# FLORIDA DEPARTMENT OF LAW ENFORCEMENT
# Alcohol Testing Program
# Operations Manual

## Receipt and Acknowledgement

**I hereby acknowledge that I have received the Florida Department of Law Enforcement Alcohol Testing Program Operations Manual, revised December 8, 2007, and understand that I am responsible for the information contained therein.**

_____

**Printed Name**

_____

**Signature**

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**Date**

# FLORIDA DEPARTMENT OF LAW ENFORCEMENT
# Alcohol Testing Program
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# FLORIDA DEPARTMENT OF LAW ENFORCEMENT
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## 1.01 INTRODUCTION
***(Updated October 2007)***

**PURPOSE**
The purpose of this manual is to document the operational policies and procedures of the Florida Department of Law Enforcement Alcohol Testing Program (ATP). It is not intended to supercede, and when in conflict is subordinate to, information and processes in the Florida Statutes (F.S.), Florida Administrative Code (FAC), or Florida Department of Law Enforcement (FDLE) Policies and Procedures. Nothing contained in this Manual shall affect the accuracy or reliability of any breath or blood alcohol test which otherwise complies with Florida laws and Chapter 11D-8, FAC.

The Manual is to be used as a reference by ATP members and will be updated at least once each fiscal year. Revisions may also be proposed at any time by any ATP member upon consultation with the Program Manager. The ATP Tallahassee Office (the Program Office) will be responsible for formatting, printing and distributing all approved revisions and ensuring the distribution of all updates to ATP members.

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT**
The Florida Department of Law Enforcement (FDLE) is a statewide law enforcement agency that offers a wide range of investigative and technical services to Florida criminal justice agencies. FDLE strives to safeguard the safety of our citizens and visitors through innovative programs and activities, and to benefit Florida's law enforcement community through investigative, technical and forensic support, and continuing education programs.

**MISSION OF THE ALCOHOL TESTING PROGRAM**
It is the mission of ATP to ensure that methods and procedures used for breath and blood alcohol analysis in the State of Florida are scientifically accurate and reliable. It will be achieved through the following objectives:
- Provide quality and timely service to the criminal justice agencies and to the citizens in Florida.
- Maintain effective lines of communication with our members and our customers.
- Maintain a high level of professional competence for those involved in the process.
- Seek additional resources when necessary to provide quality service to our customers.
- Provide a strategy to review and implement new technology.

**AUTHORITY**
Chapters 316, 322, and 327, Florida Statutes grant ATP the authority to promulgate administrative rules and regulate alcohol breath test instruments and breath and blood test methods, persons who operate and inspect breath test instruments, breath testing instructors, and blood analysts who conduct blood alcohol testing.

**FDLE POLICIES AND PROCEDURES**
FDLE Polices and Procedures will not be duplicated within this document. ATP members must refer to FDLE Polices and Procedures for information not contained within this document.

## 2.01 PUBLIC RECORDS (Updated November 2005)

**GENERAL INFORMATION**

ATP business records shall be retained pursuant to the applicable retention schedule, but may be retained for a longer period based on reference or administrative value. Records retention is the sole responsibility of Records Custodians at the Program Office unless otherwise specified. The Records Retention Schedule will be maintained by the Custodian of Records.

**RECORDS DESTRUCTION**

The Program Legal Advisor must be consulted prior to expungement or destruction of any ATP record.

## 2.02 RECORDS MANAGEMENT (Updated November 2005)

**GENERAL INFORMATION**

All records shall be maintained in accordance with the Public Records section of this Manual. Unintentionally lost, damaged or destroyed records shall be reconstructed to the best possible extent. Any notes or observations handwritten on any record shall be written in ink. Corrections to record shall only be made by striking out the error in ink with a single line and the correcting member initialing the strikethrough. No part of any record shall be intentionally erased or made illegible.

Destruction of records in the normal course of business shall only be done by the Custodian of Records or designee and must be preceded by a request for authorization to destroy. Records shall not be destroyed until written authorization is obtained. The Program Manager and Legal Advisor must be consulted before any records are prepared for destruction.

## 2.03 PUBLIC RECORDS REQUESTS (Updated October 2007)

**GENERAL INFORMATION**

All public record requests must be submitted in writing. If any member receives a request via telephone they shall have the requestor submit the request in writing. All verbal discussions with a requestor must be documented in writing. The Program Office will provide a written response to public records requests within five business days of receipt. It is the sole responsibility of the Records Custodian to process public records requests. All responses to public records requests must be reviewed by the Program Legal Advisor.

**PROCEDURES**

A public record request received by the Program Office will be stamped with the date of receipt. The request will be assigned a number and entered into the public records request log by the Custodian of Records or designee. The assigned number will be written on the request and noted on all related correspondence.

If no records are available to satisfy the public records request, the member will notify the requestor in writing within five business days of receipt of the request. If applicable records are available for production, the assigned member will determine a fiscal cost for responding to the request. If the requestor will be charged the cost, that amount will be noted in a cost letter. If the cost is de minimus, the requestor will not be charged and the member will assemble the applicable records and mail them to the requestor within five business days. The public records requests log must be accurately updated to reflect each activity for processing a request.

A public records request awaiting payment of costs will remain open for thirty days after the date of the cost letter. When a check for a public records request is received, the member will complete a Transmittal of Funds form and send the check to the Office of Finance and Accounting, and assemble the applicable records and mail them to the requestor within five business days of receipt of payment. A copy of the Transmittal of Funds form and a copy of the check will be maintained with the request documentation in the public records notebook. If payment is not received in a timely manner, the public records request will be deemed abandoned and will be closed. The public records log must reflect either the payment received and mailing of requested information or closing for non-payment.

**NON-ATP RECORDS**
The Custodian of Records or designee shall forward requests for non-ATP FDLE records to the entity responsible for such records and notify requestors. The Custodian of Records or designee shall coordinate a comprehensive response and document all related activity.

## 2.04 BUDGETARY EXPENDITURES (Updated October 2007)

**GENERAL INFORMATION**
The Business Manager or designee is responsible for processing and documenting all ATP expenditures.
**PROCEDURE**
Members shall submit all invoices, expense reports, travel vouchers, P-Card Purchases and cash refund receipts to the Program Office. The Business Manager shall record the appropriate amounts in the budget/expenditures spreadsheet in the applicable categories identifying fund amounts spent for specific purposes, and shall submit this documentation to the Office of Finance and Accounting for reimbursement or payment of an invoice.

## 2.05 METHODS DEVELOPMENT AND RESEARCH

**GENERAL INFORMATION**
ATP encourages research and methods development projects as a service to the alcohol testing community and the State of Florida. Members proposing new methods development or research projects shall submit a written summary documenting the purpose of the project, the estimated cost, the approximate time needed to complete the project, the necessary resources, and the anticipated benefits. The summary shall be reviewed by the Program Manager and the Legal Advisor.

If the project is approved, the Program Manager shall notify the member. Members conducting such projects are responsible for providing regular updates to the Program Manager. Time expended on such projects shall be recorded on members' weekly activity sheets. The member must prepare a final report of their findings for submission to the Program Manager. The Program Office will approve implementation of the new methodology after validation is complete or retain the research information for public records purposes.

## 2.06 COMPLIANCE REVIEW (Updated May 2006)

**GENERAL INFORMATION**
Relevant information received by the ATP in reference to its regulatory duties shall be reviewed at an ATP Staff Meeting.
**PROCEDURE FOR BREATH TEST CERTIFICATIONS**
Upon consultation with the Legal Advisor, a written decision for No Action, Letter of Acknowledgement, Additional Training, Suspension, Revocation or other appropriate action will be made by the Program Manager or designee upon receipt of information concerning ATP regulatory duties. A memorandum will be prepared indicating the matters reviewed and the decision of the review.

All mandatory Additional Training must be documented by an ATP member upon completion of the training including the name of the individual trained, the date(s) of training and the specific subject(s) addressed.

## 2.07 BLOOD ALCOHOL PROFICIENCY TEST CYCLES (Updated November 2005)

**GENERAL INFORMATION**
Blood alcohol proficiency test cycles for Blood Analysts and Applicants occur once each quarter in accordance with Rule 11D-8.013 and 11D-8.014, FAC. The Program Manager or their designee is responsible for the following procedures.
**PROCEDURES**
OBTAINING BLOOD ALCOHOL SAMPLES
1. Submit to the contract vendor an annual Vendor Calendar and Target Concentration Table indicating the date that the blood alcohol samples will be provided by the vendor and the target alcohol concentrations for each level of blood alcohol samples for each quarter.

DISTRIBUTION OF BLOOD ALCOHOL SAMPLES

1. Create a Blood Alcohol Proficiency Testing Annual Calendar indicating the date that blood samples will be mailed and the date that the results must be received each quarter, and mail it to each blood analyst and reference laboratory.
2. Assign target levels and vial numbers to each blood analyst, permit applicant, and reference laboratory.
3. Prepare mailing boxes containing the following:
    a. Self-addressed envelope,
    b. Applicable correspondence,
    c. Blank FDLE/ATP Form 6,
    d. Assigned number and level of blood alcohol proficiency samples.
4. Address, seal and express mail the mailing boxes.

PROCESSING RESULTS AND DETERMINING ACTION

1. Record results of each participant in the Blood Database, and create a Quarter Manual Statistics excel spreadsheet.
2. Determine out of range participants for a first iteration based on the mean, standard deviation, and range of acceptability for each level.
3. Remove out of range participants from the Quarter Manual Statistics excel spreadsheet.
4. Determine out of range participants for a second iteration based on the mean, standard deviation, and range of acceptability for each level. Out of range participants in both the first and second iterations are deemed to have unsatisfactorily determined the level of blood alcohol proficiency samples.
5. Evaluate subsequent results received for each cycle based on the range of acceptability of the second iteration.
6. Take appropriate action as to out of range participants will be taken in accordance with Rule 11D-8.013 and Rule 11D-8.014, FAC.

## 2.08 ALCOHOL TESTING PROGRAM WEBSITE (Updated October 2007)

**GENERAL INFORMATION**

The Alcohol Testing Program website address is linked to the FDLE website and can be found at www.fdle.state.fl.us/atp. The Business Manager or a designee will maintain a website for the Alcohol Testing Program. The website checked at least once each week for correct format and information. Information and records on the website will be updated as follows:

- The public records section and dry gas standard section will be updated with any new records at least once each month.
- The alcohol reference solution section will be updated as lots of alcohol reference solutions are approved.
- The course calendar section will be updated at least once each week.
- All other sections will be updated as necessary.

## 2.09 PAMS REPORTING (New October 2007)

**GENERAL INFORMATION**

By the 5th of each month, the Business Manager or designee will report to the Professionalism Program the number of breath test instrument inspected by the ATP during the previous month. The number of breath test instruments inspected during a month will be determined from the total number of Department Inspection Reports (FDLE/ATP Form 41) received from each Department Inspector during that month.

## 2.10 REVIEW OF INTOXILYZER 8000 SUBJECT TESTS ELECRONIC RECORDS (New October 2007)

**GENERAL INFORMATION**

Intoxilyzer 8000 Subject Test Electronic Records will be printed and reviewed each business day. A PDF report of the breath tests to be reviewed will be created. Each breath test to be reviewed will be printed. The Program Manager or designee will review each breath test conducted on an evidentiary Intoxilyzer 8000. An inquiry will be made into any test that appears to have an operator training inquiry, instrument functionality inquiry, or other inquiry as described.

**PROCEDURES – Intoxilyzer 8000 Subject Tests Electronic Data Review Inquiry**

The inquiry will be made by the Program Manager or designee on the Intoxilyzer 8000 Subject Tests Electronic Data Review Inquiry document. The Inquiry will be sent to the assigned Department Inspector. The Department Inspector will follow up with the person in question (or the agency inspector if necessary) and document the follow up. The Department Inspector will

recommend final action or take action based on the type of inquiry issued. The completed Intoxilyzer 8000 Subject Tests Electronic Date Review Inquiry will be sent to the Program Office within twenty (20) days of receipt.

## 2.11 INTOXILYZER 8000 SUBJECT TESTS STATISTICAL DATA REVIEW (New October 2007)

**GENERAL INFORMATION**

The Program Office will create a monthly statistical summary of the breath tests conducted in Florida based a review of the Intoxilyzer 8000 Subject Tests Electronic Records. The statistical summary for a particular month will be prepared at least two (2) months after the month being recorded. This is to allow sufficient time for all instruments to upload the subject test data for the month being recorded.

