

**AGENDA**  
**FLORIDA DEPARTMENT OF LAW ENFORCEMENT**  
**November 15, 2011**

Attachments to the items below can be viewed at the following link:

<http://www.fdle.state.fl.us/Content/getdoc/b2d2beb1-8be5-4fae-81bd-df25a3dab70d/test-home.aspx>

- ITEM 1. Respectfully submit the **Florida Department of Law Enforcement's FY 2011-12 1<sup>st</sup> Quarter Performance Report, with Contracts, Agreements and Purchases over \$100,000 for July 1 through September 30, 2011.**

(See Attachment 1)

RECOMMEND APPROVAL

- ITEM 2. Respectfully submit the following **Notice of Proposed Rules** for repeal:

**11C-4 – Division of Criminal Justice Information Systems** - Repeals 11C-4.005, pertaining to deceased notification submission of unidentified persons; repeals 11C-4.0065, pertaining to reporting orders of executive clemency.

**11G-2.0031 – Standard Investigation Procedures** - Repeals 11G-2.0031, pertaining to SIDS Autopsy Protocol rule.

**11I-1 – Division of Executive Investigations** - Repeals 11I-1.005, pertaining to disciplinary investigations; repeals 11I-1.010, pertaining to appeals to the Public Employees Relations Commission; repeals 11I-1.013, pertaining to the Duty Manual.

**11K-1 – Organization** - Repeals 11K-1.001 and 11K-1.002, pertaining to the Florida Criminal Justice Executive Institute's purpose and definitions.

**11N-1 – Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account** - Repeals 11N-1.008, pertaining to Violent Crime and Drug Council meetings and confidentiality of records.

(See Attachment 2)

RECOMMEND APPROVAL

- ITEM 3. Respectfully submit **Notice of Proposed Rules** for the following:

**11B-18 - Criminal Justice Standards and Training Trust Fund** - Repeals requirement for the Regional Training Council to submit a Five-Year Plan to the Commission.

**11B-20 – Certification of Criminal Justice Training Instructors** - Makes internal or criminal investigations policy clarifications; complies with Section 117.05(13)(a), F.S., regarding Oath on form CJSTC-61; revises training center designee's evaluation of equivalent instructor training.

**11B-21 – Certification of Criminal Justice Training Schools** - Repeals Correctional Probation Basic Abilities Test.

**11B-27 – Certification and Employment or Appointment** - Updates moral character violations; complies with Section 943.131(2), F.S., to grant additional equivalency of training exemptions; complies with procedures regarding internal or criminal investigations; complies with Section 117.05(13)(a), F.S., regarding Oath on forms CJSTC-61 and 86B; allows chronic illness excuse for extension to complete the required bi-annual Firearms Qualification Standard; updates officer discipline penalty guidelines; housekeeping revisions on form CJSTC 61A.

**11B-30 – State Officer Certification Examination** - Grants additional equivalency of training exemptions; implements Computer-Based State Officer Certification Examination; allows Paper and Pencil test to remain effective until computer-based test is fully implemented; implements Florida CMS Correctional and related cross-over Basic Recruit Training Programs.

**11B-35 – Training Programs** - Repeals form CJSTC-3; implements Computer-Based State Officer Certification Examination; updates Alcohol Testing Program course hours; implements Florida CMS Correctional, related cross-over training programs, and CMS Correctional Auxiliary Basic Recruit Training Program; implements eLearning for Specialized Training Program Courses; removes Correctional Probation Basic Abilities Test; allows individuals, certified by another state, military, or the federal government, to receive additional equivalency of training exemptions.

**11C-6 – Criminal History Records Dissemination Policy** - Repeals 11C-6.003; adds certain repealed language to 11C-6.004; updates to conform to recent legislative changes.

**11G-1 – Organization** - Updates, revises, and clarifies rules regarding Medical Examiner's Commission and procedures.

**11G-2 – Standard Investigation Procedures** - Revises procedures for notification of death, findings and conclusions of death, notification of legally authorized persons of a death, relinquish charge of a dead body, examination of dead body, investigation of death prior to the release of human remains; removes obsolete language; revises requirements for statistical reports; clarifies current language; revises requirements for reporting unidentified human remains; adds itemized examination procedures for deaths resulting from violence; revises language for performing an autopsy; revises research guidelines; updates procedures for custody and surrender of dead bodies; removes obsolete language autopsy report findings and format of an autopsy report; revises how to obtain Practice Guidelines.

**11G-5 – District Medical Examiners** - Revises district medical examiner gubernatorial appointments and district candidate search committee.

(See Attachment 3)

RECOMMEND APPROVAL



# 1st QUARTER PERFORMANCE REPORT

	Quarterly Performance	Quarterly Standard
Number / percent of lab service requests completed	18,511   96.7%	19,500   95%
Average number of days to complete lab service requests		
AFIS (Automated Fingerprint Identification System)	45	45
CER (Computer Evidence Recovery)	56	70
Chemistry	18	30
Crime Scene	15	30
Firearms	41	80
Latent Prints	39	60
Trace Evidence	116	115
Serology / DNA	69	111
Toxicology	62 <sup>1</sup>	40
Number of hits, samples added and total samples in DNA Database		
Hits	850	500
Samples added	19,409 <sup>2</sup>	22,500
Total samples in DNA Database	785,359	700,000
Number of criminal investigations	1,013	966
Number / percent of criminal investigations closed	229   19% <sup>3</sup>	197   69%
Number / percent of criminal investigations closed resulting in arrest	130   57%	115   58%
Number of domestic security cases	9	8
Number of intelligence initiatives	130	123
Number of calls for Capitol Police service	878 <sup>4</sup>	2,000
Percent of time FCIC is accessible	99.9%	99.5%
Number of criminal history record checks processed	682,887	500,000
Number of registered sexual predators / offenders added and total identified to the public	839   57,491	750   52,516
Number of missing persons cases	1,872	1,000
Missing Child Alerts activated	3	2
Amber Alerts activated	2	2
Silver Alerts activated	39	13
Number of arrest records created and maintained	23,009,030	17,686,354
Number / percent of individuals who pass the basic professional certification examination	1,093 <sup>5</sup>   76.06%	1,600   80%
Number of professional law enforcement certificates issued	4,255 <sup>6</sup>	6,250
Number of criminal justice officer disciplinary actions	172	113



## Justifications

- <sup>1</sup> **Average number of days to complete lab service requests** – The Department is focusing efforts on backlog reduction. Analysts in Toxicology disciplines are working older, pending cases. The turnaround time is expected to gradually decline as the number of pending cases decreases.
- <sup>2</sup> **Number of samples added in the DNA Database** – The Department enters all samples submitted for the DNA Database. During this quarterly period, fewer submissions were received than anticipated.
- <sup>3</sup> **Investigative measures** – The Department is committed to working complex, protracted high impact criminal investigations. Because of their complexity, cases are lengthy and labor intensive, resulting in agents investing more hours in fewer cases over a longer period of time.
- <sup>4</sup> **Number of calls for Capitol Police service** – Due to a more proactive patrol approach by officers, the number of calls for service is less than anticipated. Throughout the year, this measure fluctuates depending upon events scheduled at the Capitol.
- <sup>5</sup> **Number of individuals who pass the basic professional certification examination** – This measure reports the performance results of external individuals taking an examination.
- <sup>6</sup> **Number of professional law enforcement certificates issued** – Certificates are issued to individuals meeting training requirements for basic and post-basic programs offered at Criminal Justice Standards and Training Commission certified training schools. FDLE issued certificates for all individuals meeting requirements.



## Highlights



**“If You See Something, Say Something” Launched.** Commissioner Bailey joined Governor Scott and domestic security officials for Florida’s launch of the “If You See Something, Say Something” campaign, a US Department of Homeland Security initiative encouraging citizens to report suspicious activities and threats. The Florida campaign will include television and radio public safety announcements and billboards and displays in airports, at bus stops and in malls. Tips to report suspicious activity, which may be provided through a statewide, toll-free hotline or online reporting form, will go to the Florida Fusion Center, a 24-hour watch desk at FDLE. Intelligence analysts will assess the information and take action in conjunction with the state’s Regional Domestic Security Task Forces.

**Escaped Florida Murderer Recaptured.** The Department, working in conjunction with the Department of Corrections (DC) and the US Marshals Service, located a fugitive who had escaped from Union Correctional Institution in 1979 by climbing three perimeter fences at night during a power outage. Frederick Barrett was arrested at his home in Montrose County, Colorado. At the time of his escape, Barrett was serving a life sentence for the 1971 murder of a traveling companion on the Florida Turnpike. He now faces escape charges, as well as local charges related to the marijuana grow house and firearms found in his home at the time of the arrest. Barrett’s case was featured on billboards and in the press in 2009 during a “12 Days of Fugitives” campaign designed to capture violent cold case fugitives sponsored by FDLE and DC.



**New Eyewitness Identification Standards Developed and Adopted.** The Department, in partnership with the Florida Police Chiefs, Sheriffs and Prosecuting Attorneys Associations, developed and adopted new standards to ensure neutrality, impartiality and consistency in eyewitness identification. The Standards are designed to improve eyewitness identification procedures, while at the same time allowing law enforcement agency heads flexibility in crafting policies that best meet the needs of the agencies. Law enforcement agencies were called upon to conform to the standards by November 1, 2011.



**CONTRACTS, AGREEMENTS AND PURCHASES**  
**OVER \$100,000 FOR JULY 1<sup>ST</sup> THROUGH SEPTEMBER 30<sup>TH</sup> 2011**

<b><u>P.O.#</u></b>	<b><u>VENDOR/SERVICE</u></b>	<b><u>AMOUNT</u></b>
DO1771262	<b>The Bode Technology Group, Inc.</b> Amended to increase amount for the testing of forensic biology (DNA) cases. Invitation to Bid Term: 01/14/10 – 01/13/13	<b>\$700,000</b>
DO1932552	<b>Orchid BioSciences, Inc.</b> Amended to increase amount for the testing of forensic biology cases. Invitation to Bid Term: 05/04/10 – 11/27/13	<b>\$500,000</b>
DO2581084	<b>Infinity Software Development, Inc.</b> IT services for the Missing and Endangered Persons Information Center and Career Offender programs. State Term Contract Term: 07/01/11 – 06/30/12	<b>\$138,000</b>
DO2581149	<b>Harris Corporation</b> Surveillance Equipment Single Source Term: One time purchase	<b>\$410,650</b>
*DO2581724	<b>Advanced Systems Design, Inc.</b> IT services for the Department's Network Support. State Term Contract 07/01/11 – 06/30/12	<b>\$131,000</b>
*DO2582085	<b>Advanced Systems Design, Inc.</b> IT services providing operational maintenance for the Computerized Criminal History system. State Term Contract 07/01/11 – 06/30/12	<b>\$149,000</b>
DO2582191	<b>Infinity Software Development, Inc.</b> IT services for the Criminal Justice Professionalism Program record systems. State Term Contract 07/01/11 – 06/30/12	<b>\$148,584</b>

\*Minority Vendor

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**OVER \$100,000 FOR JULY 1<sup>ST</sup> THROUGH SEPTEMBER 30<sup>TH</sup> 2011**

<b><u>P.O.#</u></b>	<b><u>VENDOR/SERVICE</u></b>	<b><u>AMOUNT</u></b>
DO2582201	<b>Seva Technologies, LLC</b> IT services for the Criminal Investigations information system (AIMS). State Term Contract 07/01/11 – 06/30/12	<b>\$171,000</b>
*DO2582740	<b>Kyra Info Tech, Inc.</b> IT services for the Sub-grant Information Management ON-line (SIMON) system. State Term Contract 07/01/11 - -6/30/12	<b>\$166,000</b>
*DO2582988	<b>Advanced Systems Design, Inc.</b> IT services for the Criminal Justice Professionalism Program record systems. State Term Contract 07/01/11 – 06/30/12	<b>\$144,648</b>
DO2583184	<b>Tampa Electric Company</b> Electricity services (estimated) for the Tampa Bay Regional Operation Center Exempt, utilities 07/01/11 – 06/30/12	<b>\$325,000</b>
DO2585793 DO2589357 DO2590274 DO2597757 DO2598194 DO2598400 DO2598401	<b>Applera Corporation (Applied Biosystems)</b> Applied Biosystems reagents and supplies for DNA casework performed in Pensacola, Tallahassee (Biology), Tallahassee (DNA), Jacksonville, Tampa, Orlando and the Fort Myers laboratories. Single Source 07/01/11 – 06/30/12	<b>\$2,696,660</b>
DO2647426	<b>Pichard Holdings, Inc. (dba Remedy Intelligent Staffing)</b> Temporary staffing for the Firearm Purchase Program. State Term Contract 10/01/11 - -3/31/12	<b>\$246,375</b>

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**OVER \$100,000 FOR JULY 1<sup>ST</sup> THROUGH SEPTEMBER 30<sup>TH</sup> 2011**

<b>P.O.#</b>	<b>VENDOR/SERVICE</b>	<b>AMOUNT</b>
<b>DO2655888</b>	<b>Infinity Software Development, Inc.</b> IT services for the Florida Fusion Center Network Project. State Term Contract 08/23/11 – 06/30/12	<b>\$120,000</b>
<b>DO2667122</b>	<b>Mythics, Inc.</b> ORACLE database enterprise software licenses and annual maintenance for the Firearm Purchase Program system. Alternate Contract Source 09/01/11 – 06/30/12	<b>\$245,303</b>
<b>*DO2667295</b>	<b>SHI International Corp.</b> 624 each Microsoft Office Professional Plus 2010 software upgrades. State Term Contract One time Purchase	<b>\$182,632</b>
<b>FDLE-012-12</b>	<b>Asevotech, LLC</b> Upgrade of the Oracle application software and database for the Financial and Accounting Criminal Tracking System (FACTS). Single Source 09/30/11 – 03/30/12	<b>\$308,700</b>
<b>FDLE-029-10</b>	<b>Lexis Nexis</b> Contract renewal for Lexis Nexis system. Includes 545 software licenses and support for the Distributed Factual Analysis Criminal Threat Solution (dFACTS) database. Invitation to Negotiate 09/15/11 – 09/14/14	<b>\$1,599,437</b>
<b>FDLE-031-10</b>	<b>Unisys Corporation</b> Contract renewal for computer software maintenance support for the 2A build of the Florida's Integrated Criminal History (FALCON) system. Invitation to Negotiate 07/01/11 – 06/30/12	<b>\$248,667</b>

\*Minority Vendor

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<b><u>P.O.#</u></b>	<b><u>VENDOR/SERVICE</u></b>	<b><u>AMOUNT</u></b>
<b>*PO5033</b>	<b>Global Information Services</b> IT services to support the FDLE Information System section. State Term Contract 09/19/11 – 06/30/12	<b>\$115,500</b>
<b>PO7660</b>	<b>Fisher Scientific Company LLC</b> Micro indicator cards used in the oral swab kits for the DNA Laboratory State Term Contract One time purchase	<b>\$109,615</b>
<b>PO856</b>	<b>CMI, Inc.</b> Alcohol Testing Program supplies, 430 sets of USB/Ethernet parts for the Intoxilizer 8000 breath testing instrument. Single Source One time purchase	<b>\$238,380</b>

\*Minority Vendor





Florida Department of  
Law Enforcement

Gerald M. Bailey  
*Commissioner*

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Rick Scott, *Governor*  
Pam Bondi, *Attorney General*  
Jeff Atwater, *Chief Financial Officer*  
Adam Putnam, *Commissioner of Agriculture*

November 4, 2011

Honorable Rick Scott  
Governor  
Plaza Level 02, The Capitol  
Tallahassee, Florida 32399

Attention: Chief Cabinet Aide Marc Slager

Dear Governor Scott:

Pursuant to Section 120.54(3)(a), F.S., the enclosed Notices of Proposed Rules and Summaries are submitted for review and approval at the November 15, 2011 Cabinet meeting:

**11B-18 - Criminal Justice Standards and Training Trust Fund** - Repeals requirement for the Regional Training Council to submit a Five-Year Plan to the Commission.

**11B-20 – Certification of Criminal Justice Training Instructors** - Makes internal or criminal investigations policy clarifications; complies with Section 117.05(13)(a), F.S., regarding Oath on form CJSTC-61; revises training center designee's evaluation of equivalent instructor training.

**11B-21 – Certification of Criminal Justice Training Schools** - Repeals Correctional Probation Basic Abilities Test.

**11B-27 – Certification and Employment or Appointment** - Updates moral character violations; complies with Section 943.131(2), F.S., to grant additional equivalency of training exemptions; complies with procedures regarding internal or criminal investigations; complies with Section 117.05(13)(a), F.S., regarding Oath on forms CJSTC-61 and 86B; allows chronic illness excuse for extension to complete the required bi-annual Firearms Qualification Standard; updates officer discipline penalty guidelines; housekeeping revisions on form CJSTC 61A.

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**11C-4 – Division of Criminal Justice Information Systems** - Repeals 11C-4.005, pertaining to deceased notification submission of unidentified persons; repeals 11C-4.0065, pertaining to reporting orders of executive clemency.

**11C-6 – Criminal History Records Dissemination Policy** - Repeals 11C-6.003; adds certain repealed language to 11C-6.004; updates to conform to recent legislative changes.

**11G-1 – Organization** - Updates, revises, and clarifies rules regarding Medical Examiner's Commission and procedures.

**11G-2 – Standard Investigation Procedures** - Revises procedures for notification of death, findings and conclusions of death, notification of legally authorized persons of a death, relinquish charge of a dead body, examination of dead body, investigation of death prior to the release of human remains; removes obsolete language; revises requirements for statistical reports; clarifies current language; revises requirements for reporting unidentified human remains; adds itemized examination procedures for deaths resulting from violence; revises language for performing an autopsy; revises research guidelines; updates procedures for custody and surrender of dead bodies; removes obsolete language autopsy report findings and format of an autopsy report; revises how to obtain Practice Guidelines.

**11G-2.0031 – Standard Investigation Procedures** - Repeals 11G-2.0031, pertaining to SIDS Autopsy Protocol rule.

**11G-5 – District Medical Examiners** - Revises district medical examiner gubernatorial appointments and district candidate search committee.

