

Section III Notices of Changes, Corrections and Withdrawals

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: RULE TITLE:
40C-3.035 Agreements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 41, October 14, 2011 issue of the Florida Administrative Weekly.

These changes are in response to comments received from the Joint Administrative Procedures Committee.

40C-3.035 Agreements.

The Governing Board hereby incorporates by reference the following documents:

- (1) through (16) No change.
- (17) Copies of these documents are available from:

District Rules Coordinator
St. Johns River Water Management District
4049 Reid Street
Palatka, Florida 32177-2529
(386)326-3026

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.046, 373.083, 373.109, 373.308, 373.309, 373.319 FS. History--New 10-14-84, Amended 12-5-85, Formerly 40C-3.035, 40C-3.0035, Amended 1-8-96, 4-21-96, 7-21-96, 12-22-96, 3-10-97, 1-3-00, 9-6-01, 6-25-02, 7-25-02, 1-11-06, 5-18-06, 5-24-07, 5-20-08,

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN that on November 1, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Blountstown Police Department on behalf of James E. Godwin for the 2006-2008 (7/1/2006 – 6/30/2008) reporting period. Subsection

11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule and supervised by a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that the officer at issue shot the mandated course of fire with passing scores for the 2008 reporting cycle. The firearms instructor who supervised the mandatory firearms retraining documented Godwin’s performance on the CJSTC 86A form. The instructor, the agency, and Godwin believed the instructor was a CJSTC-certified firearms instructor at the time. The instructor’s firearms instructor certification had lapsed without anyone becoming aware of it. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officer did successfully complete all of the requirements for the 2008 reporting cycle with the only deficiency being that the instructor who supervised him was inactive at the time of the qualifying shoots.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302 or by telephoning (850)410-7676.

NOTICE IS HEREBY GIVEN that on November 4, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from Green Cove Springs Police Department, on behalf of 9 officers for the 2006-2008 (7/1/2006 – 6/30/2008) and 2008-2010 (7/1/2008 – 6/30/2010) mandatory firearms requalification reporting periods. Subsection 11B-27.00212(14), F.A.C., requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule and supervised by a CJSTC-certified firearms instructor. The petition supports the requested waiver by stating that the officers at issue did successfully complete the course of fire, however, they were supervised by non-CJSTC-certified firearms instructors who signed the officers’ CJSTC 86A forms. The officers at issue were supervised for the 2010-2012 (7/1/2010 – 6/30/2012) mandatory firearms requalification reporting period by CJSTC-certified firearms instructors and received passing scores. Petitioner states that the officers will suffer a substantial hardship if their certifications are rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officers did successfully complete the requirement simply because they were supervised by non-CJSTC-certified firearms instructors for the 2008 and 2010 mandatory firearms requalification cycles.