



Criminal Justice Standards and Training Commission

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CRIMINAL JUSTICE STANDARDS AND TRAINING COMMISSION **TECHNICAL MEMORANDUM 2016-11A**

DATE: November 22, 2016
TO: Criminal Justice Agency Administrators
Criminal Justice Training Center Directors
Criminal Justice Selection Center Directors
FROM: Director Dean Register *DR*
Criminal Justice Professionalism Division
SUBJECT: New Florida Administrative Code Rules Effective September 4, 2016

This memorandum is a revision to the original technical memorandum 2016-11, regarding Rule 11B-35.001(9), F.A.C., on Page Six.

Effective September 4, 2016, numerous changes were made to the Florida Administrative Code (F.A.C.) Rule Chapters promulgated by the Commission. Some of the substantive changes are included in this technical memorandum; however, technical changes have not been included in this document. The full rule language can be accessed at the FDLE web site located at <http://www.fdle.state.fl.us/cms/CJSTC/Publications/CJSTC-FAC-Rules.aspx>

Only the 2015-2016 proposed revisions to Rule Chapters 11A-7, 11B-14, 11B-18, 11B-20, 11B-21, 11B-27, 11B-30, and 11B-35, F.A.C., can be accessed at the FDLE web site located at <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Proposed-Revisions-to-Rules-and-Forms.aspx>. Click on the **2015-2016 Proposed Rules** hyperlink to view PDF versions of the Master Rule Documents for the proposed rules to choose a clean copy (*without revision marks*) or a marked copy (*with revisions in red font*).

Rule 11A-7, F.A.C.

This new rule creates rule language to ensure the Commission complies with section 286.0114, F.S., related to public participation at meetings.

Rule 11B-14, F.A.C.

No substantive changes to this rule section.

Rule 11B-18, F.A.C.

11B-18.004 Regional Training Areas

This revision includes a description of the training regions and adds the website location to assist in locating the Commission-certified training schools.

11B-18.004(1)-(16) These revisions remove the specific training school names from rule. No changes to the regional make up were made.

Rule 11B-20, F.A.C.

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

11B-20.001(3)(a)3.a. This revision incorporates updates to the Instructor Competency Checklist, form CJSTC-81 to exempt criminal justice diving instructor applicants from completing an internship; updates the Instructor Certification Categories to remove Law and add Diving; and changes the requirement for the instructor applicant's social security number to require only the last four digits.

11B-20.001(3)(a)5.a. This revision incorporates updates to the Affidavit of Separation, form CJSTC-61 to change the separation code of "Administrative Termination" to "Administrative Separation" to help remove the possible negative stigma associated with the indication of termination; and changes the requirement for the separated officer's social security number to require only the last four digits.

11B-20.0014 Minimum Requirements for High-Liability and Specialized Instructor Certifications.

11B-20.0014(1)(d) This revision incorporates the updated Instructor Competency Checklist, form CJSTC-81 to exempt criminal justice diving instructor applicants from completing an internship; updates the Instructor Certification Categories to remove Law and add Diving; and changes the requirement for the instructor applicant's social security number to require only the last four digits.

11B-20.0014(2)(d)6. This revision reorganizes the subparagraphs to clearly identify the individuals whose training and experience allow them to be certified as a first aid instructor without completing additional instructor training and outlines what these individuals must do to obtain First Aid Instructor Certification.

11B-20.0014(3)(a)4. This revision removes the requirement for a criminal justice diving instructor applicant to have completed the Underwater Police Science and Technology course as a student.

11B-20.0014(3)(c)3. This revision allows a canine team instructor applicant to have completed either the current Canine Team Training Course number 1198 or the retired Canine Team Training Course number 1112 to be eligible for instructor certification. It also clarifies that an equivalent course completed by the canine team instructor applicant must have been approved by a Commission-approved evaluator.

11B-20.0016 Inspection of Instructor Certification Applications.

11B-20.0016(2) This revision incorporates updates to the Instructor Certification Deficiency Notification, form CJSTC-271 to add Breath Test Instructor and Criminal Justice Diving Instructor as instructor topic areas; and changes the requirement for the instructor applicant's social security number to require only the last four digits.

11B-20.0017 Maintenance and Duration of Instructor Certifications.

This revision incorporates updates to the Instructor Compliance Application, form CJSTC-84 to remove Law Topics and add Diving as a specialized instructor topic; and changes the requirement for the instructor applicant's social security number to require only the last four digits.

11B-20.0017(9) This revision requires breath test instructors who fail the Breath Test Instructor Renewal Course to complete the Breath Test Instructor Course, proficiency requirements, and a breath test internship before reapplying for Breath Test Instructor Certification.

Rule 11B-21, F.A.C.

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

11B-21.005(7) This revision incorporates changes to the CMS First Aid Instructional Requirements, form CJSTC-208, to add a tourniquet kit as required equipment and as a part of the first aid kit.

11B-21.019 Criminal Justice Training School Inspections.

