




Criminal Justice Standards and Training Commission

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CRIMINAL JUSTICE STANDARDS AND TRAINING COMMISSION TECHNICAL MEMORANDUM 2018-11

DATE: August 23, 2018

TO: Criminal Justice Agency Administrators
Criminal Justice Training Center Directors
Criminal Justice Selection Center Directors

FROM: Director Dean Register 
Criminal Justice Professionalism Division

SUBJECT: New Florida Administrative Code Rules Effective August 15, 2018

Effective August 15, 2018, 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.

Please note, as a result of a second phase of the FDLE computer system upgrade, several hyperlinks in the new rule are no longer "active". In an effort to resolve this matter, FDLE has created working hyperlinks on its website and will submit the working hyperlinks to the F.A.C., as this process is considered a technical change according to the Joint Administrative Procedures Committee (JAPC).

The full rule language can be accessed at the FDLE web site located at <http://www.fdle.state.fl.us/CJSTC/Publications/CJSTC-FAC-Rules.aspx>.

The newly revised CJSTC forms, effective August 2018, may be accessed via the FDLE web site located at <http://www.fdle.state.fl.us/CJSTC/Publications/Forms.aspx>.

The website link to the Active CJSTC Curricula is <http://www.fdle.state.fl.us/CJSTC/Curriculum/Active-Courses.aspx>.

The significant **2017-2018** rule changes are as follows:

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

11B-14.005 Annual Salary Incentive Compensation Report.

11B-14.005(3)(a) This revision adds the website link to the Active CJSTC Curricula:

11B-14.005(3)(b) This revision adds 13 retired Advanced Training Program courses to the list of courses which were eligible for salary incentive payments during the time they were active.

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

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

11B-20.001(1)(j) This revision adds the definition of "Romantic or sexual relationship" as it relates to CJSTC instructor certification and discipline.

11B-20.001(4) This revision incorporates the revised Instructor Exemption, form CJSTC-82, which included a change to the certification statement to ensure the training center director or designee is aware of his or her responsibility to verify exempt instructors meet the eligibility requirements.

11B-20.0012 Denial and Discipline of Instructor Certification.

11B-20.0012(2)(f)1.-3. This revision adds the violation of engaging in a romantic or sexual relationship with a basic recruit student to the actions for which the Commission may impose disciplinary action against an instructor's certification.

11B-20.0017 Maintenance and Duration of Instructor Certifications.

11B-20.0017(7)(b) This revision adds the requirement that if a person's general instructor certification lapses, in addition to completing the General Instructor Refresher Course, he or she must complete an internship documented on the Instructor Competency Checklist, form CJSTC-81.

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

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

11B-21.005(4)(a) This revision incorporates the updated Driving Range Facility and Equipment Requirements, form CJSTC-202, which included clarification that the tourniquet in the required first aid kit must be a commercially available kit.

11B-21.005(5) This revision incorporates the updated Defensive Tactics Facility and Equipment Requirements, form CJSTC-203, which included clarification that the tourniquet in the required first aid kit must be a commercially available kit.

11B-21.005(6) This revision incorporates the updated Firing Range Facility and Equipment Requirements, form CJSTC-201, which included clarification that the tourniquet in the required first aid kit must be a commercially available kit.

11B-21.005(7) This revision incorporates the updated First Aid Instructional Requirements, form CJSTC-208, which included clarification that the tourniquet in the required first aid kit must be a commercially available kit.

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

11B-27.0011 Moral Character.

11B-27.0011(4)(b)1. This revision adds s. 784.049, F.S., Sexual Cyberharassment and s.836.12(2), F.S., Threats as enumerated misdemeanor moral character violations for disciplinary purposes.

11B-27.0011(4)(c)15.a.-c. This revision adds Discriminatory Conduct as a moral character violation and defines what actions constitute discriminatory conduct.

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

11B-27.002(1)(f) This revision incorporates the updated Affidavit of Applicant, form CJSTC-68, which was changed to clarify that an applicant is required to disclose if he or she has a sealed or expunged record regardless of which state the record is from.

11B-27.002(3)(a)11. This revision incorporates the updated Exemption-From-Training, form CJSTC-76, to add the applicant's email address and updates the Exemption from Training Proficiency Demonstration, form CJSTC-76A, to allow the training center director to assign a designee as an authorized signer on the form.

11B-27.00212 Maintenance of Officer Certification.

11B-27.00212(15)(c)1.-4. This revision removes specific courses and clarifies persons who completed an approved law enforcement basic recruit training course on or after April 1, 2008; completed an Advanced Training Program course on elder abuse or investigation crimes against the elderly on or after April 1, 2006; or completed a Specialized Training Program course on elder abuse or investigation crimes against the elderly on or after August 1, 2012 may count the course towards the elder abuse training.

11B-27.003 Duty to Report, Investigations, Procedures.

11B-27.003(2)(a) This revision incorporates the updated Internal Investigation Report, form CJSTC-78, to change a rule reference and update the name of the form in the instructions.

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

11B-27.005(5)(a)8. This revision adds the violation of “falsifying records” to the enumerated penalty guideline for felony violations.

11B-27.005(5)(a)9. This revision adds the violation of “sexual cyberharassment” to the enumerated penalty guideline for felony violations.

11B-27.005(5)(a)19. This revision adds the violation of “felony threats” to the enumerated penalty guideline for felony violations and makes the recommended penalty revocation.

11B-27.005(5)(b)2. This revision adds the violation of “malicious battery” to the enumerated penalty guideline for misdemeanor violations.