**11I-1 – Division of Executive Investigations** - Repeals 11I-1.005, pertaining to disciplinary investigations; repeals 11I-1.010, pertaining to appeals to the Public Employees Relations Commission; repeals 11I-1.013, pertaining to the Duty Manual.

**11K-1 – Organization** - Repeals 11K-1.001 and 11K-1.002, pertaining to the Florida Criminal Justice Executive Institute's purpose and definitions.

**11N-1 – Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account** - Repeals 11N-1.008, pertaining to Violent Crime and Drug Council meetings and confidentiality of records.

The Notices of Proposed Rulemaking were published in the Florida Administrative Weekly on October 14, 2011. An opportunity for public comment will be provided and a public hearing if requested. The Governor and Cabinet will then review the proposed rules prior to adoption.

If you have any questions concerning this package, please contact Cabinet Affairs Administrator Ron Draa at (850) 410-7001.

Sincerely,



Gerald M. Bailey  
Commissioner

GMB/jag

Enclosures

STATE OF FLORIDA  
DEPARTMENT OF LAW ENFORCEMENT  
CHAPTER 11C-4, FLORIDA ADMINISTRATIVE CODE  
AMENDING RULES 11C-4.005 and 11C-4.0065  
DIVISION OF CRIMINAL JUSTICE INFORMATION SYSTEMS  
SUMMARY OF THE RULE

To repeal Rule 11C-4.005, F.A.C., pertaining to deceased notification submission of unidentified persons. To repeal Rule 11C-4.0065, F.A.C., pertaining to reporting orders of executive clemency.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

To repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

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. and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the proposed amendment, i.e., repeal of rules.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

FDLE received no requests for a public hearing and no written comments were submitted.

NOTICE OF PROPOSED RULE

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE NO.:      RULE TITLE:

11C-4.005      Deceased Notification Submission  
11C-4.0065      Orders of Executive Clemency

PURPOSE AND EFFECT: To repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: To repeal Rule 11C-4.005, F.A.C., pertaining to deceased notification submission of unidentified persons. To repeal Rule 11C-4.0065, F.A.C., pertaining to reporting orders of executive clemency.

OTHER RULES INCORPORATING THIS RULE: N/A

EFFECT ON THOSE OTHER RULES: N/A

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

RATIFICATION: The agency has determined that this rule will not have an adverse impact on small business or likely increase 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. and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the proposed amendment, i.e., repeal of rules.

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

RULEMAKING AUTHORITY: 943.03(4), 943.05(2)(d) F.S.

LAW IMPLEMENTED: 406.145, 943.05, 943.051 F.S.

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:

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

AMERICANS WITH DISABILITIES ACT: 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 Jean Itzin at 850-410-7110, or [jeanitzin@fdle.state.fl.us](mailto:jeanitzin@fdle.state.fl.us), or write to Florida Department of Law Enforcement, Criminal Justice Information Services, Attention: Jean Itzin, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (850)656-9597 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jean Itzin at 850-410-7110 or [jeanitzin@fdle.state.fl.us](mailto:jeanitzin@fdle.state.fl.us), or write the Florida Department of Law Enforcement, Crime Information Bureau, PO Box 1489, Tallahassee, Florida 32302.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jean Itzin

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 2011.

DATE THE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: N/A

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-4.005 Deceased Notification Submission

~~The cognizant law enforcement agency shall submit a set of fingerprints on unknown deceased individuals to the Department for the purpose of positive identification.~~

Rulemaking Specific Authority 943.03(4), 943.05(2)(d) FS. Law Implemented 406.145, 943.05, 943.051 FS. History–New 6-24-76, Formerly 11C-4.05, Amended 7-7-99, Repealed\_\_\_\_\_.

11C-4.0065 Orders of Executive Clemency

~~Upon notice from an individual who has obtained any form of executive clemency by order of the Governor and the cabinet, such clemency shall be treated by the Department as a final disposition. It shall be the responsibility of the individual to forward to the Department a copy of the order together with a fingerprint card for assurance of positive identification.~~

Rulemaking Specific Authority 943.03(4), 943.05(2)(d) FS. Law Implemented 943.05, 943.051 FS. History–New 11-12-81, Formerly 11C-4.065, Amended 7-7-99, Repealed\_\_\_\_\_.

STATE OF FLORIDA  
DEPARTMENT OF LAW ENFORCEMENT  
CHAPTER 11G-2, FLORIDA ADMINISTRATIVE CODE  
AMENDING RULE 11G-2.0031  
STANDARD INVESTIGATION PROCEDURES  
SUMMARY OF THE RULE

To repeal Rule 11G-2.0031, F.A.C., pertaining to the SIDS Autopsy Protocol rule.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

To repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary and to relocate the SIDS autopsy protocol to the Practice Guidelines.

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., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment, i.e., repeal of a reporting requirement.



FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

FDLE received no requests for a public hearing and no written comments were submitted.

NOTICE OF PROPOSED RULE

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiners Commission

RULE NO.:      RULE TITLE:

11G-2.0031      SIDS Autopsy Protocol

PURPOSE AND EFFECT: To repeal rule identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary and to relocate the SIDS autopsy protocol to the Practice Guidelines.

SUMMARY: To repeal Rule 11G-2.0031, F.A.C., pertaining to the SIDS Autopsy Protocol rule.

OTHER RULES INCORPORATING THIS RULE: N/A

EFFECT ON THOSE OTHER RULES: N/A

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., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment, i.e., repeal of a reporting requirement.

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

RULEMAKING AUTHORITY: 383.3362(4) 406.04, FS.

LAW IMPLEMENTED: 383.3362, 406.11, 406.13, 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:

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

AMERICANS WITH DISABILITIES ACT: 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 Donna Hunt at 850-410-8615, or [donnahunt@fdle.state.fl.us](mailto:donnahunt@fdle.state.fl.us), or write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (850)656-9597 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donna Hunt at 850-410-8615, or [donnahunt@fdle.state.fl.us](mailto:donnahunt@fdle.state.fl.us), or write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donna Hunt

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: N/A

THE FULL TEXT OF THE PROPOSED RULE IS:

11G-2.0031 SIDS Autopsy Protocol.

~~(1) Sudden infant death syndrome (SIDS) is the sudden death of an infant under one year of age which remains~~

~~unexplained after a thorough case investigation, including performance of a complete autopsy, examination of the death scene, and review of the clinical history.~~

~~(2) A medical examiner is obligated to perform a complete autopsy and conduct a thorough scene and clinical history review of any sudden, unexpected or apparently non-violent death of an infant under one year of age which might be a case of SIDS.~~

~~(3) The medical examiner investigating a potential SIDS case must be familiar with the place of discovery of the infant in terms of sleep site, bed clothes, position at time of discovery, sharing the bed with others, and environmental hazards such as fumes or extreme temperature hazards. Familiarity with the scene may be determined by personal inspection on the part of the medical examiner or a medical examiner investigator or police investigator. The results of scene investigation shall be included in the medical examiner case file. The diagnosis of SIDS should not be made if it is apparent that a hazard such as overlay by an adult, fall from bed, suffocation from dangerous coverings or other environmental hazards played a role in the death.~~

~~(4) The clinical history review shall attempt to include determination of prenatal, delivery and postnatal medical information relevant to a proper diagnosis of SIDS and should include history of familial disease, mental illness and social setting pertinent to exclusion of illnesses or child abuse, the absence of which is essential to the diagnosis of SIDS. During the investigation contact shall be made with the Department of Children and Family Services for information in its records of abuse or neglect of children within the family or family setting.~~

~~(5) An autopsy is mandated whenever an infant death is under investigation as a potential SIDS. The autopsy is needed to exclude congenital, infectious, environmental or other unnatural causes of death. The gross narrative description shall consider external features including integrity of all orifices, status of internal organs and tissues and hollow viscera contents. Serosal and membrane petechiae and presence or absence of blood clot in the heart and great vessels should be mentioned as well as a skeletal x ray survey and appropriate photographs. Histological slides should include major viscera sufficient to exclude readily diagnosed disease processes. Bacterial cultures and viral cultures should be performed when needed to document or exclude suspect infectious agents. Appropriate tissues and fluids should be preserved for toxicological study when indicated.~~

~~(6) As soon as the diagnosis of SIDS is made, a letter of condolence and explanation with reference to a counseling visit by the county public health unit representatives should be sent from the medical examiner to the parents or guardians. The county public health unit must be notified and furnished the names and addresses of the parents or guardians. The medical examiner shall furnish case investigative findings to the Consumer Product Safety Commission or other concerned governmental agencies upon request. In such event the counseling letter should make reference to the prospective visit by such agency.~~

Rulemaking Specific Authority 383.3362(4), 406.04 FS. Law Implemented 383.3362, 406.11, 406.13 FS. History—New 10-14-96, Amended 7-6-99 Repealed \_\_\_\_\_.

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11I-1, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11I-1.005, 11I-1.010 and 11I-1.013

DIVISION OF EXECUTIVE INVESTIGATIONS

SUMMARY OF THE RULE

To repeal Rules 11I-1.005 - pertaining to disciplinary investigations, 11I-1.010 - pertaining to appeals to the Public Employees Relations Commission, and 11I-1.013 – references to the Duty Manual.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

To repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

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. and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the proposed amendment, i.e., repeal of rules.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

FDLE received no requests for a public hearing and no written comments were submitted.

NOTICE OF PROPOSED RULE

DEPARTMENT OF LAW ENFORCEMENT

Division of Executive Investigations

RULE NO.:      RULE TITLE:

11I-1.005      Disciplinary Investigations  
11I-1.010      Appeals to the Public Employees Relation Commission  
11I-1.013      Repeal

PURPOSE AND EFFECT: To repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: To repeal Rules 11I-1.005 - pertaining to disciplinary investigations, 11I-1.010 - pertaining to appeals to the Public Employees Relations Commission, and 11I-1.013 - regarding references to the Duty Manual.

OTHER RULES INCORPORATING THIS RULE: N/A

EFFECT ON THOSE OTHER RULES: N/A

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that this rule will not have an adverse impact on small business or likely increase 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. and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the proposed amendment, i.e., repeal of rules.

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

RULEMAKING AUTHORITY: 110.201(2), 447.207(8), 943.03 F.S.

LAW IMPLEMENTED: 110.227, 112.532(1), 112.532(4), and 112.533 F.S.

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:

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

AMERICANS WITH DISABILITIES ACT: 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 Richard Ward at 850-410-8257 or rickward@fdle.state.fl.us, or write the Florida Department of Law Enforcement, Office of Executive Investigations, PO Box 1489, Tallahassee, Florida, 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (850)656-9597 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Ward at 850-410-8257 or rickward@fdle.state.fl.us, or write the Florida Department of Law Enforcement, Office of Executive Investigations, PO Box 1489, Tallahassee, Florida, 32308.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Ward

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 2011

DATE THE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: N/A

THE FULL TEXT OF THE PROPOSED RULE IS:

11I-1.005 Disciplinary Investigations.

~~The methods and agents of investigation utilized prior to notice of personnel action shall vary with the nature of the offense and the needs of the employer to obtain complete information. In the event that law enforcement personnel are under investigation, the rights provided under Part VI, Chapter 112, F.S., as to notice and methods of interrogation shall be applied. If an employee is included in a bargaining unit which is subject to a collective bargaining agreement, that employee may request that a Union representative be present during any disciplinary investigation or investigatory meeting in which the employee is being questioned about alleged misconduct of the employee.~~

~~Rulemaking Specific Authority 943.03(4) FS. Law Implemented 112.532(1), 112.532(4), 112.533 FS. History–New 7-8-82, Formerly 11I-1.05, Amended 11-5-02, Repealed \_\_\_\_\_.~~

11I-1.010 Appeals to the Public Employees Relations Commission.

~~An employee who has earned permanent status in the Career Service in accordance with the provisions of paragraph 60L 33.003(2)(d), F.A.C., shall have the right to appeal to the Public Employees Relations Commission any reduction in pay, demotion, suspension or dismissal by the Department.~~

~~Rulemaking Specific Authority 110.201(2), 447.207(8), 943.03 FS. Law Implemented 110.227(5) FS. History–New 7-8-82, Formerly 11I-1.10, Amended 7-14-87, 7-1-90, 11-5-02, Repealed \_\_\_\_\_.~~

11I-1.013 Repeal.

~~That portion of Rule 11 1.012, F.A.C., referring to the Duty Manual, specifically Department Directives Number 200.08, 200.13, and 200.17, is hereby repealed insofar as it conflicts with the provisions of this chapter.~~

~~Rulemaking Specific Authority 943.03(3) FS. Law Implemented 110.227(1) FS. History–New 7-8-82, Formerly 11I-1.13, Repealed \_\_\_\_\_.~~



STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11K-1, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11K-1.001 and 11K-1.002

ORGANIZATION

SUMMARY OF THE RULE

To repeal rules 11K-1.001 and 11K-1.002, F.A.C., pertaining to the Florida Criminal Justice Executive Institute's purpose and definitions.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

To repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

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., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment, i.e., repeal of rules.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

FDLE received no requests for a public hearing and no written comments were submitted.

NOTICE OF PROPOSED RULE

DEPARTMENT OF LAW ENFORCEMENT

Division of Florida Criminal Justice Executive Institute

RULE NO.:      RULE TITLE:

11K-1.001      Florida Criminal Justice Executive Institute – Definitions

11K-1.002      Background/Scope/Purpose.

PURPOSE AND EFFECT: To repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: To repeal rules 11K-1.001 and 11K-1.002, F.A.C., pertaining to the Florida Criminal Justice Executive Institute’s purpose and definitions.

OTHER RULES INCORPORATING THIS RULE: N/A

EFFECT ON THOSE OTHER RULES: N/A

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., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment, i.e., repeal of rules.

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

RULEMAKING AUTHORITY: 145.071, 943.03(4), FS.

LAW IMPLEMENTED: 145,071, 943.1755, 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:

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

AMERICANS WITH DISABILITIES ACT: 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 Donna Hunt at 850-410-8615, or donnahunt@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (850)656-9597 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donna Hunt at 850-410-8615, or donnahunt@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donna Hunt

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: N/A

THE FULL TEXT OF THE PROPOSED RULE IS:

11K-1.001 Florida Criminal Justice Executive Institute - Definition.

~~The Florida Criminal Justice Executive Institute is an entity of the Florida Department of Law Enforcement (FDLE) established pursuant to Section 943.1755, F.S., for the purposes stated therein.~~

Rulemaking Specific Authority 943.03(4) FS. Law Implemented 943.1755 FS. History–New 2-1-84, Formerly 11K-1.01, Amended 5-29-91, Repealed.

11K-1.002 Background/Scope/Purpose.

~~The purpose of this rule is to establish qualification requirements for sheriffs to receive salary supplement as provided for in Section 145.071, Florida Statutes.~~

Rulemaking Specific 145.071, 943.03(4) FS. Law Implemented 145.071 FS. History–New 2-1-84, Formerly 11K-1.02, Repealed.

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11N-1, FLORIDA ADMINISTRATIVE CODE

AMENDING RULE 11N-1.008

VIOLENT CRIME INVESTIGATIVE EMERGENCY AND DRUG CONTROL STRATEGY

IMPLEMENTATION ACCOUNT

SUMMARY OF THE RULE

To repeal Rule 11N-1.008 pertaining to Violent Crime and Drug Council meetings and confidentiality of records.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

To repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

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. and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the proposed amendment, i.e. repeal of rule.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

FDLE received no requests for a public hearing and no written comments were submitted.

NOTICE OF PROPOSED RULE

DEPARTMENT OF LAW ENFORCEMENT

Division of Investigations and Forensic Science Program

RULE NO.:      RULE TITLE:

11N-1.008      Active Criminal Investigative and Active Criminal Intelligence

PURPOSE AND EFFECT: To repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: To repeal Rule 11N-1.008 pertaining to Violent Crime and Drug Council meetings and confidentiality of records.

OTHER RULES INCORPORATING THIS RULE: N/A

EFFECT ON THOSE OTHER RULES: N/A

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

RATIFICATION: The agency has determined that this rule will not have an adverse impact on small business or likely increase 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. and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the proposed amendment, i.e., repeal of rule.

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

RULEMAKING AUTHORITY: 943.03(4), 943.042, F.S.

LAW IMPLEMENTED: 943.031, 943.042, F.S.

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:

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

AMERICANS WITH DISABILITIES ACT: 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 Sherry Gomez at 850-410-7094 or [SherryGomez@fdle.state.fl.us](mailto:SherryGomez@fdle.state.fl.us) or write to the Florida Department of Law Enforcement, IFS, Policy & Planning Office, PO Box 1489, Tallahassee, FL 32302. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (850)656-9597 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Gomez at 850-410-7094 or [SherryGomez@fdle.state.fl.us](mailto:SherryGomez@fdle.state.fl.us) or write to the Florida Department of Law Enforcement, IFS, Policy & Planning Office, PO Box 1489, Tallahassee, FL 32302.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sherry Gomez

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 2011.

DATE THE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: N/A



THE FULL TEXT OF THE PROPOSED RULE IS:

11N-1.008 Active Criminal Investigative and Active Criminal Intelligence.

~~All sessions of meetings of the Council in which active criminal investigative or active criminal intelligence information is discussed shall be closed to the public as authorized at Section 943.031(7), F.S. All documents and information in the custody of the Council revealing active criminal intelligence or active criminal investigative information are exempt from public disclosure as provided by law. Only members of the Council or members of the Department of Law Enforcement assisting the Council, and persons whose presence has been specifically authorized by the Council shall be allowed to attend sessions of the Council's meetings otherwise closed to the public.~~

Rulmaking Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History–New 10-25-01, Repealed\_\_\_\_\_.

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-18, FLORIDA ADMINISTRATIVE CODE

AMENDING RULE 11B-18.008

CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND

SUMMARY OF THE RULE

Repeals the requirement for the Regional Training Council to submit a Five-Year Plan to the Commission.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Repeals the requirement for the Regional Training Council to submit a Five-Year Plan to the Commission because this report is obsolete and no longer required by the Commission.

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., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

FDLE received no requests for a public hearing and no written comments were submitted.

