94, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 6-3-10, 5-21-12, 5-29-14, \_\_\_\_\_.

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

(1) Individuals who have failed the ~~Paper and Pencil or Computer-Based~~ State Officer Certification Examination (SOCE) shall have the right to review their missed examination questions items and corresponding grading key at a post-examination review. The post-examination review shall be scheduled and conducted by Commission staff or their authorized agent. Individuals reviewing a computer-based SOCE shall schedule their review via the Commission’s test administration vendor. Individuals reviewing a paper-and-pencil SOCE shall schedule their review by submitting a State Officer Certification Examination Grade Review Request, form CJSTC-510, revised November 8, 2007, hereby incorporated by reference, and shall be received by the Florida Department of Law Enforcement by the established deadline date for the Examination Review Session requested. Form CJSTC-510 can be obtained at the following FDLE Internet address: [http://www.fdle.state.fl.us/Content/CJST/](http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx)

[Publications/Professionalism-Program-Forms.aspx](http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx), or by contacting Commission staff at (850)410-8615.

(2) The SOCE post-examination grade reviews shall be conducted in the presence of Commission staff or the Commission’s authorized agents. All paper-and-pencil SOCE reviews shall be held at a regularly scheduled monthly post-examination review sessions ~~Examination Review Session~~ conducted at the Florida Department of Law Enforcement, Criminal Justice Professionalism Program. The SOCE paper-and-pencil post-examination review grade review schedule is produced annually and is available on 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.

(3) Individuals shall review their SOCE grades within 120 calendar days of the individual’s SOCE date. Individuals who fail to attend a post-examination grade review session within

120 days of their SOCE shall not be allowed to ~~file a~~ challenge questions on the SOCE, but shall be allowed to review their missed questions, their chosen answer, and the correct answer the SOCE results. Participants in the post-examination review session Examination Review Session shall be permitted to review only one examination during ~~for~~ each session and shall only review each examination once. Individuals shall not be permitted to review their SOCE after the expiration of their examination eligibility pursuant to Rule 11B-30.006, F.A.C.

(a) Individuals reviewing a paper-and-pencil SOCE requesting a grade review shall be provided with the SOCE test results and the State Officer Certification Examination Review, form CJSTC-511, revised November 8, 2007, hereby incorporated by reference. Form CJSTC-511 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. Form CJSTC-511 shall be signed by the individual requesting the review at the conclusion of a post-examination review session an Examination Review Session. Only individuals scheduled for the Examination Review Session shall be present during an Examination Review Session.

(b) All individuals at a post-examination review session an Examination Review Session shall acknowledge ~~receipt of~~ these rules and affirm to abide by all such rules in writing for the paper-and-pencil SOCE or electronically for the computer-based SOCE.

~~(4)(3)~~ Individuals shall be prohibited from bringing materials into or removing materials from a post-examination review session an Examination Review Session.

~~(5)(4)~~ The provisions and sanctions of Rule 11B-30.009, F.A.C., shall apply to individuals in a post-examination review session an Examination Review Session, and any individual who violates the standards in Rule 11B-30.009, F.A.C., shall be dismissed from the review session Examination Review Session.

~~(6)(5)~~ Individuals submitting challenges to questions participating in an examination review session shall be notified in writing, within thirty working days of the post-examination review session examination review date, of the results of the Commission's response to the challenges submitted during the post-examination review session evaluation of the individual's concerns reported during the Examination Review Session.

Rulemaking Authority 943.03(4), 943.12(1), (17) 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, 3-27-06, 3-21-07, 6-9-08, 5-21-12, 5-29-14, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Bureau Chief Glen Hopkins

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 21, 2014

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE NOS.:	RULE TITLES:
11B-35.001	General Training Programs; Requirements and Specifications
11B-35.002	Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation
11B-35.0021	Courses and Requirements for Basic Recruit Training, Advanced, Specialized and Instructor Training Requiring Proficiency Demonstration
11B-35.0024	Student Performance in Commission-approved High-Liability Basic Recruit Training Courses and Instructor Training Courses Requiring Proficiency Demonstration
11B-35.007	Specialized Training Program
11B-35.009	Exemption from Basic Recruit Training
PURPOSE AND EFFECT: Paragraph 11B-35.001(6)(a), F.A.C.: Repeals subsection 11B-35.001(6), and paragraph (6)(a), F.A.C. because the rule duplicates subsection 11B-35.001(5), F.A.C. regarding paper copies of the curriculum for students enrolled in a basic recruit training program. Subsections 11B-35.001(6)-(15), F.A.C.: Revises the paragraph numbering of subsections 11B-35.001(6)-(15), F.A.C. because subsection 11B-35.001(6), and paragraph (6)(a), F.A.C. were repealed. Paragraphs 11B-35.001(6)(b)-(d), F.A.C.: Removes word "Specified" to describe the Specialized Training Program Course and updates the paragraph reference. Subparagraph 11B-35.001(8)(d)1., F.A.C.: Removes the Canine Team Training Course number 1112 from the list of Specialized Instructor Training courses because the course number 1112 retired, effective November 16, 2013. Subparagraph 11B-35.001(8)(d)2., F.A.C.: Removes the Laser Speed Measurement Device Transition Operators Course for Radar Operators number 1113 from the list of Specialized Instructor Training courses, effective December 31, 2008. Subparagraphs 11B-35.001(8)(d)2.-12., F.A.C.: Revises the paragraph numbering of subparagraphs 11B-35.001(8)(d)2.-12., F.A.C., because subparagraph number 2 was removed.	

Subparagraph 11B-35.001(8)(d)13., F.A.C.: Includes the 16-hour Safe Handling of Firearms course number 2007 to the list of Specialized Training Program courses that require an end-of-course examination to provide training for the safe handling of firearms.

Subparagraph 11B-35.001(8)(d)14., F.A.C.: Includes the 40-hour District Courts of Appeal Marshal Minimum Standards Training Program course number 2008 to the list of Specialized Training Program courses requiring an end-of-course examination to provide training for the marshals in district courts of appeal.

Paragraph 11B-35.001(8)(e), F.A.C.: Includes language to exempt students from taking a written end-of-course examination for the physical fitness and officer wellness courses in the basic recruit training programs.

Paragraph 11B-35.001(10)(a), F.A.C.: Updates the Training Report, form CJSTC-67, to conform with the renumbering of subsections to Rule 11B-35.001(6)-(15).

Paragraph 11B-35.001(10)(b), F.A.C.: Incorporates the revised Academy Physical Fitness Standards Report, form CJSTC-67A, to conform with the renumbering of subsections to Rule 11B-35.001(6)-(15).

Paragraph 11B-35.001(10)(b), F.A.C.: Adds the new Florida Law Enforcement Academy Basic Recruit Training Program to replace the Traditional Correctional Basic Recruit Training Program.

Subparagraph 11B-35.001(10)(d)8., F.A.C.: Incorporates the revised Instructor Exemption, form CJSTC-82, to conform with the renumbering of subsections to subsections 11B-35.001(6)-(15), F.A.C..

Subparagraph 11B-35.001(10)(d)13., F.A.C.: Revises the paragraph subsection reference by changing from subsection 11B-35.001(15), F.A.C. to subsection 11B-35.001(14), F.A.C., because of the renumbering of subsections 11B-35.001(6)-(15), F.A.C..

Subparagraph 11B-35.001(10)(d)14., F.A.C.: Updates the paragraph subsection reference, revises the Physical Fitness Assessment, form CJSTC-75B to include language to require students to receive a physical examination and complete the Physical Fitness Assessment form CJSTC-75B prior to beginning a Basic Recruit Training Program.

Subparagraph 11B-35.001(11)(c)2., F.A.C.: Provides a generic reference to physical fitness and officer wellness courses to minimize future rule changes; and exempts the physical fitness and officer wellness courses from being competency-based.

Paragraph 11B-35.001(12)(b), F.A.C.: Changes the paragraph reference number because of the paragraph numbering and repealed paragraphs 11B-35.001(6) and (6)(a), F.A.C..

11B-35.001(13), F.A.C.: Changes the paragraph reference number because of the paragraph numbering and repealed paragraphs 11B-35.001(6) and paragraph (6)(a), F.A.C..

Paragraph 11B-35.001(14)(b), F.A.C.: Removes the specific designation of “CMS Law Enforcement, Florida CMS Correctional, and Florida Correctional Probation” and retains the wording of “Basic Recruit Training Programs” to reduce future rule revisions.

Paragraph 11B-35.001(14)(c), F.A.C.: Clarifies that cross-over students have already participated in physical fitness training in a previous basic recruit training program and adds language to advise that physical fitness tests are not required for Cross-over or Auxiliary Basic Recruit Training Programs.

Subparagraph 11B-35.002(1)(a)7., F.A.C.: Retires the obsolete Correctional Officer Cross-Over Training to Florida CMS Law Enforcement Academy Basic Recruit Training Program number 1191, effective June 30, 2014, and replaces with the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy Basic Recruit Training Program number 2003, effective July 1, 2014.

Subparagraph 11B-35.002(1)(a)10., F.A.C.: Retires the obsolete Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1179, effective June 30, 2014, and replaces with the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy Basic Recruit Training Program number 2004, effective July 1, 2014.

Subparagraph 11B-35.002(1)(a)14., F.A.C.: Adds the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy Basic Recruit Training Program number 2003, effective July 1, 2014, to replace the June 30, 2014 retired Correctional Officer Cross-Over Training to Florida CMS Law Enforcement Academy Basic Recruit Training Program number 1191.

Subparagraph 11B-35.002(1)(a)15., F.A.C.: Adds the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy Basic Recruit Training Program number 2004, effective July 1, 2014, to replace the June 30, 2014 retired Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1179.

Subparagraph 11B-35.002(1)(b)6., F.A.C.: Retires the obsolete Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 1192, effective June 30, 2014, and replaces with the new Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 2005, effective July 1, 2014.

Subparagraph 11B-35.002(1)(b)11., F.A.C.: Adds the new Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 2005, effective July 1, 2014, to replace the June 30, 2014 retired Law Enforcement Officer Cross-Over Training to



Florida CMS Correctional Basic Recruit Training Program number 1192.

Subparagraph 11B-35.002(1)(c)7., F.A.C.: Retires the obsolete Law Enforcement Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program number 1184 because it is no longer used in the curriculum, effective June 30, 2014.

Paragraph 11B-35.002(2)(b), F.A.C.: Makes grammatical change by replacing “has not complied” with “fails to comply”.

Subparagraph 11B-35.002(6)(d)4., F.A.C.: Adds the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 2003, effective July 1, 2014, to replace the June 30, 2014 retired Correctional Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1191.

Subparagraph 11B-35.002(6)(d)5., F.A.C.: Retires the obsolete Correctional Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1191, effective June 30, 2014, and replaces with the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy Basic Recruit Training Program number 2003, effective July 1, 2014.

Subparagraph 11B-35.002(6)(d)6., F.A.C.: Adds the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy number 2004, effective July 1, 2014, to replace the June 30, 2014 retired Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1179.

Subparagraph 11B-35.002(6)(d)7., F.A.C.: Retires the obsolete Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1179, effective June 30, 2014, and replaces with the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy Basic Recruit Training Program number 2004, effective July 1, 2014.

Subparagraph 11B-35.002(6)(e)4., F.A.C.: Adds the new Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 2005, effective July 1, 2014, to replace the June 30, 2014 retired Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 1192.

Subparagraph 11B-35.002(6)(e)5., F.A.C.: Retires the obsolete Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 1192, effective June 30, 2014, and replaces with the new Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 1192, effective July 1, 2014.

Paragraphs 11B-35.0021(6)(a)-(b):, F.A.C. Adds the new Safe Handling of Firearms course number 2007 to the list of courses requiring demonstration of proficiency skills.

Paragraph 11B-35.0021(8)(a), F.A.C.: Adds the new Safe Handling of Firearms course number 2007 as a Specialized Training Program Course that requires no more than six students actively engaged on a firearms range for each Commission-certified firearms instructor.

Paragraph 11B-35.0021(8)(d), F.A.C.: Clarifies that CPR instructors who possess an active CPR instructor certification from the American Heart Association (AHA), American Red Cross (ARC), American Safety & Health Institute (ASHI), or other an entity referenced in Rule 64J-1.022, F.A.C., are permitted to instruct CPR in the CMS First Aid for Criminal Justice Officers Course. The CPR instructor certification may be used to meet the required instructor to student ratio for demonstration of CPR proficiency skills only in the CMS First Aid for Criminal Justice Officers Course.

Paragraph 11B-35.0021(8)(h), F.A.C.: Clarifies the instructor to student ratio for instruction of the Underwater Police Science and Technology course number 077, from three to two qualified safety divers per instructor, for the use of qualified safety divers to clarify the use of qualified safety divers and the separation between student and instructor.

Paragraph 11B-35.0021(8)(i), F.A.C.: Clarifies that the reference to “canine team patrol” is no longer used in the Canine Team Training Course number 1198.

Paragraph 11B-35.0021(8)(j), F.A.C.: Clarifies that an individual who is allowed to assist instructors with canine practical exercises must be approved by the training center director or designee; and the individual shall not be included as an instructor to comply with the instructor to student ratio requirements.

Paragraph 11B-35.0024(3), F.A.C.: Adds the new Safe Handling of Firearms course number 2007 as a Specialized Training Program Course that requires demonstration of proficiency skills.

Subparagraph 11B-35.0024(3)(a)3, F.A.C.: Clarifies that law enforcement, correctional, and correctional probation basic recruit students are required to complete the CMS Criminal Justice Defensive Tactics Course and are subject to chemical agent contamination, regardless of a specified basic recruit training program.

Paragraphs 11B-35.0024(3)(e)-(i), F.A.C.: Adds paragraph 11B-35.0024(3)(e), F.A.C., to include the Safe Handling of Firearms course number 2007 and revises the paragraph numbering of Rule 11B-35.0024(3)(e)-(i), F.A.C..

11B-35.0024(4), F.A.C.: Clarifies that the new Role-play Scenarios for Facilitative Learning course number 2001 requires demonstration of proficiency skills and adds the new Role-play Scenarios for Facilitative Learning course number

2001 to the list of basic recruit, advanced, specialized instructor, or specialized training program courses.

Paragraph 11B-35.0024(4)(j), F.A.C.: Updates the Criminal Justice Diver Performance Evaluation form CJSTC-19 to change the qualified safety divers per instructor from three to two and they shall not be enrolled as students in the course in which they are assisting or be included as an instructor in compliance with the instructor to student ratio.

Paragraph 11B-35.0024(4)(k), F.A.C.: Revises the Canine Performance Evaluation form CJSTC-83 to update the paragraph reference and include additional demonstration of proficiency requirements for canines and canine team handlers.

Paragraph 11B-35.0024(4)(l), F.A.C.: Revises the course name for the Canine Team Training Course number 1198 to be consistent with the course name throughout the rules.

Subparagraph 11B-35.0024(4)(l)2., F.A.C.: Clarifies the course "number 1198" is entitled Canine Team Training Course to identify the course.

Subparagraph 11B-35.0024(4)(l)2., F.A.C.: Updates the Canine Team Instructor Performance Evaluation form CJSTC-20 to clarify that the demonstration of proficiency evaluation is for the Canine Team Training Instructor Course number 1199.

Paragraph 11B-35.0024(4)(m), F.A.C.: Adds the new Role-play Scenarios for Facilitative Learning course number 2001, and provides student academic performance that requires an instructor to score at least 85% on the written end-of-course examination.

Paragraph 11B-35.007(3)(r), F.A.C.: Adds the new specialized instructor Role-play Scenarios for Facilitative Learning course number 2001, to provide current Commission-certified general instructors with training on how to use role-play exercise effectively in both basic and post-basic instruction for practical training and application of concepts.

Subsection 11B-35.007(4), F.A.C.: Revises the paragraph numbering of subsection 11B-35.007(4), F.A.C. to remove retired specialized courses and add new specialized courses.

Paragraph 11B-35.007(4)(b)-(f), F.A.C.: Retires the Human Diversity In-service Training for Professionalism and Ethics number 1126; Human Diversity In-service Training for Interdependent Relationships number 1127; Human Diversity In-service Training for Reducing Inter-group Conflict number 1128; Human Diversity In-service Training for Reducing Inter-group Conflict number 1129; and Human Diversity In-service Training for Specialized Topics in Diversity number 1130, because the courses are no longer used based on the training survey results.

Paragraph 11B-35.007(4)(i), F.A.C.: Adds the new effective date of 11/7/13 to the Canine Team Training Course number

1198, to ensure that officers are receiving the current course instruction.

Paragraph 11B-35.007(4)(aa), F.A.C.: Creates the new specialized training Property Repossession Processes course number 2002 to provide law enforcement officers with property repossession training.

Paragraph 11B-35.007(4)(bb), F.A.C.: Provides current Commission-certified canine instructors with updates related to the new Canine Team Training Course number 1198 and the new Canine Team Training Instructor Course number 1199.

Paragraph 11B-35.007(4)(cc), F.A.C.: Provides law enforcement officers with training on how to demonstrate proficiency in handling a firearm to ensure safety and familiarity with handguns and long guns.

Paragraph 11B-35.007(4)(dd), F.A.C.: Adds the 40-hour District Courts of Appeal Marshal Minimum Standards Training Program course number 2008 to the list of Specialized Training Program courses.