**PROCEDURES**

After the 5th of the month, a PDF report of the subject tests from two months prior will be created. Using an excel spreadsheet; the following information will be recorded:

- Total number of breath tests conducted each month by instrument serial number;
- Total number of breath tests conducted each month;
- Total number of each type of test (DUI, SYS CHK, ADMIN, BUI, COURT ORDER, OTHER, PROB/PAROL, COMM MOTOR, ZERO TOL) by instrument serial number;
- Total number of each type of test conducted each month and their percentage of the total number of breath tests;
- Total number of occurrences of each messages (VNM, SNM, NSP, RFI, REF, SNL, ABT, INT, IPS, RNG, AMB, No .02, PUR, CTL OUT, TEMP REG, ANALYTICAL STABILITY, EEPROM CHKSUM, VOLT/CURRENT) received each month by instrument serial number; and
- Total number of occurrences of each messages received each month and their percentage of the total number of breath tests.

A summary memorandum will be created and sent to the Department Inspectors containing the following information:

- The month reviewed;
- The total number of breath tests conducted that month;
- The total number of each type of test and its percentage of the total number of breath tests;
- The total number of each type of message and its percentage of the total number of breath tests;
- The total number of Air Blanks, the number of Air Blanks without a message flag and the number of Air Blanks with a message flag, and the percentage of their occurrence during the month;
- The total number of Diagnostic Checks, the number of Diagnostic Checks without a message flag and the number of Diagnostic Checks with a message flag, and the percentage of their occurrence during the month;
- The total number of breath samples, the number of breath samples without a message flag and the number of breath samples with a message flag, and the percentage of their occurrence during the month;
- The average breath alcohol result from breath samples without a message flag;
- The total number of breath samples without a message flag that were less than 0.08 g/210L, greater than or equal to 0.08 g/210L and greater than or equal to 0.20 g/210L; and
- The total number of control tests conducted; the number of control tests without a message flag, the number flagged control outside tolerance, the number flagged interferent detect, and the number flagged RFI Detect; and the percentage of their occurrence during the month.

Control Tests Charts will be created for the following:

- All control tests,
- Control tests flagged Control Outside Tolerance,
- Control tests flagged Interferent Detect, and
- Control tests flagged RFI Detect.

The type of test report, messages report, statistical summary and control test charts will be placed on the website.

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## *DEPARTMENT INSPECTORS*

### 3.01 RESPONSIBILITIES AND REGIONS

**GENERAL INFORMATION**

Department Inspectors are employed by the Florida Department of Law Enforcement Alcohol Testing Program, and are authorized to conduct inspections and other assigned duties governed by the applicable sections of the Florida Statutes and Florida Administrative Code. The official class title is Government Analyst II (or Government Analyst I during first year of probation).

Department Inspectors will schedule their time in order to provide adequate services within their assigned regions and to perform their duties in the most efficient manner. Department Inspectors are expected to timely submit reports, memoranda, supporting documentation, and any other required documents to the Program Office. Department Inspectors are directly responsible to the Program Manager for their work product, job performance, and compliance with all applicable policies and procedures. Any deviation or exception to Department Inspector duties and responsibilities must be approved in advance by the Program Manager. This section of the Operations Manual does not supercede or vacate any existing FDLE Policy or Procedure, Statute or Rule.

**DEPARTMENT INSPECTIONS**

A process by which a Department Inspector reviews the care and operation of evidentiary breath test instruments and an agency's compliance with applicable statutes, and rules to ensure the scientific reliability of breath tests conducted in accordance with Chapter 11D-8, FAC.

**AREAS OF RESPONSIBILITY**

The following are each Department Inspector position's regional area of responsibility by county. Note that Brevard County responsibilities are shared by two Department Inspector positions.

- ***NORTHWEST***
  - Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla, Walton, Washington.
- ***NORTHEAST***
  - Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Marion, Nassau, Putnam, St. Johns, Suwannee, Union.
- ***EAST***
  - Brevard, Lake, Orange, Seminole, Volusia.
- **SOUTHEAST**
  - Brevard, Indian River, Martin, Okeechobee, Osceola, Palm Beach, St. Lucie.
- ***SOUTH***
  - Broward, Dade, Monroe.
- ***SOUTHWEST***
  - Charlotte, Collier, DeSoto, Glades, Hendry, Highlands, Lee, Manatee, Sarasota.
- ***WEST***
  - Citrus, Hardee, Hernando, Hillsborough, Pasco, Pinellas, Polk, Sumter.

This shall not preclude temporary reassignments or regional overlaps as needed and authorized by the Program Manager.

### 3.02 ADMINISTRATIVE (Updated December 2007)

**GENERAL INFORMATION**

Department Inspectors shall submit all required documentation to the Program Office and other affected agencies within the specified timeframes, and perform all other administrative tasks in a timely manner. Department Inspectors shall refer all public record requests to the Custodian of Records, and will provide the Custodian of Records with original documents when appropriate and copies of all other documents created in the course of business. Department Inspectors shall consult with the Legal Advisor upon receipt of any Subpoena Duces Tecum, request for discovery, or court order, and shall promptly forward them to the Legal Advisor upon request.

**CORRESPONDENCE**

All correspondence related to a Department Inspector's official duties will be forwarded to the Program Office within ten days of mailing or receipt. All FDLE correspondence will be printed on Department letterhead.

**ACTIVITY REPORTS**

Department Inspectors are responsible for completing and electronically submitting weekly activity reports to the Program Manager (and copy the Business Manager or designee) no later than the Friday following the previous work week. A complete Weekly Activity Report consists of the Daily Activity Reports, the Daily Code Sheets, and the Weekly Activity Summary.

DAILY ACTIVITY REPORT AND DAILY CODE SHEET

The daily activity reports record time units and descriptions of activities. The daily code sheets reflect the amount of activities and the time allocated to each activity. Activities and total time allocated must be accurately recorded on daily code sheets. Time units must be a minimum of 15 minutes (0.25 hours), recorded in military format, and reported in percent of an hour.

WEEKLY ACTIVITY SUMMARY

The information from the daily code sheets will be automatically transposed to the weekly activity summary. Weekly activity summaries must be accurately transcribed to the workbooks located on the T drive. If the member cannot access the T drive, notify the Business Manager when electronically submitting the weekly activity report that they could not access the T Drive. The Business Manager or designee will be responsible for copying the weekly summary into the T Drive after such notification.

PROCEDURES FOR COMPLETION

DAILY ACTIVITY REPORT

1. Enter Date. This will automatically go to the next date after entering the Friday date for the week.
2. Enter Inspector.
3. Enter Time Start.
4. Enter Mileage Start.
5. Enter any time Off Duty.
6. Enter Time End.
7. Enter Mileage End.
8. Total Hours – will be automatically calculated (Time End – Time Start).
9. Hours Worked – will be automatically calculated (Time End – Time Start – Off Duty).
10. Location – type in the location for the particular duty being discussed in description.
11. Description – type in the description of the duty being performed.

(Day) - CODE SHEET

1. Date – will automatically be recorded from the date entered on the daily activity report.
2. Enter the number of activities and time associated with the activity for each type of duty conducted. See attachment for description of different functions.
3. The Total Time will automatically calculate based on the amount of time placed in the Time column. The Total Time on this sheet MUST equal the Hours Worked total on the Daily Activity Report.

ATP WEEKLY ACTIVITY SUMMARY

1. Inspector will be automatically entered based on the name entered on the Daily Activity Report.
2. The Dates: (From/To) will be automatically entered based on the dates entered on the Daily Activity Report.
3. The number of activities and the amount of time will automatically be entered based on the information recorded on the (Day) – Code Sheet.
4. The Total Time will automatically be calculated from the total number of hours calculated each day on the (Day) – Code Sheet.
5. The weekly activity report summary must be copied and pasted into the member's workbook.

The entire weekly activity report must be emailed to the Program Manager and a cc to the Administrative Assistant. The Administrative Assistant can also copy and paste the weekly activity report summary into the member's workbook upon written request from the member.

**DESCRIPTION OF FUNCTIONS**

This list is not all inclusive and should be used as a guide. Consult with the Program Manager if there are any questions regarding the posting of activities and time.

ADMINISTRATIVE FUNCTIONS

Administrative Time – Mail, email, timesheets, weekly activity reports
Vehicle Maintenance – Oil change, car wash, repair, fuel
FDLE Meetings/Contacts – Staff Meetings, Bureau Meetings, Program Meetings or contact with FDLE members
Travel For Administrative Functions – Time for travel associated with any of the above functions.
INSTRUMENTATION FUNCTIONS
Instrument Audits – Audit of instrument, agency records, and preparing department inspection reports. Remember only the actual instrument audit gets recorded for activity. Time can be entered without an activity number. The total number of activities for this function for any given week MUST equal the actual number of department inspections conducted in accordance with FDLE/ATP Form 36.
Travel for Instrument Audits –Time for travel associated with Instrument Audits only.
Instrument Repair/Maintenance – Repair and/or maintenance of evidentiary instrument only.
Travel for Instrument Repair/Maintenance – Time for travel associated with Instrument Repair/Maintenance only.
PERMIT AUDIT FUNCTIONS
Permit Applications – Audit of permit applications and related paperwork, completing the Permit Application Review and Disposition, preparing the Deficiency documentation and mailing this documentation to the Program Office and others who receive this type of documentation. This is for Breath Test Operator Course and Agency Inspector Course auditing.
Continuing Education – Audit of all continuing education course paperwork, preparation of Deficiency documentation and mailing it to the Program Office and others who receive this documentation. This is for Breath Test Operator Renewal Course and Agency Inspector Course Renewal auditing.
Travel for Permit Audit Functions – Time for travel associated with auditing permit applications and continuing education course paperwork.
AGENCY FUNCTIONS
Agency Inspection Report Review – Reviewing agency inspection reports or COBRA information concerning agency inspections conducted, completing Discrepancy Memoranda, and mailing documents to the Program Office and affected individuals.
Agency Contacts/Assists – Meetings, instrument loan, supply delivery, simulator check, supply check, facility check, etc
Agency Training – Any agency training or retraining of permitted persons.
Travel for Agency Functions – Time for travel associated with any Agency Function.
TRAINING CENTER FUNCTIONS
Course/Instructor Monitor – Monitoring a course or an instructor conducting a course.
Course/Instructor Evaluation – Evaluating a course or an instructor conducting a course.
Course Instruction – Instructing a course or a workshop.
Training Center Contact/Assists – Meetings, instrument loan, supply delivery, etc.
Travel for Training Center Functions – Time for travel associated with any Training Center Function.
COURT RELATED FUNCTIONS
Court Related Case Preparation – Preparation for a case (either individually or with the attorney(s) handling the case) and subpoena management.
Courtroom Testimony/Hearings/Depositions – Time spent related to courtroom testimony, motion hearing or depositions and includes sitting in the courthouse or hearing room waiting to testify.
Travel for Courtroom Testimony – Time for travel associated with Courtroom Testimony/Hearings/Depositions only.
DHSMV Hearing – Time spent related to DHSMV hearings and includes waiting to testify or the time spent even a person is released.
Travel for DHSMV Hearing – Time for travel associated with DHSMV hearings only.
Training - Training of state attorneys, defense attorneys, or judges.
Court Related Contact/Assists – Meetings and any other assistance to the state attorneys, defense attorneys or judges.
Travel for Court Related Training/Contact/Assists – Time for travel associated with Court Related Training/Contacts/Assists only.
OTHER FUNCTIONS
Public Contacts – Contact with public for example MADD, SADD, etc.
Other Training Provided – Training provided to anyone other than agencies, for training centers or court related training.

Training Received – Any training received such as Users Conference, IACT, computer, instrumentation related, etc.
Special Assignments – Assignments made by the Program Manager or any assignment that is not related to the regular course of business identified above.
Research – Research for reports, presentations, instrumentation evaluations, scientific studies or any research conducted other than for case preparation.
Travel for Other Functions – Time for travel associated with any Other Function.

## 3.03 FDLE INSTRUMENTS AND EQUIPMENT (Updated October 2007)

**GENERAL INFORMATION**

All assigned instruments and equipment must be maintained in good working order. Any repairs or calibrations will be accomplished in a timely manner and no later than specified. The Program Manager will be notified in writing as soon as any equipment needs repair or calibration. Department Inspectors will provide the Program Manager with estimates of repairs or equipment purchases and obtain written approval prior to commitment of funds.

