



Criminal Justice Standards and Training Commission

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CRIMINAL JUSTICE STANDARDS AND TRAINING COMMISSION **TECHNICAL MEMORANDUM 2017-08**

DATE: July 10, 2017
TO: Criminal Justice Agency Administrators
Criminal Justice Training Center Directors
Criminal Justice Selection Center Directors
FROM: *for* Director Dean Register *DR*
Criminal Justice Professionalism Division
SUBJECT: New Florida Administrative Code Rules Effective July 19, 2017

Effective July 19, 2017, 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>.

The 2016-2017 proposed revisions to Rule Chapters 11A-7, 11B-14, 11B-18, 11B-20, 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 **2016-2017 Proposed Rules** hyperlink to view PDF versions of the Master Rule Documents for the proposed rules (*with the revisions in red font*).

The newly revised CJSTC forms, effective July 2017, may be accessed via the FDLE web site located at <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>.

The significant 2016-2017 proposed rule changes are as follows:

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

No substantive changes to this rule section.

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

11B-14.001 Definitions.

11B-14.001(10) This revision updates the title of the ATMS Global Profile Report to reflect ATMS Global Profile Sheet for consistency within the rule.

11B-14.002 General Program Provisions.

11B-14.002(5)(a)1. This revision updates the title of the ATMS Global Profile Report to reflect ATMS Global Profile Sheet for consistency within the rule. It also updates the forms website link.

11B-14.002(15) This revision updates the forms website link.

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

11B-18.0071 Development of Officer Training Monies Budgets and Required Reports.

11B-18.0071(1), (2), (4) These revisions update the forms website link.

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

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

11B-20.001(3)(a)5.a. This revision incorporates updates to the Affidavit of Separation, form CJSTC-61, to remove the reference to the Affidavit of Separation Supplement, form CJSTC-61A, which is being repealed. It also provides clarification concerning an agency's responsibility in conducting an internal investigation upon the separation of an officer.

11B-20.001(3)(a)5.b. This revision incorporates the use of the revised Internal Investigation Report, form CJSTC-78, instead of completing the repealed Affidavit of Separation Supplement, form CJSTC-61A, for instructors whose separations involve a violation of Section 943.13(4), F.S., or moral character violation.

11B-20.001(3)(a)5.c. This revision updates the title of the ATMS Global Profile Report to reflect ATMS Global Profile Sheet for consistency within the rule. It also updates the forms website link.

11B-20.001(4) This revision incorporates updates to the Instructor Exemption, form CJSTC-82, which adds a certification statement to ensure the training center director or designee is aware of their responsibility to verify that an individual meets the eligibility requirements.

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

11B-20.0014(1)(f) This revision changes the length of time an individual has to apply for a high liability instructor topic to four years following the completion of the topic instructor training course to ensure the individual completes the required training within a reasonable time period.

11B-20.0017 Maintenance and Duration of Instructor Certifications.

11B-20.0017(7)(c)-(e) This revision changes the subsections of Rule 11B-20.0017(7)(c)-(e), F.A.C., because specific requirements were added pertaining to High-Liability Instructor Certification.

11B-20.0017(7)(c)1.-3. This revision includes rule language to identify the requirements which must be met for High-Liability Instructors whose High-Liability Instructor Certification has lapsed for a period of **four years or fewer**.

11B-20.0017(7)(d) This revision adds new rule language to identify the requirements which must be met for High-Liability Instructors whose High-Liability Instructor Certification has lapsed for a period of **more than four years**.

• **Rule 11B-27, F.A.C.**

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

11B-27.002(1)(d) This revision combines the original Physician's Assessment, form CJSTC-75, and the Physical Fitness Assessment, form CJSTC-75B, to create and incorporate the revised Physician's Assessment, form CJSTC-75, which includes the student participation activities and medical conditions regarding OC/CS contamination; and prohibits a chiropractor from completing the form as a medical doctor. The original form CJSTC-75B will be repealed.

11B-27.002(3)(a)11. This revision updates the Exemption-From-Training, form CJSTC-76, to change the discipline field name to "Florida Correctional Probation Officer Training Academy" and revise the comparable training topics.

11B-27.002(3)(a)15. This revision updates the Affidavit of Separation, form CJSTC-61, and removes the reference to the Affidavit of Separation Supplement, form CJSTC-61A, which is being repealed. It also provides clarification concerning an agency's responsibility in conducting an internal investigation upon the separation of an officer.

11B-27.002(6) This revision deletes the paragraph containing the repealed Affidavit of Separation Supplement, form CJSTC-61A, because the form will no longer be used.