Paragraph 11B-35.009(3)(a)-(c), F.A.C.: Changes the name of form CJSTC-76 from "Equivalency-of-Training" to "Exemption-From-Training" to mirror language in statute.

Paragraph 11B-35.009(5), F.A.C.: Revises the name of the Exemption-From-Training form CJSTC-76 to mirror language in statute.

Paragraph 11B-35.009(6), F.A.C.: Revises the names of the Exemption-From-Training, form CJSTC-76; and the Exemption-From-Training Proficiency Demonstration, form CJSTC-76A to mirror language in statute.

SUMMARY: Repeals subsection 11B-35.001(6) and paragraph (6)(a), F.A.C. because the rule duplicates subsection 11B-35.001(5), F.A.C.; renumbered subsections 11B-35.001(6)-(15), F.A.C. because subsection 11B-35.001(6) and paragraph (6)(a), F.A.C. were repealed; removes unnecessary word "Specified" to describe the Specialized Training Program Course and updates the paragraph reference in this rule section; Retired the Canine Team Training Course number 1112, effective November 16, 2013; retired the Laser Speed Measurement Device Transition Operators Course for Radar Operators number 1113, effective December 31, 2008; revises the paragraph numbering of subparagraphs 11B-35.001(8)(d)2.-12., F.A.C.; adds the 16-hour Safe Handling of Firearms course number 2007 to the list of Specialized Training Program courses requiring an end-of-course examination; Adds the 40-hour District Courts of Appeal Marshal Minimum Standards Training Program course number 2008 to the list of Specialized Training Program courses requiring an end-of-course examination; adds language to eliminate the need for students to take an end-of-course examination for physical fitness and officer wellness hours completed during the basic recruit training program;

revises the Training Report, form CJSTC-67, to update the renumbered rule section; revises the Academy Physical Fitness Standards Report, form CJSTC-67A to update the renumbered rule section; replaces the Traditional Correctional Basic Recruit Training with the new Florida Law Enforcement Academy Basic Recruit Training Program because the course is no longer used; revises the Instructor Exemption, form CJSTC-82 to update the renumbered rule section; changes the subsection reference for consistency with the paragraph renumbering; changes the paragraph subsection reference and incorporates the revised the Physical Fitness Assessment, form CJSTC-75B to add language for students to receive a physical examination prior to beginning a Basic Recruit Training Program; removes the specific name of the Criminal Justice Officer Physical Fitness Training Course and replaces with a generic reference; changes the paragraph reference number for consistency with other rule sections; removes the specific course titles and uses a generic term that encompasses all disciplines to reduce future rule revisions; adds language to advise that physical fitness tests are not required for Cross-over or Auxiliary Basic Recruit Training Programs; adds the new Correctional and Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy Basic Recruit Training Programs to replace the retired Basic Recruit Training Programs; adds the new Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program to replace the retired Basic Recruit Training Program; updates grammar; includes the new Safe Handling of Firearms course number 2007 as a Specialized Training Program Course that requires demonstration of proficiency skills; specifies the use of active CPR instructor certifications to meet the required instructor to student ratio to demonstrate CPR proficiency skills; updates the use of qualified safety divers and the separation between student and instructor; renames the “canine team patrol” to “canine team”; requires law enforcement, correctional, and correctional probation basic recruit students to complete the CMS Criminal Justice Defensive Tactics Course; requires students to demonstrate proficiency in handling handguns and long guns; specifies that an individual must be approved by the training center director or designee to assist instructors with canine practical exercises; includes the new Safe Handling of Firearms course number 2007 to the list of Specialized Training Program Courses; removes reference to “Florida CMS” for Law Enforcement, Correctional, and Correctional Probation Basic Recruit Training Programs; revises the paragraph numbering of paragraphs 11B-35.0024(3)(e)-(i), F.A.C., because paragraph (e) was added to include the Safe Handling of Firearms course number 2007; adds the new Role-play Scenarios for Facilitative Learning course number 2001 to the list of basic recruit, advanced, specialized

instructor, or specialized training program courses; revises the Criminal Justice Diver Performance Evaluation form CJSTC-19; updates the Canine Performance Evaluation form CJSTC-83; revises the course name for the Canine Team Training Course number 1198; adds “number 1198” to the Canine Team Training Course to identify the course number; revises the Canine Team Instructor Performance Evaluation form CJSTC-20; adds the new Role-play Scenarios for Facilitative Learning course number 2001; provides current Commission-certified general instructors with training on how to use role-play exercise effectively; revises the paragraph numbering of subsection 11B-35.007(4), F.A.C. to remove retired specialized courses and add new specialized courses; removes the Human Diversity courses number 1126, number 1127, number 1128, number 1129, and number 1130, because the courses are no longer used; includes the new effective date of the Canine Team Training Course number 1198, to ensure that officers are receiving the current course instruction; provides law enforcement officers with property repossession training; adds the new specialized instructor Canine Team Training Instructor Update course number 1199 for specialized instructor training; adds the new specialized training Safe Handling of Firearms course number 2007; provides training for the marshals in district courts of appeal; and revises the names of the Exemption-From-Training, form CJSTC-76; and the Exemption-From-Training Proficiency Demonstration, form CJSTC-76A to mirror language in statute.

#### SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

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

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), (2), 943.17, 943.14(3) FS.

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

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

DATE AND TIME: Wednesday, May 13, 2015, at 10:00 a.m.  
 PLACE: Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Criminal Justice Professionalism Conference Room B1055, Tallahassee, Florida 32308.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joyce Gainous-Harris at (850)410-8615, or joycegainous-harris@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) through (5) No change.

~~(6) For the Florida CMS Law Enforcement Basic Recruit Training Program, Cross Over Programs to Florida CMS Law Enforcement Basic Recruit Training Program, and CMS Law Enforcement Auxiliary Prerequisite Course effective April 1, 2008, the training center director shall:~~

~~(a) Ensure that each student is taught from and has printed class materials to include the current copy of the curriculum and CJSTC Course Summary. These materials are to be provided prior to or at the start of the program.~~

~~(6)(7) Training center directors shall ensure that instructors are delivering the current Commission-approved training programs in compliance with Commission rules.~~

~~(7)(8) Training curricula and delivery requirements shall be maintained for Commission-approved Basic Recruit, Advanced, and Specialized Training Programs within the Florida Department of Law Enforcement, Criminal Justice Professionalism Program.~~

~~(8)(9) Student academic performance in courses.~~

(a) No change.

(b) The terms “successfully completed” and “successfully complete” are denoted with a “Pass” on the completed Training Report form CJSTC-67 and are defined as follows: A student enrolled in a Commission-approved Basic Recruit Training Program shall achieve a score of no less than 80% on each of the written end-of-course examinations, exclusive of demonstration of proficiency skills in the Basic Recruit Training Courses. A student enrolled in a Commission-approved Advanced or ~~Specified~~ Specialized Training Program Course pursuant to subparagraph (8)~~(9)~~(d)1.-13. of this rule section shall achieve a score of no less than 80% on the written end-of-course examination. A student enrolled in a Specialized Instructor Training Course shall achieve a score of no less than 85% on the written end-of-course examination, exclusive of demonstration of any proficiency skills.

(c) The training center director or designee is responsible for the development, maintenance, and administration of comprehensive end-of-course examinations. The training center director or designee is authorized to develop, maintain, and administer additional academic tests for courses and is not limited to only the utilization of a comprehensive end-of-course examination. Training schools shall maintain examinations for Commission-approved Basic Recruit, Advanced, Specialized Instructor Training, and ~~Specified~~ Specialized Training Program Courses, pursuant to subparagraph (8)~~(9)~~(d)1.-13. of this rule section and in compliance with the administration, confidentiality, and security requirements of subsections 11B-35.0085(2) - (5), F.A.C.

(d) Specialized Instructor Training Courses outlined in subsection 11B-35.007(3), F.A.C., and the following ~~Specified~~ Specialized Training Program Courses require an end-of-course examination:

1.	<del>1112</del> 1198	<del>Canine Team Training Course (Retired 11/6/13)</del> Canine Team Training Course	400 480
<del>2.</del>	<del>1113</del>	<del>Laser Speed Measurement Device (LSMD) Transition Operators Course for Radar Operators (Retired 12/31/08)</del>	<del>12</del>
<del>2.3.</del>	1132	Parking Enforcement Specialist for Civilians	16
<del>34.</del>	1133	Selective Traffic Enforcement Program for Civilians	80
<del>4.5.</del>	732	Traffic Control Officer for	8

		Civilians	
<del>5.6.</del>	851	Breath Test Operator Course	16
<del>6.7.</del>	951	Breath Test Operator Renewal Course	4
<del>7.8.</del>	850	Agency Inspector Course	24
<del>8.9.</del>	950	Agency Inspector Renewal Course	6
<del>9.10.</del>	1134	Criminal Justice Officer Ethics Course	8
<del>10.11.</del>	1135	Crimes Against Children	24
<del>11.12.</del>	1136	Domestic Violence	8
<del>12.13.</del>	1137	Violent Crime Investigator Training Course	40
<u>13.</u>	<u>2007</u>	<u>Safe Handling of Firearms</u>	<u>16</u>
<u>14.</u>	<u>2008</u>	<u>District Courts of Appeal Marshal Minimum Standards Training Program</u>	<u>40</u>

(e) End-of-course examinations shall be developed and administered for each course in a basic recruit training program based on the learning objectives in each course, with the exception of the physical fitness and officer wellness courses.

(9)(~~10~~) Implementation of the new Correctional Probation Basic Recruit Training Program. The Commission is preparing a significant update to the Commission-approved Correctional Probation Basic Recruit Training Program to be implemented in 2015. This program and courses are based on a statewide job-task analysis and provides an enhanced learning environment. Delivery of the program shall comply with the requirements set forth in the Commission’s new approved Correctional Probation Basic Recruit Training Curriculum.

(10)(~~11~~) 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 within thirty days following the class starting date shall forward a Training Report, form CJSTC-67, revised \_\_\_\_\_, effective \_\_\_\_\_ ~~November 8, 2007~~, hereby incorporated by reference \_\_\_\_\_, to Commission staff through the Commission’s Automated Training Management System (ATMS). Form CJSTC-67 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(b) Following the completion of a Commission-approved Basic Recruit Training Program, Advanced Training Program Course, or Instructor Training Course, the training center

director or designee shall, within thirty days of the program or course completion date, electronically transmit a completed Training Report form CJSTC-67, or transmit an updated CJSTC-67 form through the Commission’s ATMS. Submission of the Academy Physical Fitness Standards Report, form CJSTC-67A, revised \_\_\_\_\_, effective \_\_\_\_\_ ~~created November 8, 2007~~, hereby incorporated by reference, is required for the Florida CMS Law Enforcement, Florida Law Enforcement Academy, Florida Correctional Probation, Traditional Correctional, and Florida CMS Correctional Basic Recruit Training Programs within thirty days of the course completion. Form CJSTC-67A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(c) No change.

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

1. through 7. No change.

8. List of course instructor(s) to include full name and a copy of the instructor’s current ATMS Global Profile Report filed alphabetically in a master file, or maintained in the course file, or completion of Instructor Exemption, form CJSTC-82, revised \_\_\_\_\_, effective \_\_\_\_\_ ~~December 16, 2010, (effective 3/2013)~~, hereby incorporated by reference \_\_\_\_\_, if applicable. Form CJSTC-82 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

9. through 12. No change.

13. Form CJSTC-67A for Basic recruit Training Programs pursuant to subsection 11B-35.001(14)(~~15~~), F.A.C.

14. For Basic Recruit Training Programs, proof of compliance with Sections 943.14(7) and 943.17(1)(g), F.S., and subsection 11B-35.001(14)(b) ~~11B-35.001(2)~~, F.A.C., which includes a completed Physical Fitness Assessment, form CJSTC-75B, revised \_\_\_\_\_, effective \_\_\_\_\_ ~~created November 8, 2007~~, hereby incorporated by reference \_\_\_\_\_. Form CJSTC-75B can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

15. through 16. No change.

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

(a) through (b) No change.

(c) Competency-Based Instruction. The Commission approves competency-based instruction in the delivery of basic recruit training programs, specialized training program courses, specialized instructor training courses, and courses created from specialized goals and objectives, defined in subparagraph (12)(c)1., of this rule section.

1. No change.

2. Training schools are permitted to use competency-based instruction for courses within the basic recruit training programs except for the physical fitness and officer wellness courses. ~~the Criminal Justice Officer Physical Fitness Training Course. Basic recruit students shall participate in 100% of the required hours in the Criminal Justice Officer Physical Fitness Course.~~ The delivery of basic recruit training programs shall adhere to total program hours.

3. No change.

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

(a) No change.

(b) Exclusive of the Commission's Basic Recruit Training Courses requiring proficiency demonstration and re-examinations in paragraph (12)(13)(a) of this rule section, a student may be granted one written end-of-course re-examination during a single Basic Recruit Training Program. Students, who have failed the written end-of-course examination after a second attempt, shall be deemed to have failed the course.

(c) No change.

(13)(14) Student re-examination policy for Commission-approved Advanced and Specialized Training Program Courses. A student who has failed a written end-of-course examination in a Commission-approved Advanced or Specialized Training Program Course may be granted a re-examination of the course by the training center director as set forth in paragraph (12)(13)(a) of this rule section. Each training school shall develop its own administrative procedures for processing a student's request for a re-examination as set forth in subsection (12)(13) of this rule section. Training school procedures for processing student requests for re-examination shall be documented and maintained on file at the training school for review by Commission staff and the student.

(14)(15) Basic Recruit Student Physical Fitness Program.

(a) No change.

(b) Basic Recruit Student Physical Fitness Test and Chemical Agent Exposure. Prior to beginning a ~~Florida CMS Law Enforcement, Florida CMS Correctional, or Florida Correctional Probation~~ Basic Recruit Training Program, a student shall receive a physical examination and complete the Physical Fitness Assessment form CJSTC-75B, which shall be maintained in the student or course file at the training school.

(c) A student shall complete the physical fitness program to successfully complete a Commission-approved Basic Recruit Training Program. The student shall complete the physical fitness test within the first two weeks of beginning a basic recruit training program and complete a second physical fitness test within the final two weeks of a basic recruit training program. The physical fitness tests are not required for cross-over or auxiliary basic recruit training programs.

(15)(16) Proof of course completion. A training school shall, within thirty days following the completion of a Commission-approved Basic Recruit, Advanced, or Specialized Training Program Course, provide to a student who has successfully completed the program, a certificate, which shall contain at a minimum, the name of the training school, the student's name, the dates of the program or course, the number of program or course hours, the title of the Basic Recruit, Advanced, or Specialized Training Program Course, and the current training center director's signature. Basic Recruit Training Completion Certificates shall contain the Curriculum Version Number for the course taught. The training school shall provide a certificate to a student who has successfully completed a Commission-approved Basic Recruit Training Program, and the student shall be required to pass the State Officer Certification Examination.

Rulemaking 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, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 6-3-10, 5-21-12, 3-13-13, 5-29-14, \_\_\_\_\_.

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 (BRTP) 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)	Law Enforcement Discipline
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1. through 6. No change.

7.	1191	Correctional Officer Cross-Over Training to Florida CMS Law Enforcement B RTP	489	E-7/1/12 R-6-30-14
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8. through 9. No change.

10.	1179	Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement B RTP	579	E-4/1/08 U-7/1/12 R-6-30-14
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11. through 13. No change.

14.	2003	Correctional Officer Cross-Over Training to Florida Law Enforcement Academy	515	E-7/1/14
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15.	2004	Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy	567	E-7/1/14
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(b)	Correctional Discipline			
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1. through 5. No change.

6.	1192	Law Enforcement Officer Cross-Over Training to Florida CMS Correctional B RTP	156	E-7/1/12 R-6/30/14
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7. through 10. No change.

11.	2005	Law Enforcement Officer Cross-Over Training to Florida CMS Correctional B RTP	172	E-7/1/14
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(c)	Correctional Probation Discipline			
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1. through 6. No change.

7.	1184	Law Enforcement Officer Cross-Over Training to Florida Correctional Probation B RTP	130	E-4/1/08 U-7/1/12 R-6/30/14
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8. No change.

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

(b) An individual who ~~fails to comply~~ ~~has not complied~~ with the requirements in paragraph (2)(a) of this rule section for the discipline in which the training was completed, within four years of the date of beginning such training, shall as a condition for obtaining employment comply with the following:

1. through 2. No change.

(3) through (5) No change.

(6) 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 (c) No change.

(d) Law Enforcement Cross-Over Basic Recruit Training Programs.

1. through 3. No change.

4. Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 2003 (Effective July 1, 2014). An individual, who has successfully completed the Correctional Basic Recruit Training Program and passed the

SOCE, shall complete the following courses to satisfy the training requirements to become a law enforcement officer:

	<b>Course Title</b>	<b>Course Hours</b>
a.	<u>Overview of Law Enforcement</u>	<u>64</u>
b.	<u>Interactions In Crisis Situations</u>	<u>10</u>
c.	<u>Reporting Procedures</u>	<u>32</u>
d.	<u>Fundamentals Of Patrol</u>	<u>35</u>
e.	<u>Calls For Service</u>	<u>36</u>
f.	<u>Criminal Investigations</u>	<u>50</u>
g.	<u>Crime Scene To Courtroom</u>	<u>35</u>
h.	<u>Critical Incidents</u>	<u>44</u>
i.	<u>Traffic Stops</u>	<u>30</u>
j.	<u>DUI Traffic Stops</u>	<u>24</u>
k.	<u>Traffic Crash Investigations</u>	<u>32</u>
l.	<u>Cross-Over Program Updates</u>	<u>8</u>
m.	<u>CMS Law Enforcement Vehicle Operations</u>	<u>48</u>
n.	<u>Dart-Firing Stun Gun</u>	<u>8</u>
o.	<u>Cross-Over Handgun Transition Course</u>	<u>24</u>
p.	<u>Correctional Cross-over to Law Enforcement Officer Wellness</u>	<u>35</u>
	<b>TOTAL</b>	<b>515</b>

5.4. Correctional Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1191 (Retired June 30, 2014). Effective July 1, 2012). An individual, who has successfully completed the Correctional Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a law enforcement officer:

	<b>Course Name</b>	<b>Course Hours</b>
a.	<u>Correctional Cross-Over to Law Enforcement Introduction and Legal Overview</u>	<u>48.0</u>
b.	<u>Correctional Cross-Over to Law Enforcement Human Interaction and Communications</u>	<u>56.0</u>
e.	<u>Correctional Cross-Over to Law Enforcement Response to Human Issues</u>	<u>24.0</u>
d.	<u>Patrol 1</u>	<u>58.0</u>
e.	<u>Correctional Cross-Over to Law Enforcement Patrol 2</u>	<u>20.0</u>
f.	<u>Crime Scene Investigations</u>	<u>24.0</u>
g.	<u>Criminal Investigations</u>	<u>56.0</u>
h.	<u>Traffic Stops</u>	<u>24.0</u>
i.	<u>DUI Traffic Stops</u>	<u>24.0</u>
j.	<u>Traffic Crash Investigations</u>	<u>32.0</u>
k.	<u>Cross-Over Program Updates</u>	<u>8.0</u>
l.	<u>CMS Law Enforcement Vehicle Operations</u>	<u>48.0</u>

m.	<u>Dart-Firing Stun Gun</u>	<u>8.0</u>
n.	<u>Correctional Cross-Over to Law Enforcement Officer Wellness</u>	<u>35.0</u>
o.	<u>Cross-Over Handgun Transition Course</u>	<u>24.0</u>
		<b>489.0</b>

6. Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy number 2004 (Effective July 1, 2014). An individual who has successfully completed the Correctional Probation Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a law enforcement officer:

	<b>Course Title</b>	<b>Course Hours</b>
a.	<u>Overview of Law Enforcement</u>	<u>64</u>
b.	<u>Law Enforcement Report Writing</u>	<u>28</u>
c.	<u>Fundamentals of Patrol</u>	<u>35</u>
d.	<u>Responding to Calls for Service</u>	<u>47</u>
e.	<u>Criminal Investigations</u>	<u>50</u>
f.	<u>Crime Scene Procedures</u>	<u>27</u>
g.	<u>Critical Incidents</u>	<u>44</u>
h.	<u>Traffic Stops</u>	<u>30</u>
i.	<u>DUI Traffic Stops</u>	<u>24</u>
j.	<u>Traffic Crash Investigations</u>	<u>32</u>
k.	<u>Cross-Over Program Updates</u>	<u>8</u>
l.	<u>CMS Law Enforcement Vehicle Operations</u>	<u>48</u>
m.	<u>Dart-Firing Stun Gun</u>	<u>8</u>
n.	<u>CMS Criminal Justice Firearms</u>	<u>80</u>
o.	<u>Correctional Probation Cross-Over to Law Enforcement Officer Wellness</u>	<u>42</u>
	<b>TOTAL</b>	<b>567</b>

7.5. Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1179 (Retired June 30, 2014). Effective July 1, 2012). An individual who has successfully completed the Correctional Probation Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a law enforcement officer:

	<b>Course Name</b>	<b>Course Hours</b>
a.	<u>Correctional Cross-Over to Law Enforcement Introduction and Legal</u>	<u>47.0</u>



b.	Correctional Cross-Over to Law Enforcement Communications	56.0
e.	Correctional Cross-Over to Law Enforcement Human Issues	32.0
d.	Patrol 1	58.0
e.	Patrol 2	40.0
f.	Crime Scene Investigations	24.0
g.	Criminal Investigations	56.0
h.	Traffic Stops	24.0
i.	DUI Traffic Stops	24.0
j.	Traffic Crash Investigations	32.0
k.	CMS Criminal Justice Vehicle Operations	48.0
l.	Dart Firing Stun Gun	8.0
m.	CMS Criminal Justice Firearms	80.0
n.	Cross-Over Program Updates	8.0
o.	Correctional Probation Cross-Over to Law Enforcement Officer Wellness	42.0
	<b>TOTAL</b>	<b>579.0</b>

(e) Correctional Cross-Over Basic Recruit Training Programs.

1. through 3. No change.

4. Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 2005 (Effective July 1, 2014). An individual, who has successfully completed the Law Enforcement Officer Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a correctional officer:

<u>Course Title</u>	<u>Course Hours</u>
<u>Overview of Corrections</u>	<u>14</u>
<u>Officer Safety</u>	<u>16</u>
<u>Facility and Equipment</u>	<u>8</u>
<u>Intake and Release</u>	<u>18</u>
<u>Supervising in a Correctional Facility</u>	<u>40</u>
<u>Supervising Special Populations</u>	<u>20</u>
<u>Law Enforcement Cross-Over to Correctional Responding to Incidents and Emergencies</u>	<u>12</u>
<u>Cross-Over Program Updates</u>	<u>8</u>
<u>Cross-Over Handgun Transition Course</u>	<u>24</u>
<u>Law Enforcement Cross-over to Correctional</u>	<u>12</u>

<u>Officer Wellness</u>	
<b>TOTAL</b>	<b>172</b>

5.4. Law Enforcement Officer Cross-Over Training to Florida CMS Correctional BRTP number 1192 (Retired June 30, 2014). Effective July 1, 2012). An individual, who has successfully completed the Law Enforcement Officer Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a correctional officer:

	<b>Course Name</b>	<b>Course Hours</b>
a.	Law Enforcement Cross-Over to Correctional Introduction and Legal	22.0
b.	Law Enforcement Cross-Over to Correctional Officer Safety	14.0
e.	Facility and Equipment	8.0
d.	Law Enforcement Cross-Over to Correctional Procedures	14.0
e.	Supervising in a Correctional Facility	40.0
f.	Law Enforcement Cross-Over to Correctional Supervising Special Populations	14.0
g.	Cross-Over Program Updates	8.0
h.	Law Enforcement Cross-Over to Correctional Officer Wellness	12.0
i.	Cross-Over Handgun Transition Course	24.0
	<b>—TOTAL</b>	<b>156.0</b>

6.5. Correctional Probation Officer Cross-Over Training to Traditional Correctional Basic Recruit Training Program number 1182 (Retired June 30, 2012).

7.6. Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 1193 (Effective July 1, 2012). An individual, who has successfully completed the Correctional Probation Officer Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a correctional officer:

a. through j. No change.

(f) No change.

Rulemaking 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, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 5-21-12, 3-13-13, 5-29-14, \_\_\_\_\_.

11B-35.0021 Courses and Requirements for Basic Recruit Training, Advanced, Specialized, and Instructor Training Requiring Proficiency Demonstration.

(1) through (5) No change.

(6) Specialized Training Program Courses: ~~Canine Team Training Course, number 1198.~~

- (a) Canine Team Training Course, number 1198.  
 (b) Safe Handling of Firearms course, number 2007.

(7) No change.

(8) Instructor to student ratios for instruction of proficiency skills in High-Liability Basic Recruit Training Program Courses, DUI Traffic Stops, High-Liability Instructor Training Courses, Specialized Instructor Courses, Advanced Training Program Courses, and Specialized Training Program Courses, requiring proficiency demonstration.

(a) For instruction of the CMS Criminal Justice Firearms Course, Cross-Over Handgun Transition Course, ~~or~~ CMS Firearms Instructor Course, or Safe Handling of Firearms course, there shall be no more than six students actively engaged on a firearms range for each Commission-certified firearms instructor. One rangemaster shall supervise all range activity while training is actively engaged. The rangemaster shall be a Commission-certified firearms instructor and shall not be included as an instructor to comply with the instructor to student ratio requirements. Discretionary course of fire shall be conducted with a one-to-one instructor to student ratio. Actively engaged is defined as “a student on the firing range handling a weapon.”

(b) through (c) No change.

(d) For instruction of the CMS First Aid for Criminal Justice Officers Course and CMS First Aid Instructor Course, at least one Commission-certified CMS First Aid Instructor shall be required for every ten students actively engaged in the practical and performance areas of the training. Actively engaged is defined as “a student involved in the practical performance of any first aid skills training.” CPR ~~i~~nstructors, who possess an active valid CPR instructor certification from the American Heart Association (AHA), American Red Cross (ARC), American Safety & Health Institute (ASHI), or other an entity referenced in Rule 64J-1.022, F.A.C., are permitted to instruct CPR only in the CMS First Aid for Criminal Justice Officers Course and may the CMS First Aid Instructor Course, ~~or~~ be used to meet the required instructor to student ratio for demonstration of CPR proficiency skills only in the CMS First Aid for Criminal Justice Officers Course. ~~these courses. The instructor to student ratio shall match the prerequisites set forth in the approved CPR course certification requirements.~~ A copy of the Instructor Exemption Application form CJSTC-82 and a copy of the CPR instructor’s active valid CPR Instructor Certification shall be maintained in the course file. Form CJSTC-82 can be obtained ~~at~~ by contacting Commission staff at (850) 410-8615 or at the following FDLE Internet address <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>.

(e) through (g) No change.

(h) For instruction of the Underwater Police Science and Technology course, there shall be at least one Commission-certified Criminal Justice Diving Instructor for each eight students actively engaged in water activities. Training centers are permitted to use qualified safety divers in assisting the instructor with water exercises. For each qualified safety diver, two additional students are permitted to actively engage in water activities. A maximum of two ~~three~~ qualified safety divers are permitted per instructor. Qualified safety divers shall not be enrolled as students in the course in which they are assisting and shall not be included as an instructor to comply with the instructor to student ratio requirements. Actively engaged is defined as “a student in the water participating in the practical performance of any dive activities.” Qualified safety diver is defined as “an individual who possesses a current Advanced Open Water Dive Certification, is an active or former member of a criminal justice dive team, and is approved by the training center director or designee to assist the instructor with water exercises.” A copy of the Instructor Exemption form CJSTC-82 shall be maintained in the course file.

(i) For instruction of the Canine Team Training Course number 1198, there shall be at least one Commission-certified instructor for eight student canine teams while actively engaged in canine team ~~patrol~~ activities. Individuals with three years of documented experience working with canines and approved by the training center director or designee are allowed to ~~assist in canine exercises and~~ assist the instructor during practical exercises and shall not be included as an instructor to comply with the instructor to student ratio requirements. Actively engaged is defined as a student canine team actively working and performing practical exercises. ~~A canine team is defined as a student handler and a canine.~~ A copy of the Instructor Exemption form CJSTC-82 shall be maintained in the course file.

(j) For instruction of the Canine Team Training Instructor Course number 1199, there shall be at least one Commission-certified instructor for eight student canine teams while actively engaged in canine team ~~patrol~~ activities. Individuals approved by the ~~agency head or~~ training center director or designee are allowed to ~~assist in canine exercises and~~ assist the instructor during practical exercises and shall not be included as an instructor to comply with the instructor to student ratio requirements. Actively engaged is defined as a student canine team actively working and performing practical exercises. A copy of the Instructor Exemption form CJSTC-82 shall be maintained in the course file.

Rulemaking Authority 943.03(4), 943.12(1), (2), 943.14(3), 943.17 FS. Law Implemented 943.12(5), 943.17 FS. History—New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-21-07, 6-9-08, 9-28-09, 3-13-13, 5-29-14, \_\_\_\_\_.

11B-35.0024 Student Performance in Commission-approved High-Liability Basic Recruit Training Courses, Instructor Training Courses, and Specialized and Advanced Training Program Courses Requiring Proficiency Demonstration.

(1) through (2) No change.

(3) Successful completion and demonstration of proficiency skills is required for each of the following high-liability courses: CMS Criminal Justice Defensive Tactics Course, CMS Defensive Tactics Instructor Course, CMS Criminal Justice Firearms Course, Cross-Over Handgun Transition Course, CMS Firearms Instructor Course, Safe Handling of Firearms course, CMS Law Enforcement Vehicle Operations Course, CMS Vehicle Operations Instructor Course, CMS First Aid for Criminal Justice Officers Course, and CMS First Aid Instructor Course.

(a) CMS Criminal Justice Defensive Tactics Course.

1. through 2. No change.

3. A basic recruit student shall be subject to chemical agent contamination as described in the CMS Criminal Justice Defensive Tactics Course. Prior to beginning a ~~Florida CMS~~ Law Enforcement, ~~Florida CMS~~ Correctional, or ~~Florida~~ Correctional Probation Basic Recruit Training Program, a student shall complete the Physical Fitness Assessment form CJSTC-75B. This form verifies that there are no known medical conditions that would prevent a student from participating in chemical agent contamination. A student who has provided the training school with documentation of prior chemical agent exposure that includes chemical agent contamination and working through the effects of chemical agent contamination in a training environment, shall be exempt from this requirement.

(b) through (c) No change.

(d) CMS Firearms Instructor Course.

1. through 2. No change.

(e) Safe Handling of Firearms course. A student enrolled in the Safe Handling of Firearms course shall achieve a score of 80% on the required written end-of-course examination. Students shall demonstrate all Firearms Handling Proficiency Skills for the safe handling of handguns (both revolver and semiautomatic pistol) and long guns (both shotgun and semiautomatic rifle/carbine) at 100%. The results shall be recorded on the required Firearms Handling Performance Evaluation form CJSTC-21, created \_\_\_\_\_, effective \_\_\_\_\_, hereby incorporated by reference \_\_\_\_\_. Form CJSTC-21 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615. Form CJSTC-21 shall be maintained in the student or course file.

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

1. through 2. No change.

(g)(f) CMS First Aid Instructor Course.

1. through 2. No change.

(h)(g) CMS Law Enforcement Vehicle Operations Course.

1. through 2. No change.

(i)(h) CMS Vehicle Operations Instructor Course.

1. through 2. No change.

(4) Successful completion and demonstration of proficiency skills is required for each of the following basic recruit, advanced, specialized instructor, or specialized training program courses: DUI Traffic Stops, Speed Measurement Course, Speed Measurement Instructor Course, Breath Test Instructor Course, Breath Test Instructor Renewal Course, Breath Test Operator Course, Breath Test Operator Renewal Course, Agency Inspector Course, Agency Inspector Renewal Course, Underwater Police Science and Technology course, Canine Team Training Course, ~~and~~ Canine Team Training Instructor Course, and Role-play Scenarios for Facilitative Learning.

(a) through (i) No change.

(j) Underwater Police Science and Technology course number 077. A student shall achieve a score of no less than 80% on the required written end-of-course examination and demonstrate the required proficiency skills at 100%, with the results recorded on the required Criminal Justice Diver Performance Evaluation form CJSTC-19, revised ~~created~~ \_\_\_\_\_ ~~November 7, 2013, effective 5/2014~~, hereby incorporated by reference \_\_\_\_\_. Form CJSTC-19 can be obtained at the following FDLE Internet Address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615. A copy of the completed form shall be provided to the student and the original shall be maintained in the course file.

(k) Canine Team Training Course number 1198. A handler shall achieve a score of no less than 80% on the required written end-of-course examination and demonstrate the required proficiency skills at 100%, with the results recorded on the required Canine Performance Evaluation form CJSTC-83, revised \_\_\_\_\_, effective \_\_\_\_\_ ~~November 7, 2013, effective 5/2014~~, hereby incorporated by reference \_\_\_\_\_. Form CJSTC-83 can be obtained at the following FDLE Internet Address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615. A copy of the completed form shall be provided to the student and the original maintained in the course file.

(l) Canine Team Training Instructor Course number 1199.

1. An instructor student shall complete the Canine Team Training Instructor Course requirements pursuant to Rule 11B-20.0014, F.A.C., to instruct the Canine Team Training Course number 1198 and Canine Team Training Instructor Course number 1199.

2. An instructor student shall achieve a score of no less than 85% on the required written end-of-course examination, demonstrate instruction of one classroom topic from the Canine Team Training Course number 1198, and demonstrate instructing field exercises in obedience, criminal apprehension, building search, area search, and tracking and trailing from the Canine Team Training Course number 1198, with the results recorded on the required performance evaluation form. A copy of the completed Canine Team Instructor Performance Evaluation form CJSTC-20, revised created \_\_\_\_\_, effective \_\_\_\_\_ November 7, 2013, effective 5/2014, hereby incorporated by reference \_\_\_\_\_, shall be provided to the student and the original form CJSTC-20 maintained in the instructor student course file. Form CJSTC-20 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615. A copy of the completed form shall be provided to the student and the original maintained in the course file.

(m) Role-play Scenarios for Facilitative Learning course number 2001. An instructor student shall achieve a score of no less than 85% on the required written end-of-course examination. There are no proficiency requirements for this course.

Rulemaking 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, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 6-3-10, 3-13-13, 5-29-14, \_\_\_\_\_.