**INSTRUMENTATION**

All FDLE evidentiary breath test instrumentation shall be sent to an authorized repair facility for preventative maintenance and calibration at least once each fiscal year.

**EQUIPMENT**

Department Inspectors shall ensure that the following equipment is calibrated at least once per fiscal year:

- Digital Multimeter
- Simulators
- Temperature Probe
- Barometric Pressure Gauge

Calibrations shall be performed by the equipment manufacturer or authorized facility. Department Inspectors shall submit all calibration information to the Program Office within ten (10) business days of receiving such information.

**LAPTOP COMPUTERS**

Department Inspectors are issued a laptop computer, a printer, and a wireless network card for use in the performance of their official duties. Department Inspectors may contact the regional computer liaison or the Program Manager to report any problem with their computer. Computer hardware problems or malfunctions must be immediately reported to the Program Manager and followed –up with an email outlining the exact dates the computer was down and the person who fixed the computer.

**MAINTENANCE & SUPPLIES**

The inventory maintained by the Program Office is the official list of assigned equipment for each Department Inspector. Department Inspectors will immediately inform the Program Manager about any loss of or damage to equipment. While not all equipment and supply items are inventoried, Department Inspectors must take all steps necessary to prevent any loss or damage to all equipment and supplies in their custody. Department Inspectors are responsible for replenishing supplies as needed. Approval for purchase of supplies must be obtained from the Program Manager in advance.

## 3.04 DEPARTMENT INSPECTIONS (Updated December 2007)

**GENERAL INFORMATION**

Department Inspectors will be provided and are responsible for the care and maintenance of all equipment and supplies necessary to conduct Department Inspections of evidentiary breath test instruments. Department Inspectors will perform Department Inspections as prescribed in Chapter 11D-8, FAC. A minimum of one Department Inspection per calendar year will be conducted on all evidentiary instruments in the region assigned to the Department Inspector, unless otherwise exempted by the Program Manager. In addition to their role in ensuring the accuracy and reliability of breath tests, Department Inspection procedures encompass concerns for safety, professionalism, efficiency, and equipment care and protection.

**SUPPLEMENTAL DEPARTMENT INSPECTIONS**

Any Department Inspections conducted on an evidentiary breath test instrument in addition to the required annual inspection, and shall be conducted as prescribed by Chapter 11D-8, FAC.

**EVIDENTIARY INSTRUMENTS RETURNED FROM AN AUTHORIZED REPAIR FACILITY**

Department Inspections must be conducted on all evidentiary breath test instruments after return from an authorized repair facility.

**INSTRUMENT INSPECTION**

A breath test instrument either COMPLIES or DOES NOT COMPLY with inspection requirements. Once begun, the inspection must be completed as much as possible and may not be restarted at a later date.

INTOXILYZER 8000

The Department Inspection of an Intoxilyzer 8000 must be conducted in accordance with FDLE/ATP Form 36 Department Inspection Procedures – Intoxilyzer 8000 with the results reported on FDLE/ATP Form 41 Department Inspection Report – Intoxilyzer 8000.

- Record the Barometric Pressure Sensor reading from the instrument and the Barometric Pressure reading from the gauge on the Field Notes document.
- When an exception occurs during an inspection, the Department Inspector must thoroughly note the cause and corrective action taken and that the additional test(s) were satisfactory. Only those remarks concerning the instrument inspection process as required by Chapter 11D-8, FAC will be annotated in the Remarks section of the Department Inspection Report. All other remarks or statements will be addressed in memorandum or on the Field Audit Notes document.
- Ensure all information on the report is accurate and correct.
- Sign, stamp and seal the Department Inspection Report.
- Verify and, if necessary reset, the settings of the instrument using the Intoxilyzer 8000 Evidentiary Breath Test Instrument Set Up Procedures. Record on the Field Notes document that the Set Up was verified.
- Conduct a System Check Breath Test in accordance with FDLE/ATP Form 37 Operational Procedures – Intoxilyzer 8000.

<u>Intoxilyzer 8000 Evidentiary Breath Test Instrument Set Up Procedures</u>

(Note: Select = Place cursor under)

1. Press Esc, Esc
2. Enter Last Name , First Name, MI at prompts
3. Press 3
4. Enter Password
5. Select S (Set Up) and Press Enter
6. Select E (Time/Date) – Press Enter
   Verify date and time; Change if necessary
7. Select L (Set Agency) – Press Enter
   Enter the owning agency's name
8. Select P (Printer Set Up) – Press Enter
   *Inhibit Internal Printer*- Enter "N"
   *Print Copy Count* – Enter "1"
9. Select G (General Set Up) – Press Enter
   *Display Volume* – Enter "N"
   *Display Third Digit* – Enter "Y"
   *Disable on Mem Full* – Enter "Y"
   *Show Prelim Results* – Enter "N"
   *Enable Data Stream* – Enter "N"
10. Select C (Comms Transfer Set Up) - Press Enter
    *Enter Database Phone Number* (Use prefix if necessary placing comma after the prefix)
    *Max Tries* – Enter "3"
    *Max Time* – Enter "5"
11. Select T (Configure Start Test) – Press Enter
    *Data Entry Mode* – Select Enabled
    *Start Test Sequence* – Select DACABAWABA(WABA)CAD

*Select Cal (D/W/I)* – Enter "D"
*Enter Target Value* – Enter "0.080"

12. Select V (Serial Number/Version Info) – Press Enter
    Verify Serial Number and Software Version. If incorrect, terminate set up and contact ATP Manager. If correct, press Esc
13. Select X (Disable/Enable Instrument)
    If "Enable Instrument" is displayed, press Enter.
    If "Disable Instrument" is displayed, continue on with Step 14.
14. Select Z (Change Password(s))
    Enter Level to Change – Enter "2" to change Agency Inspector password.
    Enter "3" to change Department Inspector password.
15. Press Esc until instrument returns to Ready Mode.

AGENCY DOCUMENTATION

Audit of Agency Inspection Records and Related Documents: A review of all agency inspection reports and related documents (such as current forms, certificates of analysis, repair invoices, or inspection reports) will be conducted. These records will be audited at least once per calendar year. Department Inspectors will audit these documents and identify any errors, violations, or discrepancies to the agency. Any such errors, violations, and/or discrepancies will be noted in writing to the agency inspector and a copy of the written response sent to the Program Office.

AGENCY EQUIPMENT AND SUPPLIES

At least once each calendar year, agency equipment and supplies will be audited to ensure the equipment is in proper working order and the agency has the correct supplies necessary to conduct agency inspections. Supplies include, but are not limited to, current mouth alcohol solution, approved and non-expired alcohol reference solution, source certified and non-expired dry gas standard, distilled or deionized water; and current forms.

**DEPARTMENT INSPECTOR ACCESS TO EVIDENTIARY BREATH TEST INSTRUMENTS**

Any Department Inspector denied access at any time to an evidentiary breath test instrument shall submit a written memorandum to the Program Manager documenting the persons involved, the Agency, and all applicable facts. The Program Manager, the Department Inspector and the Legal Advisor will review all available information to determine an appropriate course of action.

**AGENCY DEFICIENCIES/VIOLATIONS**

Significant Violations: Any Agency found to be in violation of Chapter 11D-8, FAC to the extent that the accuracy or reliability of breath tests may be affected shall be notified that the registration of any affected breath test instrument is immediately suspended. The Department Inspector shall immediately inform the Program Manager and the Agency representative as to the nature of the violation(s) and any corrective action required, and shall issue a corresponding Field Notes document. The Program Office will immediately cancel the instrument registration. Within five days, the Department Inspector shall submit a detailed memorandum documenting these actions to the Program Manager and the Agency head. Upon written notification by the Agency that the violations have been corrected, the Department Inspector shall verify the corrective action and conduct a Department Inspection prior to the reinstatement of any instrument registration by the Program Office. Within five days of notification of corrective agency action, the department inspector shall submit a detailed memorandum documenting the verification of corrective agency action and the result of such correction to the Program Manager and Agency Head.

Minor Deficiencies: Agency representatives shall be notified of any minor deficiencies or rule violations which do not affect the accuracy or reliability of breath tests, and shall be requested to take immediate corrective action. Within five business days, the Department Inspector shall submit a detailed memorandum documenting these actions to the Program Manager and the Agency head. Once notified in writing by the Agency that the deficiencies have been corrected, the Department Inspector shall verify the corrective action. Agency corrections of minor deficiencies at the time of the Department Inspection will be documented on the Field Notes with the original forwarded to the Program Office and a copy provided to the Agency representative.

## 3.05 DEPARTMENT INSPECTION REPORTS (Updated October 2007)

**GENERAL INFORMATION**

Department Inspection Reports shall be prepared based on any department inspection performed on instruments used for evidentiary breath testing in the State of Florida. It is the responsibility of Department Inspector to complete their inspections in a timely manner and submit the reports for all instruments within their assigned regions.

**INTOXILYZER 8000 REPORTS**

Department inspection results will be automatically reported on FDLE/ATP Form 41. Mail the signed, stamped and sealed Department Inspection Report – FDLE/ATP Form 41 and a copy of the dry gas standard certificate of analysis to the Program Office within fifteen (15) days of the inspection. Note that the set up procedures were conducted on the Field Notes document. Sign or initial the FDLE/ATP Form 38 or the print out from the System Check breath test conducted after verifying the set up of the instrument.

**REPORTS**

The Department Inspector will be notified by email when the inspection report has been reviewed for accuracy and completeness and been accepted. The Program Office will mail a certified copy of the Department Inspection Report to the agency and to the Bureau of Administrative Reviews within ten days of acceptance of the report.

The Program Office shall provide the Department Inspector with a draft department inspection report that contains issues needing correction/clarification on inspection reports that cannot be corrected by the Program Office. Department Inspectors will make such corrections or provide justification to the Program Manager stating reasons why a correction is not needed. A signed, stamped, and sealed corrected department inspection report shall be returned to the Program Office within fifteen (15) days or a written extension must be requested and granted by the Program Manager.

**PROGRAM OFFICE REVIEW AND ACCEPTANCE OF DEPARTMENT INSPECTON REPORTS**

All department inspection reports will be reviewed for accuracy and completeness prior to external distribution. Any unsatisfactory report will be returned, marked “Draft”, for correction to the appropriate Department Inspector. Notification of any corrections and processing will be made via email to the appropriate Department Inspector.

PROCEDURE FOR REVIEW

The Program Office shall review Department Inspection Reports for accuracy, correctness, and administrative and technical compliance within three days of receipt, and prior to external dissemination. Administrative review examines spelling, grammar, and corroboration of data. Technical review examines the actual findings and results of a department inspection.

Department inspection reports will be stamped by the Program Office with the date received. Each department inspection report will be logged into the Annual Department Inspection Report Log, noting the Department Inspector’s name, the instrument serial number, the location agency, the inspection date, and the report receipt date.

When the review is completed, an email will be sent to the corresponding Department Inspector noting serial numbers, agency names, the date of inspection, and whether any corrections are needed.

The Program Office shall notify the Department Inspector by email when any corrections are necessary. If no correction is necessary, the Program Office shall disseminate the report within ten days of notification to the Agency and the Bureau of Administrative Reviews. Department Inspectors shall correct deficient reports within fifteen days of receipt of the draft report. All corrected reports shall be forwarded to the Program Office within fifteen days of notification.

**DESCREPANCIES**

Notwithstanding quality assurance reviews, members who prepare records and reports remain fully accountable for their accuracy, correctness, and content. Department Inspectors are responsible for their work product. All report discrepancies shall be noted and reported to the Program Manager.

*ADMINISTRATIVE*

The Program Manager shall discuss with Department Inspectors any recurring administrative and clerical report discrepancies.

*TECHNICAL*

The Program Manager and Legal Advisor shall review and discuss the circumstances surrounding technical discrepancies with the Department Inspector. The Program Manager shall prepare a summary outlining any corrective action needed. The affected Department Inspector shall not perform any department inspections until notified by the Program Manager.

**DISSEMINATION OF REPORTS**

Department Inspectors shall not disseminate any Department Inspection Report to any external entity. All Department Inspection Reports will be disseminated from the Program Office.