## NOTICE OF PROPOSED RULE

### DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NO.:      RULE TITLE:

11B-18.008      Areas of Responsibility

**PURPOSE AND EFFECT:** Repeals the requirement for the Regional Training Council to submit a Five-Year Plan to the Commission because this report is obsolete and no longer required by the Commission.

**SUMMARY:** Repeals the requirement for the Regional Training Council to submit a Five-Year Plan to the Commission.

**OTHER RULES INCORPORATING THIS RULE:** N/A

**EFFECT ON THOSE OTHER RULES:** N/A

### 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., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

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

**RULEMAKING AUTHORITY:** 943.03(4), 943.12(1), (2), 943.25(5) FS.

**LAW IMPLEMENTED:** 943.25 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:**

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

**AMERICANS WITH DISABILITIES ACT:** 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 Donna Hunt at 850-410-8615, or donnahunt@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (850)656-9597 (TDD).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Donna Hunt at 850-410-8615, or donnahunt@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donna Hunt

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2011

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-18.008 Areas of Responsibility. With regard to the Criminal Justice Standards and Training Trust Fund Officer Training Monies, the following entities shall have responsibilities outlined in subsections (1)-(3) of this rule section.

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

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

~~(a)(b)~~ Determine the distribution of Officer Training Monies for allocation to the individual Commission-certified training schools in the respective training regions.

~~(b)(e)~~ Submit to Commission staff a list of the current voting membership of each Regional Training Council, including Regional Training Council officers (noting appointed fiscal agents) and forward any membership changes to Commission staff as they occur.

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

~~(d)(e)~~ Submit to Commission staff all required documents, budgets, and reports.

~~(e)(f)~~ Appoint a regional fiscal agent.

(2) – (3) No change.

Rulemaking Specific Authority 943.03(4), 943.12(1), (2), 943.25(5) FS. Law Implemented 943.25 FS. History–New 1-13-81, Amended 7-1-81, 7-28-82, 1-7-85, 1-28-86, Formerly 11B-18.08, Amended 7-13-87, 5-23-88, 10-17-90, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04, \_\_\_\_\_.

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-20, FLORIDA ADMINISTRATIVE CODE

AMENDING RULE 11B-20.001

CERTIFICATION OF CRIMINAL JUSTICE TRAINING INSTRUCTORS

SUMMARY OF THE RULE

Makes internal or criminal investigations policy clarifications; complies with Section 117.05(13)(a), F.S., regarding the Oath on form CJSTC-61; and revises training center designee's evaluation of equivalent instructor training.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

To revise the Affidavit of Separation form CJSTC-61 to clarify the policy regarding internal or criminal Investigations and revises the Oath on form CJSTC-61 to comply with Section 117.05(13)(a), F.S.; and allows training center designees to evaluate equivalent instructor training.

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., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

#### FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

#### SUMMARY OF HEARING

FDLE received no requests for a public hearing and no written comments were submitted.



## NOTICE OF PROPOSED RULE

### DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NO.:      RULE TITLE:

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

**PURPOSE AND EFFECT:** To revise the Affidavit of Separation form CJSTC-61 to clarify the policy regarding internal or criminal Investigations and revises the Oath on form CJSTC-61 to comply with Section 117.05(13)(a), F.S.; and allows training center designees to evaluate equivalent instructor training.

**SUMMARY:** Makes internal or criminal investigations policy clarifications; complies with Section 117.05(13)(a), F.S., regarding the Oath on form CJSTC-61; and revises training center designee's evaluation of equivalent instructor training.

**OTHER RULES INCORPORATING THIS RULE:** N/A

**EFFECT ON THOSE OTHER RULES:** N/A

### 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., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

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

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

**LAW IMPLEMENTED:** 943.12(3), (9), 943.14(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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):**

**DATE AND TIME:**

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Donna Hunt at 850-410-8615, or donnahunt@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308.

**AMERICANS WITH DISABILITIES ACT:** 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 Donna Hunt at 850-410-8615, or donnahunt@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (850)656-9597 (TDD).

NAME OF PERSON ORIGINATING PROPOSED RULE: Donna Hunt

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2011

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) No change.

(2) Instructor applicants applying for instructor certification shall:

(a) – (c) No change.

(3) General Instructor Certification.

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

1. – 4. No change.

5. Instructor Separation or Change of Affiliation.

a. When an instructor requests a change of affiliation, the training center director, agency administrator, or designee shall complete an Affidavit of Separation, form CJSTC-61, revised December 16, 2010 ~~November 8, 2007~~, hereby incorporated by reference, and submit to Commission staff, or immediately transmit through the Commission's ATMS. Form CJSTC-61 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 shall be maintained in the instructor's file.

b. No change.

(b) Equivalent Instructor Training.

1. Instructor applicants who request an exemption from the required instructor training shall be evaluated by the training center director or designee for completion of equivalent instructor training by documenting the instructor applicant's qualifications. Documentation shall include the instructor applicant's training in all of the following competencies, or the training center

director or designee may authorize the instructor applicant to complete only those portions of the Florida General Instructor Techniques Course for which the instructor applicant is deficient:

a. – m. No change.

2. – 3. No change.

(c) No change.

(4) - (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,\_\_\_\_\_.

STATE OF FLORIDA  
DEPARTMENT OF LAW ENFORCEMENT  
CHAPTER 11B-21, FLORIDA ADMINISTRATIVE CODE  
AMENDING RULE 11B-21.005

CERTIFICATION OF CRIMINAL JUSTICE TRAINING SCHOOLS

SUMMARY OF THE RULE

Repeals the Correctional Probation Basic Abilities Test.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

To comply with statutory revisions to Section 943.17(1)(g), F.S., amended on 7/1/10, by repealing the requirement for a correctional probation basic recruit training applicant to pass the Correctional Probation Basic Abilities Test prior to entering the Florida Correctional Probation Basic Recruit Training Program.

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., and thus, a legislative

ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

FDLE received no requests for a public hearing and no written comments were submitted.

## NOTICE OF PROPOSED RULE

### DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NO.:      RULE TITLE:

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

**PURPOSE AND EFFECT:** To comply with statutory revisions to Section 943.17(1)(g), F.S., amended on 7/1/10, by repealing the requirement for a correctional probation basic recruit training applicant to pass the Correctional Probation Basic Abilities Test prior to entering the Florida Correctional Probation Basic Recruit Training Program.

**SUMMARY:** Repeals the Correctional Probation Basic Abilities Test.

**OTHER RULES INCORPORATING THIS RULE:** N/A

**EFFECT ON THOSE OTHER RULES:** N/A

#### 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., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

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

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

**LAW IMPLEMENTED:** 943.12(3), (7), 943.14, 943.17(1)(g) 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:**

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Donna Hunt at 850-410-8615, or donnahunt@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308.

**AMERICANS WITH DISABILITIES ACT:** 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 Donna Hunt at 850-410-8615, or donnahunt@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (850)656-9597 (TDD).

NAME OF PERSON ORIGINATING PROPOSED RULE: Donna Hunt

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2011



THE FULL TEXT OF THE PROPOSED RULE IS:

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

Training Schools certified by the Commission shall comply with the following requirements:

(1) – (9) No change.

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

(a) Adopt a Commission-approved basic abilities test as an entry requirement into a Law Enforcement or Correctional ~~Commission-approved~~ Basic Recruit Training Program, and not enter into a contract with any testing provider for a period longer than the Commission's testing cycle of three years. Correctional Probation Officers are exempt from taking the basic abilities test.

(b) – (c) No change.

(11) No change.

Rulemaking Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(3), (7), 943.14, 943.17(1)(g) FS. History—New 7-21-82, Formerly 11B-21.05, Amended 1-28-86, 8-30-89, 12-24-89, 6-3-91, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, \_\_\_\_\_.

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-27, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11B-27.0011, 11B-27.002, 11B-27.00212, and 11B-27.005

CERTIFICATION AND EMPLOYMENT OR APPOINTMENT

SUMMARY OF THE RULE

Updates moral character violations; complies with Section 943.131(2), F.S., to grant additional equivalency of training exemptions by amending Commission rules and CJSTC forms 76 and 76A; compliance with procedures regarding internal or criminal investigations; compliance with Florida Statutes regarding the Oath on forms CJSTC-61 and 86B; allows chronic illness excuse for an extension to complete the required bi-annual Firearms Qualification Standard; updates officer discipline penalty guidelines; and housekeeping revisions on the Affidavit of Separation Supplement form 61A.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Updates the moral character violations for an officer's failure to maintain good moral character; grants additional equivalency of training exemptions in Commission rules and on the Equivalency of Training form CJSTC-76 and Equivalency of Training Proficiency Demonstration form CJSTC76A; adds language to the Affidavit of Separation form CJSTC-61 to require a written documentation of an officer/instructor's internal or criminal investigation upon separation of employment and revises the Oath to comply with Section 117.05(13)(a), F.S.; revises the rules and the Firearms Law Enforcement Officer Qualification Standard form CJSTC-86B to allow an extension to complete the required bi-annual Firearms Qualification Standard due to chronic illness and revises the Oath on form CJSTC-86B to comply with Section

117.05(13)(a), F.S.; adds Section 901.36(1), F.S., to the penalty guidelines for the violation of “using a false name or false identification by a person arrested or lawfully detained”; adds as an aggravating circumstance, the revocation of an officer’s certification for cases where a respondent has been notified and failed to answer the Administrative Complaint or failed to respond to the allegations of misconduct alleged by the Commission; and housekeeping revisions on the Affidavit of Separation Supplement form 61A.

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., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

FDLE received no requests for a public hearing and no written comments were submitted.

## NOTICE OF PROPOSED RULE

### DEPARTMENT OF LAW ENFORCEMENT

#### Criminal Justice Standards and Training Commission

RULE NO.:      RULE TITLE:

- 11B-27.0011      Moral Character
- 11B-27.002      Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers
- 11B-27.00212      Maintenance of Officer Certification
- 11B-27.005      Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

**PURPOSE AND EFFECT:** Updates the moral character violations for an officer's failure to maintain good moral character; grants additional equivalency of training exemptions in Commission rules and on the Equivalency of Training form CJSTC-76 and Equivalency of Training Proficiency Demonstration form CJSTC76A; adds language to the Affidavit of Separation form CJSTC-61 to require a written documentation of an officer/instructor's internal or criminal investigation upon separation of employment and revises the Oath to comply with Section 117.05(13)(a), F.S.; revises the rules and the Firearms Law Enforcement Officer Qualification Standard form CJSTC-86B to allow an extension to complete the required bi-annual Firearms Qualification Standard due to chronic illness and revises the Oath on form CJSTC-86B to comply with Section 117.05(13)(a), F.S.; adds Section 901.36(1), F.S., to the penalty guidelines for the violation of "using a false name or false identification by a person arrested or lawfully detained"; adds as an aggravating circumstance, the revocation of an officer's certification for cases where a respondent has been notified and failed to answer the Administrative Complaint or failed to respond to the allegations of misconduct alleged by the Commission; and housekeeping revisions on the Affidavit of Separation Supplement form 61A.

**SUMMARY:** Updates moral character violations; complies with Section 943.131(2), F.S., to grant additional equivalency of training exemptions by amending Commission rules and CJSTC forms 76 and 76A; compliance with procedures regarding internal or criminal investigations; compliance with Florida Statutes regarding the Oath on forms CJSTC-61 and 86B; allows chronic illness excuse for an extension to complete the required bi-annual Firearms Qualification Standard; updates officer discipline penalty guidelines; and housekeeping revisions on the Affidavit of Separation Supplement form 61A.

**OTHER RULES INCORPORATING THIS RULE:** N/A

**EFFECT ON THOSE OTHER RULES:** N/A

**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., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

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

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donna Hunt at 850-410-8615, or [donnahunt@fdle.state.fl.us](mailto:donnahunt@fdle.state.fl.us), or write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308.

AMERICANS WITH DISABILITIES ACT: 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 Donna Hunt at 850-410-8615, or [donnahunt@fdle.state.fl.us](mailto:donnahunt@fdle.state.fl.us), or write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (850)656-9597 (TDD).

NAME OF PERSON ORIGINATING PROPOSED RULE: Donna Hunt

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2011

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-27.0011 Moral Character.

(1) – (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) No change.

(b) Except as otherwise provided in Section 943.13(4), F.S., a plea of guilty or a verdict of guilty after a criminal trial for any of the following misdemeanor or criminal offenses, notwithstanding any suspension of sentence or withholding of adjudication, or the perpetration by an officer of an act that would constitute any of the following misdemeanor or criminal offenses whether criminally prosecuted or not:

1. Sections 316.193, 327.35, 365.16(1)(c),(d), 414.39, 741.31, 784.011, 784.03, 784.047, 784.048, 784.05, 784.046(15), 790.01, 790.10, 790.15, 790.27, 794.027, 796.07, 800.02, 800.03, 806.101, 806.13, 810.08, 810.14, 810.145, 812.014, 812.015, 812.14, 817.235, 817.49, 817.563, 817.565, 817.567, 817.61, 817.64, 827.04, 828.12, 831.30, 831.31(1)(b), 832.05, 837.012, 837.05, 837.055, 837.06, 839.13, 839.20, 843.02, 843.03, 843.06, 843.085, 847.011, 856.021, 870.01, 893.13, 893.147, 901.36, 914.22, 934.03, 944.35, 944.37, and 944.39, F.S.

2. – 3 No change.

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

1. – 2. No change.

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

a. – b. No change.

c. Engaging in a romantic association with an inmate, detainee, probationer, parolee, or community controllee. “Romantic association” is defined as the exchange of telephone calls, pictures, letters, greeting cards, or any other form of oral or written communication, which expresses feelings or thoughts of affection or the desire to engage in a romantic relationship whether emotional or physical. This subsection shall not apply to an officer who is legally married to an inmate, detainee, probationer or parolee, or community controllee in the community, nor does it apply to any officer who has no knowledge, or reason to believe, that the person with whom the officer has engaged in a romantic association is an inmate, detainee, probationer or parolee, or community controllee.

4. – 13. No change.

(d) No change.

(5) A certified officer’s failure to maintain good moral character as defined in subsection (4) of this rule section by committing a violation involving perjury or false statement in a court proceeding, shall not include a statement which was recanted. If the violation involving perjury or false statement is alleged to have occurred in the performance of regularly required work duties or the course of an administrative or disciplinary investigation, a certified officer’s failure to maintain good moral character as defined in subsection (4) of this rule section shall not include a statement in which the officer making the statement conceded such statement to be false prior to the employing agency’s conclusion of the internal affairs investigation in which the false statement related to a material fact ~~final disciplinary determination as provided for in~~

~~Section 112.532(4)(b), F.S.~~ For purposes of this subsection, the employing agency's internal affairs investigation shall be deemed to be at a conclusion upon the investigator's execution of the statement required by Section 112.533(1)(a)2., F.S.

(6) – (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, \_\_\_\_\_.

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

(1) – (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. – 10. No change.

11. An Equivalency-of-Training, form CJSTC-76, revised December 16, 2010 ~~November 8, 2007~~, and an Equivalency-of-Training Proficiency Demonstration, form CJSTC-76A, revised



December 16, 2010 ~~November 8, 2007~~, 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. – 14. No change.

15. An Affidavit of Separation, form CJSTC-61, December 16, 2010 ~~November 8, 2007~~, hereby incorporated by reference, and Affidavit of Separation Supplement, form CJSTC-61A, revised November 8, 2007, hereby incorporated by reference, if the officer has separated employment with the agency. Forms CJSTC-61 and CJSTC-61A 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) No change.

(4) – (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, \_\_\_\_\_.

11B-27.00212 Maintenance of Officer Certification.

(1) – (13) No change.

(14) Law Enforcement Officer Firearms Qualification Standard. Beginning July 1, 2006, a law enforcement officer shall be required to qualify on the Commission's approved course of fire

with the proficiency skills documented on the Law Enforcement Officer Firearms Qualification Standard, form CJSTC-86A, revised January 29, 2009, hereby incorporated by reference, and maintained in the officer's employment file. Form CJSTC-86A 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) – (d) No change.

(e) In the event a certified law enforcement officer is injured or has a chronic illness and fails to meet this standard by June 30 of a reporting year, the agency administrator or designee shall complete the Injury or Illness Exemption for the Firearms Law Enforcement Officer Qualification Standard ~~Injury in the Line of Duty~~, form CJSTC-86B, created January 29, 2009, hereby incorporated by reference and revised December 16, 2010. Form CJSTC-86B 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 agency shall submit form CJSTC-86B and the supporting medical documentation to Commission staff prior to the June 30 deadline to ensure the officer's certificate does not become inactive on the reporting deadline for that two-year reporting cycle. An additional form CJSTC-86B shall be submitted for each subsequent reporting cycle.

(15) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12, 943.13(11), 943.135, 943.1395(3), 943.1701, 943.1715, 943.1716, 943.253 FS. History—New, 11-5-02. Amended 12-3-03, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 4-16-09, 9-28-09, 6-3-10, \_\_\_\_\_. Editorial Note: See 11B-27.0023, F.A.C.

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

(1) – (4) No change.

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

(a) No change.

(b) For the perpetration by the officer of an act that would constitute any of the misdemeanor offenses, pursuant to paragraph 11B-27.0011(4)(b), F.A.C., but where there was not a violation of Section 943.13(4), F.S., the action of the Commission shall be to impose a penalty ranging from probation of certification to suspension of certification. Specific violations and penalties that shall be imposed, absent aggravating or mitigating circumstances, include the following:

	<b>Violation</b>	<b>Recommended Penalty Range</b>
1. – 3. No change.		
4.	False reports and statements (817.49, 837.012, 837.05(1), 837.055, 837.06, <u>901.36</u> , 944.35, F.S.).	Prospective suspension to revocation
5. – 15. No change.		

(c) – (d) No change.

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

shall base a deviation from the disciplinary guidelines upon a finding of one or more of the following:

(a) Aggravating circumstances:

1. – 12. No change.

13. The certified officer has not filed any answer to the Administrative Complaint or otherwise responded to the allegations of misconduct alleged by the Commission.

(b) No change.

(7) – (10) No change.