11B-35.007 Specialized Training Program.

(1) through (2) No change.

(3) Specialized Instructor Training Courses pursuant to paragraph (1)(b) of this rule section. The following Specialized Instructor Training Courses are developed and approved by the Commission for instructor training and shall be delivered in their entirety by a training school for an individual to qualify to apply as a Commission-certified instructor.

(a) through (q) No change.

(r)	2001	Role-play Scenarios for Facilitative Learning	16
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(4) Commission-approved Specialized Training Program Courses pursuant to paragraph (1)(c) of this rule section. The following Commission-approved Specialized Training Program Courses are developed and approved by the

Commission and have not been designated as Commission-approved Advanced Training Program Courses:

(a) No change.

(b)	1126	Human Diversity In-service Training for Professionalism and Ethics	4
(e)	1127	Human Diversity In-service Training for Interdependent Relationships	8
(d)	1128	Human Diversity In-service Training for Reducing Inter-group Conflict	4
(e)	1129	Human Diversity In-service Training for Reducing Inter-group Conflict	4
(f)	1130	Human Diversity In-service Training for Specialized Topics in Diversity	4
(b)(g)	1144	Human Interaction Course	16
(c)(h)	1131	Human Diversity In-service Training for Discriminatory Profiling and Professional Traffic Stops	4
(d)(i)	1112 1198	Canine Team Training Course (Retired 11/6/13) Canine Team Training Course (Effective 11/7/13)	400 480
(e)(j)	1113	Laser Speed Measurement Device (LSMD) Transition Operators Course for Radar Operators (Retired 12/31/08)	12
(f)(k)	1132	Parking Enforcement Specialist for Civilians	16
(g)(l)	1133	Selective Traffic Enforcement Program for Civilians	80
(h)(m)	732	Traffic Control Officer for Civilians	8
(i)(n)	1134	Criminal Justice Officer Ethics Course	8
(j)(o)	1135	Crimes Against Children	24
(k)(p)	1136	Domestic Violence	8

(l)(e)	1137	Violent Crime Investigator Training Course	40
(m)(f)	808	CMS Field Training Officer Transition Course (Retired 12/31/08)	8
(n)(g)	1140	Basic Incident Command System (ICS) Course	6
(o)(h)	1141	Intermediate Incident Command System (ICS) Course	18
(p)(i)	1142	Advanced Incident Command System (ICS) Course	14
(q)(j)	1149	Special Populations	32
(r)(k)	1150	Problem-Solving Model: SECURE	6
(s)(l)	1160	Dart-Firing Stun Gun	8
(t)(m)	1167	CMS General Instructor Update Course (Retired 12/31/10)	4
(u)(n)	1169	CMS Defensive Tactics and Firearms Instructor Update Course (Retired 12/31/10)	6
(v)(aa)	1185	Elder Abuse Investigations	<u>4</u>
(w)(bb)	1189	Physical Fitness Trainer Course	32
(x)(cc)	1194	Responding to Veterans	16
(y)(dd)	1195	Public Safety Telecommunications for Law Enforcement Officers	40
(z)(ee)	1197	STEP Course for Red Light Cameras	40
(aa)	<u>2002</u>	<u>Property Repossession Processes</u>	<u>2</u>
(bb)	<u>2006</u>	<u>Canine Team Training Instructor Update Course</u>	<u>24</u>
(cc)	<u>2007</u>	<u>Safe Handling of Firearms</u>	<u>16</u>
(dd)	<u>2008</u>	<u>District Courts of Appeal Marshal Minimum Standards Training Program</u>	<u>40</u>

(5) through (7) No change.

Rulemaking 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, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 5-21-12, 3-13-13, 5-29-14, \_\_\_\_\_.

11B-35.009 Exemption from Basic Recruit Training.

(1) through (2) No change.

(3) For individuals who request an exemption from a Commission-approved Basic Recruit Training Program, the employing agency or Criminal Justice Selection Center shall:

(a) Verify that the applicant’s law enforcement training is comparable to the Commission’s Florida Law Enforcement Academy for which the exemption is requested, and at a minimum reflects successful completion of training, pursuant to the Exemption-From-Equivalency-of-Training form CJSTC-76, for the topics of Legal, Interactions in a Diverse Community, Interviewing and Report Writing, Patrol (including Fundamentals, Calls for Service, and Critical Incidents), Criminal Investigations (including Crime Scene and Courtroom), Traffic Stops, Traffic Crash Investigations, Vehicle Operations, First Aid or equivalent, Firearms, and Defensive Tactics.

(b) Verify that the applicant’s correctional officer training is comparable to the Commission’s Florida CMS Correctional Basic Recruit Training Program whenever an exemption is requested, and at a minimum reflects successful completion of training , pursuant to the Exemption-From-Equivalency-of-Training form CJSTC-76, for the topics of Legal, Communications, Officer Safety, Facility and Equipment, Intake and Release, Supervising in a Correctional Facility, Supervising Special Populations, Responding to Incidents and Emergencies, Firearms, Defensive Tactics, and First Aid or Equivalent.

(c) Verify that the applicant’s correctional probation officer training is comparable to the Commission’s Florida Correctional Probation Basic Recruit Training Program whenever an exemption is requested, and at a minimum reflects successful completion of training, pursuant to the Exemption-From-Equivalency-of-Training form CJSTC-76, for the topics of Legal, Interpersonal Communication Skills, Caseload Management, Supervision, Investigations, Management Information Systems, Defensive Tactics, and First Aid or equivalent.

(d) through (e) No change.

(4) No change.

(5) Documentation requirements for out-of-state, federal, and inactive Florida Officers. Upon verification of an individual’s request for exemption of training, pursuant to this rule section, an employing agency or Criminal Justice Selection Center shall submit to Commission staff a completed Exemption-From-Equivalency-of-Training, form CJSTC-76, revised \_\_\_\_, effective \_\_\_\_, ~~November 7, 2013, effective 5/2014~~, hereby incorporated by reference \_\_\_\_\_, for out-of-state, federal, and inactive Florida Officers. Form CJSTC-76 ~~CMS~~ can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission

staff at (850)410-8615. Supporting documentation verifying the individual’s compliance with comparable basic recruit training and sworn criminal justice experience pursuant to this rule section shall be maintained on file by the employing agency or Criminal Justice Selection Center and submitted to Commission staff for review. The agency shall be notified of the approval or denial of the requested exemption of certification in writing within 30 working days. Any appeal of denial of exemption is governed by Section 120.57, F.S.

(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 Rule 11B-30.0062, F.A.C., and paragraph 11B-30.008, F.A.C. Demonstration of proficiency in the required High-Liability Basic Recruit Training Proficiency Skills and passing the State Officer Certification Examination shall be completed within one year after notification of approval of the Exemption-From-Equivalency-of-Training form CJSTC-76. Individuals who do not complete the required demonstration of proficiency in the High-Liability Basic Recruit Training Proficiency Skills and achieve a passing score on the State Officer Certification Examination within one year, are permitted to apply for another exemption from training, pursuant to Section 943.131(2), F.S., provided they meet the eligibility requirements outlined in Section 943.131(2), F.S. Upon demonstration of proficiency in the required High-Liability Basic Recruit Training Proficiency Skills, the training school shall complete an Exemption-From-Equivalency-of-Training Proficiency Demonstration, form CJSTC-76A, revised \_\_\_\_\_, effective \_\_\_\_\_, ~~December 16, 2010, (effective 5/2012)~~, hereby incorporated by reference \_\_\_\_\_, and provide a copy to the officer of form CJSTC-76A. Form CJSTC-76A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615. 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 (9) No change.

Rulemaking 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, 3-27-06, 3-21-07, 6-9-08, 5-21-12, 3-13-13, 5-29-14, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Bureau Chief Glen Hopkins  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2015  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 21, 2014

**DEPARTMENT OF LAW ENFORCEMENT**  
**Division of Criminal Justice Information Systems**

RULE NO.: 11C-6.009      RULE TITLE: Sale and Delivery of Firearms  
PURPOSE AND EFFECT: Updates the rule with minor changes to reflect a name change, billing date range change and allows firearms dealers an additional 5 days to submit payment prior to service termination. Revises the title of Finance and Accounting to Financial Management, removes the date range for the billing period to allow flexibility to work with our accounting system and increase the number of days the firearms dealers have to submit payment.

SUMMARY: Rule 11C-6.009 F.A.C. is amended to revise the title of Finance and Accounting to Financial Management and to remove the date range for the billing period. It will also change the service termination date to 15 days after the invoice due date.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

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

RULEMAKING AUTHORITY: 790.065 FS, 943.03(4) FS.

LAW IMPLEMENTED: 790.065 FS.

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

DATE AND TIME: Wednesday, May 13, 2015, 1:00 p.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Charlotte Fraser at (850)410-7162, or charlottefraser@fdle.state.fl.us or write to Florida Department of Law Enforcement, Office of Financial Management, 2331 Phillips Road, Tallahassee, FL 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Charlotte Fraser at (850)410-7162, or charlottefraser@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Office of Financial Management 2331 Phillips Road, Tallahassee, FL 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-6.009 Sale and Delivery of Firearms.

(1) through (8) No change.

(9) Each month, FDLE will provide the dealer with an invoice of the fees due FDLE. ~~Payment must be received by FDLE by the 1st of the month following the invoice date billing period (16th of two months previous through the 15th of the previous month).~~ A business or personal check, money order, or cashier's check payable to FDLE will be accepted and must be returned with the return portion of the invoice in the envelope that is provided. Checks must be in U.S. dollars only.

(10) Questions about invoices received should be directed to:

Florida Department of Law Enforcement  
Office of ~~Finance and Accounting~~ Financial Management  
Post Office Box 1489  
Tallahassee, Florida 32302-1489  
Telephone Number: (850)410-7156

(11) No change.

(12) An invoice for processing fees that is not paid within ~~15~~ 40 days after the due date will result in the termination of services provided by FDLE. Services will be reactivated when all past due invoices are paid in full and payment is received by FDLE.

(13) through (20) No change.

Rulemaking Authority 790.065, 943.03(4) FS. Law Implemented 790.065 FS., Title 18, U.S.C., Chapter 44, and Title 27, C.F.R., Part 178. History--New 6-2-91, Amended 7-7-99, 8-22-00, 12-18-00, 11-5-02.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Charlotte Fraser, Chief of Financial Support Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 21, 2014

**DEPARTMENT OF LAW ENFORCEMENT**

**Division of Criminal Justice Information Systems**

RULE NO.: RULE TITLE:

11C-7.006 Procedures on Court-Ordered Expunctions

PURPOSE AND EFFECT: Rule 11C-7.006, F.A.C. is amended to conform to a 2014 legislative change creating new Section. 943.0585(5) F.S., which allows for certain criminal history records to be ordered expunged by the courts, notwithstanding the general eligibility requirements in Section 943.0585, F.S.

SUMMARY: Description of procedures and forms for applying for the expunction of a criminal history record based on lawful self-defense pursuant to new Section 943.0585(5), F.S. Incorporates forms by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department's economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes.

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

RULEMAKING AUTHORITY: 943.03(4), 943.0585(2) FS.  
LAW IMPLEMENTED: 943.0585(5) FS.

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

DATE AND TIME: Wednesday, May 13, 2015, 1:00 p.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Christopher Eaton at (850)410-8114 or christophereaton@fdle.state.fl.us or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Christopher Eaton at (850)410-8114 or christophereaton@fdle.state.fl.us or write to Florida Department of Law Enforcement, Criminal Justice Information Services, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-7.006 Procedures on Court-Ordered Expunctions.

(1) Prior to petitioning the court to expunge a criminal history record, the subject must apply to the Department for a certificate of eligibility for expunction. The application for the certificate of eligibility must include:

(a) No change

(b) A completed Application for Certification of Eligibility. The subject must complete section A of the application. The Application for Certification of Eligibility (form number FDLE 40-021, rev. December 2009, \_\_\_\_\_), or for lawful self-defense expunction under Section 943.0585(5), F.S. (form number FDLE - , rev. 2014, \_\_\_\_\_), both of which are hereby incorporated by reference, may be obtained from:

1. The Clerk of the Court, or
2. Florida Department of Law Enforcement  
Expunge Section  
Post Office Box 1489  
Tallahassee, Florida 32302-1489  
Telephone Number: (850)410-7870  
Website: <http://www.fdle.state.fl.us/expunge>

(c) through (e) No change.

(2) through (4) No change.

(5) The Department will send the subject a Certificate of Eligibility (form number FDLE 40-022, rev. July 2006, \_\_\_\_\_) or (form number FDLE - , new 2014, \_\_\_\_\_), both of which are incorporated here by reference, if the specified criminal history record meets the requirements for expunction. If the specified criminal history record does not meet the requirements for expunction, the Department will send the subject a letter stating the reason for ineligibility with an explanation of appeal rights.

(6) No change.

Rulemaking Authority 943.03(4), 943.058(2) FS. Law Implemented 943.0585 FS. History—New 8-5-92, Amended 7-7-99, 8-22-00, 6-9-08, 6-3-10, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Christopher Eaton, Chief of Crime Information Bureau

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 21, 2014

**DEPARTMENT OF LAW ENFORCEMENT**

**Division of Local Law Enforcement Assistance**

RULE NOS.: RULE TITLES:

- 11D-8.002 Definitions
- 11D-8.003 Approval of Breath Test Methods and Instruments
- 11D-8.0035 Approval of Alcohol Reference Solution and Sources
- 11D-8.004 Department Inspection and Registration of Breath Test Instruments
- 11D-8.006 Agency Inspection of Breath Test Instruments
- 11D-8.007 Approved Breath Test Instruments - Access, Facility Requirements, Observation Period, and Operational Procedures
- 11D-8.0075 Agency Retention of Records
- 11D-8.008 Breath Test Operator and Agency Inspector
- 11D-8.010 Qualifications for Instructors
- 11D-8.011 Approval of Blood Alcohol Test Methods
- 11D-8.013 Blood Alcohol Permit - Analyst
- 11D-8.017 Forms

PURPOSE AND EFFECT: Subsection 11D-8.002(12), F.A.C.: Adds the phrase “on a single Form 38 affidavit” to the definition of “Approved Breath Alcohol Test” to clarify and add specificity to the rule.

Subsection 11D-8.002(13), F.A.C.: Removes “the Department of Law Enforcement” from the definition of “Authorized Repair Facility” because the Department only performs



maintenance on the breath test instruments and does not perform repairs.

Subsection 11D-8.002(14), F.A.C.: Add the word “human” to the definition of “Blood” to clarify that human blood is the type of blood to be analyzed for proficiency testing.

Subsection 11D-8.002(20), F.A.C.: Names the National Institute of Standards and Technology or international equivalent traceable standard as the “Dry Gas Standard” for compliance with the American Society of Crime Laboratory Directors/Laboratory Accreditation Board definition standards and to be consistent with Rule 11D-8.0036.

Subsection 11D-8.002(22), F.A.C.: Defines “Instrument Registration” to certify that the breath test instrument meets the requirements of Rules 11D-8.003 and 11D-8.004, F.A.C.

Subsections 11D-8.002(23)-(25), (27)-(28), F.A.C.: Renumbers these rule paragraphs due to additions in this rule section.

Subsection 11D-8.002(26), F.A.C.: Defines the “4-year Permit Cycle” for required continuing education requirements, and specifies the initial 4-year anniversary and continuing education dates to clarify and add specificity to the rule.

Subsection 11D-8.003(1), F.A.C.: Makes grammatical changes and updates the type of breath test method to reflect the scientific name “Infrared Spectroscopy”.

Subsection 11D-8.003(2), F.A.C.: Removes the Intoxilyzer 5000 instrument because Florida no longer uses this instrument; the Intoxilyzer 8000 instrument replaces this instrument. Reincorporates the Instrument Evaluation Procedures FDLE/ATP Form 34 because Rule 11D-8.017, F.A.C., was repealed and all forms contained within that rule section are being reincorporated throughout Rule Chapter 11D-8, F.A.C., pursuant with the Joint Administrative Procedures Committee’s recommendation.

Subsection 11D-8.003(3), F.A.C.: Repeals this paragraph because Florida no longer uses the Intoxilyzer 5000 instrument, and renumbers the rule paragraph.

Subsection 11D-8.003(4), F.A.C.: Renumbers the rule paragraph due to a deletion in this rule section.

Subsection 11D-8.003(5), F.A.C.: Renumbers the rule paragraph due to a deletion in this rule section and clarifies that the Alcohol Testing Program is to evaluate software, and requires that an approved make and model of a breath test instrument remains approved until disapproved by the Department.

Paragraph 11D-8.0035(2)(b), F.A.C.: Reincorporates the Certificate of Assurance FDLE/ATP Form 32 because Rule 11D-8.017, F.A.C., was repealed and all forms contained within that rule section are being reincorporated throughout Rule Chapter 11D-8, F.A.C., pursuant with the Joint Administrative Procedures Committee’s recommendation.

Subsection 11D-8.004(1), F.A.C.: Requires the inspection of each breath test instrument to establish accuracy and reliability and ensure the registration of the instrument prior placing the instrument into evidentiary use by an agency.

Subsection 11D-8.004(2), F.A.C.: Defines the purpose of required Department Inspections of the breath test instruments and when these inspections must occur to ensure accuracy and reliability.

