



Florida Department of
Law Enforcement
Richard L. Swearingen
Commissioner

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May 29, 2015

Timisha J. Brooks, Senior Attorney
Joint Administrative Procedures Committee
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, FL 32399-1400

RE: Department of Law Enforcement
Criminal Justice Standards and Training Commission
Rules 11B-27.0011, .002, .013

RECEIVED
2015 JUN - 1 AM 10:56
JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE

Dear Ms. Brooks:

I am writing in response to your letter dated May 5, 2015, regarding the JAPC review and findings of the proposed rule revisions to Rule Chapter B-27, F.A.C., FDLE provides the following:

JAPC Comment: In the documents incorporated into the above-referenced rules (Forms CJSTC-76, CJSTC-76A, CJSTC-70, CJSTC-70A, CJSTC-83 and CJSTC-270), an individual's social security number is required. In response to our phone discussion on May 1, 2015, your office provided an email with a written statement/notice, asserting that the notice provided accompanies each form (please see attached).

Although it appears that the written statement/notice is sufficient to meet the requirement in section 119.071(5)(a)3., Florida Statutes, the notice also allows your agency to share the social security information with other agencies. The sharing of this information does not appear to comply with the requirements set forth in section 119.071(5)(a)6., Florida Statutes, that "[s]ocial security numbers held by an agency may be only disclosed if..." any of the exceptions provided apply. Please review section 119.071(5)(a)6., Florida Statutes, and advise the Committee with regards to your agency's authority to share this information. In addition, please correct the spelling of the word "exercises" in the section titled "Demonstration of Proficiency" on Form CJSTC 83, and add 119.071 to the law implemented section of each rule which incorporates a document.

FDLE Response: Re: Forms CJSTC-70a, CJST-76a, and CJST-270, I have attached the forms at issue. These forms request only the last four digits of the person's social security number. That being so, s. 119.071(5) regarding the notice and criteria for requesting social security is inapplicable in this circumstance.

Re: Forms CJSTC-70, CJSTC-76, and CJSTC-83, FDLE may share the information with another agency for use in the performance of its duties for purposes of the correct identification of the subject regarding anything applicable to the person's certification. This is permitted pursuant to Section 119.071(5)(a)2.b., F.S.

FDLE will amend its notice to include the statutory citation:

FDLE has asked that you provide your social security number (SSN). The decision to provide your SSN is at your option, but failure to provide your SSN may result in a delay in processing your application or request. If you provide your SSN, FDLE will use it for purposes of identification, and may share the information with other agencies for the same purpose pursuant to Section 119.071(5)(a)2.b., F.S. FDLE's request for your SSN is authorized by state law because it is imperative for the performance of FDLE's duties and responsibilities pursuant to Section 119.071(5)(a)2.a.II, F.S.

Pursuant to our conversation earlier, FDLE will revise the form notice in the next rule promulgation package, which should begin in October or November of 2015.

FDLE treats social security numbers as confidential and exempt in all other circumstances unless Florida or federal law permits otherwise.

Re: the spelling of "exercises," FDLE will correct the typo.

F.S. 119.071 will be added to the law implemented section of each rule that requires or requests a social security number in its forms. It will be accomplished via a technical change.

If you have any additional questions or concerns, please do not hesitate to contact me.

Sincerely,



Fern Rosenwasser
Assistant General Counsel

Enc/
Form CJSTC-70a
Form CJSTC-76a
Form CJSTC-270

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