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.1395(8) FS. History–New 10-6-82, Amended 1-7-85, Formerly 11B-27.05, Amended 3-29-89, 12-13-92, 2-17-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 4-11-04, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 6-3-10,\_\_\_\_\_.

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-30, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11B-30.006, 11B-30.0062, 11B-30.007, 11B-30.0071, 11B-30.008,

11B-30.009, 11B-30.011, 11B-30.012, 11B-30.013

STATE OFFICER CERTIFICATION EXAMINATION

SUMMARY OF THE RULE

Grants additional equivalency of training exemptions; adds rule language and repeals examination forms to implement the new Computer-Based State Officer Certification Examination; adds rule language to allow the Paper and Pencil test to remain effective until the computer-based test is fully implemented; and to implement the new Florida CMS Correctional and related cross-over Basic Recruit Training Programs.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Revises the Equivalency-of-Training form CJSTC-76 and rule to allow individuals, certified by another state, military, or the federal government, to receive additional equivalency of training exemptions until the individual completes the required high-liability training and passes the state examination and gains employment.

To implement the new Computer-Based State Officer Certification Examination by:  
Adding rule language to allow the Paper and Pencil test to remain effective until the computer-based test is fully implemented; adding the Computer-Based State Officer Certification Examination name in Rule Chapter 11B-30, F.A.C.; repealing the Application for Officer Certification Examination form CJSTC-500 and the Training School Certification Examination Supplies Request form CJSTC-514; adding the accommodations for applicants with disabilities

when applying to take the Computer-Based State Officer Certification Examination; adding the procedures for rescheduling examinations; and adding the new test site requirements; revising applicant conduct requirements for the new examination.

To implement the new Florida CMS Correctional and related cross-over Basic Recruit Training Programs by updating the rule sections containing the State Officer Certification Examinations required to pass the Florida CMS Correctional Basic Recruit Training Program and related cross-over training programs.

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., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

## SUMMARY OF HEARING

FDLE received no requests for a public hearing and no written comments were submitted.

NOTICE OF PROPOSED RULE

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NO.:	RULE TITLE:
11B-30.006	State Officer Certification Examination General Eligibility Requirements
11B-30.0062	State Officer Certification Examination Assignment and Retake Eligibility Requirements
11B-30.007	Application for the State Officer Certification Examination and Notification Process
11B-30.0071	Examination Accommodations for Applicants with Disabilities
11B-30.008	State Officer Certification Examination Site Administration
11B-30.009	Applicant Conduct at Test Site and Notice of Protection of Program Privileges
11B-30.011	Examination Scoring and Grade Notification
11B-30.012	Post Review of Examination Questions, Answers, Papers, Grades, and Grading Key
11B-30.013	Challenge to Examination Results; Right of Hearing

PURPOSE AND EFFECT: Revises the Equivalency-of-Training form CJSTC-76 and rule to allow individuals, certified by another state, military, or the federal government, to receive additional equivalency of training exemptions until the individual completes the required high-liability training and passes the state examination and gains employment. To implement the new Computer-Based State Officer Certification Examination by: Adding rule language to allow the Paper and Pencil test to remain effective until the computer-based test is fully implemented; adding the Computer-Based State Officer Certification Examination name in Rule Chapter 11B-30, F.A.C.; repealing the Application for Officer Certification Examination form CJSTC-500 and the Training School Certification Examination Supplies Request form CJSTC-514; adding the accommodations for applicants with disabilities when applying to take the Computer-Based State Officer Certification Examination; adding the procedures for rescheduling examinations; and adding the new test site requirements; revising applicant conduct requirements for the new examination. To implement the new Florida CMS Correctional and related cross-over Basic Recruit Training Programs by updating the rule sections containing the State Officer Certification Examinations required to pass the Florida CMS Correctional Basic Recruit Training Program and related cross-over training programs.

SUMMARY: Grants additional equivalency of training exemptions; adds rule language and repeals examination forms to implement the new Computer-Based State Officer Certification Examination; adds rule language to allow the Paper and Pencil test to remain effective until the computer-based test is fully implemented; and to implement the new Florida CMS Correctional and related cross-over Basic Recruit Training Programs.

OTHER RULES INCORPORATING THIS RULE: N/A

EFFECT ON THOSE OTHER RULES: N/A

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., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.



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

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), (17), 943.1397, 943.173(3) FS.

LAW IMPLEMENTED: 120, 943.12(17), (10), 943.131(2), 943.1397, 943.1397(1), (3), 943.173 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:

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

AMERICANS WITH DISABILITIES ACT: 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 Donna Hunt at 850-410-8615, or [donnahunt@fdle.state.fl.us](mailto:donnahunt@fdle.state.fl.us), or write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (850)656-9597 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donna Hunt at 850-410-8615, or [donnahunt@fdle.state.fl.us](mailto:donnahunt@fdle.state.fl.us), or write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donna Hunt

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2011

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) No change.

(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 Equivalency-of-Training, form CJSTC-76, revised December 16, 2010 ~~November 8, 2007~~, 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) No change.

~~(3) "Training school" shall mean those entities that are certified by the Criminal Justice Standards and Training Commission. Training schools may order officer certification examination applicant handbooks and an Application for Officer Certification Examination, form CJSTC 500, revised August 6, 2009, hereby incorporated by reference, by completing a Training School Certification Examination Supplies Request, form CJSTC 514, revised February 7, 2002, hereby incorporated by reference. Forms CJSTC 500 and CJSTC 514 may be obtained by writing to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Certification Examination Section, Post Office Box 1489, Tallahassee, FL 32302-1489, Attention: ADA Coordinator, or by calling (Voice) (850) 410-8602, (TDD): (850) 656-9597.~~

~~The request form shall be submitted to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Attention: Certification Examination Section.~~

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,\_\_\_\_\_.

11B-30.0062 State Officer Certification Examination Assignment and Retake Eligibility Requirements.

(1) Individuals who have successfully completed a Commission-approved Basic Recruit Training Program or are exempt from a Basic Recruit Training Program, pursuant to subsection 11B-30.006(2), F.A.C., shall be allowed to apply for and take the applicable Paper and Pencil or Computer-Based State Officer Certification Examination (SOCE) corresponding to the type of training, and specific to the discipline for which training was completed. Individuals completing a Basic Recruit Training Program shall pass the SOCE within four years of the beginning date of training pursuant to subsection 11B-27.002(4), F.A.C. Individuals exempt from a Basic Recruit Training Program shall pass the SOCE within one year of receiving the exemption pursuant to Section 943.131, F.S.

(a) – (d) No change.

(e) Individuals completing the following Florida CMS Correctional Basic Recruit Training Program(s), pursuant to subsection 11B-35.002(1), F.A.C., shall take the Florida CMS Correctional SOCE:

<u>Florida CMS Correctional Basic Recruit Training Programs</u>	<u>Program Number</u>	<u>Status:</u> <u>Retired (R)</u> <u>Effective (E)</u>
<u>1. Florida CMS Correctional BRTP</u>	<u>TBD</u>	<u>E-7/1/12</u>

~~(f)~~(e) Individuals completing the following Florida CMS Law Enforcement Basic Recruit Training Programs, pursuant to subsection 11B-35.002(1), F.A.C., shall take the Florida CMS Law Enforcement SOCE:

Florida CMS Law Enforcement Basic Recruit Training Programs	Program Number	Status: Retired (R) Effective (E)
1. Florida CMS Law Enforcement BRTP	1177	E-4/1/08
2. Correctional Officer Cross-Over Training to Florida CMS Law Enforcement BRTP	1178	E-4/1/08
3. Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement BRTP	1179	E-4/1/08

~~(g)~~(f) Individuals completing the following Florida Correctional Probation Basic Recruit Training Programs, pursuant to subsection 11B-35.002(1), F.A.C., shall complete the Florida Correctional Probation SOCE:

Florida Correctional Probation Basic Recruit Training Programs	Program Number	Status: Retired (R) Effective (E)
1. Florida Correctional Probation BRTP	1176	E-9/1/07

2. Correctional Officer Cross-Over Training to Florida Correctional Probation BRTP	1183	E-4/1/08
3. Law Enforcement Officer Cross-Over Training to Florida Correctional Probation BRTP	1184	E-4/1/08

(2) - (3) No change.

Rulemaking Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17), 943.13(10), 943.1397 FS. History - New, 7-29-01, Amended 11-5-02, 11-30-04, 6-9-08,\_\_\_\_\_.

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

(1) Application to take the State Officer Certification Examination (SOCE) shall be made by submitting an on-line application electronically, via the internet, at <http://www4fdle.state.fl.us/examregister>. All on-line applications shall be accompanied by payment of the \$100 examination fee using a credit card or debit card:

~~(a) An Application for State Officer Certification Examination form CJSTC 500 to the Florida Department of Law Enforcement, Office of Finance and Accounting, Post Office Box 1489, Tallahassee, Florida 32302 1489. All applications shall be accompanied by a cashier's check, money order, or public agency instrument in the amount of \$100 made payable to the Criminal Justice Standards and Training Trust Fund; or~~

~~(b) An on line application electronically, via the internet, at <http://www4.fdle.state.fl.us/examregister>. All on-line applications shall be accompanied by payment of the \$100 examination fee using a credit card or debit card.~~

~~(c) Applicants are prohibited from registering for more than one SOCE in the same discipline during a calendar month, in accordance with the published examination dates.~~

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

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

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

~~(2)(5) If a mechanical fault, natural event, or other problem associated with the administration of the SOCE occurs, the applicant shall be permitted to reschedule the examination with the test site without submitting an additional application or examination fee to the Florida Department of Law Enforcement. without further application or cost to the applicant. The applicant shall be notified when the SOCE is rescheduled, via the address provided on form CJSTC 500, within thirty working days of discovery that a problem exists with the administration of the SOCE. Re-scheduling of the SOCE shall not constitute a re-examination.~~

~~(6) An applicant who has been scheduled to take the SOCE and is unable to take the certification examination on the date scheduled, shall be given the opportunity to submit a request to reschedule the SOCE within sixty days of the missed examination date. Rescheduling shall be subject to all requirements for eligibility, pursuant to Rule 11B-30.006, F.A.C. An additional application fee shall not be charged. Rescheduling of the SOCE, pursuant to this rule section, does not constitute a re-examination, pursuant to Section 943.1397, F.S. The following conditions shall be documented in the applicant's request to reschedule the SOCE date:~~

~~(a) Military orders. An applicant shall provide a copy of military orders or a letter from his or her commanding officer advising that he or she was unavailable on the testing date; or~~

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

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

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

~~(e) Traffic crash. An applicant involved in a vehicular crash while in route to the examination site shall provide Commission staff with a copy of the accident report issued by a law enforcement agency.~~

~~(f) Injury During Training. An applicant shall be permitted to reschedule an SOCE if the applicant is injured while in an academy and the injury prevents the applicant from completing the basic recruit training program prior to the scheduled SOCE examination date. The applicant's injury must occur as a result of participating in activities required in a basic recruit training program. Documentation of the applicant's injury and how the injury occurred shall be submitted to Commission staff on training school letterhead and signed by the training center director.~~

Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17), 943.1397(3) FS. History—New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04, 3-21-07, 6-9-08, 9-28-09, \_\_\_\_\_.

11B-30.0071 Examination Accommodations for Applicants with Disabilities.

(1) In compliance with the Americans with Disabilities Act (ADA) of 1990, the Department shall provide reasonable and appropriate accommodations to individuals with physical, mental, or specific learning disabilities to the extent such accommodations do not create an undue cost, administration restraints, security considerations, and availability of resources. Accommodations made will vary depending upon the nature and the severity of the disability. Each case shall be dealt with on an individual basis with the limits prescribed herein. Reference information and guidelines regarding the process for documenting disabilities are contained in the “Request for Test Accommodations for Examinees with Disabilities” document, which may be obtained via the following web address: <http://www.fdle.state.fl.us/cjst/exam/SpecialAccommodationsManual.pdf> or by writing to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Certification Examination Section, Post Office Box 1489, Tallahassee, FL 32302-1489, Attention: ADA Coordinator, or by calling (Voice) (850) 410-8600, (TDD): (850) ~~410-7948~~ ~~656-9597~~.

(2) An applicant requesting special accommodations shall submit an Application for Individuals Requesting Special Test Accommodations, form CJSTC-502, revised November 8, 2007, hereby incorporated by reference, which shall be submitted forty-five calendar days prior to the requested examination date for the Paper and Pencil State Officer Certification Examination (P&P-SOCE) date. For the Computer-Based State Officer Certification Examination (CB-SOCE), Commission staff shall notify the applicant of the approval or denial



of accommodations within forty-five calendar days of receipt of form CJSTC-502. Form CJSTC-502 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 Application for Officer Certification~~

~~Examination form CJSTC-500 shall be submitted according to the established deadline date for the requested SOCE.~~ The individual shall provide documentation of the disability by an

appropriate professional, pursuant to paragraph (7)(e) of this rule section, when the disability and

the requested accommodations are not obvious. ~~Form Forms CJSTC-500 and~~ CJSTC-502 may

be obtained by writing to the Florida Department of Law Enforcement, Criminal Justice

Professionalism Program, Certification Examination Section, Post Office Box 1489, Tallahassee,

FL 32302-1489, Attention: ADA Coordinator, or by calling (Voice) (850) 410-8602, (TDD):

(850) 410-7948 656-9597.

(3) Accommodations to take the P&P-SOCE or CB-SOCE shall be provided for qualifying individuals pursuant to (2) of this rule section. All accommodations shall be directly linked to the amelioration of the identified functional limitations caused by the asserted disability and must be reasonable and effective. Permissible accommodations include:

(a) Flexible Time. Individuals requiring extra time to take the P&P-SOCE or CB-SOCE shall submit a recommendation of such from an appropriate professional, pursuant to paragraph (7)(e) of this rule section. Untimed certification examinations shall not be provided.

(b) Flexible Setting. Individual and small group settings for administration of the P&P-SOCE shall be made available to individuals when such a service is recommended by an appropriate professional, and the CB-SOCE flexible settings are subject to test site capabilities.

(c) Flexible Format. The test booklet may be produced in large print for the P&P-SOCE.

(d) Assistive Devices. Upon approval by Commission staff and based on documented need, the individual shall be allowed to use lights and magnifiers for the P&P-SOCE.

(4) Accommodations that are not permissible. A reader shall not be allowed for applicants taking the P&P-SOCE or CB-SOCE or Basic Abilities Test (BAT). These examinations utilize diagrams, tables, or statutory reference materials to measure an applicant's ability to apply these professional tools to solve problems and answer questions.

(5) No change.

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

(7) No change.

Rulemaking Specific Authority 943.03(4), 943.12(1), 943.1397 FS. Law Implemented 943.12(17), 943.1397 FS. History—New 7-29-01, Amended 11-5-02, 11-30-04, 3-21-07, 6-9-08,\_\_\_\_\_.

11B-30.008 State Officer Certification Examination Site Administration.

(1) Administration of the Computer-Based State Officer Certification Examination (CB-SOCE) shall be limited to test sites authorized by the Commission and located within the State of Florida. To be eligible to administer the CB-SOCE, a test site must be:

(a) A test center exclusively dedicated to the administration of academic and/or professional certification or licensure examinations and operated or contracted by a Commission-approved criminal Justice training school or its parent organization; or

(b) A computer lab located at a Commission-approved criminal justice training school only when an affiliated test center does not exist or is located further than 50 miles from the training school.

~~(2)~~(4) Examination administrators and proctors are responsible for maintaining secure and proper administration of the Paper and Pencil State Officer Certification Examination (P&P-SOCE). During the administration of the SOCE, applicants shall follow the instructions of the examination administrator and proctors, and shall only be permitted to ask questions of the examination administrator relating to the test administration instructions.

~~(3)~~(2) An applicant who has been scheduled to take the P&P-SOCE shall arrive at the scheduled examination site on the designated date and time, and shall present valid photo identification. Each time an applicant takes the examination, the applicant shall present a valid driver's license, state identification card issued by the Florida Department of Highway and Safety Motor Vehicles, a valid military identification, or a State of Florida agency identification card. The identification shall contain the applicant's first and last name, which shall correspond with the name on the examination roster. ~~the following documentation to the examination administrator:~~

~~(a) Valid photo identification. Each time an applicant applies to take the SOCE, the applicant shall present a valid driver's license, state identification card issued by the Florida Department of Highway Safety and Motor Vehicles, a valid military identification, or a state agency identification card. The identification cards shall contain the applicant's first and last name, which shall correspond with the name on the SOCE roster.~~

~~(b) A record of completed training, if required, pursuant to Rule 11B-30.006, F.A.C. The record of completed training shall be in the form of a Commission approved Examination~~

~~Admission Voucher, form CJSTC 517, revised November 8, 2007, hereby incorporated by reference. Form CJSTC 517 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) SOCE requirements for out-of-state, military, or federal officers or inactive Florida officers. Such officers, pursuant to paragraph 11B-27.00212(12)(a), and subsection 11B-35.009(6), F.A.C., who request to take the SOCE, shall submit to Commission staff, form CJSTC 517, as record of demonstration of proficiency in the required High-Liability Basic Recruit Training Courses.~~

~~(3) An applicant shall not be admitted to the examination after the examination administrator closes the registration process. Re-scheduling of the SOCE, pursuant to this rule section, does not constitute a re-examination, pursuant to Section 943.1397, F.S. Individuals arriving late shall comply with Rule 11B-30.007, F.A.C., when rescheduling the SOCE.~~

~~(4) All examination booklets, answer sheets, and other SOCE papers and materials are the sole property of the Commission. An applicant shall not remove any of the SOCE booklets, answer sheets, or other SOCE papers or materials from the examination room, or retain or reproduce the materials in whole, or in part, by any means or method whatsoever.~~

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

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

Any violation of the provisions of this subsection shall be documented in writing to the Program Director of the Criminal Justice Professionalism Program.

(1) The applicant shall not engage in conduct that subverts or attempts to subvert the Paper and Pencil or Computer-Based State Officer Certification Examination (SOCE) process. An applicant engaging in conduct intended to subvert the SOCE process shall be dismissed from the SOCE ~~test~~ administration. Conduct that subverts or attempts to subvert the SOCE process includes:

(a) – (m) No change.