Subsection 11D-8.004(3), F.A.C.: Removes references to the Intoxilyzer 5000 instrument because Florida no longer uses this instrument. Reincorporates the Department Inspection – Intoxilyzer 8000 FDLE/ATP Form 36 and the Department Inspection Report – Intoxilyzer 8000 FDLE/ATP Form 41 because Rule 11D-8.017, F.A.C., was repealed and all forms contained within that rule section are being reincorporated throughout Rule Chapter 11D-8, F.A.C., pursuant with the Joint Administrative Procedures Committee’s recommendation. The paragraph also repeals the Department Inspection Report FDLE/ATP Form 26 because Florida no longer uses the Intoxilyzer 5000 instrument.

Subsection 11D-8.006(1), F.A.C.: Repeals the Agency Inspection Procedures FDLE/ATP Form 16 and the Agency Inspection Report FDLE/ATP Form 24 because Florida no longer uses the Intoxilyzer 5000 instrument. Reincorporates the Agency Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 39 and the Agency Inspection Report – Intoxilyzer 8000 FDLE/ATP Form 40 because Rule 11D-8.017, F.A.C., was repealed and all forms contained within that rule section are being reincorporated throughout Rule Chapter 11D-8, F.A.C., pursuant with the Joint Administrative Procedures Committee’s recommendation.

Subsection 11D-8.006(2), F.A.C.: Removes references to the Intoxilyzer 5000 instrument because Florida no longer uses this instrument, and renumbers the rule paragraphs due to deletions within the rule section.

Subsection 11D-8.007(1), F.A.C.: Adds “Department” as an authorized entity to remove the cover of the Intoxilyzer 8000 evidentiary breath test instrument to perform maintenance and allow the instrument to be shipped for annual inspections because the Department was removed from the definition of an authorized repair facility in subsection 11D-8.002(13), F.A.C.

Subsection 11D-8.007(4), F.A.C.: Removes references to the Intoxilyzer 5000 instrument and repeals the Breath Test Results Affidavit FDLE/ATP Form 14 because Florida no longer uses the Intoxilyzer 5000 instrument. Reincorporates the Operational Procedures – Intoxilyzer 8000 FDLE/ATP Form 37 and the Breath Test Affidavit – Intoxilyzer 8000 FDLE/ATP Form 38 because Rule 11D-8.017, F.A.C., was repealed and all forms contained within that rule section are being reincorporated throughout Rule Chapter 11D-8, F.A.C.,

pursuant with the Joint Administrative Procedures Committee's recommendation.

Subsection 11D-8.007(5), F.A.C.: Removes references to the Intoxilyzer 5000 instrument and repeals the Breath Test Log FDLE/ATP Form 13 because Florida no longer uses the Intoxilyzer 5000 instrument.

Subsections 11D-8.075(1)-(2), F.A.C.: Removes the agency inspection print cards and breath test log record requirements because they are associated with the Intoxilyzer 5000 instrument and Florida no longer uses this instrument. Restructures paragraphs to place the requirement that agency records are to be accessible to the Department in the paragraph defining those records because this is grammatically correct and in plain language.

Paragraph 11D-8.008(1)(e), F.A.C.: Incorporates the Breath Test Permit Application FDLE/ATP Form 8 because Rule 11D-8.017, F.A.C., was repealed and all forms contained within that rule section are being reincorporated throughout Rule Chapter 11D-8, F.A.C., pursuant with the Joint Administrative Procedures Committee's recommendation.

Rule 11D-8.008(2)(c), F.A.C.: Incorporates the Breath Test Permit Application FDLE/ATP Form 8 because Rule 11D-8.017, F.A.C., was repealed and all forms contained within that rule section are being reincorporated throughout Rule Chapter 11D-8, F.A.C., pursuant with the Joint Administrative Procedures Committee's recommendation.

Subsection 11D-8.008(3), F.A.C.: Defines the frequency of continuing education requirements to clarify and add specificity to the rule.

Subsection 11D-8.008(5), F.A.C.: Defines when a breath test operator or agency inspector permits expires for failing to complete the required mandatory continuing education to clarify and add specificity to the rule.

Subsection 11D-8.008(7), F.A.C.: Adds requirements to activate an expired permit created in Subsection 11D-8.008(5), F.A.C., to obtain a valid breath test operator or agency inspector permit to clarify and add specificity to the rule.

Subsection 11D-8.010(2), F.A.C.: Adds the rule reference for the maintenance requirements of Breath Test Instructor certification to clarify and add specificity to the rule.

Subsection 11D-8.011(1), F.A.C.: Renumbers the rule paragraphs due to deletions with the rule section and removes Alcohol Dehydrogenase (Enzymatic) as an approved blood alcohol test method because gas chromatography is better forensically in determining blood alcohol levels, and no forensic laboratory uses this older technology.

Rule 11D-8.013(1), F.A.C.: Incorporate the Application for Permit to Conduct Blood Alcohol Analyses FDLE/ATP Form 4 because Rule 11D-8.017, F.A.C., was repealed and all forms contained within that rule section are being reincorporated throughout Rule Chapter 11D-8, F.A.C., pursuant with the

Joint Administrative Procedures Committee's recommendation. Revises this form to remove Alcohol Dehydrogenase (Enzymatic) as a method used for blood alcohol analyses.

Subsection 11D-8.0013(3), F.A.C.: Removes approval of enzymatic analytical procedures based on alcohol dehydrogenase because alcohol dehydrogenase is not an approved blood alcohol test method pursuant to Rule 11D-8.011, F.A.C.

Paragraph 11D-8.013(3)(g), F.A.C.: Removes the requirements for enzymatic analytical procedures based on alcohol dehydrogenase because alcohol dehydrogenase is not an approved blood alcohol test method pursuant to Rule 11D-8.011, F.A.C.

Subsection 11D-8.013(4), F.A.C.: Removes provision that ATP approve any substantial change to a laboratory facility. FDLE/ATP has never utilized the provision and the statute lacks the legislative authority to regulate laboratory facilities.

Rule 11D-8.017, F.A.C.: Repeals the various forms in this section. Repeals all forms associated with the Intoxilyzer 5000 because Florida no longer uses this instrument. Reincorporates forms associated with the Intoxilyzer 8000 instrument throughout Rule Chapter 11D-8, F.A.C., pursuant with the Joint Administrative Procedures Committee's recommendation.

SUMMARY: Adds the phrase "on a single Form 38 affidavit" to the definition of "Approved Breath Alcohol Test"; removes "the Department of Law Enforcement" from the definition of authorized repair facility; adds the word "human" to the definition of blood; names the National Institute of Standards and Technology or international equivalent traceable standards as the "dry gas standard"; defines "instrument registration"; defines the "4-year permit cycle" and specifies the initial 4-year anniversary; removes the Intoxilyzer 5000 instrument; reincorporates the Instrument Evaluation Procedures, FDLE/ATP Form 34; clarifies that the Alcohol Testing Program is to evaluate software and requires that an approved make and model breath test instrument remains approved until disapproved by the Department; reincorporates the Certificate of Assurance FDLE/ATP Form 32; requires that each breath test instrument shall be inspected; defines the purpose of required Department inspections of the breath test instruments and when they must occur; reincorporates the Department Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 41; repeals the Department Inspection Report FDLE/ATP Form 26; repeals the Agency Inspection Procedures FDLE/ATP Form 16 and the Agency Inspection Report FDLE/ATP Form 24; reincorporates the Agency Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 39 and Agency Inspection Report – Intoxilyzer 8000 FDLE/ATP Form 40; adds "Department" as an authorized entity to remove

the cover of the Intoxilyzer 8000 evidentiary breath test instrument; repeals the Breath Test Results Affidavit FDLE/ATP Form 14; reincorporates the Operational Procedures – Intoxilyzer 8000 FDLE/ATP Form 37 and the Breath Test Affidavit – Intoxilyzer 8000 FDLE/ATP Form 38; repeals the Breath Test Log FDLE/ATP Form 13; removes the agency inspection print cards and breath test log record requirements; incorporates the Breath Test Permit Application FDLE/ATP Form 8; defines the frequency of continuing education requirements; defines when a breath test operator or agency inspector permit expires for failing to complete the required mandatory continuing education; adds the requirements to activate an expired permit to obtain a valid breath test operator or agency inspector permit; adds the rule reference for the Breath Test Instructor certification requirements to maintain instructor certification; removes alcohol dehydrogenase (enzymatic) as an approved blood alcohol test method; incorporates the Application for Permit to Conduct Blood Alcohol Analyses FDLE/ATP Form 4; removes the requirements for and approval of enzymatic analytical procedures based on alcohol dehydrogenase; removes approval of substantial changes to a laboratory facility by the Department; repeals all forms listed in Rule 11D-8.017, F.A.C. and incorporates active forms throughout the rule chapter; makes grammatical revisions; and renumbers paragraphs.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:** The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S.

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

**RULEMAKING 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.

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

DATE AND TIME: Wednesday, May 13, 2015, 1:00 p.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The Alcohol Testing Program at (850)617-1290, alcoholtestingprogram@fdle.state.fl.us or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, Alcohol Testing Program, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** The Alcohol Testing Program at (850)617-1290, alcoholtestingprogram@fdle.state.fl.us or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, Alcohol Testing Program, 2331 Phillips Road, Tallahassee, Florida 32308

**THE FULL TEXT OF THE PROPOSED RULE IS:**

11D-8.002 Definitions.

(1)through(11) No change.

(12) Approved Breath Alcohol Test – a minimum of two samples of breath collected within fifteen minutes of each other, analyzed using an approved breath test instrument, producing two results within 0.020 g/210L, and reported as the breath alcohol level, on a single Form 38 affidavit. If the results of the first and second samples are more than 0.020 g/210L apart, a third sample shall be analyzed. Refusal or failure to provide the required number of valid breath samples constitutes a refusal to submit to the breath test. Notwithstanding the foregoing sentence, the result(s) obtained, if proved to be reliable, shall be acceptable as a valid breath alcohol level.

(13) 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) Blood – human whole blood.

(15) through (19) No change.

(20) Dry Gas Standard – a National Institute of Standards and Technology or international equivalent traceable standard consisting of a mixture of alcohol and gas which produces a

known alcohol vapor concentration used to verify the accuracy calibration of a breath test instrument.

(21) No change.

(22) Instrument Registration – when issued by the Department, certifies that the specified breath test instrument meets the requirements of Rule 11D-8.003 and Rule 11D-8.004, F.A.C., and is authorized to be placed into evidentiary use. A breath test instrument registration remains valid until relinquished by the agency or suspended or revoked by the Department.

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

(24)(23) Mouth Alcohol Solution – a mixture of alcohol and distilled or deionized water provided by the Department.

(25)(24) Permit – when issued by the Department, certifies that the holder has met all necessary qualifications, remains in full compliance with these rules and is authorized to perform all related duties. A permit is issued only to a qualified applicant and remains valid and in full effect until determined otherwise by the Department.

(26) Permit Cycle – the 4-year period in which continuing education requirements shall be satisfied. The initial cycle due date is June 30<sup>th</sup> of the fourth year following the initial permit date. Subsequent cycles will run for 4-year periods from the initial cycle due date.

EXAMPLE:

Initial Permit Date

4-year Anniversary Date

Continuing Education Due Date/Initial Cycle Due Date

(27)(25) Reference Sample Device – a device, also known as a simulator, that produces a known vapor concentration by the passage of air through a liquid.

(28)(26) Target Concentration – a gas chromatographic result equivalent to the following known alcohol vapor concentrations of alcohol reference solution: for 0.05 g/210L the target concentration is 0.0605 g/100mL; for 0.08 g/210L the target concentration is 0.0968 g/100mL; for 0.20 g/210L the target concentration is 0.2420 g/100mL.

Specific Authority 316.1932(1)(a)2., (f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a), (b), 327.352(1)(b)3. 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, 3-27-06,\_\_\_\_\_.

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

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

(2) The Department approves breath test methods and new instrumentation to ensure the accuracy and reliability of breath test results. The approved breath test instrument make and model is the Department has approved the following breath test instrumentation for evidentiary use: CMI, Inc. Intoxilyzer 5000 Series including any or all instruments using one of the following programs: 5000 Basic Software Program; Florida Software Program; R Software Program; and CMI, Inc. Intoxilyzer 8000 using software evaluated by the Department in accordance with Instrument Evaluation Procedures FDLE/ATP Form 34, revised March 2004, \_\_\_\_\_, hereby incorporated by reference.

This form may be obtained by contacting the Florida Department of Law Enforcement, Alcohol Testing Program, P. O. Box 1489, Tallahassee, Florida 32302.—Rev. March 2004.

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

(3)(4) A Department inspection performed in accordance with Rule 11D-8.004, F.A.C., validates the approval, accuracy and reliability of an evidentiary breath test instrument.

(4)(5) The Department shall conduct evaluations for approval of new instrumentation under subsection (2) in accordance with Instrument Evaluation Procedures FDLE/ATP Form 34 – Rev. March 2004.

November 16, 2016 availability or approval of new instruments, June 30, 2017 of software, options or modifications does not negate the approval status of previously approved instruments, or evaluated software, options or modifications. An approved make and model of a breath test instrument remains approved until disapproved by the Department.

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

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

(1) No change.

(2) The Department shall approve each lot of alcohol reference solution prior to distribution for use in Florida.

(a) No change.

(b) The Department shall notify the source that the approved lots may be distributed for use in Florida, and shall issue a Certificate of Assurance, FDLE/ATP Form 32 revised March 2001, \_\_\_\_\_, hereby incorporated by reference. This form may be obtained by contacting the Florida Department of Law Enforcement, Alcohol Testing

Program, P. O. Box 1489, Tallahassee, Florida 32302.—Rev. March 2001.

(3) through (4) No change.

Specific Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3., (d) FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History—New 7-6-99, Amended 7-29-01, 12-9-04,\_\_\_\_\_.

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

(1) The Department shall register and inspect each individual inspect a breath test instrument for accuracy and reliability prior to such instrument being initially placed into evidentiary use by an agency. The inspection validates that ~~the~~ instrument’s approval for evidentiary use, and the registration completes that instrument’s approval denotes an instrument approved pursuant to these rules. ~~The registration and~~ shall reflect the registration date, the owner of the instrument, the instrument serial number, the manufacturer, and the model designation.

(2) Registered breath test instruments shall be inspected by the Department at least once each calendar year to ensure accuracy and reliability, and must be accessible to the Department for inspection. A department inspection must be conducted subsequent to repair and Any evidentiary breath test instrument returned from an authorized repair facility shall be inspected by the Department prior to being placed in evidentiary use. ~~The inspection validates the instrument’s approval for evidentiary use.~~

(3) Department inspections shall be conducted in accordance with Department Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 36, revised August 2005, \_\_\_\_\_, hereby incorporated by reference.—Rev. August 2005 for the Intoxilyzer 8000; and the results reported on the 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, FDLE/ATP Form 41, revised August 2005, hereby incorporated by reference. These forms may be obtained by contacting the Florida Department of Law Enforcement, Alcohol Testing Program, P. O. Box 1489, Tallahassee, Florida 32302.—Rev. August 2005 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, 3-27-06,\_\_\_\_\_.

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 the 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, revised August 2005, \_\_\_\_\_, hereby incorporated by reference—Rev. August 2005 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 FDLE/ATP Form 40, created March 2004, hereby incorporated by reference. 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.—March 2004 for the Intoxilyzer 8000.

~~(2) Whenever an agency relocates an Intoxilyzer 5000 evidentiary breath test instrument for use at another facility, an agency inspection shall be conducted prior to the instrument’s removal, and another inspection shall be conducted prior to the instrument’s use for evidentiary breath testing at the new facility. A mobile testing unit is considered an agency facility.~~

~~(2)(3)~~ Whenever an instrument is taken out of evidentiary use, the agency shall conduct an agency inspection. The agency shall also conduct an agency inspection prior to returning an instrument to evidentiary use.

Specific Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3. 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, 3-27-06,\_\_\_\_\_.

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 out of evidentiary use to an authorized repair facility or the Department via common carrier transport. Only authorized repair facilities or the Department 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, revised August 2005, \_\_\_\_\_, hereby incorporated by reference—~~Rev. August 2005~~, and the results of the test shall be recorded on the Breath Alcohol Test Affidavit – Intoxilyzer 8000 FDLE/ATP Form 38, created March 2004, hereby incorporated by reference. Forms FDLE/ATP 37 and FDLE/ATP 38 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.—~~March 2004~~.

~~(5) Each agency shall record all breath tests conducted on a particular Intoxilyzer 5000 Series evidentiary breath test instrument on the Breath Test Log FDLE/ATP Form 13— Effective January 1997. The breath test log shall be reviewed each calendar month by an agency inspector to ensure that the information is properly recorded and that all necessary corrections are made. The agency inspector’s signature on the breath test log shall signify compliance with this section.~~

Specific Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3. 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, 3-27-06,\_\_\_\_\_.

11D-8.0075 Agency Retention of Records.

(1) Each agency shall maintain the following records for at least three years from the last entry date: agency inspection reports and agency inspection print cards, breath test logs, and breath test instrument repair records. The breath test instrument registration shall be retained by an agency for at least three years after the instrument is removed from evidentiary use. Dry gas standard certificates of analysis shall be retained by an agency for at least three years after receipt. These records shall be accessible to the Department upon request.