11B-21.019(1) This revision changes the annual high liability facility inspection to require Commission staff to conduct the inspection during the second year of the five year training school recertification period and in conjunction with the five-year training school recertification. The training center director or designee will conduct the inspection during each of the remaining years. This revision requires the training center director or designee to complete the applicable facility inspection forms and forward the completed forms to Commission staff.

11B-21.019(3) This revision requires the training center director or designee to notify Commission staff immediately if any areas of non-compliance are noted during the annual inspection and clarifies that the areas of non-compliance must be corrected prior to the facility being used for the delivery of Commission-approved training.

Rule 11B-27, F.A.C.

11B-27.0011 Moral Character.

11B-27.0011(4)(b)1. This revision removes the charge of Video Voyeurism (s. 810.145, F.S.) as an enumerated misdemeanor charge due to a legislative change making the act a felony if committed by anyone 19 years of age or older.

11B-27.0011(5) This revision specifies a timeframe of 10 calendar days during which an officer can recant a false statement prior to the employing agency's conclusion of the internal affairs investigation.

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

11B-27.002(3)(a)4. This revision incorporates updates to the Temporary Employment Authorization Statement, form CJSTC-65 to clarify the firearms training requirement outlined in Rule 11B-27.00213(2)(a), F.A.C. and to change the requirement for the instructor applicant's social security number to require only the last four digits.

11B-27.002(3)(a)11. This revision incorporates updates to the Exemption-From-Training, form CJSTC-76 to change the requirement for applicant's social security number to require only the last four digits.

11B-27.002(3)(a)15. This revision incorporates updates to the Affidavit of Separation, form CJSTC-61 61 to change the separation code of "Administrative Termination" to "Administrative Separation" to help remove the possible negative stigma associated with the indication of termination; and changes the requirement for the separated officer's social security number to require only the last four digits.

11B-27.00212 Maintenance of Officer Certification.

11B-27.00212(14)(e) This revision incorporates updates to the Injury or Illness Exemption for the Firearms Law Enforcement Officer Qualification, form CJSTC-86B to revise the name and changes the requirement for officer's social security number to require only the last four digits.

11B-27.00212(15)(c) This revision deletes Basic Recruit Training Program courses that have been retired for more than four years, revises the retirement dates for courses retired less than four years, and renumbers the section accordingly.

11B-27.00213 Temporary Employment Authorization.

11B-27.00213(2)(b) This revision incorporates updates to the CMS Firearms Performance Evaluation, form CJSTC-4 CMS to include local agencies; adds Safe Handling of Firearms Course to the list of courses required to maintain the instructor to student ratio; adds a line for the rangemaster's printed name to clarify language on the proficiency check lists; and clarifies scoring criteria.

11B-27.004 Probable Cause Determination.

11B-27.004(8) This revision removes subsection (8) due to a procedural change because Commission staff will no longer issue a Letter of Acknowledgement to respondents who have been terminated by an employing agency and renumbers subsections (9)-(14).

11B-27.004(9)(e) This revision removes previous subsection (9)(e) due to a procedural change because Commission staff will no longer issue a Letter of Acknowledgement to respondents who have been terminated by an employing agency.

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

11B-27.005(5)(a)18. This revision adds the penalty guideline of prospective suspension and probation with counseling to revocation for Video Voyeurism.

11B-27.005(5)(b)4. This revision adds Falsification of a Use of Force Report in this section with a penalty guideline of prospective suspension to revocation.

11B-27.005(5)(b)8. This revision removes Video Voyeurism as a misdemeanor charge.

11B-27.005(5)(c) This revision amends the penalty guideline of probation to suspension with training for sexual harassment involving physical contact or misuse of position.

11B-27.013 Canine Team Certification.

11B-27.013(2)(e) This revision updates the Canine Team Certification Application form CJSTC-70 to change the requirement for applicant's social security number to require only the last four digits.

11B-27.013(3)(b)2. This revision updates the Canine Course Equivalency Checklist, form CJSTC-70A to include the canine handler's name and the canine's name.

11B-27.013(7)(a)2. This revision adds language to allow canine team evaluator applicants to meet the approval requirements by having trained a minimum of six teams using retired Canine Team Training Course number 1112.

Rule 11B-30, F.A.C.

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

11B-30.006(1) This revision incorporates updates to the Training Report, form CJSTC-67 to change the requirement for student's social security number to require only the last four digits.

11B-30.006(2)(b) This revision incorporates updates to the Exemption-From-Training, form CJSTC-76 to change the requirement for applicant's social security number to require only the last four digits.

11B-30.012 Post Examination Review of Missed Questions, Answers, and Grading Key.

11B-30.012(1) This revision adds a time limit of one-half the time regularly allowed for the corresponding examination to the post examination review based on testing industry standards.

11B-30.012(4) This revision adds language to allow individuals to bring one copy of the official curriculum corresponding to the examination to the post examination review session.

Rule 11B-35, F.A.C.

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

11B-35.001(8)(d) This revision updates the list of Specialized Training Program Courses requiring an end-of-course examination, removing several courses from the list.

11B-35.001(9) This revision changes the implementation date of the new Correctional Probation Basic Recruit Training Program from July 1, 2016 to November 1, 2016.

