



Criminal Justice Standards and Training Commission

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CRIMINAL JUSTICE STANDARDS AND TRAINING COMMISSION **TECHNICAL MEMORANDUM 2020-07**

DATE: May 1, 2020
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 May 5, 2020

Effective May 5, 2020, 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/CJSTC/Publications/CJSTC-FAC-Rules.aspx>.

The newly revised CJSTC forms, effective April 2020, 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 **2019 – 2020** rule changes are as follows:

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

11B-14.003 Authorized Salary Incentive Payments.

11B-14.003(1) This revision clarifies that Basic Salary Incentive is only available to officers who were certified prior to July 1, 1980.

11B-14.003(5)(a) This revision clarifies that Basic Salary Incentive is only available to officers who were certified prior to July 1, 1980.

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

11B-18.0053 Officer Training Monies Budget and Expenditure Categories.

11B-18.0053(2)(a)1.-2. This revision adds travel guidelines regarding training center travel paid for using trust fund monies. This revision will be effective in June, 2020.

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

11B-27.0011 Moral Character.

11B-27.0011(4)(b) This revision clarifies that the Commission can pursue a case in which the respondent was adjudicated guilty for one of the enumerated misdemeanor offenses.

11B-27.0011(4)(b)1. This revision adds “second refusal to submit to a physical test of breath, blood, or urine”; “possession of certain drugs without prescriptions”; and “installation of tracking devices or applications” as enumerated misdemeanors.

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 revised Affidavit of Applicant, form CJSTC-68. This form was revised to reflect 18 years of age as the minimum age for a correctional officer.

11B-27.002(2)(a) This revision incorporates the revised Officer Certification Application, form CJSTC-59 and the revised Officer Certification Deficiency Notification, form CJSTC-259. Both forms were revised to reflect 18 years of age as the minimum age for a correctional officer.

11B-27.002(5) This revision clarifies that an officer's certification shall become inactive upon separation from employment or appointment as an officer.

11B-27.00212 Maintenance of Officer Certification.

11B-27.00212(14) This revision incorporates the revised Law Enforcement Officer Firearms Qualification Standard, form CJSTC-86A. This form was revised to incorporate the Mandatory Firearms Training Report, form CJSTC-86 to allow for a single form to document compliance.

11B-27.00212(14)(b) This revision repeals the Mandatory Firearms Training Report, form CJSTC-86 and replaces it with the revised Law Enforcement Officer Firearms Qualification Standard, form CJSTC-86A.

11B-27.00212(16)(a)-(e) This revision adds a new rule section requiring all law enforcement officers to complete a Commission-approved course in Identifying and Investigating Human Trafficking as outlined in House Bill 851 from the 2019 Florida Legislative Session. This section outlines the time frames required for completion of the training based on when an officer is certified, where to locate the approved courses, and the effect of failing to complete the training by the applicable time limit.

11B-27.0022 Background Investigations.

11B-27.0022(4)(a)-(c) This revision adds a new rule section outlining what an employing agency must do in order to reemploy an officer following an officer's successful arbitration. An employing agency is required to conduct a fingerprint background check, conduct controlled substance testing, and ensure the officer's mandatory retraining is current prior to the officer being eligible for employment or appointment in a sworn position.

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

11B-27.005(5)(a)3. This revision removes "grand theft" from the list of felony violations with a specific penalty guideline. The penalty guideline for "grand theft" is now suspension to revocation.

11B-27.005(5)(a)19. This revision adds "sexual misconduct" with a penalty guideline of revocation to the list of felony violations with specific penalty guidelines.

11B-27.005(5)(a)20. This revision adds "possession of certain drugs without prescriptions" with a penalty guideline of prospective suspension to revocation to the list of felony violations with specific penalty guidelines.

11B-27.005(5)(b)10. This revision specifies the penalty guideline of prospective suspension to revocation for the violations of "driving or boating under the influence – second offense", "driving or boating under the influence with property damage or injury", "driving or boating under the influence – blood alcohol level or breath alcohol level of 0.15 or higher", and "driving or boating under the influence while accompanied in the vehicle by a person under the age of 18 years".

11B-27.005(5)(b)18. This revision adds "second refusal to submit to a physical test of breath, blood, or urine" with a penalty guideline of prospective suspension with substance abuse counseling to revocation to the list of misdemeanor violations with specific penalty guidelines.