~~(2) The above records shall be accessible to the Department upon request.~~ At least once each calendar month each agency shall electronically transmit to the Department all breath tests conducted on that agency’s Intoxilyzer 8000 evidentiary breath test instruments.

(3) No change.

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

11D-8.008 Breath Test Operator and Agency Inspector.

(1)(a) through (d) No change.

(e) Submit to the Department a complete written application, Breath Test Permit Application, FDLE/ATP Form 8, revised October 2007, \_\_\_\_\_, hereby incorporated by reference, upon successful completion of the breath test operator course, but no later than 90 ~~ninety~~ days after completion. This form may be obtained by contacting the Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302. Agencies will be provided blank forms upon request and without cost for their alcohol testing program use.

(2)(a) through (b) No change.

(c) Submits to the Department a complete written application, Breath Test Permit Application, FDLE/ATP Form 8, upon successful completion of the agency inspector course, but no later than 90 ~~ninety~~ days after completion.

(d) No change.

(3) Breath Test Operators and Agency Inspectors must satisfy continuing education requirements in order to maintain valid permits. Continuing education requires successful completion of the applicable Commission-approved Renewal Course by June 30 following the fourth permit anniversary date, and at least once during each subsequent 4-year ~~four-year~~ cycle. Successful completion of the Commission-approved Agency Inspector Course or Agency Inspector Renewal Course also satisfies an Agency Inspector’s breath test operator continuing education requirements.

(4) No change.

(5) Permits to conduct breath tests and inspect breath test instruments issued pursuant to this rule section ~~former Rule 11D 8.008, F.A.C.~~, shall remain valid until such permits expire on December 31st following the mandatory continuing education due date without completion of such training ~~or otherwise become invalid in accordance with those rules.~~

(6) No change.

(7) Any breath test operator or agency inspector whose permit has expired pursuant to paragraph (5) of this rule section or who fails to successfully complete the Commission-approved renewal course shall not perform any duties authorized by the permit until successful completion of the Commission-approved basic course.

(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, 3-27-06,\_\_\_\_\_.

11D-8.010 Qualifications for Instructors.

(1) No change.

(2) Unless exempted by the Commission, ~~at least once every four years~~ each breath test instructor must successfully complete the Commission-approved breath test instructor certification renewal course pursuant with Rule 11B-20.0017,

~~F.A.C., in order~~ to remain qualified for a breath test instructor certification. Successful completion of the Commission-approved breath test instructor certification course or breath test instructor certification renewal course satisfies that person’s agency inspector and breath test operator continuing education requirements. Each breath test instructor must also successfully complete all Department breath test instructor update courses.

(3) No change.

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

11D-8.011 Approval of Blood Alcohol Test Methods.

The Department approves the following test methods for determining blood alcohol level:

- ~~(1) Alcohol Dehydrogenase (Enzymatic)~~
- ~~(2) Gas Chromatography~~

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

11D-8.013 Blood Alcohol Permit – Analyst.

(1) The application for a permit to determine the alcohol level of a blood sample shall be made on the Application for Permit to Conduct Blood Alcohol Analyses FDLE/ATP Form 4, revised December 2014, \_\_\_\_\_, hereby incorporated by reference, a form provided by the Department and shall include the following information:

- (a) through (e) No change.
- (2) No change.

(3)The department shall approve gas chromatographic analytical procedures ~~and enzymatic analytical procedures based on alcohol dehydrogenase~~ which meet the following requirements.

(a) through (f) No change.

~~(g) An enzymatic analytical procedure based on alcohol dehydrogenase must use the procedure recommended by the instrument manufacturer/test kit vendor for whole blood alcohol analysis, and the enzyme used must have sufficient selectivity to provide negligible cross reactivity towards methanol, acetone and isopropanol.~~

(4) The permit shall be issued by the Department for a specific method and procedure. Any substantial change to the method, or analytical procedure, ~~or laboratory facility~~ must receive prior approval by the Department before being used to determine the blood alcohol level of a sample submitted by an agency. The Department shall determine what constitutes a substantial change.

(5) No change.

Specific Authority 316.1932(1)(a)2., (f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(b), (e), 327.353(2), 327.354(3) FS. History–New 10-31-93, Amended 4-1-94, 2-1-95, 1-1-97, 11-5-02, 12-9-04, \_\_\_\_\_.

11D-8.017 Forms.

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, 7-29-01, 11-5-02, 12-9-04, 3-27-06. Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patrick Murphy, Ph.D., ATP Program Manager

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 21, 2014

**DEPARTMENT OF LAW ENFORCEMENT**

**Division of Local Law Enforcement Assistance**

RULE NOS.: RULE TITLES:

- 11D-10.001 Eligibility Requirements
- 11D-10.002 Nomination Guidelines
- 11D-10.003 Selection Committee

PURPOSE AND EFFECT: To implement newly created Section 265.0041, F.S.

Paragraphs 11D-10.001(1)(a)-(e), F.A.C.: Defines the minimum eligibility requirements for persons nominated for induction into the Florida Law Enforcement Officers’ Hall of Fame.

Subsection 11D-10.001(2), F.A.C.: Defines certain positions that are not eligible for nomination due to the nature of the position and the time period until eligibility.

Paragraphs 11D-10.002(1)(a)-(e), F.A.C.: Defines the nomination period for applications for induction into the Hall of Fame. Defines the professional associations from which nominations will be accepted and how many nominations each association may submit.

11D-10.002(2): Specifies that all nomination forms and supporting documents must be postmarked by August 31, and clarifies that any nominations postmarked after the deadline will not be accepted.

Paragraphs 11D-10.002(3)(a)-(e), F.A.C.: Defines the documents that must be included in the nomination package to be eligible for consideration.

Paragraph 11D-10.002(3)(a), F.A.C.: Incorporates the Florida Law Enforcement Officers’ Hall of Fame Nomination, form

FAME-1 into the rule pursuant to Joint Administrative Procedures Committee recommendation.

Subsection 11D-10.002(4), F.A.C.: Identifies optional documentation for inclusion in the nomination package.

Subsection 11D-10.002(5), F.A.C.: Defines that nomination packages are to include only one person per nomination. Also, defines the maximum number of pages that are to be included in a single nomination package.

Subsection 11D-10.002(6), F.A.C.: Defines when and how persons can be re-nominated if not selected for induction.

Subsection 11D-10.002(7), F.A.C.: Specifies that nomination packages become the property of the Florida Law Enforcement Officers' Hall of Fame and will not be returned to the association submitting the nomination.

Subsection 11D-10.003(1), F.A.C.: Defines the criteria used to review nomination packages.

Subsection 11D-10.003(2), F.A.C.: Establishes a Florida Law Enforcement Officers' Hall of Fame Selection Committee, and defines who will serve on the committee.

Subsection 11D-10.003(3), F.A.C.: Specifies that the Selection Committee will deliberate and select no more than 5 nominees in any given nomination cycle to submit to the Governor and Cabinet for consideration for induction into the Law Enforcement Officers' Hall of Fame. Defines when the Governor and Cabinet receive nominees from the Selection Committee.

SUMMARY: This new rule chapter implements the newly created Section 265.0041, F.S. Defines the minimum eligibility requirements for nomination; defines certain positions that are not eligible for nomination and time period before eligibility for nomination; defines when and how many nominations can be accepted and who can submit nominations; clarifies that nominations must be postmarked by August 31 to be accepted; defines documents to be included in nomination packages; incorporates the Florida Law Enforcement Officers' Hall of Fame Nomination, form FAME-1; identifies optional documentation; defines length of nomination packages; specifies that only one person shall be included in a nomination package; defines when and how persons can be re-nominated; specifies the nomination package becomes the property of the Florida Law Enforcement Officers' Hall of Fame; defines the review process for nomination packages; defines the Florida Law Enforcement Officers' Hall of Fame Selection Committee; defines the number of nominees to be submitted to the Governor and Cabinet; and defines when nominees will be submitted to the Governor and Cabinet.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely

increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 265.0041(5) FS.

LAW IMPLEMENTED: 265.0041 FS.

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

DATE AND TIME: Wednesday, May 13, 2015, 9:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The Department at (850)410-8600 or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Vicki Koenig, Chief of Policy and Special Programs, at (850)410-8600 or write to Florida Department of Law Enforcement, Criminal Justice Professionalism, 2331 Phillips Road, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

11D-10 Florida Law Enforcement Officers' Hall of Fame

11D-10.001 Eligibility Requirements.

(1) Any person nominated for induction into the Florida Law Enforcement Officers' Hall of Fame shall meet the following minimum eligibility requirements:

(a) An active, retired, or deceased Florida law enforcement officer as defined in Section 943.10(1), F.S.;



(b) Born in Florida or adopted Florida as their home state pursuant to Section 222.17, F.S.;

(c) Served in the field of law enforcement in the State of Florida;

(d) Exhibited excellent character within the line of duty and to the community for which he/she served. For the purpose of this rule, the term excellent character means the officer has exhibited good moral character pursuant to Rule 11B-27.0011, F.A.C.; and

(e) Be of good reputation among peers and in the community served.

(2) Governor’s Office employees, state elected officials, and members of the Florida Law Enforcement Officers’ Hall of Fame Selection Committee are ineligible for induction until two years after they have left their position.

Rulemaking Authority 265.0041(5), F.S. Law Implemented 265.0041, F.S. History – New \_\_\_\_\_

11D-10.002 Nomination Guidelines.

(1) Between July 1 and August 31 of each calendar year, the Florida Department of Law Enforcement shall accept a maximum of three nominations from each of the following associations:

- (a) Florida Police Chiefs Association,
- (b) Florida Sheriffs Association,
- (c) Florida Police Benevolent Association,
- (d) Fraternal Order of Police, and
- (e) State Law Enforcement Chiefs Association.

(2) All nomination forms and supporting documentation shall be postmarked no later than August 31. Nominations postmarked after August 31 will not be considered.

(3) Nomination packages shall include the following to be eligible for consideration:

(a) Florida Law Enforcement Officers’ Hall of Fame Nomination, form FAME-1, effective January 1, 2015, hereby incorporated by reference. Form FAME-1 can be obtained at the following FDLE internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting the Florida Law Enforcement Officers’ Hall of Fame coordinator at (850)410-7567.

(b) Summary of the nominee’s professional law enforcement history;

(c) Written two-page documentation describing why the nominee should be selected, to include a description of his/her contribution to law enforcement;

(d) Agency or department photograph; and

(e) Proof of the nominee’s outstanding performance, actions, accomplishments and character, to include any professional acts of excellence above and beyond minimum standards. Examples include letters of recommendation,

official reports, statements, newspaper article(s), or other media archive historical references.

(4) Examples of additional information to include are a summary of civic contributions, humanitarian activities or other awards and honors bestowed on the nominee.

(5) Nomination packages shall not exceed 10 pages and shall include one person per nomination.

(6) Nominees not selected for induction are eligible to be nominated in subsequent years by one of the associations identified in paragraph (1) of this rule section.

(7) All nomination packages become the property of the Florida Law Enforcement Officers’ Hall of Fame and will not be returned.

Rulemaking Authority 265.0041(5), F.S. Law Implemented 265.0041, F.S. History – New \_\_\_\_\_

11D-10.003 Selection Committee.

(1) Nominations for induction into the Florida Law Enforcement Officers’ Hall of Fame will be reviewed to ensure nominations were received by the established deadline, nominees meet the eligibility requirements pursuant to Rules 11D-10.001(1), F.A.C, and the nomination package complies with the requirements of Rule 11D-10.002, F.A.C.

(2) A Florida Law Enforcement Officers’ Hall of Fame Selection Committee is established. The Selection Committee shall be comprised of an individual from each of the nominating organizations pursuant to Rule 11D-10.002(1), F.A.C.

(3) The Selection Committee shall deliberate and select no more than 5 nominees to be transmitted in January of each calendar year to the Governor and Cabinet for possible induction into the Florida Law Enforcement Officers’ Hall of Fame.

Rulemaking Authority 265.0041(5), F.S. Law Implemented 265.0041, F.S. History – New \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Vickie Koenig, Chief of Policy and Special Programs

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 21, 2014

**DEPARTMENT OF FINANCIAL SERVICES**

**FSC - Financial Institution Regulation**

RULE NO.: 69U-100.045  
RULE TITLE: Examination Manuals and Referenced Standards

PURPOSE AND EFFECT: The proposed amendments will update the versions of examination manuals that are

incorporated by reference in this rule; comply with current requirements of Section 120.54(1)(i), F.S., for incorporating materials by reference; and clarify the uses of the manuals referenced.

SUMMARY: See above. The amendments update and incorporate examination manuals by reference and clarify their uses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Agency expressly relies on an analysis of potential economic impact conducted by persons with subject matter knowledge of this rule.

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

RULEMAKING AUTHORITY: 655.012(2) FS.

LAW IMPLEMENTED: 655.045 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Meredith Hinshelwood, Assistant General Counsel, Division of Financial Institutions, (850)410-9640, meredith.hinshelwood@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69U-100.045 Examination Manuals and Referenced Standards.

The OFR uses the following examination manuals referenced by this rule in the implementation of its examination responsibilities. The OFR examiners use these manuals as reference guidelines when conducting safety and soundness examinations of financial institutions. The material incorporated by reference in this rule may also be obtained from the Florida Office of Financial Regulation, Division of Financial Institutions's website at <http://www.flofr.com/StaticPages/DivisionOfFinancialInstitutions.htm>. The following manuals which are hereby

incorporated by reference into the body of printed materials that the OFR uses for the purposes of conducting examinations of financial institutions to assess the performance and condition of such institutions. ~~The OFR examiners use the manuals as reference guidelines when conducting safety and soundness examinations of such financial institutions:~~

(1) Federal Financial Institutions Examination Council, Bank Secrecy Act/Anti-Money Laundering Examination Manual (2014), accessible at [\(2010\)](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____), which may be obtained electronically through the following website: [http://www.ffiec.gov/bsa\\_aml\\_infobase/documents/BSA\\_AML\\_Man\\_2010.pdf](http://www.ffiec.gov/bsa_aml_infobase/documents/BSA_AML_Man_2010.pdf).

(2) Federal Deposit Insurance Corporation, DSC Risk Management Manual of Examination Policies (11/2014), accessible at: [\(12/2004\)](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____), which may be obtained electronically through the following website: [http://www.fdic.gov/regulations/safety/manual/manual\\_examinations\\_full.pdf](http://www.fdic.gov/regulations/safety/manual/manual_examinations_full.pdf).

(3) Federal Deposit Insurance Corporation, Trust Examination Manual (2008), accessible at [http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____) which may be obtained electronically through the following website: <http://www.fdic.gov/regulations/examinations/trustmanual/>.

(4) National Credit Union Administration, Examiner's Guide (06/2002), accessible at [http://www.flrules.org/Gateway/reference.asp?No=Ref-\\_\\_\\_\\_\\_](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____) which may be obtained electronically through the following website: [http://www.ncu.gov/GenInfo/GuidesManuals/examiners\\_guide/examguide..](http://www.ncu.gov/GenInfo/GuidesManuals/examiners_guide/examguide..)

(5) Office of Financial Regulation, State Credit Union Examination Manual (11/3/2014), accessible at [\(03/25/09\)](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____), which may be obtained from the Florida Office of Financial Regulation, Division of Banking, 200 E. Gaines Street, Tallahassee, FL 32399.

(6) The Federal Reserve Board's Examination Manual for U.S. Branches and Agencies of Foreign Banking organizations (9/1997), accessible at [\(07/1997\)](http://www.flrules.org/Gateway/reference.asp?No=Ref-_____), which may be obtained electronically through the following website: [http://www.federalreserve.gov/boarddocs/supmanual/us\\_branches/usbranch.pdf](http://www.federalreserve.gov/boarddocs/supmanual/us_branches/usbranch.pdf).

Rulemaking Authority 655.012(2) FS. Law Implemented 655.045 FS. History—New 10-24-93, Formerly 3C-1.015, Amended 1-2-95, 6-4-95, 5-22-96, Formerly 3C-100.045, Amended 9-2-10, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Barry Gilman, Director, Division of Financial Institutions  
NAME OF AGENCY HEAD WHO APPROVED THE  
PROPOSED RULE: Financial Services Commission  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: April 14, 2015  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAR: March 30, 2015

**DEPARTMENT OF FINANCIAL SERVICES**

**FSC - Financial Institution Regulation**

RULE NO.: 69U-110.021      RULE TITLE: Filling of Appointments  
PURPOSE AND EFFECT: The proposed amendments will update the rule title to more accurately reflect its purpose; repeal subsection (1) of the rule; and renumber subsections (2) and (3) as (1) and (2), respectively.  
SUMMARY: See above. The amendments update the rule title, repeal subsection (1), and renumber the remaining subsections.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Agency expressly relies on an analysis of potential economic impact conducted by persons with subject matter knowledge of this rule.

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

RULEMAKING AUTHORITY: 655.012(2) FS.  
LAW IMPLEMENTED: 657.021, 657.028 FS.  
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Meredith Hinshelwood, Assistant General Counsel, Division of Financial Institutions, (850)410-9640, meredith.hinshelwood@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69U-110.021 Filling of Notification to OFR after Elections or Appointments.