## 3.06 AGENCY ASSISTANCE (Updated October 2007)

**GENERAL INFORMATION**

Frequent contact and communication with agency inspectors is a primary mission of a Department Inspector. Department Inspectors shall assist agencies as defined in Chapter 11D-8, FAC, in any manner related to their official duties and responsibilities. Department Inspectors will initially refer agencies outside their geographical regions to the appropriate Department Inspector, and will notify the Program Manager if an agency has unsuccessfully attempted to contact their assigned Department Inspector. The Program Manager may also assign Department Inspectors to assist agencies outside their assigned regions as needed. Any Department Inspector expected to be absent from duty for more than two days must revise telephone recorded messages to instruct callers to contact a temporarily assigned Department Inspector or the Program Office for assistance.

**RESPONSE PROCEDURES**

Department Inspectors will respond to agency requests within two business days unless it is impractical or impossible, in which case the Department Inspector shall request assistance from another Department Inspector and notify the Program Manager. All assistance rendered will be documented in the Department Inspector's Weekly Activity Report, including the name of the Agency and the type of assistance provided. Copies of all related memoranda and correspondence must be provided to the Program Office.

**DEPARTMENT INSPECTORS PERFORMING AGENCY INSPECTIONS**

Department Inspectors may only perform agency inspections after consultation with and approval from the Program Manager.

## 3.07 TRAINING COURSES (Updated November 2005)

**GENERAL INFORMATION**

It is important for Department Inspectors to closely interact with training centers, instructors, and breath testing students, and to document (via memorandum, email, course evaluation form) any problems or concerns to ensure effective levels of instruction. Department Inspectors shall assist training centers and breath test instructors within their assigned regions based on their capabilities and scheduling constraints and shall record such assistance on weekly activity reports. Based on a Notification of Specialized Training Course received, the Program Office shall notify Department Inspectors of all training scheduled and any requests for assistance from instructors within their regions.

**MONITORING COURSES AND INSTRUCTORS**

Department Inspectors shall monitor training classes within their assigned regions. Department Inspectors shall monitor and evaluate breath testing courses and breath test instructors to ensure that instructors are teaching the approved curriculum, meeting learning objectives, providing quality training, and protecting the integrity of examination materials. Department Inspectors shall submit written evaluations of every instructor and course monitored within fifteen days of course completion. Any action taken against an instructor or training center must be documented in writing with notice to the instructor, training center director, and the Program Manager within five days of such action.

Department Inspectors shall record observations and all results of any evaluation concerning training, and must assist instructors to correct any identified deficiencies. Deficiencies which might affect the qualifications of the students are cause to suspend the training class, and must be immediately communicated to the Program Manager. If such action is necessary, it must be documented in writing with notice to the instructor, training center director, and the Program Manager within five days of such action.

Evaluations of instructors and courses shall be recorded on a Breath Test Course and Instructor Monitor form, and submitted to the Program Manager. The Department Inspector shall provide copies to the instructor and training center director. Department Inspectors will discuss their evaluation with the instructor after the completion of the training class.

**ASSISTANCE**

When assistance is requested and scheduling allows, Department Inspectors shall assist training centers and breath test instructors in obtaining equipment and supplies necessary to conduct a training class, including assisting instructors in preparing instruments and simulators prior to the start of the class to ensure that they are working properly. Department Inspectors may also assist as primary or secondary instructors and examination proctors. All assistance provided shall be recorded on the Weekly Activity Report.

## 3.08 DEPARTMENT INSPECTOR TRAINING PROGRAM AND CONTINUING EDUCATION

**GENERAL INFORMATION**

The Department Inspector training program addresses the knowledge, skills, and abilities required to effectively perform the duties and responsibilities assigned to that position. The Program Manager is responsible for revising the training program as needed.

The training program is divided into a series of tasks, with a complete training unit addressing each task. Five parts make up each unit topic: training objective, testing methods, training methods, required reading, and estimated training time.

- Training Objectives: a description of a performance that trainees must exhibit to demonstrate competence.
- Methods of Testing: upon completion of each unit and before starting the next unit, the trainer must evaluate the trainee by written, practical and/or oral examinations.
- Training Methods: lecture, self-study, written exercises, practice problems, instrument demonstrations and practical exercises are appropriate methods to be utilized.
- Require Reading: a reading list is intended to be those assignments pertinent to the objectives, which are useful for training and that must be read in order to complete the training objectives of the unit. Suggested reading may also be recommended at this time.
- Training Time: this time should be based on the average qualified trainee who works full time on training assignments.

**CERTIFICATION**

All Department Inspectors appointed to the position after January 1, 2002 must successfully complete the training program (or the equivalency of training requirements) and be certified prior to conducting Department Inspections. The Program Manager will issue certifications to members who successfully complete the training program stating that the member is certified in the area of Department Inspector. Department Inspectors receiving equivalent training prior to January 2002 have been certified based on such training.

The Program Manager is responsible for coordinating and approving all required internal and external training and assigning a trainer. Assigned trainers shall ensure that all training activities are completed in a satisfactory manner. A Training Assessment Committee (TAC) appointed by the Program Manager shall oversee all aspects of the training process.

PROCEDURES

The trainer shall prepare and submit a training schedule to TAC. By the 5th day of each month the trainer shall submit a training progress report to TAC. This report will reflect the training completed during the previous month and project training to be completed during the following month.

In order to complete the training, a trainee must successfully complete an oral technical assessment before a panel consisting of TAC and any other persons appointed by the Program Manager and participate in a formal moot court. The moot court will provide a realistic courtroom experience and will evaluate a trainee's ability to effectively communicate technical knowledge in a courtroom environment.

Upon completion of the entire training program, the TAC will evaluate the trainee's knowledge, skills, and abilities, and will submit recommendations on certification to the Program Manager.

**EQUIVALENCY OF TRAINING**

In the event that the Alcohol Testing Program hires a qualified Department Inspector, the assessment of the new member's needs or deficiencies will be completed by the Program Manager within 60 days from his/her reporting date. Those identified training needs or deficiencies must be corrected within 120 days from the reporting date.

PROCEDURE

For newly appointed Department Inspectors with previous equivalent experience, TAC shall determine training needs and develop a specialized training program based on the following:

- A summary of the nature and extent of the education, training and experience.
- The results of an examination (written, oral and/or practical) to assess knowledge, skill and abilities applicable to the position.

A trainee meeting equivalency of training requirements must successfully complete an oral technical assessment and a formal moot court before being issued a certification.

**CONTINUING EDUCATION**

The ATP encourages continuing education for all members that will benefit the effectiveness or efficiency of performing their duties and responsibilities. Members are responsible for successfully participating in continuing education programs in a professional manner. Member shall submit certificates of completion or certificates of attendance to the Program Office.

PROCEDURES

Members are encouraged to provide the Program Office with information about technical and non-technical courses of interest. All requests for participation in continuing education programs shall be submitted to the Program Manager for review and approval. Requests must include a description of the course or program, the estimated cost of participating, and the anticipated benefits.

## 3.09 REVIEW OF AGENCY INSPECTIONS (Updated October 2007)

**GENERAL INFORMATION**

Department Inspectors shall review agency inspection electronic data based on the following procedures and requirements.

**REQUIREMENTS**

Results of Agency Inspections will be reviewed using COBRA. The Department Inspector shall ensure that COBRA is synchronized to their laptop computer before conducting the review. If synchronization cannot occur, contact the Program Office to receive the data.

**PROCEDURES**

- The Department Inspector shall review the inspection data in its entirety and confirm the following:
  - ✓ The inspection data for all checks and tests must be reviewed for compliance with Chapter 11D-8, FAC.
  - ✓ Lot numbers of alcohol reference solutions must correspond to approved and non-expired lots. Dry gas standard lot numbers must be relevant and non-expired.
  - ✓ At least two reference sample devices must be used.
  - ✓ Reasons for repeated checks or tests must be recorded. Remarks concerning corrective action must be recorded.
  - ✓ The determination of complies/does not comply must accurately reflect the results of the inspection.

**AGENCY INSPECTION REPORT REVIEW SUMMARY**

- Department Inspectors shall submit monthly summary reports of agency inspection reviews by the 15th of every month. The summary shall reflect instrument serial numbers, the agency inspector names, date of review, and the satisfactory or unsatisfactory results of reviews based on an agency inspector's performance. Department Inspectors shall indicate on the summary report if an instrument is not in evidentiary use during the review period.

**DOCUMENTATION**

- Unsatisfactory Reviews: Department Inspectors shall record on the monthly summary report any deficiencies or concerns and any corrective action, and shall issue a deficiency memorandum to the agency inspector within five days documenting the deficiencies and prescribed corrective action. A copy of all discrepancy memoranda and its supporting agency inspection data must be received by the Program Office within five (5) days of issuance of the memoranda. Department Inspectors must ensure that agency inspectors complete the corrective action, and submit any corrected documentation marked "amended". Department Inspectors must ensure that all resulting records, including amended or supplemental agency reports, correction memoranda, and other follow up documentation are received by the Program Office within five (5) days of receipt by the Department Inspector.
- Deficiency Memoranda: Department Inspectors must issue a Deficiency Memorandum when the Agency Inspection data is not received, contains erroneous information, or an inspection did not occur. Department Inspectors must use the following

categories when creating a Deficiency Memorandum and include it on the memorandum: Incomplete (for example, blanks not filled in, boxes not checked, missing results or missing signature); Untimely or Not Received (for example, sent in late or not at all); Performed Incorrectly (for example, wrong form version, expired solution, improper or inadequate equipment, wrong procedures, stating complies when it did not); or Erroneous Information (for example, reported results different from print cards, lot numbers wrong, misspelling).

## 3.10 DISPOSITION OF BREATH TEST PERMIT APPLICATIONS AND CONTINUING EDUCATION COMPLIANCE (Updated December 2007)

**GENERAL INFORMATION**

Alcohol Testing Program members are responsible for auditing breath test training course records. Basic breath test training course and continuing education course records will be audited at the training centers within thirty (30) days of course completion. However, any basic breath test training course records and applications sent directly to the Program Office will be audited at the Program Office. Auditors will ensure that each applicant/student submits the required documentation.

**BREATH TEST PERMIT APPLICATIONS**

DOCUMENTATION

**Breath Test Operator Course**

Breath Test Permit Application
Breath Alcohol Test Affidavit FDLE/ATP Form 38
Examination Results
Proof of Course Completion

**Agency Inspector Course**

Breath Test Permit Application
Agency Inspection Report–Intoxilyzer 8000 FDLE/ATP Form 40
Breath Alcohol Test Affidavit FDLE/ATP Form 38
Examination Results
Proof of Course Completion

PROOF OF COURSE COMPLETION

Demonstrated by an overall grade of "Pass" on a completed Breath Test Training Report, or other acceptable documentation received by the Program Office.

AUDIT PROCEDURES

When reviewing applications, auditors will:

1. Receive an electronic notification in ATMS once the Training Center has entered a student's grade.
2. Obtain a copy of the ATMS Training Report, signed by the Training Center Director or designee if available, and verify that all applicants appear on the ATMS Training Report and in the ATMS Notification queue. If an applicant's name does not appear on the ATMS Training Report, contact the training center for resolution. If the applicant does not appear in the ATMS Notification queue, contact the Program Office.
3. If all required documentation is present and correct, note it on the Application Review section of the application by checking "Application Complete".
4. If the application does not contain all required documentation or is otherwise incomplete, note it on the Application Review section of the application by checking "Application Deficient". Complete a Breath Test Deficiency Notification. Sign, date and forward copies of the deficiency notification and deficient record to the Program Office, Applicant and Training Center Director.
5. If the applicant did not successfully complete the course (for example, failed written examination, unsatisfactory attendance, or unsatisfactory instrument operation) check "Application Deficient" on the application and provide comments noting the deficiency.
6. Upon completing an application audit, submit the following to the Program Office:
   - All original applications with each Application Review section completed. If no Application Review section is available, complete a Breath Test Permit Application Review and Disposition document submit it along with the original application.
   - The original Breath Test Training Report completed and signed by the Instructor.
   - If available, signed ATMS Training Report.
   - Original Breath Test Deficiency Notifications and copies of deficient records.

PROGRAM OFFICE APPLICATION REVIEW AND DISPOSITION

Upon reviewing all documentation and recommendations the Program Office will either approve the application and issue a permit or note the application deficient on ATMS as follows:

APPROVAL OF APPLICATIONS

Check "Application Approved" and record the date of issuance of the permit in the Application Disposition section of the application. All permits will be mailed on the same business day that they are printed.