(2) – (3) No change.

(4) The applicant shall not engage in conduct that violates the standards of the SOCE ~~test~~ Administration. An applicant has violated the standards of the SOCE ~~test~~ administration by:

(a) Failing to comply with the SOCE ~~test~~ administrator's instructions at the test site.

(b) Possession of anything other than ~~the Commission approved Examination Administration Voucher form CJSTC-517,~~ personal identification, and pencils at the test site for the P&P-SOCE SOCE test area. Possession of anything other than personal identification for the Computer-Based SOCE (CB-SOCE).

(5) - (6) No change.

Rulemaking Specific Authority 943.03(4), 943.12(1), (17), 943.173(3) FS. Law Implemented 943.12(17), 943.13(7), 943.1397(1), (3), 943.173 FS. History—New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, \_\_\_\_\_.

11B-30.011 Examination Scoring and Grade Notification. Individuals who graduate from a Commission-approved Basic Recruit Training Program shall be required to achieve a passing score on the Paper and Pencil or Computer-Based State Officer Certification Examination (SOCE) with an overall scale score equal to or higher than the established cut-off score. For the Paper and Pencil State Officer Certification Examination (P&P-SOCE), Commission staff shall notify the applicant, within thirty days of the test date, on an Applicant State Officer Certification Examination Overall Test Results, form CJSTC-516, revised August 3, 2006, hereby incorporated by reference. Form CJSTC-516 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 SOCE is an entry-level competency examination and therefore examination results are reported as “pass” or “fail” on form CJSTC-516. For the Computer-Based State Officer Certification Examination (CB-SOCE) the applicant shall be notified the examination results at the conclusion of the examination. ~~To protect each examinee’s privacy, only individuals who have taken the SOCE are permitted to obtain their personal numerical score. This score will be available only at a regularly scheduled monthly Examination Review Session held pursuant to subsection 11B-30.012(2), F.A.C.~~

Rulemaking Specific Authority 943.03(4), 943.12(1), (17) FS. Law Implemented 943.12(17), 943.1397(1) FS. History-New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07,\_\_\_\_\_.

11B-30.012 Post Review of 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 items and corresponding grading key 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/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(2) – (5) No change.

Rulemaking Specific 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,\_\_\_\_\_.

11B-30.013 Challenge to Examination Results; Right of Hearing. Should the Commission deny an individual's Paper and Pencil or Computer-Based State Officer Certification Examination (SOCE) grade review challenge, the Commission shall notify the individual by submitting a statement denying the challenge. The statement shall specify the basis for the Commission's denial and shall be forwarded to the individual. The individual shall be entitled to a hearing pursuant to the Administrative Procedures Act set forth in Chapter 120, F.S., and the Uniform Rules of Procedure, Rule Chapter 28, F.A.C.

Rulemaking Specific Authority 943.03(4), 943.12(1), (17) FS. Law Implemented 120,  
943.12(17) FS. History-New 1-10-94, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01,\_\_\_\_\_.



STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11B-35, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11B-35.001, 11B-35.0011, 11B-35.002, 11B-35.007, and 11B-35.009

TRAINING PROGRAMS

SUMMARY OF THE RULE

Repeals form CJSTC-3; implementation of the new Computer-Based State Officer Certification Examination; updates the Alcohol Testing Program course hours; implementation of the new Florida CMS Correctional and related cross-over training programs, and the CMS Correctional Auxiliary Basic Recruit Training Programs; implementation of eLearning (on-line training) for Specialized Training Program Courses; removes repeals the Correctional Probation Basic Abilities Test; and allow individuals, certified by another state, military, or the federal government, to receive additional equivalency of training exemptions.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Repeals the obsolete Role-Play Practicum Check Sheet form CJSTC-3. Updates the Alcohol Testing Program course hours to agree with the course hours in Rule 11B-35.007, F.A.C. To implement the new Florida CMS Correctional and related cross-over training programs, and the CMS Correctional Auxiliary Basic Recruit Training Programs by adding the new Florida CMS Correctional and related cross-over training program, and the CMS Correctional Auxiliary Basic Recruit Training Programs effective July 1, 2012; adding rule language to continue the existing Correctional Basic Recruit Training Program and related cross-over programs until the new programs are implemented; adding the state officer certification examinations required for the new Programs; and repealing obsolete basic recruit training

programs. To implement eLearning (on-line training) for Specialized Training Program Courses by: Defining the daily student attendance records and excused absence process for eLearning; defining competency-based instruction; adding competency-based instruction for specialized training program courses and specialized instructor training courses; defining eLearning instruction; specifying the specialized training program courses available for eLearning; defining officer training units for delivery of specialized training courses; listing the specialized training programs allowed for eLearning; listing the specialized instructor training courses and the breath test and agency inspector courses excluded from eLearning; requiring courses to be delivered using the Learning Management System; defines Learning Management System; and creating the eLearning Course Minimum Standards form CJSTC-18 to document eLearning. To comply with statutory revisions to Section 943.17(1)(g), F.S., amended on 7/1/10, which removes the requirement for a correctional probation basic recruit training applicant to pass the Correctional Probation Basic Abilities Test prior to entering the Florida Correctional Probation Basic Recruit Training Program. To comply with statutory revisions to section 943.131(2), F.S, amended on 7/1/10 by revising the Equivalency-of-Training form CJSTC-76 and rule to allow individuals, certified by another state, military, or the federal government, to receive additional equivalency of training exemptions until the individual completes the required high-liability training and passes the state examination and gains employment and repealing State Officer Certification Examination Admission Voucher form CJSTC-517, which is currently required, along with form CJSTC-76, to take the paper and pencil state 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 proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

FDLE received no requests for a public hearing and no written comments were submitted.

## NOTICE OF PROPOSED RULE

### DEPARTMENT OF LAW ENFORCEMENT

#### Criminal Justice Standards and Training Commission

RULE NO.:      RULE TITLE:

11B-35.001	General Training Programs; Requirements and Specifications
11B-35.0011	Requirements for Applicant Admission into a Law Enforcement, Correctional, and Correctional Probation Basic Recruit Training Program
11B-35.002	Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation
11B-35.007	Specialized Training Program
11B-35.009	Exemption from Basic Recruit Training

**PURPOSE AND EFFECT:** Repeals the obsolete Role-Play Practicum Check Sheet form CJSTC-3. Updates the Alcohol Testing Program course hours to agree with the course hours in Rule 11B-35.007, F.A.C.

To implement the new Florida CMS Correctional and related cross-over training programs, and the CMS Correctional Auxiliary Basic Recruit Training Programs by adding the new Florida CMS Correctional and related cross-over training program, and the CMS Correctional Auxiliary Basic Recruit Training Programs effective July 1, 2012; adding rule language to continue the existing Correctional Basic Recruit Training Program and related cross-over programs until the new programs are implemented; adding the state officer certification examinations required for the new Programs; and repealing obsolete basic recruit training programs.

To implement eLearning (on-line training) for Specialized Training Program Courses by: Defining the daily student attendance records and excused absence process for eLearning; defining competency-based instruction; adding competency-based instruction for specialized training program courses and specialized instructor training courses; defining eLearning instruction; specifying the specialized training program courses available for eLearning; defining officer training units for delivery of specialized training courses; listing the specialized training programs allowed for eLearning; listing the specialized instructor training courses and the breath test and agency inspector courses excluded from eLearning; requiring courses to be delivered using the Learning Management System; defines Learning Management System; and creating the eLearning Course Minimum Standards form CJSTC-18 to document eLearning.

To comply with statutory revisions to Section 943.17(1)(g), F.S., amended on 7/1/10, which removes the requirement for a correctional probation basic recruit training applicant to pass the Correctional Probation Basic Abilities Test prior to entering the Florida Correctional Probation Basic Recruit Training Program.

To comply with statutory revisions to section 943.131(2), F.S, amended on 7/1/10 by revising the Equivalency-of-Training form CJSTC-76 and rule to allow individuals, certified by another state, military, or the federal government, to receive additional equivalency of training exemptions until the individual completes the required high-liability training and passes the state examination and gains employment and repealing State Officer Certification Examination Admission Voucher form CJSTC-517, which is currently required, along with form CJSTC-76, to take the paper and pencil state examination.

**SUMMARY:** Repeals form CJSTC-3; implementation of the new Computer-Based State Officer Certification Examination; updates the Alcohol Testing Program course hours; implementation of the new Florida CMS Correctional and related cross-over training programs, and the CMS Correctional Auxiliary Basic Recruit Training Programs; implementation of eLearning (on-line training) for Specialized Training Program Courses; removes repeals the Correctional Probation Basic Abilities Test; and allow individuals, certified by another state, military, or the federal government, to receive additional equivalency of training exemptions.

**OTHER RULES INCORPORATING THIS RULE:** N/A

EFFECT ON THOSE OTHER RULES: N/A

**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., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

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

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

**LAW IMPLEMENTED:** 943.12, 943.131(2), 943.17, 943.175, 943.25 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:**

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Donna Hunt at 850-410-8615, or donnahunt@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308.

**AMERICANS WITH DISABILITIES ACT:** 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 Donna Hunt at 850-410-8615, or donnahunt@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (850)656-9597 (TDD).

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Donna Hunt

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

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** November 15, 2011

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** October 14, 2011

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) – (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) No change.

(b) Ensure that student role-play practicums are conducted, as required in the curriculum, ~~and report the results on a Role Play Practicum Check Sheet, form CJSTC 3, revised October 30, 2008, hereby incorporated by reference. Form CJSTC 3 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. This form shall be completed by an instructor and maintained in the course file at the training school.~~

(7) – (8) No change.

(9) Student academic performance in courses.

(a) - (c) No change.

(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:

	Course Number	Course Title	Course Hours
1. – 5. No change.			

6.	851	Breath Test Operator Course	<u>16</u> 6
7.	951	Breath Test Operator Renewal Course	<u>4</u> 6
8. – 13. No change.			

(e) No change.

(10) Implementation of the Florida CMS ~~Correctional Law Enforcement and Florida Correctional Probation~~ Basic Recruit Training Programs. The Commission is preparing a significant update to the Commission-approved ~~Law Enforcement and Correctional Probation~~ Basic Recruit Training Programs. This program ~~These programs~~ and courses are based on a statewide job-task analysis ~~of the criminal justice disciplines~~ and provides an enhanced learning environment.

(a) Each training school that offers a Florida CMS Correctional Basic Recruit Training Program shall deliver all course materials included in the training program. Delivery and sequencing of the course materials shall comply with the requirements set forth in the Commission’s approved Florida CMS Correctional Basic Recruit Training Curriculum.

~~(b)(a)~~ Finalization and field delivery of these course materials are necessary to evaluate the programs before certain course criteria can be established and final rules adopted. To accomplish these goals the Commission:

1. Authorizes implementation of the Florida CMS ~~Correctional Law Enforcement~~ Basic Recruit Training Program effective July 1, 2012 ~~April 1, 2008~~.

2. Authorizes implementation of the CMS Correctional Auxiliary Basic Recruit Training Program effective July 1, 2012.

~~2. Authorizes implementation of the Florida Correctional Probation Basic Recruit Training Program effective April 1, 2008.~~

~~3. Approves implementation of the updated Commission-approved high liability training courses for Defensive Tactics, Firearms, Vehicle Operations, and First Aid, to include updated curricula, student performance requirements, and student performance evaluation forms.~~

~~4. Approves the implementation of updated Commission-approved high liability instructor training courses for Defensive Tactics, Firearms, Vehicle Operations, and First Aid, to include updated curricula, instructor student performance requirements, and instructor student performance evaluation forms.~~

~~3.5. Approves the continued delivery of the Traditional Correctional CMS Application-Based Law Enforcement Basic Recruit Training Program. Notwithstanding subsection 11B-27.002(4), F.A.C., a basic recruit student enrolled in a Commission-approved Traditional Correctional CMS Application-Based Law Enforcement Basic Recruit Training Program, with a beginning date prior to July 1, 2012 ~~April 1, 2008~~, shall be allowed to continue in that program until the student successfully completes, fails, or withdraws from the program.~~

~~4.6. Approves continued delivery of the Correctional Auxiliary ~~Traditional Correctional Probation~~ Basic Recruit Training Program. Notwithstanding subsection 11B-27.002(4), F.A.C., a basic recruit student enrolled in a Commission-approved Correctional Auxiliary Officer ~~Traditional Correctional Probation~~ Basic Recruit Training Program with a beginning date prior to July 1, 2012 ~~September 1, 2007~~, shall be allowed to continue in the program until the student successfully completes, fails, or withdraws from the program.~~

~~(c)(b) Florida CMS Correctional State Officer Certification Examination SOCE ~~Law Enforcement SOCE~~. Notwithstanding, subsection 11B-27.002(4), F.A.C., a basic recruit student who successfully completes the Florida CMS Correctional ~~Law Enforcement~~ B RTP is eligible to~~



apply for and take the Florida CMS Correctional Law Enforcement SOCE pursuant to Rule 11B-30.0062, F.A.C.

~~(e) Florida Correctional Probation SOCE. Notwithstanding, subsection 11B-27.002(4), F.A.C., a basic recruit student who successfully completes the Florida Correctional Probation B RTP is eligible to apply for and take the Florida Correctional Probation SOCE pursuant to Rule 11B-30.0062, F.A.C.~~

(d) Notwithstanding subsection 11B-27.002(4), F.A.C., a basic recruit student enrolled in one of the following Commission-approved Cross-Over Basic Recruit Training Programs with a beginning date prior to July 1, 2012 ~~April 1, 2008~~, shall be allowed to continue in the program until the student successfully completes, fails, or withdraws from the program.

1. Law Enforcement Officer Cross-Over Training to Traditional Correctional Basic Recruit Training Program, number 1181.

2. Correctional Probation Officer Cross-Over Training to Traditional Correctional Basic Recruit Training Program, number 1182.

3. Correctional Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program, number 1178

4. Correctional Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program, number 1183

~~1. Cross over from Traditional Correctional to CMS Application Based Law Enforcement Basic Recruit Training Program.~~

~~2. Cross over from Traditional Correctional Probation to CMS Application Based Law Enforcement Basic Recruit Training Program.~~

~~3. Cross over from CMS Application Based Law Enforcement to Traditional Correctional Probation Basic Recruit Training Program.~~

~~4. Cross over from Traditional Correctional to Traditional Correctional Probation Basic Recruit Training Program.~~

(11) No change.

(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) The training center director or designee shall maintain daily student attendance records or login records or electronic records of participation for each training course. A training school shall have a written copy of its attendance policy available for review by students and Commission staff.

(b) Each student shall attend or login and complete all sessions of a training course except for absences approved by the training center director or designee. Documentation specifying the reason for the excused absence or non-completion of login activity or non-completion of student assignments shall be maintained in the course file at the training school. Students shall be responsible for class work missed during absences. The training center director or designee shall determine the content and quantity of makeup work. Documentation of the student's make-up work shall be signed by the training center director or designee and maintained in the student or course file at the training school.

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

1. – 3. No change.

(d). eLearning Instruction.

1. Training schools are permitted to use eLearning instruction for Commission-approved Specialized Training Program Courses.

2. eLearning Instruction is defined as a broad set of applications and processes that are facilitated and supported by information and communications technology (ICT) that includes, but are not limited to web-based learning, computer-based learning, virtual classrooms, digital media, internet learning, intranet learning, satellite broadcast, interactive TV, and CD-ROM.

3. Courses developed from Specialized Goals and Objectives and Specialized Training Program Courses shall receive full credit for the number of Officer Training Units (OTU) established for delivery of a course.

4. “Officer Training Unit” is defined as “the number of seat hours determined to deliver a course through classroom instruction.”

(13) – (15) No change.

(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 contact 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. In addition to a certificate, the training school shall provide to a student, who has successfully completed a Commission-approved Basic Recruit Training Program and will be required to pass the State Officer Certification Examination, ~~an Examination Admission Voucher, form CJSTC-517, revised November 8, 2007, hereby incorporated by reference. Form CJSTC-517 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.~~

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, \_\_\_\_\_.

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

(1) Basic Abilities Test. To comply with Section 943.17(1)(g), F.S., applicants who apply for entry into a Commission-approved Basic Recruit Training Program after January 1, 2002, shall obtain a passing score on a Commission-approved Basic Abilities Test (BAT) for the law enforcement ~~or~~; correctional, ~~or correctional probation~~ disciplines, prior to entering a program. The BAT shall be administered in the state of Florida.

(a) No change.

(b) BAT providers shall restrict access to the BAT to those applicants who produce valid photo identification pursuant to paragraph 11B-30.008 ~~(2)(a)~~ F.A.C. Providers shall validate the name, date of birth, gender, and social security number of each applicant to ensure that the

information given by the applicant is consistent with the applicant’s driver license and social security record.

(c) – (i) No change.

(2) No change.

Rulemaking Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.17 FS. History–New 7-29-01. Amended 11-5-02, 11-30-04, 3-21-07, 6-9-08, \_\_\_\_\_.

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) No change.

(b) Correctional Discipline				
	Program Number	Basic Recruit Training Programs	Program Hours	Retired (R) Effective(E)
1.	502	Traditional Correctional BRTP	552	<del>E-4/1/08</del> <u>R-6/30/12</u>
2.	555	Traditional Law Enforcement Cross-Over to Traditional Correctional BRTP	156	R-3/31/06
3.	556	Traditional Correctional Probation Cross-Over to	256	R-3/31/08

		Traditional Correctional BRTP		
4.	1155	CMS Application-Based Law Enforcement Cross-Over to Traditional Correctional BRTP	199	R-3/31/08
5.	1181	Law Enforcement Officer Cross-Over Training to Traditional Correctional BRTP	199	<u>R-6/30/12</u> <del>E-4/1/08</del>
<u>6.</u>	<u>TBA</u>	<u>Law Enforcement Officer Cross-Over Training to Florida CMS Correctional BRTP</u>	<u>TBA</u>	<u>E-7/1/12</u>
<del>7.6.</del>	1182	Correctional Probation Officer Cross-Over Training to Traditional Correctional BRTP	256	<u>R-6/30/12</u> <del>E-4/1/08</del>
<u>8.</u>	<u>TBA</u>	<u>Correctional Probation Officer Cross-Over Training to Florida CMS Correctional BRTP</u>	<u>TBA</u>	<u>E-7/1/12</u>
<del>9.7.</del>	501	Correctional Auxiliary BRTP	254	<del>E-1/1/97</del> <u>R-6/30/12</u>
<u>10.</u>	<u>TBA</u>	<u>Florida Correctional Auxiliary BRTP</u>	<u>TBA</u>	<u>E-7/1/12</u>
<u>11.</u>	<u>TBA</u>	<u>Florida CMS Correctional BRTP</u>	<u>TBA</u>	<u>E-7/1/12</u>

(c) No change.

