

2-10-04

CL JUL 16 PM 12:48

**STATE OF FLORIDA
CRIMINAL JUSTICE STANDARDS & TRAINING COMMISSION**

BRIAN R. HIRSCH,

Petitioner,

AT

v.

DOAH Case No. 03-4585

REM-CLOS

**DEPARTMENT OF LAW
ENFORCEMENT,**

Respondent.

FINAL ORDER

I. Statement of Issues

Whether the Petitioner, Brian R. Hirsch's, Equivalency of Training Out-of-State/Federal Officer CJSTC form 76, should be approved.

II. Statement of Facts

The Petitioner was a certified law enforcement officer in Florida from August 23, 1981, through July 27, 1987. On July 11, 2003, changes were enacted to Section 943.131(2), F.S., which mandated that officers seeking recertification who had an eight or more year break in service would be ineligible for an equivalency of training exemption from basic recruit training. The Petitioner did not request a determination of equivalency of training prior to attempting to apply for the mandatory 96-hour equivalency of training course. The CJSTC form 76 approved by FDLE is the certification that the Petitioner is eligible to enroll in the equivalency of training course. The Petitioner's first recorded application for taking the equivalency of training course was September 24, 2003. The Petitioner requested an equivalency of training exemption from basic recruit training on the CJSTC form 76, approximately one month after applying for taking the course. FDLE denied the Petitioner's request because he was out of service for more than eight years. The Petitioner appealed his denial of equivalency of training in a letter sent to the Criminal Justice Standards and Training Commission (CJSTC) on November 5, 2003. The Petitioner's request was forwarded to the Office of the General Counsel where it was referred for the assignment of an Administrative Law Judge on December 5, 2003. The initial order was received on December 5, 2003. A joint response was filed to that Order on December 11, 2003.

The Administrative Law Judge's Notice of Hearing by Video Teleconference set the hearing for January 20, 2004. The Honorable Robert Meale presided over a formal hearing in this cause on January 20, 2004, via video teleconference in Ft. Lauderdale and Tallahassee, Florida.

III. Findings of Fact and Conclusions of Law

The Commission, having been fully advised in this matter, hereby approves and adopts as its own the Administrative Law Judge's findings of fact and conclusions of law as presented by the Administrative Law Judge in the Recommended Order. The Commission further approves the Administrative Law Judge's recommendations without modification.

IV. Conclusion

Based on the foregoing, good cause having been shown, it is therefore ORDERED and ADJUDGED that:

1. The challenge the denial of equivalency of training to Petitioner, Brian R. Hirsch, is denied. It is further,

2. ORDERED THAT this Final Order will become effective upon filing with the Clerk of the Department of Law Enforcement.

SO ORDERED this 12 day of May, 2004.

CRIMINAL JUSTICE STANDARDS
AND TRAINING COMMISSION



COLONEL DARON D. DIECIDUE

NOTICE

THIS ORDER CONSTITUTES FINAL AGENCY ACTION. ANY PARTY WHO IS ADVERSELY AFFECTED BY THIS ORDER HAS THE RIGHT TO SEEK JUDICIAL REVIEW UNDER SECTION 120.56, F.S., BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE CLERK OF THE DEPARTMENT OF LAW ENFORCEMENT, P.O. BOX 1489, TALLAHASSEE, FLORIDA 32302-1489, AND BY FILING A SECOND COPY OF THE NOTICE WITH TH APPROPRIATE DISTRICT COURT OF APPEAL IN ACCORDANCE WITH RULE 9.110, FLORIDA RULES OF APPELLATE PROCEDURE. SUCH NOTICE OF APPEAL MUST BE FILED WITHIN 30 DAYS OF THE DATE THIS ORDER IS RENDERED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and a true copy of the foregoing was sent by U.S. Mail to: Ms. Debi George-Alten, P.O. Box 771105, Coral Springs, Florida 33071, this 12 day of MAY, 2004.



Tina Culbertson
Clerk of the Commission