11B-27.005(5)(b)19. This revision adds "installation of tracking devices or applications" with a penalty guideline of suspension to revocation to the list of misdemeanor violations with specific penalty guidelines.

11B-27.005(5)(b)20. This revision adds "possession of certain drugs without prescriptions" with a penalty guideline of suspension to revocation to the list of misdemeanor violations with specific penalty guidelines.

11B-27.005(10) This revision clarifies how the Commission may discipline an officer who is found to have committed a moral character violation while employed on a TEA and who is retained by the employing agency.

11B-27.005(11) This revision allows the Commission to declare a person ineligible to apply for certification in any discipline for a period of two years if the person committed a moral character violation while employed on a TEA, but was separated from employment and is found to have committed a moral character violation by a probable cause panel.

11B-27.014 Implementation of the Federal Law Enforcement Officers Safety Act of 2004.

11B-27.014(1)(d) This revision adds language to allow correctional officers to qualify on the law enforcement firearms standard and be issued a Firearms Proficiency Verification Card, form CJSTC-600 from a Commission-certified firearms instructor. This implements House Bill 7125 as passed during the 2019 legislative session.

11B-27.014(2)(b) This revision incorporates changes to the Firearms Proficiency Verification Card, form CJSTC-600 to implement House Bill 7125 as passed during the 2019 legislative session. The form was changed to remove "law enforcement" and to add the U.S. Code cite.

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

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

11B-35.001(4)(a) This revision adds the requirement that a person be a U.S. citizen in order to enter a Basic Recruit Training Program.

11B-35.001(11)(c)6. This revision adds the Single Officer Response to Active Threat and Shooter Incidents Course as a Commission-approved training course requiring the course completion be entered into ATMS within 30 days of the course completion date.

11B-35.001(11)(c)7. This revision adds the Crisis Intervention Training for School Resource Officers Course as a Commission-approved training course requiring the course completion be entered into ATMS within 30 days of the course completion date.

11B-35.001(11)(d)14. This revision adds the requirement for documentation that a person is a U.S. citizen to the list of documentation that must be maintained a course file for a Basic Recruit Training Program.

11B-35.001(17) This revision removes language authorizing the Criminal Justice Defensive Tactics Course Field Test which will end on June 30, 2020.

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

11B-35.0011(1)(a) This revision changes language referencing multiple BAT providers to language referencing a single BAT provider. The language was removed because as of August 2019, only one BAT provider is authorized.

11B-35.0011(2) This revision changes language referencing multiple BAT providers to language referencing a single BAT provider. The language was removed because as of August 2019, only one BAT provider is authorized.

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

11B-35.002(6)(c)3.-10. These revisions remove cross-over training programs that have been retired for more than four years and renumbers the section. The programs removed are Correctional Officer Cross-Over Training to Florida CMS Law Enforcement BRTP number 1191, Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement BRTP number 1179, Law Enforcement Officer Cross-Over Training to Florida CMS Correctional BRTP number 1192, and Law Enforcement Officer Cross-Over Training to Florida Correctional Probation BRTP number 1184.

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

11B-35.0024(3)(a)2. This revision incorporates changes to the Defensive Tactics Performance Evaluation, form CJSTC-6. The form was changed to incorporate changes to the Criminal Justice Defensive Tactics Course that will be effective July 1, 2020.

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

11B-35.003(2) This revision clarifies that applicants for auxiliary certification must comply will all of the requirements of s. 943.13, F.S.

11B-35.003(2)(d) This revision defines "virtual classroom" and allows training schools to deliver Auxiliary Basic Recruit Training excluding the high liability training using a virtual classroom.

11B-35.009 Exemption from Basic Recruit Training.

11B-35.009(10) This revision adds the requirement that a person who participates in the EOT program must also gain certification within four years of the start date of the required proficiency demonstrations or start date of the Special Operations Forces Training Program.

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The 2019 – 2020 Forms Index for Rule 11B, effective 4/2020, is noted below:

Form Number	Form Name	Form Action
CJSTC-6	Defensive Tactics Performance Evaluation	Revised
CJSTC-59	Officer Certification Application	Revised
CJSTC-68	Affidavit of Applicant	Revised
CJSTC-86	Mandatory Firearms Training Report	Repealed
CJSTC-86A	Law Enforcement Officer Firearms Qualification Standard	Revised
CJSTC-259	Officer Certification Deficiency Notification	Revised
CJSTC-600	Firearms Proficiency Verification Card	Revised

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.

cc: Criminal Justice Standards and Training Commission