(2) – (6) 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,\_\_\_\_\_.

11B-35.007 Specialized Training Program.

(1) The Commission's Specialized Training Program may be used by training schools and consist of the following Commission-approved:

(a) Specialized Goals and Objectives, pursuant to subsection (2) of this rule section;

(b) Specialized Instructor Training Courses, pursuant to subsection (3) of this rule section;

and

(c) Specialized Training Program Courses, pursuant to subsection (4) of this rule section.

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

(a) No change.

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

1. – 8. No change.

9. Establish the number of hours of instruction according to local agency needs. ~~A minimum of four hours of course instruction are required.~~ A training school shall determine the number of objectives needed for each block of course instruction. To provide further flexibility, a maximum of four hours of electives may be used for each forty hours of course instruction.

10. No change.

(3) Specialized Instructor Training Courses pursuant to paragraph (1)(b) of this rule section.

The following Specialized Instructor Training Courses are Courses 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. ~~Commission approved~~  
~~Specialized Instructor Training Courses are:~~

(a) – (q) No change.

(4) Commission-approved Specialized Training Program Courses pursuant to paragraph (1)(d) of this rule section. The following Commission-approved Specialized Training Program Courses are developed and approved by the Commission and ~~that~~ have not been designated as Commission-approved Advanced Training Program Courses:

	Course Number	Course Names	Course Hours
(a) – (m)			
<del>(n)</del>	851	<del>Breath Test Operator Course</del>	16
<del>(o)</del>	951	<del>Breath Test Operator Renewal Course</del>	4
<del>(p)</del>	850	<del>Agency Inspector Course</del>	24
<del>(q)</del>	950	<del>Agency Inspector Renewal Course</del>	6
<del>(n)</del> (r)	1134	Criminal Justice Officer Ethics Course	8
<del>(o)</del> (s)	1135	Crimes Against Children	24
<del>(p)</del> (t)	1136	Domestic Violence	8
<del>(q)</del> (u)	1137	Violent Crime Investigator Training Course	40
<del>(r)</del> (v)	808	CMS Field Training Officer Transition Course	8
<del>(s)</del> (w)	1140	Basic Incident Command System (ICS) Course	6
<del>(t)</del> (x)	1141	Intermediate Incident Command System (ICS) Course	21
<del>(u)</del> (y)	1142	Advanced Incident Command System (ICS) Course	16
<del>(v)</del> (z)	1149	CMS Special Populations Course	32



<del>(w)(aa)</del>	1150	CMS Problem-Solving Model: SECURE Specialized Training Course	6
<del>(x)(bb)</del>	1160	Dart-Firing Stun Gun	8
<del>(y)(ee)</del>	1185	Elder Abuse Investigations	No Mandate

~~(5)~~ Commission-approved Specialized Training Program Courses pursuant to paragraph (1)(a) and (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:

	<u>Course Number</u>	<u>Course Names</u>	<u>Course Hours</u>
<del>(a)</del>	<u>851</u>	<u>Breath Test Operator Course</u>	<u>16</u>
<del>(b)</del>	<u>951</u>	<u>Breath Test Operator Renewal Course</u>	<u>4</u>
<del>(c)</del>	<u>850</u>	<u>Agency Inspector Course</u>	<u>24</u>
<del>(d)</del>	<u>950</u>	<u>Agency Inspector Renewal Course</u>	<u>6</u>

~~(6)(5)~~ Successfully completed Commission-approved Specialized Training Program Courses may be credited toward an officer’s mandatory retraining requirement pursuant to Rule 11B-27.00212, F.A.C. Documentation of such training shall be provided to students and shall include the name of the training school delivering the course, the course title or topics taught, course date(s), and course hours, or login records, or electronic records of participation.

~~(7)(6)~~ Criminal Justice Standards and Training Trust Fund Officer Training Monies may be expended to conduct Commission-approved Specialized Training Program Courses pursuant to

subsection (1) of this rule section. Officer Training Monies shall be expended pursuant to the requirements of Rule Chapter 11B-18, F.A.C.

(8) Criminal Justice Standards and Training Trust Fund Officer Training Monies may be expended to conduct eLearning instruction for Commission-approved Specialized Training Program Courses, pursuant to paragraph (1)(d) of this rule section, provided the courses are delivered using a learning management system, are instructor led, and the courses meet minimum standards. Officer Training monies shall be expended pursuant to the requirements of Rule Chapter 11B-18, F.A.C.

(a) "Learning Management System (LMS) is defined as a web-based software application for the administration, documentation, tracking, and reporting of training programs, classroom and on-line events, eLearning programs, and training content. The LMS shall facilitate:

1. Management of users, roles, courses, and instructors.
2. Manager approval.
3. Student messaging and notifications.
4. Assembly and delivery of learning resources utilizing the Shareable Content Object

Reference Model (SCORM).

5. Navigation of course sequence.
6. Collaborative learning (e.g., application sharing, discussion threads).
7. On-line assessment.
8. Display of scores and transcripts.
9. Grading of coursework and roster processing.
10. Collection and preservation of student activity and performance data.

11. Web-based or blended course delivery (web-based and classroom combined) accessible via internet enabled computing and/or mobile platforms.

(b) Conformity with minimum standards shall be documented on the eLearning Course Minimum Standards, Form CJSTC-18, created December 16, 2010, hereby incorporated by reference, prior to delivery of the course and shall be maintained in the course file. An electronic copy of the corresponding course shall be maintained for a minimum of five years, and upon request shall be made available for review by Commission staff. Form CJSTC-18 and 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.

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,\_\_\_\_\_.

11B-35.009 Exemption from Basic Recruit Training.

(1) No change.

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

(a) Successfully completed basic recruit training comparable in content to the Basic Recruit Training Program for the discipline for which the individual claims exemption or a previously completed Commission-approved Basic Recruit Training Program; and

(b) 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 CMS Law Enforcement Basic Recruit Training Program for which the exemption is requested, and at a minimum reflects successful completion of training for the topics of Legal, Communications, Human Issues, Patrol, Criminal Investigations, Traffic Stops, Traffic Crash Investigations, Vehicle Operations, First Aid or equivalent, Firearms, and Defensive Tactics ~~Law Enforcement Constitutional Law and Legal Issues, Report Writing, Interpersonal Skills, Firearms, Defensive Tactics, First Aid or equivalent, Vehicle Operations, Law Enforcement Patrol, Criminal Investigations, Traffic Crash Investigations, Traffic Control and Stops, and Crisis Intervention.~~

(b) Verify that the applicant's correctional officer training is comparable to the Commission's Traditional Correctional Basic Recruit Training Program whenever an exemption is requested, and at a minimum reflects successful completion of training for the topics of Legal, Communications, Responding to Emergencies, Correctional Operations, Inmate Supervision, Intake and Release, Officer Safety, Defensive Tactics, First Aid or Equivalent, and Firearms ~~Correctional Legal Issues, Report Writing, Interpersonal Skills, Firearms, Defensive Tactics, First Aid or equivalent, and Correctional Operations.~~

(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 for the topics of Legal, Interpersonal Communication Skills, Caseload Management, Supervision, Investigations, Management Information Systems, Defensive Tactics, First Aid or equivalent, and Firearms ~~Correctional Probation Officer Legal Issues, Report Writing, Interpersonal Skills,~~

~~Defensive Tactics, First Aid or equivalent, Probationer Supervision, Caseload Management, Information Systems Management, and Firearms Familiarization.~~

(d) – (e) No change.

(4) Inactive Florida officers who have been separated from employment for a period of four to eight years, may apply for exemption from re-taking the Basic Recruit Training Program for which the officer has been previously certified as a sworn officer. There shall be no more than an eight-year break in employment, which is measured from the separation date of the most recent qualifying employment to the time a complete application is submitted, for an exemption under this rule section. The employing agency or Criminal Justice Selection Center shall verify that the applicant has:

(a) No change.

(b) Been employed and certified as a criminal justice officer in Florida in the discipline for which reactivation or certification is requested.

(5) Documentation requirements for out-of-state, federal, and inactive Florida Officers. Upon verification of an individual's request for exemption of training, pursuant to this rule section, an employing agency or Criminal Justice Selection Center shall submit to Commission staff a completed Equivalency-of-Training, form CJSTC-76, revised December 16, 2010 ~~November 8, 2007~~, 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(7)(c)(2)(e), 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 Equivalency-of-Training form CJSTC-76 receiving exemption. 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 Equivalency-of-Training Proficiency Demonstration, form CJSTC-76A, revised December 16, 2010 ~~November 8, 2007~~, hereby incorporated by reference, and provide a copy to the officer of ~~both form CJSTC-76A and the Commission~~

~~approved Examination Admission Voucher form CJSTC-517.~~ 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) Regardless of the number of exemptions from training an individual receives, the individual shall not take the State Officer Certification Examination more than three times without enrolling in and completing a Commission-approved Basic Recruit Training Program pursuant to Section 943.1397(2), F.S.

~~(8)(7)~~ Individuals, who have qualified for an exemption from a Commission-approved Basic Recruit Training Program, pursuant to this rule section, shall become employed within four years from the beginning date of the required proficiency demonstration as entered on the Training Report form CJSTC-67.

~~(9)(8)~~ Individuals applying for exemption from a Commission-approved Basic Recruit Training Program, outlined in this rule section, shall not engage in conduct that subverts or attempts to subvert the State Officer Examination process pursuant to Rule 11B-30.009, F.A.C. Rulemaking Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.131(2) FS. History—New 1-2-97, Amended 7-7-99, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08,\_\_\_\_\_.

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11C-6, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11C-6.003, 11C-6.004 AND 11C-6.010

CRIMINAL HISTORY RECORDS DISSEMINATION POLICY

SUMMARY OF THE RULE

Requests and procedures for criminal history record checks and retention of fingerprints are updated.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Repeals Rule 11C-6.003; adds certain repealed language to Rule 11C-6.004. Updates Rule 11C-6.010 to conform to recent legislative changes.

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. and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the proposed amendment.



FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

FDLE received no requests for a public hearing and no written comments were submitted.

NOTICE OF PROPOSED RULE

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE NO.:           RULE TITLE:

11C-6.003       System Security and Public Access  
11C-6.004       Procedures for Requesting Criminal History Records  
11C-6.010       Retention of Applicant Fingerprints

PURPOSE AND EFFECT: Repeals Rule 11C-6.003; adds certain repealed language to Rule 11C-6.004. Updates Rule 11C-6.010 to conform to recent legislative changes.

SUMMARY: Requests and procedures for criminal history record checks and retention of fingerprints are updated.

OTHER RULES INCORPORATING THIS RULE: N/A

EFFECT ON THOSE OTHER RULES: N/A

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. and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the proposed amendment.

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

RULEMAKING AUTHORITY: 943.03(4), 943.05(2)(g), (h), 943.053, 943.0542, 943.056, 1012.32(3), 1012.465, 1012.56 FS.

LAW IMPLEMENTED: 119.07, 220.187(6)(b), 551.107(7)(c), 744.3135(4)(b), 943.053, 943.05(2)(g), (h), 943.0542, 943.056, 943.13(5), 985.644(5)(b), 1002.421(3)(a), 1012.32(3), 1012.465, 1012.56 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:

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

AMERICANS WITH DISABILITIES ACT: 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 Martha Wright at 850-410-8113, or marthawright@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Information Services, Attention: Martha Wright, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (850)656-9597 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Martha Wright at 850-410-8113, or marthawright@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Information Services, Attention: Martha Wright, 2331 Phillips Road, Tallahassee, Florida 32308.

THE FULL TEXT OF THE PROPOSED RULE IS:

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha Wright

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2011

11C-6.003 System Security and Public Access.

~~(1) In order for the Department to respond to requests for Florida criminal history information, the person or entity who wishes to review or secure such information shall provide to the Department the subject's full name, race, sex, and date of birth or approximate age. If available, the social security number, completed fingerprint card, and any other identifiers shall be provided.~~

~~(2) Not all criminal history records contained in or available through the record systems of the Florida Department of Law Enforcement are available to the public under the Florida Public Records Law, (e.g., records sealed or expunged by law, or derived from the Federal Bureau of Investigation criminal history record systems). Because federal and state privacy and security laws, rules and regulations preclude members of the public from personally making searches of the criminal history systems and records of the department, searches for criminal history records requested pursuant to Section 943.053, F.S., shall be conducted only by personnel of the department and those criminal justice agencies having access thereto through secure remote terminals for authorized purposes.~~

~~(3) Personnel conducting such searches shall insure that copies of records made available to the public contain no information deemed confidential or exempt from public disclosure by law.~~

~~(4) Whether the request for a record check is in writing or by the submission a completed fingerprint card, the document(s) will be returned with a notation affixed indicating the processing result along with a copy of any criminal history record associated with the record check subject.~~

~~(5) The public is advised that criminal history record checks conducted without the use of fingerprint identification procedures are unreliable. Moreover, the record provided may be inaccurate or incomplete due to the failure of an agency to make a report or because portions of the record are sealed, expunged, or are otherwise unavailable except to certain law enforcement or criminal justice agencies under state or federal law.~~

Specific Authority 943.03(4), 943.05(2)(d), 943.053 FS. Law Implemented 119.07, 943.053 FS. History--New 12-9-76, Formerly 11C-6.03, Amended 7-7-9, Repealed \_\_\_\_\_.

11C-6.004 Procedures for Requesting Criminal History Records.

(1) Requests for Florida criminal history records contained in the systems of the Florida Department of Law Enforcement are to be directed to the following address:

Florida Department of Law Enforcement  
Division of Criminal Justice Information Services  
User Services Bureau  
Post Office Box 1489  
Tallahassee, Florida 32302-1489.

In order for the Department to respond to requests for Florida criminal history information, the person or entity who wishes to review or secure such information shall provide to the Department the subject's full name, race, sex, and date of birth or approximate age. If available, the social security number may be provided.

(2) No change.

(3) Fees.

(a) There shall be no charge for conducting record checks under paragraphs (2)(a) through (c).

(b) As provided in Section 943.053(3), F.S., a processing fee of \$24 shall be charged for each subject inquired upon under paragraphs (2)(d) through (f), except that a fee of \$8 shall be charged for each subject inquired upon for vendors of the Department of Children and Family Services, the Department of Juvenile Justice, and the Department of Elderly Affairs; a fee of \$15 shall be charged for each subject inquired upon pursuant to a state criminal history record check required by law to be performed by the Department of Agriculture and Consumer Services; a fee of \$18 shall be charged for each volunteer subject inquired upon under the National Child Protection Act of 1993, as amended; and no fee shall be charged for Florida criminal history information or wanted person information requested by the state offices of the Public Defender. ~~If the Executive Director of the Department determines that~~

~~conducting the record check would be in the interest of law enforcement or criminal justice or that good cause otherwise exists, the prescribed fee may be waived or reduced, as provided in Section 943.053(3), F.S.~~

(c) No change.

(4) No change.

Rulemaking Authority 943.03(4), 943.053(3), 943.0542, 943.056 FS. Law Implemented 943.053(3), 943.0542, 943.056 FS. History—New 12-30-76, Amended 11-7-83, Formerly 11C-6.04, Amended 9-1-88, 4-1-93, 7-7-99, 8-22-00, 7-29-01, 12-3-03, 6-9-08, 6-3-10, \_\_\_\_\_.

#### 11C-6.010 Retention of Applicant Fingerprints.

(1) ~~Upon official written request from an agency executive director, secretary, or designee, or from a qualified entity under s. 943.052, subject to the conditions specified in s. 943.05(2)9g), or as otherwise required by law, t~~The Florida Department of Law Enforcement shall enter and retain in the Automated Fingerprint Identification System (AFIS) the applicant fingerprints submitted for state and national criminal history checks by such agencies or entities having statutory authorization, as indicated in the Law Implemented section below, to participate in the Applicant Fingerprint Retention and Notification Program (AFRNP) for current and prospective employees, contractors, volunteers, and persons seeking to be licensed or certified.

(2) Such applicant fingerprints shall be submitted ~~on paper or in~~ a digitized for entry into AFIS, and shall be retained in the AFRNP database, in such a manner as to be distinct from the criminal history record database.

(3) Agencies or entities submitting applicant fingerprints upon request or as required by law in accordance with the authorizing statute, as indicated in the Law Implemented section below, shall notify individual applicants of the requirements of participation in the AFRNP.

(4) – (5) No change.

(6) The initial entry of an applicant's fingerprints into the AFRNP database must be accompanied by a state or a state and national criminal history records check. There is no additional fee for the first year of participation in the program. For each succeeding year, the \$6 per record annual fee will be charged.

(7) - (8) No change.

Rulemaking Authority 943.05(2)(g), (h), 1012.32(3), 1012.465, 1012.56 FS. Law Implemented 220.187(6)(b), 551.107(7)(c), 744.3135(4)(b), 943.13(5), 985.644(5)(b), 1002.421(3)(a), 1012.32(3), 1012.465, 1012.56 FS. History—New 11-30-04, Amended 6-9-08, 9-28-09, \_\_\_\_\_.

STATE OF FLORIDA  
DEPARTMENT OF LAW ENFORCEMENT  
CHAPTER 11G-1, FLORIDA ADMINISTRATIVE CODE  
AMENDING RULES 11G-1.001 and 11G-1.002

ORGANIZATION

SUMMARY OF THE RULE

Updates, revises, and clarifies rules regarding the Medical Examiner's Commission and procedures.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Updates rule language and statute references concerning the "purpose of the Medical Examiners Commission," revises the rule section title, and adds definitions to support revisions in Rule Chapters 11G-2 and 11G-5, F.A.C., makes housekeeping changes, and relocates existing rule language to a more appropriate rule paragraph.