DEFICIENT APPLICATIONS

Hold the application until receipt of documentation correcting the deficiency. If any deficiency is not properly corrected, begin the application denial process. Once all deficiencies have been corrected, issue a permit, check "Application Approved", and record the date of issuance of the permit in the Application Disposition section of the application. All permits will be mailed on the same business day that they are printed.

DENIED APPLICATIONS

If an applicant does not meet the requirements of Chapter 11D-8, F.A.C., the application will be denied in accordance with section 5.01 of this manual. The Program Office will complete the appropriate "Application Disposition" section of the application.

**CONTINUING EDUCATION AUDITS**

The following apply to audits of continuing education courses:

DOCUMENTATION

**Breath Test Operator Renewal Course**

Breath Alcohol Test Affidavit FDLE/ATP Form 38
Examination Results
Proof of Course Completion

**Agency Inspector Renewal Course**

Agency Inspection Report–Intoxilyzer 8000 FDLE/ATP Form 40
Breath Alcohol Test Affidavit FDLE/ATP Form 38
Examination Results
Proof of Course Completion

PROOF OF COURSE COMPLETION

Demonstrated by an overall grade of "Pass" on a completed Breath Test Training Report, or other acceptable documentation received by the Program Office.

AUDIT PROCEDURES

1. Obtain a copy of the ATMS Training Report, signed by the Training Center Director or designee if available, and verify that all students appear on the ATMS Training Report and in the ATMS Notification queue. If a student's name does not appear on the ATMS Training Report, contact the training center for resolution.
2. Complete the Breath Test Renewal Course Audit Report.
3. If the required documentation is not present or is otherwise incomplete, note it on the Breath Test Renewal Course Audit Report by checking "Deficiency Notification Issued". Complete a Breath Test Deficiency Notification. Sign, date and forward copies of the deficiency notification and deficient record to the Program Office, Applicant and Training Center Director.
4. If the student did not successfully complete the course (failed written examination, no proof of course completion) mark the appropriate boxes as "NO" on the Breath Test Renewal Course Audit Report and do not issue a deficiency notification.
5. Upon completing the audit, submit the following to the Program Office:
    - The original Breath Test Renewal Course Audit Report signed by the auditor.
    - The original Breath Test Training Report completed and signed by the Instructor.
    - If available, signed ATMS Training Report.
    - Original Breath Test Deficiency Notifications and copies of deficient records.

DEFICIENCY REVIEW

The Program Office will review corrected documents for accuracy and completeness. If corrected documentation is not received, the student will be notified in writing. If the student fails to satisfactorily respond failure to complete continuing education requirements will be noted in ATMS, and the student and employing agency will be notified in writing.

## 3.11 REGISTRATION OF EVIDENTIARY BREATH TEST INSTRUMENTS (Updated December 2007)

**GENERAL INFORMATION**

Department Inspectors shall register breath test instruments and perform Department Inspections prior to any instrument being placed into evidentiary use. Only Instruments which comply with Department Inspection procedures may be registered.

**PROCEDURES**

Department Inspectors shall verify that the software version is the most current version evaluated by the Department for evidentiary purposes before conducting the department inspection prior to registration. Only an Intoxilyzer 8000 that contains software evaluated by the Department shall be inspected and registered.

Department Inspectors shall perform the Department Inspection and generate a Department Inspection Report. Department Inspectors shall complete a Request for Registration and submit it to the Program Office.

The Program Office shall issue instrument registrations. The original registration will be maintained by the Program Office and a certified copy shall be sent to the agency contact.

**CANCELLATION OF REGISTRATIONS**

An Agency may request cancellation of an evidentiary breath test instrument registration by submitting the request in writing to the Program Office. The Program Office shall mail a notice and a certified copy of the registration to the Agency.

Upon consultation with the Program Manager and Legal Advisor, Department Inspectors may request the cancellation of an evidentiary breath test instrument's registration by submitting a memorandum to the Program Office noting the reason(s) for cancellation. Upon cancellation, the Program Office shall mail a notice and a certified copy of the registration to the Agency.

## 3.12 REVIEW OF ADDITIONAL INTOXILYZER 8000 ELECTRONIC DATA

**GENERAL INFORMATION**

Each month, the Department Inspector will review the following additional Intoxilyzer 8000 Electronic Records: Cylinder Changes, Login Records, Control Tests, and Diagnostic Checks for the serial number instrument in their assigned area. The Department Inspector will record the review of these records, in a separate column for each record type, on the agency inspector report review spreadsheet. The summary spreadsheet will be submitted to the Program Manager or designee by the 15th of each month.

**PROCEDURES**

These additional records will be reviewed for the following:

- Cylinder Change records will be reviewed for valid lot number and expiration date.
- Login Records will be reviewed to ensure only permitted persons are logging into the instrument's menu function.
- Control Tests and Diagnostic Checks will be reviewed for instrument functionality.

**DOCUMENTATION**

Department Inspectors shall record on the monthly summary report any deficiencies or concerns and any corrective action if necessary, and shall issue a memorandum to the agency inspector within five days documenting the deficiencies and prescribed corrective action. A copy of all memoranda must be received by the Program Office within five (5) days of issuance of the memoranda. Department Inspectors must ensure that agency inspectors complete the corrective action, if applicable, and submit any corrected documentation or written response. Department Inspectors must ensure that all follow up documentation is received by the Program Office within five (5) days of receipt by the Department Inspector.

## 4.01 ALCOHOL REFERENCE SOLUTION ANALYSIS

The following procedures shall be used to analyze alcohol reference solution for approval for use in the State of Florida.

**PROCEDURE: Alcohol Reference Solution Analysis**
**December 1, 2003**

### Principle

This analytical procedure is for use in the quantitative determination of ethanol (ethyl alcohol) in alcohol reference solutions. Duplicate analysis of a minimum of ten bottles of alcohol reference solution are each diluted with an aqueous internal standard solution and allowed to equilibrate at a constant temperature. The headspace is then automatically sampled and injected onto a chromatographic column. Volatiles present in the sample are separated on the column. Any signal response corresponding to ethanol is noted. According to Henry's Law, the vapor partial pressure of a solute above an ideally dilute solution is proportional to the mole fraction of the solute in the solution.[1] By application of this basic law, the concentration of ethanol in the sample is proportional to the concentration of ethanol in the headspace above the sample. The concentration of ethanol in the sample is determined by comparison of the signal responses of similarly treated ethanol standards.[2]

### Equipment

**Gas Chromatograph**

An Autosystem XL model gas chromatograph equipped with a flame ionization detector is used (Perkin Elmer Corporation). The analytical column is a fused silica capillary column (30m X 0.53mm with 1 um film, J & W DB-Wax or equivalent). The nominal operating conditions for the gas chromatographic analysis are:

| | |
|---|---|
| Column Oven: | 50 degrees centigrade |
| Detector: | 200 degrees centigrade |
| Range: | 1 |
| Attenuation: | 1 |
| AutoZero: | ON |
| Run Time: | ~ 6 minutes as appropriate |
| Detector Hydrogen: | Approximately 45 mL/minute |
| Detector Air: | Approximately 450 mL/minute |
| Carrier Helium: | ~9.5 psig (approximately 7.5 mL/minute) |

**Autosampler**

A TurboMatrix HS110 automatic headspace sampler (Perkin-Elmer Corporation) is used to equilibrate and sequentially introduce samples to the gas chromatograph. The nominal operating conditions for the autosampler are:

| | |
|---|---|
| Sample Temperature: | 50 degrees centigrade |
| Needle Temperature: | 80 degrees centigrade |
| Transfer Temperature: | 80 degrees centigrade |
| Cycle Time: | 6 minutes |
| Thermostat Time: | 18 minutes |
| Pressurization Time: | 2.0 minute |
| Injection Time: | 0.05 minute |
| Withdraw Time: | 0.0 minute |

**Chromatography Data System**

A computer-based chromatography data system (Turbochrom, PE Nelson Corporation) is used to measure, record and analyze the signal response from the gas chromatograph detector.

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[1] Physical Chemistry, Third Edition, Ira N. Levine, McGraw-Hill Book Company, New York, 1988.

[2] "Quality Control in Blood Alcohol Analysis: Simultaneous Quantitation and Confirmation", Daniel J. Brown and W. Christopher Long, Journal of Analytical Toxicology, Volume 12, September/October 1988.

**Pipettor-Dilutor**

A pipettor-dilutor (Cavro, Hamilton, or similar) is used to take up and dispense sample aliquots and internal standard reagent.

**Reagents, Calibrators and Controls**

**Internal Standard Reagent**

Approximately 0.02 g/dL n-propanol (reagent grade or similar) in deionized water. Prepare by transferring 250 uL n-propanol to a 1000 mL Class A volumetric flask containing approximately 500 mL deionized water. Mix gently and then dilute to volume with deionized water. Store in an amber glass bottle at room temperature.

**Calibrators and Controls**

1. Certified aqueous ethanol standards (Stephens Scientific, Criterion, Cerilliant, Radian, College of American Pathologists, EM Science or similar) traceable to NIST or in-house prepared standards may be used as calibrators and/or controls. Store according to manufacturer's recommendations or at room temperature for in-house prepared standards. (See below for preparation of in-house standards)
2. A mixed volatiles control is prepared in-house using reagent grade (or better) ethanol, methanol, acetone and isopropanol. (See below for preparation)
3. A reagent blank control is analyzed using distilled or deionized water as the test sample.

**Preparation of In-House Standards to be used as Calibrators or Controls**

*Ethanol Standards*

Aqueous ethanol standards to be used as calibrators and/or controls may be prepared from 200 proof ethanol (Quantum Division, AAPER or similar). A stock solution is prepared from which working standards are then prepared.

Stock solution (nominally 10.0 g/dL) is prepared by opening a previously unopened bottle of 200 proof ethanol. Using Class A volumetric pipettes (50.0, 10.0, 3.0 and 0.5mL), transfer 63.5 mL of the 200 proof ethanol to a 500 mL Class A volumetric flask containing approximately 250 mL of deionized water. Mix gently and dilute to volume with deionized water. Transfer to an amber glass bottle and store at room temperature.

Working standards to be used as calibrators and/or controls are prepared from the stock solution by appropriate volumetric dilutions with deionized water. For example, to prepare the following concentrations, dilutions are made as indicated:

| | |
|---|---|
| 0.40 g/dL | dilute 10.0 mL stock to 250 mL |
| 0.32 g/dL | dilute 8.0 mL stock to 250 mL |
| 0.16 g/dL | dilute 4.0 mL stock to 250 mL |
| 0.08 g/dL | dilute 4.0 mL stock to 500 mL |
| 0.04 g/dL | dilute 2.0 mL stock to 500 mL |
| 0.01 g/dL | dilute 5.0 mL of the 0.40 g/dL to 200 mL |

The concentration of any working standard is verified by gas chromatographic analysis against certified aqueous ethanol standards traceable to NIST. Store all working standards in amber glass bottles at room temperature. A minimum of ten (10) determinations is used to calculate the mean value of the standard. This mean value is used as the target concentration for the standard.

**Mixed Volatile Control**

A mixed volatile control is prepared in-house by volumetrically adding 2.0 mL of the stock solution above, 250 uL reagent grade (or better) methanol, 250 uL reagent grade (or better) isopropanol, and 250 uL reagent grade (or better) acetone to a 500 mL volumetric flask containing distilled or deionized water. Mix and dilute to volume with distilled or deionized water.

**Procedure Detail**

All samples (alcohol reference solution, calibrators and controls) are at room temperature when prepared for analysis. Bottles of alcohol reference solution are analyzed in duplicate.

1. Seals on all alcohol reference solution bottles are checked to ensure they are intact and no leakage has occurred.
2. Using the pipettor-dilutor, aspirate 50 uL of sample (alcohol reference solution, calibrators, and controls) with 1 mL internal standard reagent into a 22 mL headspace vial. The vial is labeled with the sample identification.
3. Cap the vial and crimp securely. A securely crimped cap should not rotate on the vial.
4. Place the headspace vials in the HS110 autosampler carousel, noting and verifying the location of each sample

5. Prepare the Turbochrom sequence file for the analysis.
6. Initiate the run by starting both the TurboMatrix HS110 autosampler and the Turbochrom Workstation sequence.
7. Each sample is analyzed on the gas chromatograph after 18 minutes of equilibration by the transfer of approximately 0.4 mL of headspace. The signal response is recorded for each sample analyzed.

**Calibration and Evaluation of Quality Control Data**

The analysis procedure is standardized using the Turbochrom internal standardization method. An average calibration factor is calculated using four (4) standards (0.025, 0.10, 0.20 and 0.40 g/100mL). At a minimum, standardization must be performed within the 30 days prior to the sample analysis.