~~(1) Within thirty (30) days after election or appointment, including any change of position, each executive officer, director, member of the supervisory or audit committee, and member of the credit committee, or credit manager, and chief executive officer shall complete and file with the OFR the biographical report section only of Form OFR U 10, Interagency Biographical and Financial Report (revised 6/2006) and Form OFR U 10 A, Addendum to Form OFR U 10 (revised 6/2006). The foregoing forms are hereby incorporated by reference.~~

(1)(2) Within thirty (30) days from the date of election or appointment, each director shall file with OFR a signed copy of an oath of office.

(2)(3) Within thirty (30) days after election or appointment, a record of the names and addresses of the members of the board, members of committees, and all officers of the credit union shall be filed with the office. This filing may be satisfied by providing the office with a copy of reports filed with the National Credit Union Administration per 12 C.F.R. § 741.6 (2006), which is incorporated by reference.

Rulemaking Authority 655.012(2) FS. Law Implemented 657.021, 657.028 FS. History—New 7-24-66. Renumbered from 3-5.07 to 3D-10.08 on 7-18-75, Amended 10-21-75, Formerly 3D-10.08, Amended 10-13-81, Formerly 3C-30.08, 3C-30.008, Amended 10-8-95, Formerly 3C-110.021, Amended 3-6-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Bruce Ricca, Bureau Chief of Credit Unions, Division of Financial Institutions  
NAME OF AGENCY HEAD WHO APPROVED THE  
PROPOSED RULE: Financial Services Commission  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: April 14, 2015  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAR: March 30, 2015

**Section III**  
**Notice of Changes, Corrections and**  
**Withdrawals**

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-10.083      RULE TITLE: Standards Relating to Gross Immorality and Acts of Moral Turpitude  
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph

120.54(3)(d)1., F.S., published in Vol. 41 No. 51, March 16, 2015 issue of the Florida Administrative Register.

(2)(b) An act or omission ~~which results resulting~~ in the intentional falsification of any document or information submitted by an educator for the purpose of inducing ~~with the intent to induce~~ the Florida Department of Education to issue, reissue, or renew a Florida educator’s certificate.

(c) An intentional ~~A~~ violation of test or exam security protocols with the purpose ~~intent~~ of altering the results for the personal benefit of the educator or which ~~that~~ results in a negative impact upon a student or school, such as the ~~an~~ invalidation of a ~~the~~ student’s results/score or requiring ~~necessitating~~ a student to re-take a test or use an alternate ~~alternative~~ assessment measure.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NOS.:	RULE TITLES:
59A-8.003	Licensure Requirements
59A-8.004	Licensure Procedure
59A-8.007	Geographic Service Area
	NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 41 No. 17, January 27, 2015 issue of the Florida Administrative Register.

59A-8.003 Licensure Requirements.

No change.

59A-8.004 Licensure Procedure.

(1) An application for licensure, initial, change of ownership, or renewal, shall be made on the forms prescribed by the AHCA in paragraph 59A-8.003(1) and the Health Care Licensing Application Addendum referenced in paragraph 59A-35.060(1)(m), F.A.C. These forms are available online at <http://www/ahca.myflorida.com/HQALicensureforms>.

(2) through (6) No change.

59A-8.007 Geographic Service Area.

(1) All home health agencies must apply for a geographic service area on their initial license application. Home health agencies may apply for a geographic service area which encompasses one or more of the counties within the specific AHCA area boundaries in which the main office is located, pursuant to Sections 408.032(5) and 400.497(9)(7), F.S., ~~in which the main office is located provided that the license application.~~

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.:	RULE TITLE:
64B3-6.001	Manner of Application
	NOTICE OF PUBLIC HEARING

The Board of Clinical Laboratory Personnel announces a hearing regarding the above rule, as noticed in Vol. 41 No. 42, March 3, 2015 Florida Administrative Register.

DATE AND TIME: Friday, May 22, 2015, 9:00 a.m. or as soon thereafter as can be heard

PLACE: By telephone conference call: The meet me number is: 1(888)670-3525, participant code: 7342425515

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed amendment to Rule 64B3-6.001, F.A.C.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five days before the workshop/meeting by contacting: Adrienne Rodgers, Acting Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NOS.:	RULE TITLES:
64E-5.1602	Administrative Requirements
64E-5.220	Radioactive Quantities
64E-5.508	X-Ray and Electron Therapy Systems with Energies of 1 MeV and Above
64E-5.510	Mammographic Systems
64E-5.511	Registration of Radiation Machines
64E-5.801	Registration Requirements
	NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 41 No. 21, February 2, 2015 issue of the Florida Administrative Register.

Rule paragraph 64E-5.1602 (1)(d), F.A.C., is corrected to remove the internet link to the location of DH Form 1107.

Concerning DH Form 1107, 09/14, titled “Radiation Machine Facility Registration” which is incorporated by reference in Rule 64E-5.511, F.A.C. the language in sentence number 1. above the signature line is changed to remove the oath.

Rule subsection 64E-5.801(2) is hereby changed to read:

(2) Application for registration shall be made on DH Form 1107, 9/14, “Radiation Machine Facility Registration,” (see Rule 64E-5.511, F.A.C.) which is incorporated by reference herein, and is available from the internet at <http://www.floridahealth.gov/radiation>, and at \_\_\_\_\_. and shall

contain all information required by the form and accompanying instructions. Part V contains rules concerning registration and the payment of fees.

**Section IV  
Emergency Rules**

NONE

**Section V  
Petitions and Dispositions Regarding Rule  
Variance or Waiver**

**WATER MANAGEMENT DISTRICTS**

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-22.201 Year-Round Water Conservation Measures

NOTICE IS HEREBY GIVEN that on April 13, 2015, the Southwest Florida Water Management District received a petition for a variance or waiver.

Petitioner's Name: Palm Lake Estates Condominium Association, Inc.

Rule No.: 40D-22.201

Nature of the rule for which variance or waiver is sought: lawn and landscape irrigation.

The Petition has been assigned tracking No. 15-4210.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lois Sorensen, 7601 US Highway 301, Tampa, Florida 33637, (813)985-7481, extension 2298, water.variances@watermatters.org.

Any interested person or other agency may submit written comments within 14 days after the publication of this notice.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On March 25, 2015, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(5), F.A.C., paragraph 61C-1.004(1)(a), F.A.C., Paragraph 5-202.11(A), 2009 FDA Food Code, Paragraph 4-301.12(A), 2009 FDA Food Code, Section 5-203.13, 2009 FDA Food Code from Street Corner Cafe located in Jacksonville. The above referenced F.A.C. addresses the requirement that each establishment have an approved

plumbing system installed to transport potable water and wastewater; that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided, and that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash sink and to share the dishwashing and mopsink facilities within an adjacent establishment under the same ownership.

The Petition for this variance was published in Vol. 41, No. 62, F.A.R., on March 31, 2015. The Order for this Petition was signed and approved on April 6, 2015. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the wastewater holding tank for the handwash sink is emptied at a frequency as to not create a sanitary nuisance; and potable water provided must come from an approved source and be protected from contamination during handling. The Petitioner shall also ensure that all handwash sinks used by employees are provided with a handwash sign, soap and approved hand drying devices. All sinks must also be provided with hot and cold running water under pressure. The dishwashing and mop sink facilities within Street Corner Dogs Commissary (FDACs permit number 1525360) must be maintained in a clean and sanitary manner. All of these areas must be available to Street Corner Café during all hours of operation. If the ownership of Street Corner Dogs Commissary (International Gold Market LLC) changes, a signed agreement between the establishments for the use of the shared facilities must be provided to the division immediately.

A copy of the Order or additional information may be obtained by contacting: Lydia.Gonzalez@myfloridalicense.com, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On March 26, 2015, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(2)(a), F.A.C., subsection 61C-4.010(7), F.A.C., subsection 61C-4.010(6), F.A.C., and Section 6-402.11, 2009

FDA Food Code from Georgia Boy BBQ & Bristo located in Jacksonville. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers and employees. They are requesting to share the bathrooms located within an adjacent establishment under different ownership for use by both customers and employees.

The Petition for this variance was published in Vol. 41, No. 64 on April 2, 2015. The Order for this Petition was signed and approved on April 8, 2015. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the bathrooms located within Star Food Discount are maintained in a clean and sanitary manner and are provided with hot and cold running water under pressure, soap, approved hand drying devices, hand wash sign, and are available during all hours of operation. The Petitioner shall also ensure directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of Star Food Discount (N.D. Yazgi Inc., Dan Yagzi) changes, an updated signed agreement for use of the bathroom facilities is required immediately.

A copy of the Order or additional information may be obtained by contacting: Lydia.Gonzalez@myfloridalicense.com, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010 Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On March 31, 2015, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for Paragraph 4-301.12(A), 2009 FDA Food Code and subsection 61C-4.010(5), F.A.C., from The Gathering Spot located in Santa Rosa Beach. The above referenced F.A.C. addresses the requirement that each establishment have facilities for manually washing, rinsing and sanitizing equipment and utensils. They are requesting to share the warewashing sink area with another licensed food service establishment under the same ownership and on the same premises.

The Petition for this variance was published in Vol. 41, No. 65, F.A.R., on April 3, 2015. The Order for this Petition was

signed and approved on April 10, 2015. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring a three-compartment sink is provided with hot and cold running water under pressure. The Petitioner shall also ensure that the three-compartment sink area within Fish Out of Water (SEA7601848) is maintained in a clean and sanitary manner and is available during all hours of operation. If the ownership of Fish out of Water (St. Joe Resort Operations LLC) changes, a signed agreement for use of the shared facilities is required immediately.

A copy of the Order or additional information may be obtained by contacting Lydia.Gonzalez@myfloridalicense.com, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

**DEPARTMENT OF HEALTH**

Division of Environmental Health

RULE NO.: RULE TITLE:

64E-6.013 Construction Materials and Standards for Treatment Receptacles

NOTICE IS HEREBY GIVEN that on April 6, 2015, the Florida Department of Health received a petition for variance from Bennette D. Burks, PE, representing Fuji Clean USA. Specifically, the petitioner seeks a variance from paragraphs 64E-6.013(2)(a), (2)(j), (3)(g), (6)(b), and (6)(d), F.A.C., and subparagraphs 64E-6.013(1)(b)1. and (3)(a)1., F.A.C., which establish requirements for the approval of fiberglass onsite sewage treatment receptacles.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1703.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NO.: RULE TITLE:

67-21.003 Application and Selection Process for Developments

NOTICE IS HEREBY GIVEN that on April 13, 2015, the Florida Housing Finance Corporation received a petition for waiver from SP BV Apartments, LLC, requesting a waiver of paragraph 67-21.003(8)(f), F.A.C., to allow a change in the Development Category listed in the Non-Competitive Application of "Acquisition/Preservation" to match what is stated within the Competitive Application of "Acquisition/Rehabilitation".

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kate Flemming, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. The Petition has also been posted on Florida Housing’s website at [floridahousing.org](http://floridahousing.org). Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

**FLORIDA HOUSING FINANCE CORPORATION**

**RULE NO.: RULE TITLE:**

67-48.004 Selection Procedures for Developments

NOTICE IS HEREBY GIVEN that on April 9, 2015, the Florida Housing Finance Corporation received a petition for waiver from Renaissance Preserve IV, LLLP, requesting a waiver from paragraphs 67-48.004(3)(i) and (j), F.A.C., in which the Petitioner is requesting a decrease in the total of units from 88 to 72, and an increase in the Total Set-Aside Percentage from 81% to 100%.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kate Flemming, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. The Petition has also been posted on Florida Housing’s website at [floridahousing.org](http://floridahousing.org). Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

**FLORIDA HOUSING FINANCE CORPORATION**

**RULE NO.: RULE TITLE:**

67-21.003 Application and Selection Process for Developments

NOTICE IS HEREBY GIVEN that on April 13, 2015, the Florida Housing Finance Corporation received a petition for waiver from SP HC Apartments, LLC, requesting a waiver of paragraph 67-21.003(8)(f), F.A.C. to allow a change in the Development Category listed in the Non-Competitive Application of “Acquisition/Preservation” to match what is stated within the Competitive Application of “Acquisition/Rehabilitation”.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kate Flemming, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough

Street, Suite 5000, Tallahassee, Florida 32301-1329. The Petition has also been posted on Florida Housing’s website at [floridahousing.org](http://floridahousing.org). Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

**Section VI**

**Notice of Meetings, Workshops and Public Hearings**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

Division of Agricultural Environmental Services

The Florida Coordinating Council on Mosquito Control (FCCMC) announces a public meeting to which all persons are invited.

DATE AND TIME: May 12, 2015, 10:00 a.m. – 2:00 p.m.

PLACE: Alachua Service Center East Building, 14101 Northwest Highway 441, Alachua, Florida 32615, 1(386)418-5500, Teleconference information: phone number: 1(888)670-3525, conference code: 8019 4906 14#, web URL: <https://global.gotomeeting.com/join/360882365>, meeting ID: 360-882-365.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To address the business of the council.

A copy of the agenda may be obtained by contacting: Mr. Steve Dwinell, Assistant Director of Agricultural Environmental Services, 3125 Conner Boulevard, Suite E, Tallahassee, Florida 32399, (850)617-7913 or at the website: <http://consensus.fsu.edu/MC/index.html>.

For more information, you may contact: Mr. Steve Dwinell, Assistant Director of Agricultural Environmental Services, 3125 Conner Boulevard, Suite E, Tallahassee, Florida 32399, (850)617-7913 or at the website: <http://consensus.fsu.edu/MC/index.html>.

**DEPARTMENT OF EDUCATION**

State Board of Education

The Florida Department of Education, Charter School Appeal Commission announces a hearing to which all persons are invited.

DATE AND TIME: April 27, 2015, 10:30 a.m. - Completion

PLACE: The Florida Department of Education, 325 W. Gaines Street, Conference Room 1706, Tallahassee, Florida 32399-0400

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
The Charter School Appeal Commission will hear the Application denials of the following school:

Arts Academy of Jacksonville Preparatory School vs. School Board of Duval County

A copy of the agenda may be obtained by contacting: The Office of Independent Education and Parental Choice at 325 West Gaines Street, Suite 1044, Tallahassee, Florida 32399 or by phone: (850)245-0502.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: The Office of Independent Education and Parental Choice at 325 West Gaines Street, Suite 1044, Tallahassee, Florida 32399 or by phone: (850)245-0502. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: The Office of Independent Education and Parental Choice at 325 West Gaines Street, Suite 1044, Tallahassee, Florida 32399 or by phone: (850)245-0502.

**FLORIDA COMMISSION ON OFFENDER REVIEW**

The Florida Commission on Offender Review announces public meetings to which all persons are invited.

**DATES AND TIMES:** Wednesday, May 13, 2015, 9:00 a.m.; Thursday, May 14, 2015, 9:00 a.m.

**PLACE:** County Commissioners Room, 2725 Judge Fran Jamieson Way, Building C, Viera, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regularly scheduled meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery, Control Release and all other Commission business.

A copy of the agenda may be obtained by contacting: Florida Commission on Offender Review, (850)488-1293.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Florida Commission on Offender Review at [ada@fcor.state.fl.us](mailto:ada@fcor.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

**REGIONAL PLANNING COUNCILS**

**East Central Florida Regional Planning Council**

The East Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

**DATE AND TIME:** Wednesday, May 20, 2015, 10:00 a.m.

**PLACE:** ECFRPC Office, 309 Cranes Roost Blvd., Suite 2000, John H. Land Board Room, Altamonte Springs, FL 32701

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regular bi-monthly meeting of the East Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: Pegge Parker at [pparker@ecfrpc.org](mailto:pparker@ecfrpc.org) or (407)262-7772, ext. 300.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least two (2) days before the workshop/meeting by contacting: Pegge Parker at [pparker@ecfrpc.org](mailto:pparker@ecfrpc.org) or (407)262-7772, ext. 300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Pegge Parker at [pparker@ecfrpc.org](mailto:pparker@ecfrpc.org) or (407)262-7772, ext. 300.

**REGIONAL PLANNING COUNCILS**

**East Central Florida Regional Planning Council**

The East Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

**DATE AND TIME:** Wednesday, May 20, 2015, 9:00 a.m.

**PLACE:** ECFRPC Office, 309 Cranes Roost Blvd., Suite 2000, Mayor John H. Land Board Room, Altamonte Springs, FL 32701

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regular bi-monthly meeting of the Executive Committee.

A copy of the agenda may be obtained by contacting: Pegge Parker at [pparker@ecfrpc.org](mailto:pparker@ecfrpc.org) or (407)262-7772, ext. 300.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least two (2) days before the workshop/meeting by contacting: [pparker@ecfrpc.org](mailto:pparker@ecfrpc.org) or (407)262-7772, ext. 300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: [pparker@ecfrpc.org](mailto:pparker@ecfrpc.org) or (407)262-7772, ext. 300.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

The Board of Pharmacy Probable Cause Panel announces a public meeting to which all persons are invited.

**DATE AND TIME:** Thursday, April 16, 2015, 10:00 a.m.



PLACE: Conference call number: 1(888) 670-3525, participation code: 5134896685

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: The Board of Pharmacy at (850)245-4292.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: The Board of Pharmacy at (850)245-4292. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: The Board of Pharmacy at (850)245-4292.

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#### DEPARTMENT OF HEALTH

##### Board of Pharmacy

The Florida Board of Pharmacy announces public meetings to which all persons are invited.