11B-27.005(5)(b)4. This revision adds the violation of “falsifying records” to the enumerated penalty guideline for misdemeanor violations.

11B-27.005(5)(b)16. This revision adds the violation of “threats” to the enumerated penalty guideline for misdemeanor violations and makes the recommended penalty prospective suspension to revocation.

11B-27.005(5)(b)17. This revision adds the violation of “sexual cyberharassment” to the enumerated penalty guideline for misdemeanor violations and makes the recommended penalty prospective suspension and probation with counseling to revocation.

11B-27.005(5)(c)16.-17. This revision adds the violation of “discriminatory conduct” to the enumerated penalty guideline for non-criminal violations and makes the recommended penalty written reprimand to revocation or revocation depending on which paragraph from Rule 11B-27.0011(4)(c)15., F.A.C., is charged.

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

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

11B-30.006(2)(b) This revision incorporates the updated Exemption-From-Training, form CJSTC-76, to add the applicant’s email address.

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

11B-30.012(1) This revision removes reference to the paper and pencil examination as it is no longer offered. It also repeals the State Officer Certification Examination Grade Review Request, form CJSTC-510.

11B-30.012(2) This revision removes reference to the paper and pencil examination as it is no longer offered.

11B-30.012(3) This revision moves the rule text to Rule 11B-30.012(3)(a), F.A.C.

11B-30.012(3)(a) This revision adds the rule text from Rule 11B-30.012(3), F.A.C., and removes reference to the paper and pencil examination as it is no longer offered. It also repeals the State Officer Certification Examination Review, form CJSTC-511.

11B-30.012(3)(b) This revision removes reference to the paper and pencil examination as it is no longer offered.

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

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

11B-35.001(7)-(9) This revision removes specific course names and requires the Commission-approved course list be maintained and published on a public webpage.

11B-35.001(10)(d) This revision removes specific course names and requires the Commission-approved Specialized Instructor courses and Specialized Training Program Courses requiring an end-of-course examination be maintained and published on a public webpage.

11B-35.001(11)(b) This revision removes specific course names and clarifies that submission of the Academy Physical Fitness Standards Report, form CJSTC-67A, is not required for Law Enforcement Auxiliary Basic Recruit Training Programs or Cross-Over Basic Recruit Training Programs.

11B-35.001(11)(d)8. This revision incorporates the revised Instructor Exemption, form CJSTC-82, which included a change to the certification statement to ensure the training center director or designee is aware of his or her responsibility to verify exempt instructors meet the eligibility requirements.

11B-35.001(15)(b) This revision removes the requirement for a physical examination for cross-over basic recruit training programs.

11B-35.001(17) This revision implements the field test of the CMS Criminal Justice Defensive Tactics Course for basic recruit training program courses.

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

11B-35.002(1)-(6) These revisions remove specific program names and courses related publishing the Commission-approved basic recruit training program courses on a public webpage and renumber the section.

11B-35.002(6)(c) This revision clarifies that students who enter a basic recruit training program and have not finished the program at the time the program retires, have four years from the start date of basic recruit training program to complete the program and lists the eligible retired programs.

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

11B-35.003(2)-(8) These revisions remove specific program names and courses related publishing the Commission-approved courses on a public webpage.

11B-35.006 Advanced Training Program.

11B-35.006(1)(b) This revision removes the names of the Commission-approved Advanced Training Program courses and requires the Commission-approved course list be maintained and published on a public webpage.

11B-35.006(2) This revision clarifies that officers who receive salary incentive payments for the Field Training Officer Course, number 051, are not eligible to also receive salary incentive payments for course number 809 or 1100.

11B-35.006(3) This revision clarifies that officers who receive salary incentive payments for the Radar Speed Measurement Training Course for Law Enforcement Officers, number 055, and Laser Speed Measurement Operators Course for Law Enforcement Officers, number 095, are not eligible to also receive salary incentive payments for course number 1158.

11B-35.007 Specialized Training Program.

11B-35.007(3)-(5) This revision removes the names of the Commission-approved Specialized Training Program courses and requires the Commission-approved course list be maintained and published on a public webpage.

11B-35.009 Exemption from Basic Recruit Training.

11B-35.009(5) This revision incorporates the updated Exemption-From-Training, form CJSTC-76, to add the applicant's email address.

11B-35.009(6) This revision incorporates the updated Exemption from Training Proficiency Demonstration, form CJSTC-76A, to allow the training center director to assign a designee as an authorized signer on the form.

The 2017/2018 Forms Index for Rule 11B, effective 8/2018, is noted below:

Form Number	Form Name	Form Action
CJSTC-68	Affidavit of Applicant	Revised
CJSTC-76	Exemption From Training	Revised
CJSTC-76A	Exemption From Training Proficiency Demonstration	Revised
CJSTC-78	Internal Investigation Report	Revised
CJSTC-82	Instructor Exemption	Revised
CJSTC-201	Firing Range Facility and Equipment Requirements	Revised
CJSTC-202	Driving Range Facility and Equipment Requirements	Revised
CJSTC-203	Defensive Tactics Facility and Equipment Requirements	Revised
CJSTC-208	First Aid Instructional Requirements	Revised
CJSTC-510	State Officer Certification Examination Grade Review Request	Repealed
CJSTC-511	State Officer Certification Examination Review	Repealed

The newly revised CJSTC forms are available on the CJSTC Forms site at <http://www.fdle.state.fl.us/CJSTC/Publications/Forms.aspx>.

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