A mixed volatiles control, reagent blank, and at least one mid-range ethanol control (not less than 0.08 g/100mL and not greater than 0.15 g/100mL) must be analyzed with each analytical run of samples. Additionally, in the absence of concurrent standardization, a low (less than or equal to 0.05 g/100mL) and a high (greater than or equal to 0.20 g/100mL) aqueous ethanol control must be analyzed. The results for each control should agree within +/- 3% of the target concentration for the standard or +/- 0.003 g/100mL, whichever is larger. For commercially prepared aqueous controls, the manufacturer's certified concentration is used as the target concentration. For in-house prepared aqueous controls, the target concentration is determined during the initial verification of the material. Should any control result fall outside of the above range, the cause must be identified and documented. Reanalysis of affected alcohol reference solution samples is required.

The percent relative standard deviation of the internal standard peak areas must not be greater than 5%. If this value is greater than 5%, the cause must be identified and documented. Reanalysis of affected alcohol reference solution samples is required.

**Concentration Calculations**

The average calibration factor technique in combination with internal standardization is used for quantitation. To calculate the average calibration factor, the software calculates the ratio of the response (peak area) ratio to the concentration (g/100mL) ratio of the analyte to internal standard. Since the internal standard concentration is held constant from sample to sample, it is entered as 1.0 in order to simplify calculations.

$$ACF = \frac{\sum_{i=1}^{n} \frac{Rsp_i / Rsp_{IS}}{Conc_i / Conc_{IS}}}{n}$$

Where,
ACF is the average calibration factor,
$Rsp_i$ is the response (peak area) for the *i*th replicate of the standard,
$Resp_{IS}$ is the response (peak area) for the *i*th replicate of the internal standard,
$Conc_i$ is the concentration for the *i*th replicate of the standard,
$Conc_{IS}$ is the concentration for the *i*th replicate of the internal standard (=1),
n is the number of standard replicates used.

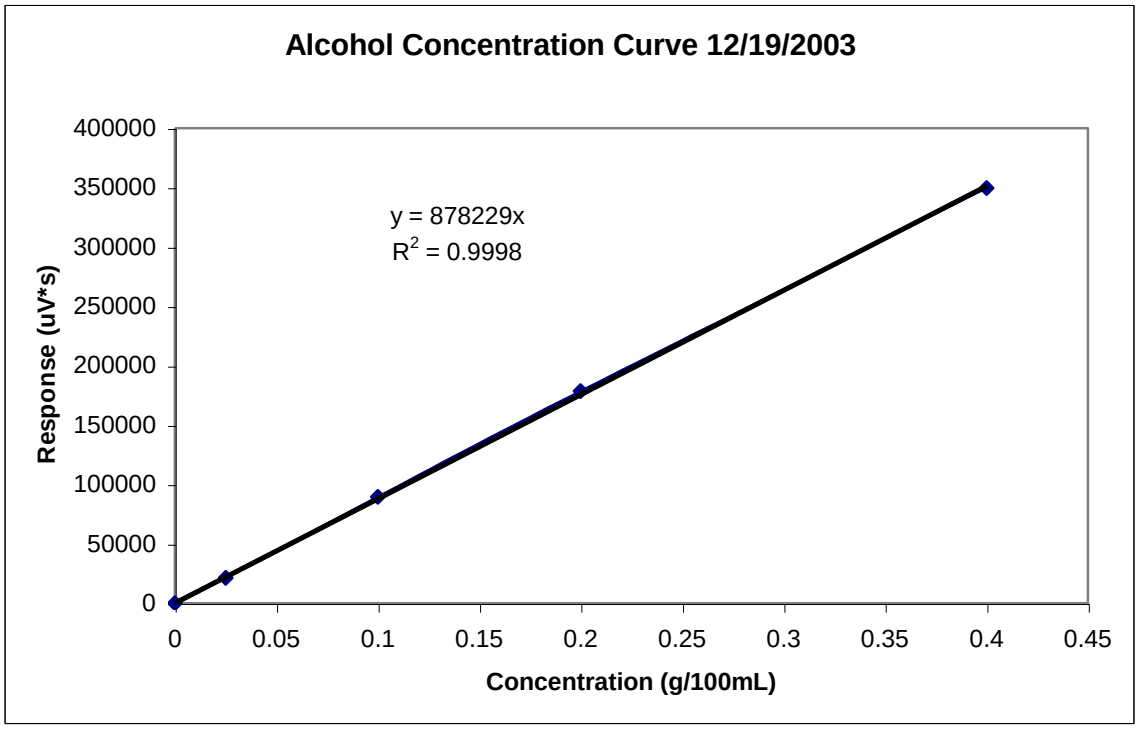
The concentration of ethanol in the alcohol reference solution and control samples is then calculated as:

$$Conc_x = \frac{Rsp_x \text{ X } Conc_{IS}}{Rps_{IS} \text{ X } ACF}$$

**Quality Control**

*Linear Calibration Range*

The linear range of this analytical procedure was evaluated by the analysis of certified ethanol standards covering the concentration range 0.00 to 0.40 g/100mL. No significant deviation from linearity was observed over this range.




*Limit of Detection*

The limit of detection for ethanol is <0.005 g/100mL.

*Specificity*

Relative retention times (RRt) for several volatile compounds have been determined on the column used with this analytical procedure.

| | DB-Wax Column |
|---|---|
| **Compound** | **RRt (n-Propanol)** |
| Acetone | 0.341 |
| Methanol | 0.469 |
| Isopropanol | 0.542 |
| Ethanol | 0.563 |
| n-Propanol | 1.000 (5.42 min) |

**Evaluation and Reporting of Alcohol Reference Solution Results**

A minimum of ten (10) alcohol reference solution bottles from the same lot must be analyzed. Each alcohol reference solution bottle is analyzed in duplicate. The results for each measurement are rounded to four decimal places. All results from the analysis of all bottles must fall within the acceptable range as defined in Chapter 11D-8, Florida Administrative Code. Alcohol reference solution results are reported in grams of ethanol per 100 mL of sample. If any of the results from the analysis of a single bottle of alcohol reference solution are out of acceptable range, the cause must be identified and documented. Reanalysis of the affected bottle is required.

## 4.02 MOUTH ALCOHOL SOLUTION PREPARATION AND ANALYSIS

**GENERAL INFORMATION**

The following procedures shall be used to prepare and analyze mouth alcohol solution distributed for use in the State of Florida.

**PROCEDURE: Mouth Alcohol Solution Preparation and Analysis**
**December 2003**

**Principle**

This analytical procedure is for use in the qualitative determination of ethanol in mouth alcohol solution. Duplicate analysis of at least the first and last bottle of a lot of mouth alcohol solution are each diluted to a nominal concentration of 0.04 g/100mL and then further diluted with an aqueous internal standard solution and allowed to equilibrate at a constant temperature. The headspace is then automatically sampled and injected onto a chromatographic column. Volatiles present in the sample are separated on the column. Any signal response corresponding to ethanol is noted. The samples of mouth alcohol solution are analyzed to show that only ethanol and no other volatile is present in the sample.

**Preparation of Mouth Alcohol Solution**

The concentration of the lot prepared is nominally 6.075 g/100mL. The mouth alcohol solution is then used in evidentiary breath test instruments to perform the mouth alcohol test during an agency and/or department inspection.

The following procedure is used to prepare a lot of mouth alcohol solution. The lot is at least 20 to 21 liters. The container used to prepare the lot of mouth alcohol solution is approximately 22 liters.

1. Using a 1000 mL volumetric Class A flask, fill about half-way with deionized water.
2. Add 77 mL of 200 proof ethanol using the following volumetric pipettes: 50 mL, 25 mL and 2 mL.
3. Mix and dilute to volume with deionized water.
4. Pour into main container.
5. Repeat until lot of 20 to 21 liters is prepared.

Note: a 2000mL volumetric flask may be used in lieu of the 1000mL volumetric flask above. In this case, 154 mL of 200 proof ethanol is volumetrically added to the flask containing deionized water using the following volumetric pipettes: 100mL, 50 mL and 4 mL. Mix and dilute to volume with deionized water.

The lot of mouth alcohol solution is then allowed to equilibrate for at least one (1) hour. The lot of mouth alcohol solution is then dispensed into clear bottles and capped. At a minimum, the first and last bottles dispensed are analyzed. Before a bottle of mouth alcohol solution is analyzed, it must be diluted to a nominal concentration of 0.04 g/100 mL. This is so the mouth alcohol solution will not overload the gas chromatographic column. (See below for dilution)

**Equipment**

**Gas Chromatograph**

An Autosystem XL model gas chromatograph equipped with a flame ionization detector is used (Perkin Elmer Corporation). The analytical column is a fused silica capillary column (30m X 0.53mm with 1 um film, J & W DB-Wax or equivalent). The nominal operating conditions for the gas chromatographic analysis are:

| | |
|---|---|
| Column Oven: | 50 degrees centigrade |
| Detector: | 200 degrees centigrade |
| Range: | 1 |
| Attenuation: | 1 |
| AutoZero: | ON |
| Run Time: | ~ 6 minutes as appropriate |
| Detector Hydrogen: | Approximately 45 mL/minute |
| Detector Air: | Approximately 450 mL/minute |
| Carrier Helium: | ~9.5 psig (approximately 7.5 mL/minute) |

**Autosampler**

A TurboMatrix HS110 automatic headspace sampler (Perkin-Elmer Corporation) is used to equilibrate and sequentially introduce samples to the gas chromatograph. The nominal operating conditions for the autosampler are:

| | |
|---|---|
| Sample Temperature: | 50 degrees centigrade |

| | |
|---|---|
| Needle Temperature: | 80 degrees centigrade |
| Transfer Temperature: | 80 degrees centigrade |
| Cycle Time: | 6 minutes |
| Thermostat Time: | 18 minutes |
| Pressurization Time: | 2.0 minute |
| Injection Time: | 0.05 minute |
| Withdraw Time: | 0.0 minute |

**Chromatography Data System**

A computer-based chromatography data system (Turbochrom, PE Nelson Corporation) is used to measure, record and analyze the signal response from the gas chromatograph detector.

**Pipettor-Dilutor**

A pipettor-dilutor (Cavro, Hamilton, or similar) is used to take up and dispense sample aliquots and internal standard reagent.

**Reagents and Controls**

**Internal Standard Reagent**

Approximately 0.02 g/dL n-propanol (reagent grade or similar) in deionized water. Prepare by transferring 250 uL n-propanol to a 1000 mL Class A volumetric flask containing approximately 500 mL deionized water. Mix gently and then dilute to volume with deionized water. Store in an amber glass bottle at room temperature.

**Controls**

1. A mixed volatiles control is prepared in-house using reagent grade (or better) ethanol, methanol, acetone and isopropanol. (See below for preparation)
2. A reagent blank control is analyzed using distilled or deionized water as the test sample.

**Mixed Volatile Control**

A mixed volatile control is prepared in-house by volumetrically adding 2.0 mL of the stock solution above, 250 uL reagent grade (or better) methanol, 250 uL reagent grade (or better) isopropanol, and 250 uL reagent grade (or better) acetone to a 500 mL volumetric flask containing distilled or deionized water. Mix and dilute to volume with distilled or deionized water.

**Analysis Procedure Detail**

All samples (diluted mouth alcohol solution and controls) are at room temperature when prepared for analysis. Bottles of diluted mouth alcohol solution are analyzed in duplicate.

1. Each bottle of mouth alcohol solution to be analyzed is diluted to a nominal concentration of 0.04 g/100 mL using the pipettor-dilutor. To dilute the mouth alcohol solution, add 33 uL of mouth alcohol solution to 4967 uL of distilled or deionized water.
2. Using the pipettor-dilutor, aspirate 50 uL of sample (diluted mouth alcohol solution and controls) with 1 mL internal standard reagent into a 22 mL headspace vial. The vial is labeled with the sample identification.
3. Cap the vial and crimp securely. A securely crimped cap should not rotate on the vial.
4. Place the headspace vials in the HS-40 autosampler carousel, noting each sample location. Sample location should match that of the loadlist.
5. Each sample is analyzed on the gas chromatograph after 22 minutes of equilibration by the transfer of approximately 0.4 mL of headspace. The signal response is recorded for each sample analyzed.