DATE AND TIME: Tuesday, June 9, 2015, 9:00 a.m.; Wednesday, June 10, 2015, 9:00 a.m.

PLACE: B Resort & Spa, 1905 Hotel Plaza Blvd., Lake Buena Vista, FL 32830, (407)828-2828

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tuesday, June 9, 2015 at 9:00 a.m. will be the general board business to be followed by general discussion and action on rules and compounding rules. Wednesday, June 10, 2015 at 9:00 a.m. will be the general board business, to include discipline.

A copy of the agenda may be obtained by contacting: The Florida Board of Pharmacy at (850)245-4292.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: The Florida Board of Pharmacy at (850)245-4292. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of

the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact The Florida Board of Pharmacy at (850)245-4292.

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#### DEPARTMENT OF HEALTH

##### Board of Pharmacy

The Board of Pharmacy Probable Cause Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 21, 2015, 10:00 a.m.

PLACE: Conference call number: 1(888)670-3525, participation code: 5134896685

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting The Board of Pharmacy at (850)245-4292.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting The Board of Pharmacy at (850)245-4292. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact The Board of Pharmacy at (850)245-4292.

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#### DEPARTMENT OF HEALTH

##### Board of Pharmacy

The Board of Pharmacy Probable Cause Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 7, 2015, 10:00 a.m.

PLACE: Conference call number: 1(888)670-3525, participation code: 5134896685

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: The Board of Pharmacy at (850)245-4292.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: The Board of Pharmacy at (850)245-4292. If you are hearing or speech impaired, please contact the agency

using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact The Board of Pharmacy at (850)245-4292.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Treasury**

The Division of Treasury, Bureau of Deferred Compensation announces a public meeting to which all persons are invited.

**DATE AND TIME:** May 19, 2015, 9:30 a.m.

**PLACE:** The Hermitage Centre, Conference Room 440-C, 1801 Hermitage Bldg., Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Deferred Compensation Advisory Council Meeting.

A copy of the agenda may be obtained by contacting: Kandi Winters, Chief of Deferred Compensation, (850)413-3401 or Sandi Long, (850)413-3412.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Kandi Winters, Chief of Deferred Compensation, (850)413-3401 or Sandi Long, (850)413-3412. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Kandi Winters, Chief of Deferred Compensation, (850)413-3401 or Sandi Long, (850)413-3412.

**FLORIDA LEAGUE OF CITIES**

The Florida Municipal Insurance Trust (FMIT) announces a public meeting to which all persons are invited.

**DATE AND TIME:** Friday, June 5, 2015, 9:00 a.m.

**PLACE:** Inn on 5th, 699 5th Ave. S, Naples, FL 34102

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Florida Municipal Insurance Trust general meeting conducted through the use of communications media technology, as authorized by Section 163.01(18), Florida Statutes. Persons interested in attending may do so in person at Inn on 5th, 699 5th Ave., S, Naples, FL 34102, where a communications media technology facility will be located.

A copy of the agenda may be obtained by contacting: Linda Bridges, email: lbridges@flcities.com or call (850)222-9684.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 14 days before the workshop/meeting by contacting: Linda Bridges, email: lbridges@flcities.com or call (850)222-9684. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Linda Bridges, email: lbridges@flcities.com or call (850)222-9684.

**FLORIDA COMMISSION ON ACCESS TO CIVIL JUSTICE**

The Florida Commission on Access to Civil Justice: Outreach Subcommittee announces a public meeting to which all persons are invited.

**DATE AND TIME:** Monday, April 20, 2015, 1:00 p.m., Eastern Time

**PLACE:** Conference call: 1(888)376-5050, participant pin: 2311661132#. The Subcommittee will be meeting in person at the Florida Supreme Court, Executive Conference Center; 500 South Duval Street, Tallahassee, Florida 32399. If you plan to attend in person please contact Ms. Francine Walker at 1(800)342-8060, ext. 5762, in advance.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The agenda includes discussions of audiences and strategies for reaching each audience; a discussion on messaging and feedback on communications materials drafted by staff; and plans for presenting the subcommittee report at the May 15 commission meeting.

A copy of the agenda may be obtained by contacting: Francisco-Javier Digon-Greer at 1(800)342-8060, ext. 5793 or email: flaccessjustice@flabar.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Francisco-Javier Digon-Greer at 1(800)342-8060, ext. 5793 or email: flaccessjustice@flabar.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**FLORIDA INSURANCE GUARANTY ASSOC., INC.**

The Florida Insurance Guaranty Association announces a public meeting to which all persons are invited.

**DATE AND TIME:** April 24, 2015, 9:00 a.m.

**PLACE:** Tallahassee, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Board will meet to discuss matters of the Association. The

agenda will include but not be limited to: Receiver’s Report, Legal Report, Claims Report, Finance & Audit Comm. Report, Financial Reports and Operations Report. A copy of the agenda may be obtained by contacting: Cathy Irvin at (850)386-9200.

FLORIDA INSURANCE GUARANTY ASSOC., INC.  
The Finance & Audit Committee of the Florida Insurance Guaranty Association announces a public meeting to which all persons are invited.  
DATE AND TIME: April 23, 2015, 2:30 p.m.  
PLACE: Tallahassee, FL  
GENERAL SUBJECT MATTER TO BE CONSIDERED:  
The Finance and Audit Committee will meet to discuss the general business of the Committee. The agenda will include but not be limited to: Minutes, Investment Report, Audit Report and Charter/Checklist.  
A copy of the agenda may be obtained by contacting: Cathy Irvin at (850)386-9200.

KIMLEY-HORN AND ASSOCIATES, INC.  
The Florida Department of Transportation announces a workshop to which all persons are invited.  
DATE AND TIME: April 29, 2015, 5:30 p.m.  
PLACE: Indian Harbour Beach City Hall, Commission Chambers, 2055 S. Patrick Drive, Indian Harbour Beach, Florida 32737  
GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Financial Management No.: 435632-1.  
Project Description: Corridor study for Eau Gallie Causeway Relief Bridge to State Road (SR) A1A, a distance of approximately 1.4 miles.  
The primary purpose of this Corridor Planning Study is to evaluate feasible improvement strategies to provide a safe and efficient multimodal transportation system within the study area from the Eau Gallie Causeway Relief Bridge to State Road (SR) A1A.  
A copy of the agenda may be obtained by contacting: Ms. Heather Garcia, Project Manager, FDOT District Five, at (386)943-5077 or heather.garcia@dot.state.fl.us.  
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jennifer Smith, FDOT Title VI Coordinator, at (386)943-5367 or jennifer.smith2@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).  
For more information, you may contact: Ms. Heather Garcia, Project Manager, FDOT District Five, by mail at 719 S.

Woodland Boulevard, DeLand, Florida 32720, phone: (386)943-5077, email: heather.garcia@dot.state.fl.us.

Section VII  
Notice of Petitions and Dispositions  
Regarding Declaratory Statements

NONE

Section VIII  
Notice of Petitions and Dispositions  
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

Section IX  
Notice of Petitions and Dispositions  
Regarding Non-rule Policy Challenges

NONE

Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee

NONE

Section XI  
Notices Regarding Bids, Proposals and  
Purchasing

DEPARTMENT OF EDUCATION  
University of North Florida  
ITB 15-18 LED Street Lighting  
NOTICE TO CONTRACTORS  
ITB 15-18 LED Street Lighting

The University of North Florida Board of Trustees, a public body corporate, is soliciting bids to electrical contractors for the installation of LED street lighting on the University of North Florida campus located at 1 UNF Drive, Jacksonville, FL 32224.

The scope of work includes, but is not necessarily limited to, providing LED roadway and walkway fixtures per the plans and specifications. The scope includes removing and/or retrofitting existing HID fixtures on existing poles which are located on the walkways and roadways on the campus. See the plans for the detailed scope of work.

The successful contractor is responsible for understanding and complying with all applicable local, state and federal occupational safety and health regulations pertaining to the scope of work outlined in this ITB.

The preliminary schedule for this ITB:

Advertisement	April 16, 2015
Mandatory Pre-Bid Meeting	April 28, 2015 at 11:00 a.m.
Deadline for questions	May 7, 2015
Response to questions	May 11, 2015
Bids due	May 15, 2015 at 2:00 p.m.

Minority business participation is strongly recommended and supported by the University of North Florida.

A performance and payment bond for 100 percent of the amount of the bid will be required of the successful contractor for any project with a cost that exceeds \$100,000.

As required by §287.133, Fla. Stat., a contractor may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected contractor must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Contractor shall have established equal opportunity practices which conform to all laws against discrimination and prohibits discrimination based on race, creed, color, sex, age, national origin, marital status or religion; neither contractor nor any subcontractor or other person, firm or business entity with whom it would be engaged in a combined effort to perform the services has hired any person who is an officer or employee of UNF.

Full sets of bidding documents and descriptive project information may be obtained online at the UNF Procurement Services department website: [http://www.unf.edu/procurement/Bids\\_and\\_Notices.aspx](http://www.unf.edu/procurement/Bids_and_Notices.aspx).

Submit two complete copies of your bid response in full accordance with the requirements of the bid document to: University of North Florida Procurement Services Department, Hicks Hall, Suite 2950, 1 UNF Drive, Jacksonville, Florida 32224.

Sealed bids must be received no later than 2:00 p.m. Eastern Time on May 15, 2015. Facsimile (fax) or email submittals are not acceptable and will not be considered.

**METROPOLITAN PLANNING ORGANIZATIONS**

Hillsborough County Metropolitan Planning Organization  
General Transportation Planning Consultants

The Hillsborough County Metropolitan Planning Organization (MPO), in conjunction with the Florida Department of Transportation (FDOT), District VII, is reissuing its request seeking professional consultant services on the projects listed in this advertisement. The MPO request Letters of Response from Consultants for the General Planning Consultant (GPC) contract. By submitting a Letter of Response, the Consultant affirms that it is FDOT prequalified in the work category, Group 13-Planning. Any firm not prequalified by the FDOT and desiring consideration for these projects must obtain and submit a complete Request for Qualification Package, to the Procurement Office in Tallahassee, (850) 414-4477, by the advertised Letter of Response Deadline Date.

**DESCRIPTION:** General Transportation Planning Consultants  
**REQUESTED SERVICES:**

Core required general planning services shall include all of the following:

- Long range transportation systems planning
- Subarea/corridor planning
- Public outreach/participation
- Document production

Optional services may include:

- Intelligent Transportation Systems
- Congestion Management Process
- Crash mitigation planning
- Intersection, traffic operations & access management
- Traffic circulation
- Security & Resilience
- Complete Streets
- Bicycle & Pedestrian
- Off-road trails
- Fixed guideway transit
- Bus transit
- Flexible, on-demand transit
- Water transit
- Automated vehicles & related technologies
- Transportation Demand Management
- Transportation Disadvantaged
- Intermodal freight & goods movement
- Truck routes
- Freight rail
- Aviation
- Port
- Transportation Improvement Project Prioritization

- Traffic counts & data collection
- Bicycle/Ped data collection
- Q/LOS analysis
- Transportation performance measures
- Socioeconomic data collection & forecasting
- Air quality analysis/forecasting
- Greenhouse gas reduction
- ETDM support
- Database programming
- Regional travel demand modeling (TBRPM) and related data collection
- Operational modeling (e.g. VISSIM, Synchro) and related data collection
- Revenue estimating/forecasting, bonding and financial planning
- Transportation and land use coordination & planning
- GIS data & analysis
- Graphic design
- Social media
- Public opinion research
- Meeting facilitation
- Web application development
- Foreign language translation

Consultants are encouraged to visit the MPO Unified Planning Work Program (UPWP) at [http://www.planhillsborough.org/wp-content/uploads/2013/02/15\\_\\_16\\_UPWP\\_FINAL.pdf](http://www.planhillsborough.org/wp-content/uploads/2013/02/15__16_UPWP_FINAL.pdf) for more information on the anticipated tasks and projects. Services to be rendered by the Consultant(s) shall be for a period of 24 months (extendable by mutual agreement up to an additional 36 months) or until a total accumulated fee is reached, whichever occurs first.

**SUBCONSULTANT OPPORTUNITY:** Consultants who are not pre-qualified by the Florida Department of Transportation for lack of independent CPA Certified overhead audit may be utilized to provide services for these projects, providing that compensation to the subconsultant will not exceed \$250,000. Before work may commence, any such consultant utilized must also be technically qualified and approved by the MPO.

**EQUAL OPPORTUNITY STATEMENT:** The MPO, in accordance with the provisions of Title VI of the Civil Rights Act of 1964, hereby notifies all firms and individuals that it will require affirmative efforts be made to ensure participation by minorities in any contract for consultant services. Disadvantaged business enterprises (DBE) will be afforded full opportunity to submit proposals in response to advertisements and will not be discriminated against on the grounds of race, color, national origin, sex, age, disability, family, or religious status in consideration for an award. The MPO has a DBE participation policy statement and participates in FDOT's statewide goal.

**RESPONSE PROCEDURE:** Qualified consultants who are interested in these projects are required to submit a Letter of Response to the MPO indicating their desire to be considered for this project. The letter must be no more than five (5) pages, one-sided and shall as a minimum, include the following information:

1. Consultant's Name and Address
2. Responsible Office for the Consultant Firm
3. Contact Person for the Project, Email Address and Telephone Number
4. Name(s) of Subconsultant(s) that may be used and brief indication of any previous joint projects
5. Indication as to whether the Prime and/or Subconsultant(s) are DBE
6. Statement regarding qualifications of the Prime consultant firm and any proposed Subconsultants in the required services, and, if applicable, optional services
7. Key personnel including areas of expertise and relevant past MPO/planning experience (do not include resumes)
8. Approach for achieving client expectations

**THE CONSULTANT MUST BE ABLE TO MEET THE FOLLOWING CONDITION WHICH WILL BE PART OF THE CONTRACT BETWEEN THE MPO AND THE CONSULTANT:**

No member, officer or employee of the Hillsborough County City-County Planning Commission or the Hillsborough MPO during his tenure or for two years thereafter shall have any interest, direct or indirect, in this contract or the proceeds thereof. Any firm which has a member, officer or employee that this provision speaks to, must demonstrate in its Letter of Response that this provision can be met by segregating the affected person from the project and from receiving any proceeds from the contract. For the purpose of the contract, an employee of the consultant includes any subconsultant, independent agent contracting with the consultant, or anyone having a service contract with the consultant.

**FEDERAL DEBARMENT:** By submitting a Letter of Response, the consultant certifies that no principal (which includes officers, directors or executives) is presently suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation on this transaction by any Federal Department or Agency.

**SELECTION PROCESS:** The listed projects are covered by the selection process detailed in Rule Chapter 14-75, Florida Administrative Code. Some or all of the responding firms may be requested to provide oral technical proposals for the final ranking process. The schedule is listed below. All meetings are open to the public and will be held at County Center, 601 East Kennedy Boulevard, 18th Floor, unless otherwise noted. The selected consultants contract and fees will be negotiated in accordance with Section 287.055, Florida Statutes. The

Consultants that are included on the shortlist and those that are ultimately selected as well as any changes to the selection schedule will be advertised only on the MPO’s Webpage at www.hillsboroughmpo.org. All questions about the GPC selection process or schedule shall be in writing and directed to Lisa Silva at SilvaL@plancom.org.

**SELECTION SCHEDULE:**

Letter of Response due, Friday, May 15, 2015, 5:00 p.m.  
Shortlist announced on website and by email: Monday, June 1, 2015, 9:00 a.m.  
Informational Meeting, Wednesday, June 3, 2015, 1:30 p.m., (MPO Boardroom, 601 E. Kennedy Blvd., 18th Floor)  
Oral presentations, Tuesday, June 23, 2015 and Wednesday, June 24, 2015, 8:00 a.m. (MPO Boardroom, 601 E. Kennedy Blvd., 18th Floor)  
Staff presentation to Policy Committee, Tuesday, July 28, 2015, 9:00 a.m. (MPO Boardroom, 601 E. Kennedy Blvd., 18th Floor)  
Consultant selection by MPO board, Tuesday, August 4, 2015, 9:00 a.m. (BOCC Boardroom, 601 E. Kennedy Blvd., 2nd Floor)

**REQUESTING UNIT:**

Hillsborough Metropolitan Planning Organization for Transportation

**LETTER OF RESPONSE ADDRESS:**

Ten (10) Copies To:  
Beth Alden, AICP, Executive Director

**Section XIII**

**Index to Rules Filed During Preceding Week**

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.

Hillsborough Metropolitan Planning Organization  
601 E. Kennedy Blvd., 18th Floor  
Tampa, Florida 33602

**LETTERS OF RESPONSE DEADLINE:**

5:00 p.m. ET, Friday, May 15, 2015

**Section XII  
Miscellaneous**

**DEPARTMENT OF ECONOMIC OPPORTUNITY**

Division of Community Development

Final Order No.: DEO-15-049

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-15-049 on April 14, 2015, in response to an application submitted by the Heritage Lakes Community Association, Inc. for covenant revitalization under Chapter 720, Part III, Florida Statutes.

The Department’s Final Order denied the application for covenant revitalization after determining that the application did not meet the statutory requirements for covenant revitalization.

Copies of the final order may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or [Katie.zimmer@DEO.MyFlorida.com](mailto:Katie.zimmer@DEO.MyFlorida.com).