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., and thus, a legislative

ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

FDLE received no requests for a public hearing and no written comments were submitted.

NOTICE OF PROPOSED RULE

DEPARTMENT OF LAW ENFORCEMENT

Medical Examiners Commission

RULE NO.:      RULE TITLE:

11G-1.001      Purpose, Definitions

11G-1.002      Associate Medical Examiners, Ethics

PURPOSE AND EFFECT: Updates rule language and statute references concerning the “purpose of the Medical Examiners Commission,” revises the rule section title, and adds definitions to support revisions in Rule Chapters 11G-2 and 11G-5, F.A.C., makes housekeeping changes, and relocates existing rule language to a more appropriate rule paragraph.

SUMMARY: Updates, revises, and clarifies rules regarding the Medical Examiner’s Commission and procedures.

OTHER RULES INCORPORATING THIS RULE: N/A

EFFECT ON THOSE OTHER RULES: N/A

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., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

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

RULEMAKING AUTHORITY: 406.04 FS.

LAW IMPLEMENTED: 406.02, 406.06, 406.17 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:

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

AMERICANS WITH DISABILITIES ACT: 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 Donna Hunt at 850-410-8615, or donnahunt@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (850)656-9597 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donna Hunt at 850-410-8615, or donnahunt@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donna Hunt



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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2011

THE FULL TEXT OF THE PROPOSED RULE IS:

11G-1.001 Purpose, Definitions Structure, Purpose.

(1) The Medical Examiners Commission adopts rules pursuant to Section 406.04, F.S., to comply with the requirements of Chapter 406, Part I, F.S. Rule Chapter 11G, F.A.C., shall read in conjunction with Chapter 406, Part I, F.S. The Medical Examiners Commission is created within the Department of Law Enforcement (the Department). The Commission consists of nine persons appointed or selected as provided in Section 406.02(1), F.S.

(2) The following terms shall be deemed controlling for Rule Chapter 11G, F.A.C., and Chapter 406, Part I, F.S., unless otherwise defined in Chapter 406, Part I, F.S.:

(2) The Commission submits nominations to the Governor for appointment of a district medical examiner for each medical examiner district, as defined in this rule chapter, from nominees who are practicing physicians in pathology. In home rule counties which have established medical examiners under provisions of home rule charter, the medical examiner shall serve as the district medical examiner who would otherwise be appointed under this chapter.

(a) "Associate medical examiner" means associate medical examiner as defined in Section 406.06, F.S.

(b) "Autopsy" means autopsy as defined in Section 872.04(1) F.S.

(c) "Charge" of a dead body means administrative control over the location, transportation, and disposition of the body, and does not imply custody of the body.

(d) "Custody" of a dead body means physical possession of the body, and does not imply charge of the body.

(e) "District medical examiner" means district medical examiner as defined in Section 406.06, F.S.

(f) "Identification photograph" means a still image of the face, ear, tattoo, or other distinctive mark of a dead human body, taken for identification purposes only and that includes a medical examiner case number.

(g) "Legally authorized person" means legally authorized person as defined in Section 497.005(39), F.S.

(h) "Medical examiner" means a district medical examiner, associate medical examiner, or substitute medical examiner.

(i) "Medical Examiners Commission" means "Medical Examiners Commission" as defined in Section 406.06, F.S.

(j) "Photograph of an autopsy" does not include an identification photograph, a photomicrograph, or a photoradiograph.

(k) "Photomicrograph" means a still image of tissue depicting histologic detail, captured through a microscope.

(l) "Photoradiograph" means an image produced by the capture of radiation or other forms of non-visible energy, which depicts the structure of objects through which the radiation or energy has passed.

(m) "Substitute medical examiner" means a medical examiner appointed pursuant to Section 406.15, FS.

Rulemaking Specific Authority 406.04 FS. Law Implemented 406.02, 406.06, 406.17 FS. History—New 10-18-81, Formerly 11G-1.01, Amended 7-6-99, \_\_\_\_\_.

11G-1.002 ~~District Medical Examiners~~, Associate Medical Examiners, Ethics.

(1) A ~~District Medical Examiner (DME)~~ is appointed for each ~~Medical Examiner District~~ by the Governor under the provisions of Section 406.06(1), F.S.

(2) A ~~District Medical Examiner~~ may appoint such ~~Associate Medical Examiners~~ as needed, to serve at the pleasure of the ~~DME~~.

(1)(3) An appointment of an associate medical examiner ~~Associate Medical Examiner~~ expires with the expiration of the appointment of the district medical examiner ~~District Medical Examiner~~ that appointed him or her.

(2)(4) The district medical examiner ~~District Medical Examiner~~ shall file with the Medical Examiners Commission written notice of the ~~Commission office~~ a copy of the letter of appointment, resignation, or removal of each associate medical examiner ~~Associate Medical Examiner~~.

(3)(5) The district medical examiner ~~District Medical Examiner~~ shall supervise the work and work product of associate medical examiners ~~Associate Medical Examiner~~ on a regular basis as necessary to ensure ~~insure~~ consistency and quality.

(6) The term “medical examiner” as used in these rules means a ~~District Medical Examiner or Associate Medical Examiner~~.

(4)(7) The medical examiners, their agents, servants and employees shall not be the agents, servants or employees of the Florida Department of Law Enforcement or the Medical Examiners Commission and shall not be entitled to any benefits granted employees of the Florida Department of Law Enforcement.

(a)(8) The Florida Department of Law Enforcement shall not be deemed to assume any liability for the acts, omissions to act or negligence of the medical examiners, their agents, servants and employees.

(b)(9) Medical examiners are subject to the provisions of the Code of Ethics for Public Officers and Employees, Chapter 112, Part III, F.S. Medical examiners shall become familiar with the Code of Ethics and ensure that they are in compliance with the requirements stated therein.

(c) Medical examiners or their business entities are permitted to provide services if the terms and conditions of Section 112.313(12), F.S., (exemptions) are met.

(d)(10) A medical examiner ~~Medical examiners~~ shall not:

1.(a) Obtain any rental space or equipment from a business or professional association in which the medical examiner or the he, his spouse or children of the medical examiner have ~~has~~ a business interest unless the county he or she serves determines that any one of the exemptions cited in Section 112.313(12), F.S., applies.

2.(b) Utilize a business or professional association in which the medical examiner or the he, his spouse or children of the medical examiner have ~~has~~ a business interest for any services, including but not limited to secretarial, laboratory, courier, and investigative, unless the county the medical examiner he serves determines that any one of the exemptions cited in Section 112.313(12), F.S., applies.

3.(c) Participate in any way with the county in the determination of the bid specifications or the determination of the lowest or best bidder for the services, rental space or equipment if his or her business or professional association is to submit a bid proposal to provide these services, rental space or equipment.

4.(d) Allow ~~May not allow~~ an organ or tissue procurement agency to provide employees or the salaries for any members of the medical examiner's ~~examiners~~ office.

~~(11) Medical examiners or their business entities may provide services if the terms and conditions of Section 112.313(12), F.S., (exemptions) are met.~~

Rulemaking Specific Authority 406.04 FS. Law Implemented 112.313, 406.02, 406.06, 406.17 FS. History—New 10-18-81, Formerly 11G-1.02, Amended 4-11-88, 12-26-88, 8-28-91, 2-23-93, 8-22-00, 7-29-01, \_\_\_\_\_.

STATE OF FLORIDA

DEPARTMENT OF LAW ENFORCEMENT

CHAPTER 11G-2, FLORIDA ADMINISTRATIVE CODE

AMENDING RULES 11G-2.001, 11G-2.002, 11G-2.003, 11G-2.004, 11G-2.005, and 11G-006

STANDARD INVESTIGATION PROCEDURES

SUMMARY OF THE RULE

Revises procedures for notification of death, findings and conclusions of death, notification of legally authorized persons of a death, relinquish charge of a dead body, examination of dead body, investigation of death prior to the release of human remains; removal of obsolete rule language; revises the requirements for creation and submission of statistical reports; clarification of current rule language; revises the requirements for reporting unidentified human remains; adds itemized examination procedures for deaths resulting from violence; revises rules for performing an autopsy; revises the research guidelines; updates the procedures for custody and surrender of dead bodies; removes obsolete rule language for the findings of an autopsy report and the format used for submission of an autopsy report; and how to obtain a copy of the Practice Guidelines.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Updates the procedures for taking charge of a body, recording the findings and conclusions of the death in the permanent records, relinquishing charge of a body, fetal deaths and remains, amends the procedures for deaths as a result of traffic accident, who to notify when a body is released, removes inaccurate rule language and statute references, and makes grammatical corrections. Updates the procedures for identifying unidentified bodies, identifying fetal remains, clarifies existing rule language, and makes grammatical revisions. Updates the

procedures for determining the cause and circumstances of a death, release of human remains, and performing autopsies. Clarifies that research during investigation of a death is prohibited; relocates text to another rule section, deletes unnecessary rule language, renames a rule paragraph to better describe the paragraph's contents, makes grammatical revisions, provide guidelines for the retention and destroying of organs, tissues, sections, or fluids. Makes grammatical corrections, adds additional information for official records that shall be maintained by the district medical examiner, and revises the information required for autopsy reports. Updates the Medical Examiners Commission's Practice Guidelines incorporated into Rule 11G-2.006, F.A.C., 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 proposed rule is not expected to exceed any of the criteria set forth in Section 120.541(2)(a), F.S., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

#### FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

## SUMMARY OF HEARING

FDLE received no requests for a public hearing and no written comments were submitted.

## NOTICE OF PROPOSED RULE

### DEPARTMENT OF LAW ENFORCEMENT

#### Medical Examiners Commission

RULE NO.:	RULE TITLE:
11G-2.001	Determination of Jurisdiction, Preliminary Procedures
11G-2.002	Identification
11G-2.003	Investigation
11G-2.004	Physical Evidence, Body Parts, Specimens
11G-2.005	Records, Autopsy Report
11G-2.006	Practice Guidelines

**PURPOSE AND EFFECT:** Updates the procedures for taking charge of a body, recording the findings and conclusions of the death in the permanent records, relinquishing charge of a body, fetal deaths and remains, amends the procedures for deaths as a result of traffic accident, who to notify when a body is released, removes inaccurate rule language and statute references, and makes grammatical corrections. Updates the procedures for identifying unidentified bodies, identifying fetal remains, clarifies existing rule language, and makes grammatical revisions. Updates the procedures for determining the cause and circumstances of a death, release of human remains, and performing autopsies. Clarifies that research during investigation of a death is prohibited; relocates text to another rule section, deletes unnecessary rule language, renames a rule paragraph to better describe the paragraph's contents, makes grammatical revisions, provide guidelines for the retention and destroying of organs, tissues, sections, or fluids. Makes grammatical corrections, adds additional information for official records that shall be maintained by the district medical examiner, and revises the information required for autopsy reports. Updates the Medical Examiners Commission's Practice Guidelines incorporated into Rule 11G-2.006, F.A.C., by reference.

**SUMMARY:** Revises procedures for notification of death, findings and conclusions of death, notification of legally authorized persons of a death, relinquish charge of a dead body, examination of dead body, investigation of death prior to the release of human remains; removal of obsolete rule language; revises the requirements for creation and submission of statistical reports; clarification of current rule language; revises the requirements for reporting unidentified human remains; adds itemized examination procedures for deaths resulting from violence; revises rules for performing an autopsy; revises the research guidelines; updates the procedures for custody and surrender of dead bodies; removes obsolete rule language for the findings of an autopsy report and the format used for submission of an autopsy report; and how to obtain a copy of the Practice Guidelines.

**OTHER RULES INCORPORATING THIS RULE:** N/A

**EFFECT ON THOSE OTHER RULES:** N/A

#### 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., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

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



RULEMAKING AUTHORITY: 406.04, 406.05, 406.08 FS.

LAW IMPLEMENTED: 406.02, 406.04, 406.05, 406.075, 406.08, 406.11, 406.13, 406.145 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:

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

AMERICANS WITH DISABILITIES ACT: 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 Donna Hunt at 850-410-8615, or [donnahunt@fdle.state.fl.us](mailto:donnahunt@fdle.state.fl.us), or write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (850)656-9597 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donna Hunt at 850-410-8615, or [donnahunt@fdle.state.fl.us](mailto:donnahunt@fdle.state.fl.us), or write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donna Hunt

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2011

11G-2.001 Preliminary Procedures.

~~(1) When a death is reported to the medical examiner pursuant to Section 406.12, F.S., or the medical examiner learns or is notified of a death in his or her district the medical examiner shall: If a medical examiner becomes aware of a death within the district that may be a death which must be investigated under the terms of Section 406.11, F.S., the medical examiner shall make such inquiry as is necessary to see if jurisdiction exists for an investigation.~~

~~(a) Make inquiry to determine whether to examine, investigate, or autopsy pursuant to Section 406.11, F.S., and to determine whether to take charge of the body pursuant to Section 406.13, F.S.~~

~~(b) Record the findings and conclusions supporting the medical examiner's determination of cause of death in the permanent records of the medical examiner, in sufficient detail to allow a review of the circumstances, regardless of whether examination of the body or certification of the death by the medical examiner is required.~~

~~(c) Notify the person having custody of the body when the medical examiner has relinquished charge of a body not in the custody of the medical examiner.~~

~~(2) If a medical examiner is notified of a death and the medical examiner determines that jurisdiction under Section 406.11, F.S., does not exist, the findings and conclusions supporting that determination shall be recorded in the permanent records of the medical examiner's office. The person having control of the body shall be notified of the determination.~~

~~(2)(3) If a medical examiner makes an investigation solely pursuant to in order that human remains may be disposed of under the terms of Section 406.11(1)(c), F.S., the medical examiner shall relinquish charge of the body when the medical examiner has autopsied the body, or has determined the cause of death by inquiry. may give or deny permission for such disposal under one of the following conditions:~~

~~(a) Not until the medical examiner has autopsied the body, or has determined the cause of death by inquiry, shall the medical examiner relinquish jurisdiction for cremation, anatomic dissection, or burial at sea. The medical examiner may, absent information to the contrary, rely on the information found on a signed death certificate as being true and accurate.~~

~~(b) Excepting medical specimens, fetal remains or other dead human tissue for which a regular death certificate is not required, unidentified human remains shall not be cremated, donated for anatomic dissection, or buried at sea.~~

~~(c) Fetal deaths for which cremation, anatomic dissection or burial at sea of the remains is intended must be referred to the medical examiner for investigation. For the purposes of this section, "fetal death" is defined by Section 382.002, F.S. The medical examiner shall keep an accurate record of each such investigation in such sufficient detail to allow a review of the circumstances.~~

~~(3)(4) If a medical examiner becomes aware of a death, apparently from disease, he or she shall investigate it as a death from a disease constituting a threat to the public health, if:~~

~~(a) The investigation is requested by an appropriate official of the Department of Health pursuant to Section 381.0011 or 381.0012, F.S., or~~

~~(b) The medical examiner determines that additional information concerning the cause and mechanism of death, beyond that available in the decedent's medical history, is needed to protect the public health.~~

~~(4)(5) If the medical examiner takes charge of a body pursuant to determines that jurisdiction for an investigation under Section 406.11(1)(a) or (b), F.S., he or she does exist, he shall;~~

(a) Inform the person who has custody having control of the body ~~that~~, pursuant to Section 406.12, F.S., ~~that Sections 406.12 and 382.008, F.S.~~, the body should not be embalmed or otherwise prepared for burial or disturbed until examined by the medical examiner;

(b) Arrange for transportation of the body; ~~and for examination of the scene of death or injury;~~

(c) Notify the appropriate law enforcement official having jurisdiction over persons, criminal scenes or investigations, physical evidence, or records, pursuant to Section 406.14, F.S.;

~~(d) Notify the Department of Motor Vehicles if the death is the result of a traffic accident, pursuant to Section 316.065(2), F.S., as necessary;~~

~~(d)(e)~~ Ensure that the legally authorized person next of kin is notified that the medical examiner ~~examiner's office~~ is investigating the death, when this can be done without hindering the legal purpose of the investigation and the identification and location of the legally authorized person next of kin is readily available. The contact with the legally authorized person next of kin, or the attempt to contact, shall be documented in the medical examiner's case file, whether such contact or attempt to contact is made by the medical ~~examiner examiner's office~~ or through other persons or agencies such as hospital personnel, law enforcement agencies, funeral homes or friends of the deceased; and

~~(e)(f)~~ Promptly notify the legally authorized person next of kin, authorized funeral home, or other representative when the body can be released, provided the identification and location of the legally authorized person next of kin or representative is known.

~~(5)(6)~~ Section 406.05, F.S., provides for cooperative arrangements among the several districts and Section 406.08(2), F.S., provides for fee payment when an autopsy is performed on a body when the death occurred outside the district. When such a cooperative arrangement is for the purpose of transporting the body of a person who dies in one medical examiner district (hereafter, district of jurisdiction) to another for autopsy or examination (hereafter, district of examination):

(a) The physician performing the examination must have a statutory appointment as an associate medical examiner in the district of jurisdiction pursuant to ~~per~~ the provisions of Rule 11G-1.002, F.A.C.

(b) For each transfer of a body the medical examiner in the district of jurisdiction shall maintain in his or her files documentation of the agreement for the transfer; shall assign a case number from the district of jurisdiction; and shall maintain copies of any reports of examination or opinion by the appointed associate medical examiner, records of identification of the body, and records of the transfer and release of the body to the legally authorized person next of kin.

(c) The medical examiner of the district of examination shall maintain in his or her files documentation of the agreement for the transfer and shall include the case number of the district of jurisdiction on all signed reports.

~~(d) Statistics that are For Annual Workload reporting purposes for creation of the Annual Report per Section 406.02, F.S., statistics that are required to be sent to the Medical Examiners Commission staff shall be reported by the district of examination.~~

Rulemaking Specific Authority 406.04, 406.05, 406.08 FS. 406.02, 406.04, 406.05, 406.08, 406.11, 406.13 FS. History—New 10-18-81, Amended 7-10-85, Formerly 11G-2.01, Amended 8-27-87, 11-24-87, 10-14-96, 7-6-99, 6-9-08, \_\_\_\_\_.