**Evaluation of Quality Control Data**

A mixed volatiles control and a reagent blank must be analyzed with each analytical run of samples. The mixed volatiles control must be separated out into its individual components. The reagent blank must be free from ethanol. If the mixed volatile control is not properly separating and/or if the reagent blank is not free of ethanol, the problem must be determined and documented. Reanalysis of affected mouth alcohol solution samples must occur.

**Specificity**

Relative retention times (RRt) for several volatile compounds have been determined on the column used with this analytical procedure.

| | DB-Wax Column |
|---|---|
| **Compound** | **RRt (n-Propanol)** |
| Acetone | 0.341 |

| | |
|---|---|
| Methanol | 0.469 |
| Isopropanol | 0.542 |
| Ethanol | 0.563 |
| n-Propanol | 1.000 (5.42 min) |

**Evaluation and Reporting of Mouth Alcohol Solution Results**

At least the first and last bottles of diluted mouth alcohol solution from the same lot must be analyzed. Each diluted mouth alcohol solution bottle is analyzed in duplicate. Each analysis must indicate that only ethanol is contained in the sample. No other volatiles should be present (other than the internal standard).

If any of the results from the analysis of a single bottle of diluted mouth alcohol solution show contamination of additional volatiles, the cause must be identified and documented. Reanalysis of the affected bottle is required.

## 4.03 ACETONE STOCK SOLUTION PREPARATION AND ANALYSIS

The following procedures shall be used to prepare acetone stock solution prior to distribution for use in the State of Florida.

**PROCEDURE: Acetone Stock Solution Preparation and Analysis**
**December 2003**

**Principle**

This analytical procedure is for use in the qualitative determination of acetone in acetone stock solutions. Duplicate analysis of at least the first and last bottle of a lot of acetone stock solution are each diluted to a nominal concentration of 0.04 g/100mL and then further diluted with an aqueous internal standard solution and allowed to equilibrate at a constant temperature. The headspace is then automatically sampled and injected onto a chromatographic column. Volatiles present in the sample are separated on the column. Any signal response corresponding to acetone is noted. The samples of acetone stock solution are analyzed to show that only acetone and no other volatile is present in the sample.

**Preparation of Acetone Stock Solution**

The concentration of the lot prepared is approximately 6.075 g/100mL. The acetone stock solution is then diluted for use in evidentiary breath test instruments according to the following (which is incorporated in FDLE/ATP Form 16 and FDLE/ATP Form 35): *3 mL of acetone stock solution is volumetrically added to the alcohol free simulator*

The following procedure is used to prepare a lot of acetone stock solution. The lot is at least 20 to 21 liters. The container used to prepare the lot of acetone stock solution is approximately 22 liters.

1. Using a 1000 mL volumetric Class A flask, fill about half-way with deionized water.
2. Add 77 mL of acetone (reagent or better) using the following volumetric pipettes: 50 mL, 25 mL and 2 mL.
3. Mix and dilute to volume with deionized water.
4. Pour into main container.
5. Repeat until lot of 20 to 21 liters is prepared.

Note: a 2000mL volumetric flask may be used in lieu of the 1000mL volumetric flask above. In this case, 154 mL of acetone (reagent or better) is volumetrically added to the flask containing deionized water using the following volumetric pipettes: 100mL, 50 mL and 4 mL. Mix and dilute to volume with deionized water.

The lot of acetone stock solution is then allowed to equilibrate for at least one (1) hour. The lot of acetone stock solution is then dispensed into amber bottles and capped. At a minimum, the first and last bottles dispensed are analyzed. Before a bottle of acetone stock solution is analyzed, it must be diluted to a nominal concentration of 0.04 g/100 mL. This is so the acetone stock solution will not overload the gas chromatographic column. (See below for dilution)

**Equipment**

**Gas Chromatograph**

An Autosystem XL model gas chromatograph equipped with a flame ionization detector is used (Perkin Elmer Corporation). The analytical column is a fused silica capillary column (30m X 0.53mm with 1 um film, J & W DB-Wax or equivalent). The nominal operating conditions for the gas chromatographic analysis are:

| | |
|---|---|
| Column Oven: | 50 degrees centigrade |
| Detector: | 200 degrees centigrade |
| Range: | 1 |
| Attenuation: | 1 |
| AutoZero: | ON |
| Run Time: | ~ 6 minutes as appropriate |
| Detector Hydrogen: | Approximately 45 mL/minute |
| Detector Air: | Approximately 450 mL/minute |
| Carrier Helium: | ~9.5 psig (approximately 7.5 mL/minute) |

**Autosampler**

A TurboMatrix HS110 automatic headspace sampler (Perkin-Elmer Corporation) is used to equilibrate and sequentially introduce samples to the gas chromatograph. The nominal operating conditions for the autosampler are:

| | |
|---|---|
| Sample Temperature: | 50 degrees centigrade |
| Needle Temperature: | 80 degrees centigrade |
| Transfer Temperature: | 80 degrees centigrade |
| Cycle Time: | 6 minutes |
| Thermostat Time: | 18 minutes |
| Pressurization Time: | 2.0 minute |
| Injection Time: | 0.05 minute |
| Withdraw Time: | 0.0 minute |

**Chromatography Data System**

A computer-based chromatography data system (Turbochrom, PE Nelson Corporation) is used to measure, record and analyze the signal response from the gas chromatograph detector.

**Pipettor-Dilutor**

A pipettor-dilutor (Cavro, Hamilton, or similar) is used to take up and dispense sample aliquots and internal standard reagent.

**Reagents and Controls**

**Internal Standard Reagent**

Approximately 0.02 g/dL n-propanol (reagent grade or similar) in deionized water. Prepare by transferring 250 uL n-propanol to a 1000 mL Class A volumetric flask containing approximately 500 mL deionized water. Mix gently and then dilute to volume with deionized water. Store in an amber glass bottle at room temperature.

**Controls**

1. A mixed volatiles control is prepared in-house using reagent grade (or better) ethanol, methanol, acetone and isopropanol. (See below for preparation)
2. A reagent blank control is analyzed using distilled or deionized water as the test sample.

**Mixed Volatile Control**

A mixed volatile control is prepared in-house by volumetrically adding 2.0 mL of the stock solution above, 250 uL reagent grade (or better) methanol, 250 uL reagent grade (or better) isopropanol, and 250 uL reagent grade (or better) acetone to a 500 mL volumetric flask containing distilled or deionized water. Mix and dilute to volume with distilled or deionized water.

**Analysis Procedure Detail**

All samples (diluted acetone stock solution and controls) are at room temperature when prepared for analysis. Bottles of diluted acetone stock solution are analyzed in duplicate.

1. Each bottle of acetone stock solution to be analyzed is diluted to a nominal concentration of 0.04 g/100 mL using the pipettor-dilutor. To dilute the acetone stock solution, add 33 uL of acetone stock solution to 4967 uL of distilled or deionized water.
2. Using the pipettor-dilutor, aspirate 50 uL of sample (diluted acetone stock solution and controls) with 1 mL internal standard reagent into a 22 mL headspace vial. The vial is labeled with the sample identification.
3. Cap the vial and crimp securely. A securely crimped cap should not rotate on the vial.
4. Place the headspace vials in the HS-40 autosampler carousel, noting each sample location. Sample location should match that of the loadlist.
5. Each sample is analyzed on the gas chromatograph after 22 minutes of equilibration by the transfer of approximately 0.4 mL of headspace. The signal response is recorded for each sample analyzed.

**Evaluation of Quality Control Data**

A mixed volatiles control and a reagent blank must be analyzed with each analytical run of samples. The mixed volatiles control must be separated out into its individual components. The reagent blank must be free from acetone. If the mixed volatile control is not properly separating and/or if the reagent blank is not free of acetone, the problem must be determined and documented. Reanalysis of affected acetone stock solution samples must occur.

**Specificity**

Relative retention times (RRt) for several volatile compounds have been determined on the column used with this analytical procedure.

| | DB-Wax Column |
|---|---|
| **Compound** | **RRt (n-Propanol)** |
| Acetone | 0.341 |

| | |
|---|---|
| Methanol | 0.469 |
| Isopropanol | 0.542 |
| Ethanol | 0.563 |
| n-Propanol | 1.000 (5.42 min) |

**Evaluation and Reporting of Acetone Stock Solution Results**

At least the first and last bottles of diluted acetone stock solution from the same lot must be analyzed. Each diluted acetone stock solution bottle is analyzed in duplicate. Each analysis must indicate that only acetone is contained in the sample. No other volatiles should be present.

If any of the results from the analysis of a single bottle of diluted acetone stock solution show contamination of additional volatiles, the cause must be identified and documented. Reanalysis of the affected bottle is required.

## 4.04 ALCOHOL REFERENCE SOLUTION PREPARATION

**GENERAL INFORMATION**

The following procedures are used to prepare and approve alcohol reference solution manufactured by the Florida Department of Law Enforcement Alcohol Testing Program for distribution and use in the State of Florida. The alcohol reference solution will be analyzed in accordance with 5.01 Alcohol Reference Solution Analysis.

**Procedure: Preparation of Alcohol Reference Solution**
**March 2002**

**Introduction**

The following outlines the procedure/process that will be followed in the creation of alcohol reference solution using distilled or deionized water and 200 proof ethanol (reagent grade, USP grade or better). This procedure uses scientifically acceptable formulas for the creation of known standards.

**Scientific Formula**

The alcohol reference solution concentration in g/210L must be converted to g/100mL before the calculation is made below. This is done by multiplying the g/210L concentration by 1.21 (the partition coefficient of ethanol between air and water). After this conversion is made, the units will be g/100mL.

The amount of ethanol to add to create the alcohol reference solution is determined by the following equation:

$$M_1V_1 = M_2V_2$$

Where,

$M_1$ = the mass of the 200 proof ethanol to be added
$V_1$ = the volume of 200 proof ethanol to be added
$M_2$ = the mass of the solution to be prepared
$V_2$ = the volume of the solution to be prepared

**Procedure**

1. Only 200 proof ethanol (reagent grade, USP grade or better) will be used.
2. The final volume of alcohol reference solution to be prepared will be determined.
3. The formula above will be used to calculate the amount of 200 proof ethanol to be added.
4. Using Class A glassware, the amount of 200 proof ethanol will be added to a volumetric flask partially filled with deionized water.
5. Mix and dilute to volume with deionized water.
6. Pour into main container.
7. Repeat if necessary.

The lot of alcohol reference solution is then allowed to equilibrate for at least one (1) hour. The lot of alcohol reference solution is then dispensed into plastic bottles and capped with security seal caps. The first and the last bottles dispensed as well as eight (8) other bottles randomly distributed throughout the lot will be analyzed. Refer to 5.01 Alcohol Reference Solution Analysis Procedure for the analysis process.

**Example(s):**

Preparation of 0.15 g/210L Alcohol Reference Solution

- The total volume of the lot of alcohol reference solution will be 16 liters.
- The total mass of the lot of alcohol reference solution will be 0.15 g.210L.
- Converting g/210L to g/100mL, 0.15 g/210L is multiplied by 1.21 which equals 0.1815 g/100mL.
- Using the density of ethanol, the information concerning the lot, and the formula above, $V_1$ is calculated:

  $0.789 \text{ g/mL} \times V_1 = 0.1815 \text{ g/100mL} \times 1 \text{ L}$

  $V_1 = 2.3 \text{ mL}$
- Therefore, 2.3 mL of 200 proof ethanol will be added volumetrically to a total volume of 1 liter (a 1000mL volumetric flask) using distilled/deionized water.
- This process will be completed 16 times for a total volume of 16 liters.
- Alternately, a 2000mL volumetric flask may be used adding 4.6 mL of 200 proof ethanol and filling to volume with distilled/deionized water. This process would be repeated 8 times for a total volume of 16 liters.

Preparation of 0.30 g/210 L Alcohol Reference Solution

- The total volume of the lot of alcohol reference solution will be 16 liters.
- The total mass of the lot of alcohol reference solution will be 0.30 g.210L.
- Converting g/210L to g/100mL, 0.30 g/210L is multiplied by 1.21 which equals 0.3630 g/100mL.
- Using the density of ethanol, the information concerning the lot, and the formula above, $V_1$ is calculated:

  $0.789 \text{ g/mL} \times V_1 = 0.3630 \text{ g/100mL} \times 1 \text{ L}$

  $V_1 = 4.6 \text{ mL}$
- Therefore, 4.63 mL of 200 proof ethanol will be added volumetrically to a total volume of 1 liter (a 1000mL volumetric flask) using distilled/deionized water.
- This process will be completed 16 times for a total volume of 16 liters.
- Alternately, a 2000mL volumetric flask may be used adding 9.2 mL of 200 proof ethanol and filling to volume with distilled/deionized water. This process would be repeated 8 times for a total volume of 16 liters.