11B-35.001(10)(a) This revision incorporates updates to the Training Report, form CJSTC-67 to change the requirement for student's social security number to require only the last four digits.

11B-35.001(10)(b) This revision removes the Traditional Correctional Basic Recruit Training Program because the program has been retired for more than four years.

11B-35.001(10)(d)14. This revision incorporates updates to the Physical Fitness Assessment, form CJSTC-75B to remove questions related to the exemption for previous chemical agent exposure.

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

11B-35.0011(1)(f) This revision adds the FDLE address to which Basic Abilities Test providers must send documentation of violations of the Basic Abilities Test process.

11B-35.002 Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation.

11B-35.002(1)(a)-(c) These revisions remove several Basic Recruit Training Program Courses that have been retired for more than four years and remove the dates any courses have been updated as the Division will no longer track course and program updates in rule.

11B-35.002(5) This revision removes several Basic Recruit Training Program Courses that have been retired for more than four years and renumbers the subsections accordingly.

11B-35.002(5)(d) This revision corrects the effective date of the Florida Correctional Probation Basic Recruit Training Program number 1176, Version 2008.4 to reflect April 1, 2008.

11B-35.002(6)(b)2. This revision allows an individual who has separated from employment in one discipline for less than four years to be eligible to attend a Basic Recruit Cross-Over Training Program.

11B-35.002(6)(b)3. This revision clarifies that an individual is eligible to attend a Basic Recruit Cross-Over Training Program if he or she starts the program within four years from the beginning date of the Basic Recruit Training Program for the discipline from which he or she is crossing over from.

11B-35.002(6)(d)-(e) These revisions remove several Basic Recruit Training Program Courses that have been retired for more than four years and renumbers the subsections accordingly.

11B-35.002(6)(f)5. This revision corrects the effective date of the Correctional Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program number 1183 to reflect April 1, 2008.

11B-35.0021 Courses and Requirements for Basic Recruit Training, Advanced, Specialized, and Instructor Training Requiring Proficiency Demonstration.

11B-35.0021(7) This revision adds the canine and diving to the list of instructor certification topics.

11B-35.0024 Student Performance in Commission-approved High-Liability Basic Recruit Training Courses, Instructor Courses, and Specialized and Advanced Training Program Courses Requiring Proficiency Demonstration.

11B-35.0024(3)(a)2. This revision incorporates changes to the CMS Defensive Tactics Performance Evaluation, form CJSTC-6 CMS to remove questions related to the chemical agent exposure exemptions.

11B-35.0024(3)(a)3. This revision removes the language allowing for a student to be exempt from exposure to chemical agents requiring all students to undergo chemical agent contamination during a CMS Criminal Justice Defensive Tactics Course.

11B-35.0024(3)(c)2. This revision incorporates updates to the CMS Firearms Performance Evaluation, form CJSTC-4 CMS to include local agencies; adds Safe Handling of Firearms Course to the list of courses required to maintain the instructor to student ratio; adds a line for the rangemaster's printed name and signature to clarify language on the proficiency check lists; and to clarify scoring criteria.

11B-35.0024(3)(f)2. This revision incorporates updates to the CMS First Aid Performance Evaluation, form CJSTC-5 CMS to revise the proficiency requirements; clarifies that instructor students must possess an active CPR instructor certification as a prerequisite for entering the course; and adds "Agency Administrator" to the form's printed name and signature lines.

11B-35.0024(3)(h)2. This revision incorporates updates to the CMS Vehicle Operations Performance Evaluation, form CJSTC-7 CMS to add a line for the rangemaster's printed name and add "Agency Administrator" to the form's printed name and signature lines.

11B-35.0024(4)(k) This revision incorporates updates to the Canine Team Performance Evaluation, form CJSTC-83 to change the requirement for applicant's social security number to require only the last four digits.

11B-35.003 Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation Auxiliary Training.

11B-35.003(7)-(8) These revisions remove the Correctional Auxiliary Officer Basic Recruit Training Program number 501, revises rule references to rules amended previously, and renumbers the subsections.

11B-35.006 Advanced Training Program.

11B-35.006(1)(a) This revision removes thirteen courses from the list of Advanced Training Program courses, adds Violent Crime Investigator Training Course to the list of Advanced Training Program courses, and renumbers the subsections accordingly.

11B-35.007 Specialized Training Program.

11B-35.007(3) This revision removes seven courses that have been retired for more than four years from the list of Specialized Instructor Training Courses and renumbers the subsections accordingly.

11B-35.007(4) This revision removes eight courses from the list of Specialized Training Program courses; adds Criminal Law, Organized Crime, and Diabetic Emergencies and Officer Response courses to the list of Specialized Training Program courses; and renumbers the subsections accordingly.

11B-35.009 Exemption from Basic Recruit Training.

11B-35.009(5) This revision incorporates updates to the Exemption-From-Training, form CJSTC-76 to change the requirement for applicant's social security number to require only the last four digits.

If you have any questions regarding these rule changes, please contact Training and Research Manager Terry Baker, Bureau of Standards, at TerryBaker@fdle.state.fl.us or (850) 410-8688.

DR/tb

cc: Criminal Justice Standards and Training Commission Members