#### 11G-2.002 Identification.

(1) If necessary to make an identification, or prior to the burial of any unidentified body, the medical examiner shall: The body shall be identified as soon as possible. If necessary to make an identification, the medical examiner shall:

- (a) Photograph and record a detailed description of the body; clothing, and personal effects;
- (b) Obtain complete skeletal x-rays;
- (c) Create thorough dental charts and x-rays;
- (d) Retain samples for possible DNA profiling; and
- (e) Obtain a complete set of fingerprints, if possible, and these shall be forwarded to the Department by the medical examiner or through the investigating law enforcement agency.

(2) An identification photograph shall be taken of any body in the custody of the medical examiner. In all cases, a photograph of the face shall be taken.

(3) Unidentified remains of any person, in the custody of the medical examiner, that require a certificate of death pursuant to Section 382.008, F.S., shall not be cremated, donated for anatomic dissection, or buried at sea. The medical examiner shall retain unidentified remains and preserve them in accordance with the law.

~~(4) In the case of criminal homicide, the medical examiner shall take all actions necessary so that he can testify to the identity of the deceased.~~

Rulemaking Specific Authority 406.04 FS. Law Implemented 406.11, 406.13, 406.145 FS. History—New 10-18-81, Formerly 11G-2.02, Amended 8-22-00, 3-21-07, \_\_\_\_\_.

#### 11G-2.003 Investigation.

(1) A medical examiner shall investigate under the authority of Section 406.11, F.S., in order to determine the cause of death and such circumstances surrounding it as are necessary and in the public interest. Such an investigation shall consist of examinations or investigation as the medical examiner shall deem necessary, including but not limited to:

- (a) An examination of the scene of death or injury and physical evidence;
- (b) Questioning of relatives, witnesses, prior attending physicians, or law enforcement officers;
- (c) An examination of the deceased's medical records;
- (d) An examination or autopsy of the body, including the testing of specimens as provided in Rule 11G-2.004, F.A.C., and a complete or partial dissection;
- (e) Such photographs as needed to record the findings.

(2) Medical examiner autopsies performed pursuant to Section 406.11, F.S., shall be performed by pathologists or directly supervised residents in pathology. Performance shall require in situ examination of the tissues pertinent to determining the cause of death and the removal of viscera pertinent to the determination of the cause of death. Removal of other organs and tissues during the autopsy shall be under the direct supervision of the pathologist. Direct supervision requires the presence of the supervising pathologist in the autopsy room. ~~A medical examiner shall not sign a death certificate unless he or she has made such investigation as needed to assure the accuracy of the findings.~~

(3) A medical examiner shall not:

- (a) Opine a cause or manner of death, an identification of a dead body, or a disease or injury unless he or she has made such investigations, examinations, autopsies, and laboratory examinations as needed to render an informed opinion; or

(b) Release human remains from custody until he or she has made such autopsies and has retained such specimens and effects as are needed to opine a cause or manner of death, an identification of a dead body, or a disease or injury, or support a criminal investigation.

(4) Examination for alcohol and appropriate chemical and drug concentrations shall be done in any autopsy when the death has resulted from violence and has occurred within twelve hours of injury.

(5) Absent good cause, an autopsy shall be performed when:

(a) A reasonable suspicion exists that a death might be by criminal violence or by any violence sustained in prison, a penal institution, or police custody.

(b) A reasonable suspicion exists that the death is by accident, suicide or poison, unless:

1. The death is by poison and the deceased has survived in a hospital for a time sufficient to metabolize the poison, or

2. The death is by accident or suicide and the cause of death can be determined from a review of the circumstances, history, and available medical records.

(c) The death of a child is apparently natural and occurs suddenly while in apparent good health.

(d) The circumstances of death are unusual or suspicious by reason of the body being unidentified after investigation, charred, or completely or partially skeletonized.

~~(3) A complete autopsy shall be performed when the death:~~

~~(a) Is alleged or suspected to be by criminal violence;~~

~~(b) Occurred while in police custody;~~

~~(c) Occurred in any prison or penal institution;~~

~~(d) Appears to have been by gunshot wound;~~

~~(e) Is suspected to be as a result of poisoning;~~

~~(f) Is suspected to be as a result of Sudden Infant Death Syndrome;~~

~~(g) Appears to have been by suicide; or~~

~~(h) Whenever requested or directed by the State Attorney under law.~~

~~(4) An autopsy is generally needed to complete the investigation of deaths:~~

~~(a) Resulting from motor vehicle or aircraft accident;~~

~~(b) From a disease constituting a threat to the public health;~~

~~(c) By apparent drowning;~~

~~(d) In a state institution; or~~

~~(e) Otherwise by violence.~~

~~(5) This rule serves to require investigations and autopsies in certain circumstances, but does not limit a medical examiner in exercising the authority contained in Chapter 406, F.S.~~

Rulemaking Specific Authority 406.04 FS. Law Implemented 406.11, 406.13 FS. History—New 10-18-81, Formerly 11G-2.03, Amended 8-27-87, 9-23-93, 12-3-03, \_\_\_\_\_.

11G-2.004 Physical Evidence, Body Parts, Specimens.

(1) Definitions. The following definitions apply to this section:

(a) “Body part”. The entire head, an entire extremity, a portion of an extremity that includes a hand or foot, or the torso, of a dead human body. For human skeletal remains a body part is defined as a nearly complete skull, or most of the bones of extremity, or most of the bones of the torso.

(b) "Organ". An entire internal viscus, such as a brain, heart, larynx, lung, stomach, or uterus of a dead human body.

(c) "Tissue". A representative sample of a body part or organ, constituting a minority of the volume or mass of the part or organ.

(d) "Embedded tissue". Tissue which has been embedded in paraffin blocks, or the like, for the purpose of histological study.

(e) "Sections". Tissue mounted on glass slides for the purpose of histological staining.

(f) "Stained sections". Sections which have been stained for the purpose of microscopic examination.

(g) "Fluid". Liquid from a blood vessel, body cavity, hollow viscus, hematoma, or abscess of a dead human body. Fluids include blood, vitreous humor, bile, gastric content, urine, cerebrospinal fluid, and effusions.

(h) "Specimen". A body part, organ, tissue, fluid, embedded tissue, section, or stained section; or a swab from a body part, organ, tissue, or body surface.

(i) "Physical evidence". An item or items taken during an investigation which is believed to be pertinent to the determination of the cause of death, manner of death, identification of the deceased, determination of disease, injury or intoxication, or which is taken to answer anticipated questions in any investigation. Includes specimens.

(j) "Retained". With respect to specimens, kept by the medical examiner after the release of the remains to the legally authorized person next of kin.

(k) "Research". Any one of the following:

1. Procedures designed for therapy or resuscitation, performed on a dead human body for experiment or practice, unrelated to the determination of cause of death, mechanism of death, manner of death, presence of disease, injury, or intoxication, or identification of the deceased.

2. Testing of body parts or organs for purposes unrelated to the determination of cause of death, manner of death, presence of disease, injury, intoxication, or identification.

3. Testing of tissues or fluids by an experimental scientist that results in no report to the medical examiner.

4. Research does not include test development, test validation, quality assurance testing, or investigative work, utilizing tissues or fluids, when the tissues or fluids are received by a laboratory in support of a death investigation by a medical examiner.

(1) "Next of Kin". "Legally authorized person" as defined by Section 497.005(37), F.S.

(2) The medical examiner shall seize such physical evidence as shall be necessary to determine the cause and manner of death, presence of disease, injury, intoxication, and identification of the decedent, or to answer questions arising in criminal investigations, and shall label, prepare, analyze, examine, and catalog such evidence as needed.

~~(3) Examination for alcohol and appropriate chemical and drug concentrations shall be done in all deaths resulting from violence to persons over ten years of age, when death occurs within twelve hours of injury.~~

~~(3)~~(4) Physical evidence Evidence shall be retained by the medical examiner as follows:

(a) Stained sections shall be preserved indefinitely and embedded tissue preserved for at least ten ~~(10)~~ years.

(b) Fixed organs shall be retained until the medical examiner has completed his or her studies of them.

(c) All other specimens shall be retained for one year.

(d) All other physical evidence not released to another investigative agency or to the owner shall be retained for one year.

(e) Physical ~~evidence~~ Evidence that is retained for any period longer than is specified above must be held in accordance with Rule 11G-2.006, F.A.C.

~~(4)~~(5) Requests for independent examination and analysis of physical evidence in the custody of the medical examiner shall be allowed by the medical examiner under his or her supervision and control in a manner designed to provide maximal preservation of the physical evidence. Unless compelling reasons dictate, irreplaceable, non-duplicable and non-divisible physical evidence such as embedded tissue shall not be released for independent analysis and examination.

~~(5)~~(6) Physical evidence specimens no longer required to be retained by the medical examiner shall be disposed of.

~~(6)~~(7) Procedures Concerning Body Parts.

(a) Human remains released by a medical examiner to the legally authorized person next of kin shall include all body parts unless the legally authorized person next of kin explicitly agrees ~~agree~~ to claim an incomplete body.

(b) If human remains recovered by the medical examiner are incomplete owing to dismemberment or decomposition, and there is a possibility that further body parts will be discovered subsequently, the legally authorized person next of kin shall be given the choice of claiming incomplete remains, or waiting to claim the remains until further parts are recovered.

(c) If a body part ~~such as a skull~~ requires special examination, release of the remains should be delayed until the special examination is completed unless the legally authorized person next of kin explicitly chooses ~~choose~~ to claim incomplete remains.

(d) Body parts retained by the medical examiner shall be subsequently released to the legally authorized person next of kin or disposed of pursuant to paragraph (6)(e) of this rule section the wishes of the next of kin.

(e) Body parts not claimed by the legally authorized person next of kin are considered biomedical waste [Section 381.0098(2)(a), F.S.] and shall be destroyed by legally prescribed means, at the expense of the medical examiner.

(f) Evidentiary aspects of retained body parts shall be preserved by documentation by writing, photography, radiography or other indirect means, or by retention of tissue samples. Body parts themselves shall not be retained as evidence for legal proceedings.

~~(g) Permission of the next of kin is not required to retain organs, tissues, sections, or fluids for the determination of cause of death, manner of death, disease, injury, intoxication, or identification of the deceased.~~

~~(h) Permission of the next of kin is not required to destroy retained organs, tissues, sections, or fluids.~~

~~(7)~~(8) Retention, Utilization, and Destruction of Specimens Research.

(a) Permission of the legally authorized person next of kin is required for:

1. Retention of specimens solely for the purpose of research.
2. Research procedures, designed for therapy or resuscitation, performed on a dead human body for experiment or practice, unrelated to the determination of cause of death, mechanism of death, manner of death, presence of disease, injury, or intoxication, or identification of the deceased.

(b) Permission of the legally authorized person next of kin is not required for:

1. To retain organs, tissues, sections, or fluids.

2. To destroy retained organs, tissues, sections, or fluids.

3.1. For the The utilization of specimens for teaching and educational purposes, or publication in scientific or medical publications, or other purposes that are not research, when the specimens were retained for the determination of cause of death, manner of death, disease, injury, intoxication, identification of the deceased, or preservation of evidence.

4.2. For the The utilization of medical examiner records for teaching and educational purposes, or publication in scientific or medical publications, when the records were created in the course of medical examiner death investigations

Rulemaking Specific Authority 406.04 FS. Law Implemented 406.11, 406.13 FS. History—New 10-18-81, Formerly 11G-2.04, Amended 8-27-87, 10-14-96, 7-29-01, 11-30-04, \_\_\_\_\_.

11G-2.005 Records, Autopsy Report.

(1) The ~~district medical examiner District Medical Examiner~~ shall keep among the official records:

(a) The appointment as ~~district medical examiner DME~~ by the Governor;;

(b) A copy of each letter of appointment, resignation, and removal of an ~~associate medical examiner; AME,~~

(c) A log or registry of all cases referred to the medical ~~examiner; examiner's office,~~

(d) Records of all investigations performed, including findings, laboratory reports, photographs, and autopsy reports;;

(e) ~~Photocopies Copies (typed) of all death certificates Death Certificates~~ signed by a ~~DME or AME in his capacity as a medical examiner; and~~

(f) All other notes or documentation forming a record of an investigation; and-

(g) Documentation of the custody and surrender of dead bodies.

(2) Autopsy Report:

(a)(2) The detailed findings of each autopsy shall be included in an autopsy report. ~~The autopsy report shall be typed and shall only include the objective results of the examination of the body and the toxicologic samples. The circumstantial history and toxicologic correlations shall constitute a separate portion of the investigative report.~~

(b) The autopsy report shall be typed and shall include among the case identification data the following information:

1. The medical examiner district or county;

2. The place, date, and time of the autopsy;

3. The name of the decedent, if known;

4. The medical examiner case number;

5. The name of the medical examiner responsible for the opinions; and

6. The name of any other pathologist who performed or assisted with the autopsy.

(c) The autopsy report shall be signed by the medical examiner completing the autopsy and the signature line shall be dated.

(d) The autopsy report shall clearly distinguish objective observations from opinions. Among the objective observations to be included or appended shall be the gross observations, any microscopic observations, and any results of toxicology tests. Among the opinions to be included shall be the cause of death.

(3) Any death certificate signed by a ~~DME or AME in the capacity of medical examiner~~ shall show the address of the ~~District Medical Examiner's~~ office.



Rulemaking Authority 406.04 FS. Law Implemented 406.11, 406.13 FS. History–New 10-18-81, Formerly 11G-2.05, Amended 6-3-10,\_\_\_\_\_.

11G-2.006 Practice Guidelines.

The duties and standards of care of a medical examiner are to be consistent with those contained in the “Practice Guidelines for Florida Medical Examiners, ~~sponsored~~ Sponsored by the Florida Association of Medical Examiners,” revised July 28, 2010, which publication is dated 11-19-2009 and is hereby incorporated by reference. The Practice Guidelines can be obtained at the Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida, Attention Medical Examiner’s staff.

Rulemaking Authority 406.04 FS. Law Implemented 406.075, 406.11, 406.13 FS. History–New 7-29-01, Amended 11-30-04, 3-21-07, 6-3-10,\_\_\_\_\_.

STATE OF FLORIDA  
DEPARTMENT OF LAW ENFORCEMENT  
CHAPTER 11G-5, FLORIDA ADMINISTRATIVE CODE  
AMENDING RULES 11G-5.003 and 11G-5.004  
DISTRICT MEDICAL EXAMINERS  
SUMMARY OF THE RULE

Revises district medical examiner gubernatorial appointments and district candidate search committee.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Clarifies that the term of office for a Commission member appointed to the Medical Examiner's Commission determined by the governor and adds to the District Candidate Search Committee, a "medical examiner designated by the chairperson" upon notification of a vacancy on the Medical Examiners Commission.

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., and thus, a legislative

ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment.

FEDERAL COMPARISON STATEMENT

There are no federal requirements dealing with this topic.

SUMMARY OF HEARING

FDLE received no requests for a public hearing and no written comments were submitted.

## NOTICE OF PROPOSED RULE

### FLORIDA DEPARTMENT OF LAW ENFORCEMENT

Medical Examiners Commission

RULE NO.:      RULE TITLE:

11G-5.003      District Medical Examiner Terms of Office

11G-5.004      Process for District Medical Examiner Candidate Nomination to the Governor

**PURPOSE AND EFFECT:** Clarifies that the term of office for a Commission member appointed to the Medical Examiner’s Commission is determined by the governor and adds to the District Candidate Search Committee a “medical examiner designated by the chairperson” upon notification of a vacancy on the Medical Examiners Commission.

**SUMMARY:** Revises district medical examiner gubernatorial appointments and district candidate search committee.

**OTHER RULES INCORPORATING THIS RULE:** N/A

**EFFECT ON THOSE OTHER RULES:** N/A

#### 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., and thus, a legislative ratification is not required under Section 120.541(3), F.S. This determination is based upon the nature of the subject matter of the proposed amendment, i.e., repeal of a reporting requirement.

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

**RULEMAKING AUTHORITY:** 406.04 FS.

**LAW IMPLEMENTED:** 406.06(1)(a) F.S.

**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:**

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

**AMERICANS WITH DISABILITIES ACT:** 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 Donna Hunt at 850-410-8615, or donnahunt@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (850)656-9597 (TDD).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Donna Hunt at 850-410-8615, or donnahunt@fdle.state.fl.us, or write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donna Hunt

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2011

THE FULL TEXT OF THE PROPOSED RULE IS:

11G-5.003 District Medical Examiner Terms of Office.

The term of office ~~for a of the~~ district medical examiner appointed by the governor shall be three years. A gubernatorial appointment ~~Appointments~~ to fill a vacancy shall be for the unexpired portion of the term. For the purpose of administration, the 24 district medical examiners serve staggered terms, in accord with the following rotation:

- (1) First year – Districts 1 through 7;
- (2) Second year – Districts 8 through 14;
- (3) Third year – Districts 15 through 24.

Rulemaking Specific Authority 406.04 FS. Law Implemented 406.06(1)(a) FS. History–New 2-23-93, Amended \_\_\_\_\_.

11G-5.004 Process for District Medical Examiner Candidate Nomination to the Governor.

- (1) – (2) No change.
- (3) Procedure to fill a District Medical Examiner Vacancy.
  - (a) No change.
  - (b) Within 30 days of being notified of a vacancy or anticipated vacancy, the Chairman of the Commission shall call for a district candidate search committee to be established and appoint a chairman. The search committee shall consist of invited representatives from the offices of the state attorney(s), public defender(s), sheriff(s), police chief(s), county commission(s), funeral homes and a representative of the local medical community from within the bounds of that particular medical examiner district and a physician member of the Medical Examiners Commission or other medical examiner designated by the Chairman ~~or his designee~~. The search committee shall be requested to:
    1. – 6. No change.
  - (c) – (f) No change.

Rulemaking Specific Authority 406.04 FS. Law Implemented 406.06(1)(a) FS. History–New 2-23-93, Amended 9-27-93, \_\_\_\_\_.