## 4.05 DISTILLED OR DEIONIZED WATER ANALYSIS

**PROCEDURE: Distilled or Deionized Water Analysis**
**April 2005**

The following procedures shall be used to analyze a distilled or deionized water sample to show it does not contain alcohol.

**Principle**

This analytical procedure is for use in the qualitative analysis of a water sample to show it does not contain alcohol. Duplicate analysis of each water sample are each diluted with an aqueous internal standard solution and allowed to equilibrate at a constant temperature. The headspace is then automatically sampled and injected onto a chromatographic column. Volatiles present in the sample are separated on the column. There should be no signal response for ethanol. According to Henry's Law, the vapor partial pressure of a solute above an ideally dilute solution is proportional to the mole fraction of the solute in the solution.[3] By application of this basic law, the concentration of a volatile substance in the sample is proportional to the concentration of a volatile substance in the headspace above the sample.

**Equipment**

**Gas Chromatograph**

An Autosystem XL model gas chromatograph equipped with a flame ionization detector is used (Perkin Elmer Corporation). The analytical column is a fused silica capillary column (30m X 0.53mm with 1 um film, J & W DB-Wax or equivalent). The nominal operating conditions for the gas chromatographic analysis are:

| | |
|---|---|
| Column Oven: | 50 degrees centigrade |
| Detector: | 200 degrees centigrade |
| Range: | 1 |
| Attenuation: | 1 |
| AutoZero: | ON |
| Run Time: | ~ 6 minutes as appropriate |
| Detector Hydrogen: | Approximately 45 mL/minute |
| Detector Air: | Approximately 450 mL/minute |
| Carrier Helium: | ~9.5 psig (approximately 7.5 mL/minute) |

**Autosampler**

A TurboMatrix HS110 automatic headspace sampler (Perkin-Elmer Corporation) is used to equilibrate and sequentially introduce samples to the gas chromatograph. The nominal operating conditions for the autosampler are:

| | |
|---|---|
| Sample Temperature: | 50 degrees centigrade |
| Needle Temperature: | 80 degrees centigrade |
| Transfer Temperature: | 80 degrees centigrade |
| Cycle Time: | 6 minutes |
| Thermostat Time: | 18 minutes |
| Pressurization Time: | 2.0 minute |
| Injection Time: | 0.05 minute |
| Withdraw Time: | 0.0 minute |

**Chromatography Data System**

A computer-based chromatography data system (Turbochrom, PE Nelson Corporation) is used to measure, record and analyze the signal response from the gas chromatograph detector.

**Pipettor-Dilutor**

A pipettor-dilutor (Cavro, Hamilton, or similar) is used to take up and dispense sample aliquots and internal standard reagent.

[3] Physical Chemistry, Third Edition, Ira N. Levine, McGraw-Hill Book Company, New York, 1988.

**Reagents, Calibrators and Controls**

**Internal Standard Reagent**

Approximately 0.02 g/dL n-propanol (reagent grade or similar) in deionized water. Prepare by transferring 250 uL n-propanol to a 1000 mL Class A volumetric flask containing approximately 500 mL deionized water. Mix gently and then dilute to volume with deionized water. Store in an amber glass bottle at room temperature.

**Controls**

1. A mixed volatiles control is prepared in-house using reagent grade (or better) ethanol, methanol, acetone and isopropanol. (See below for preparation)
2. A reagent blank control is analyzed using distilled or deionized water (from a source other than the water samples being analyzed) as the test sample.

**Mixed Volatile Control**

A mixed volatile control is prepared in-house by volumetrically adding 2.0 mL of the stock solution above, 250 uL reagent grade (or better) methanol, 250 uL reagent grade (or better) isopropanol, and 250 uL reagent grade (or better) acetone to a 500 mL volumetric flask containing distilled or deionized water. Mix and dilute to volume with distilled or deionized water.

**Procedure Detail**

All samples (distilled or deionized water samples and controls) are at room temperature when prepared for analysis. Distilled or deionized water samples are analyzed in duplicate.

1. Using the pipettor-dilutor, aspirate 50 uL of sample (distilled or deionized water samples and controls) with 1 mL internal standard reagent into a 22 mL headspace vial. The vial is labeled with the sample identification.
2. Cap the vial and crimp securely. A securely crimped cap should not rotate on the vial.
3. Place the headspace vials in the HS110 autosampler carousel, noting and verifying the location of each sample
4. Prepare the Turbochrom sequence file for the analysis.
5. Initiate the run by starting both the TurboMatrix HS110 autosampler and the Turbochrom Workstation sequence.
6. Each sample is analyzed on the gas chromatograph after 18 minutes of equilibration by the transfer of approximately 0.4 mL of headspace. The signal response is recorded for each sample analyzed.

**Evaluation of Quality Control Data**

A mixed volatiles control and a reagent blank must be analyzed with each analytical run of samples. Should the mixed volatile control not properly separate into methanol, acetone, ethanol and isopropanol, the cause must be identified and documented. Should the reagent blank not be negative for volatiles, the cause must be identified and documented. Reanalysis of all samples is required.

*Limit of Detection*

The limit of detection for ethanol is <0.005 g/100mL.

*Specificity*

Relative retention times (RRt) for several volatile compounds have been determined on the column used with this analytical procedure.

| | DB-Wax Column |
|---|---|
| **Compound** | **RRt (n-Propanol)** |
| Acetone | 0.341 |
| Methanol | 0.469 |
| Isopropanol | 0.542 |
| Ethanol | 0.563 |
| n-Propanol | 1.000 (5.42 min) |

**Evaluation and Reporting of Alcohol Reference Solution Results**

Each distilled or deionized water sample is analyzed in duplicate. The results for each measurement are rounded to four decimal places. All results from the analysis of all distilled or deionized water samples must be 0.0000 g/100mL for ethanol. All results are reported in grams of ethanol per 100 mL of sample. If any of the results from the analysis of a distilled or deionized water sample is not 0.0000 g/100mL, the cause must be identified and documented. Reanalysis of the affected sample is required.

# FLORIDA DEPARTMENT OF LAW ENFORCEMENT
# Alcohol Testing Program
# Operations Manual

***ADMINISTRATIVE PROCEEDINGS***

## 5.01 PERMIT APPLICATIONS

**GENERAL INFORMATION**

The Department is authorized to issue Breath Test Operator and Agency Inspector permits if the applicant meets the applicable requirements of Chapter 11D-8, FAC. The Department is authorized to issue a permit for blood alcohol analysis if the applicant meets the applicable requirements of Chapter 11D-8, FAC. Correspondingly, the ATP is authorized to deny issuance of such permits where any applicant fails to meet the applicable requirements. ATP shall take action on an application within ninety days of receipt. The Program Legal Advisor must be consulted if no action has been taken on an application within ninety days of receipt.

**DEFICIENT APPLICATIONS**

If it is determined that an application is incomplete or otherwise deficient, the reviewer shall notify the Program Manager. The Program Manager shall consult with the Legal Advisor to determine the appropriate course of action. Where additional information is needed to complete the application, a designated member shall prepare a letter of inquiry for the Program Manager's signature explaining any deficiencies and/or requesting additional information and shall record the date of this action.

The original letter of inquiry shall be mailed to either the instructor or the applicant, depending on the deficiency, with copies to the other and the training center. A copy of the letter shall be retained in the applicant's file. In the case of blood analyst permit applications, all correspondence shall be directed to the individual applicant.

Once the application has been corrected/completed, the Program Office shall process the application package for permit issuance.

**APPLICATION DENIAL**

When an applicant for a permit does not meet the applicable requirements, or fails to respond to a letter of inquiry, a designated member shall inform the Program Manager and Legal Advisor and open a Denial File containing a copy of the application and documentation of the ineligibility/deficiency. In consultation with the Legal Advisor, the Program Office shall prepare a Notice of Intent to Deny which provides the applicant an opportunity to correct or clarify any errors in the application or submit additional information and materials.

Any response to a Notice of Intent to Deny shall be reviewed by the Legal Advisor. If the response resolves all denial issues, the application shall be processed for issuance of a permit. A Vacate of Intent to Deny shall be prepared by the Program Manager. If the response to the Notice of Intent to Deny is insufficient or if there is no timely response, ATP staff shall prepare a Notice of Denial and an Election of Rights form. The Notice of Denial shall be reviewed by the Program Manager and the Legal Advisor, and if approved, shall be mailed to the applicant by certified mail, return receipt requested. The Notice of Denial constitutes final agency action and it must be complete and accurate.

If an applicant requests a hearing to challenge denial of an application, the request and the case file shall be submitted to the Legal Advisor immediately upon receipt.

## 5.02 Administrative Complaints

**GENERAL INFORMATION**

When an ATP member receives information or has reason to believe that the holder of an ATP issued permit has violated the requirements of such permit, that member shall inform the Program Manager in writing and attach all supporting documentation.

Upon receipt of information alleging a permit violation, the Program Manager shall assign a member to investigate. The investigating member shall research the allegations, obtain certified copies of documents whenever possible, interview witnesses, and submit a written report to the Program Manager upon completion of the investigation.

The Legal Advisor and the Program Manager shall consult with the Bureau Chief to determine whether probable cause exists to initiate administrative sanctions. If the Bureau Chief authorizes further action, the Legal Advisor shall prepare a charging document (Administrative Complaint), to be delivered to the permit holder (Respondent), pursuant to Chapter 120, FS.

Copies of all relevant documentation involving a law enforcement officer, correctional officer, Correctional Probation Officer or CJSTC instructor, will be provided to the Officer Discipline Section, Standards and Training Commission.

**ADMINISTRATIVE COMPLAINTS**

The administrative complaint and materials transmitted with the complaint shall conform to applicable statutory provisions, and shall include information advising the permit holder of proposed administrative sanctions, violation allegations, and administrative rights and available relief, including the process for requesting formal and informal hearings.

The administrative complaint shall be delivered by certified mail to the mailing address of record or by personal service. If the Respondent cannot be served and certified mail is returned undelivered, the Legal Advisor shall pursue service by publication pursuant to section 120.60, FS.

The Respondent must respond to the Administrative Complaint within twenty-one days of receipt. Failure to timely respond, as documented by the Legal Advisor, constitutes a default by the Respondent and the case shall be referred for appropriate action. The Respondent may respond by:

- Requesting a formal hearing to contest the allegations in the complaint;
- Admitting the allegations and requesting an informal hearing to present mitigating circumstances in an effort to diminish or avert adverse action; or
- Accepting the administrative sanction(s) and, if applicable, voluntarily relinquishing the permit(s).

**ADMINISTRATIVE HEARINGS**

A timely petition for hearing shall be reviewed by the Legal Advisor for statutory and rule compliance.

If the Respondent requests a formal hearing, the Legal Advisor shall coordinate with the Office of General Counsel to request assignment of an Administrative Law Judge from the Division of Administrative Hearings, and shall prosecute the matter pursuant to Chapter 120, FS, and Rule 28-106, FAC. ATP members shall assist in gathering additional information as requested and providing testimony as needed. If the Respondent requests an informal hearing, the Legal Advisor shall schedule a hearing pursuant to Chapter 120, FS, and Rule 28-106 FAC, providing at least fourteen days notice to the Respondent.

The Respondent may be represented by counsel and will be permitted to submit any information, including testimony and closing statements, for purposes of clarification or explanation and to address the issue of mitigation. No disputed issues of fact will be considered. The Program Director or the Director's designate shall officiate at an informal hearing, the Legal Advisor shall represent ATP, and an Assistant General Counsel outside ATP shall advise the Program Director or designate and assist in drafting a final order.

Consideration of evidence, procedural timeframes, and rendition of agency orders shall be governed by sections 120.569, and 120.57, FS. The FDLE Commissioner shall sign all final orders representing the decision of the agency.

ATP shall notify the Respondent and other interested parties of the agency's decision and shall update all relevant records to reflect the status of the permit. Final orders shall be filed in the Program office and shall be indexed in accordance with chapter 1S-6, FAC.

When a Respondent voluntarily relinquishes the permit, the Program Office shall promptly update the appropriate database and advise the employing agency and the Department Inspectors that the permit is no longer valid.