11B-27.00211 Fingerprint Processing and Criminal Record Results.

11B-27.00211(2)(a) This revision updates the forms website link.

11B-27.003 Certification and Employment or Appointment: Duty to Report, Investigations, Procedures.

11B-27.003(2)(a) This revision updates the Internal Investigation Report, form CJSTC-78, to update the instructions for completing the form; specifies that only the last four digits of the officer's social security number are required for completion of the form, pursuant to 119.071, F.S.; and updates the forms website link.

* **Note:** With regard to Rule Chapter 11B-27, F.A.C., please be advised that Commission staff received correspondence from the Joint Administrative Procedures Committee (JAPC) after its review of the proposed rule language for the prejudicial behavior issue. As a result, Rule Chapter 11B-27, F.A.C., was temporarily removed from the 2016-2017 Proposed Rule Packet and a *Notice of Change* filed with the Bureau of Administrative Code (BAC), pending Commission action regarding proposed language. Staff anticipates filing 11B-27 in August 2017, which means the effective date for this portion of the rules will be September 2017, excluding the proposed prejudicial behavior language. This will not prevent the usage of newly revised forms incorporated by reference in multiple rules, including Rule Chapter 11B-27, F.A.C. To obtain copies of the newly revised CJSTC forms, individuals should access the FDLE web site located at <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>.

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 revised Exemption-From-Training, form CJSTC-76, to change the discipline field name to "Florida Correctional Probation Officer Training Academy" and revise the comparable training topics.

11B-30.0062 State Officer Certification Examination Assignment and Retake Eligibility Requirements.

11B-30.0062(1) This revision removes the rule text relating to "paper and pencil or computer-based" examination, as the paper and pencil option is no longer offered because only computer-based testing is available.

11B-30.007 Application for the State Officer Certification Examination and Notification Process.

11B-30.007(1) This revision updates the FDLE website link for applicants to access, complete, and submit an online application to take the State Officer Certification Examination (SOCE).

11B-30.0071 Examination Accommodations for Applicants with Disabilities.

11B-30.0071(1) This revision updates the FDLE website link for applicants to access the "Request for Test Accommodations for Examinees with Disabilities," document.

11B-30.0071(2)-(3) This revision removes the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered; and updates the forms website link.

11B-30.0071(3)(a)-(b) This revision removes the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered; and provides clarification to define approved flexible time limits for testing accommodations.

11B-30.0071(3)(c)-(d) This revision deletes the rule text relating to paper and pencil examination because this option is no longer offered.

11B-30.0071(4) and (6) These revisions remove the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered.

11B-30.008 State Officer Certification Examination Site Administration.

11B-30.008(1) This revision removes the specific reference to computer-based examination because the paper and pencil option is no longer offered.

11B-30.008(2)-(3) This revision deletes Rule 11B-30.008(2)-(3), F.A.C., because the rule sections provide paper and pencil examination instructions, which are no longer required because administration of the paper and pencil examination is no longer offered.

11B-30.009 Applicant Conduct at Test Site and Notice of Protection of Program Privileges.

11B-30.009(1) This revision removes the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered.

11B-30.009(4)(b) This revision removes the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered.

11B-30.011 Examination Scoring and Grade Notification.

11B-30.011 This revision removes the rule text relating to paper and pencil or computer-based examination scoring and grade notification because the paper and pencil option is no longer offered.

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

11B-30.012(6) This revision clarifies and adds rule text to explain that challenges will not be processed if an individual retakes and passes the examination before their submitted challenges are processed.

11B-30.013 Challenge to Examination Results; Right of Hearing.

11B-30.013 This revision removes the rule text relating to paper and pencil or computer-based examination because the paper and pencil option is no longer offered.

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

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

11B-35.001(9)-(15) This revision Deletes subsection 11B-35.001(9), F.A.C., because the Correctional Probation Basic Recruit Training Program was developed and approved with an effective date of November 1, 2016; and rennumbers subsections 11B-35.001(9)-(15), F.A.C.

11B-35.001(10)(b) This revision incorporates updates to the Academy Physical Fitness Standards Report, form CJSTC-67A, to update the rule reference and only request the last four digits of the student's social security number; updates the name of the Florida Correctional Probation BRTP by adding "BRTP"; and adds the Florida Correctional Probation Officer Training Academy course as another course that requires the submission of form CJSTC-67A.

11B-35.001(10)(d)8. This revision updates the title of the ATMS Global Profile Report to reflect ATMS Global Profile Sheet for consistency within the rule and incorporates the revised Instructor Exemption, form CJSTC-82, which adds a certification statement to ensure the training center director or designee is aware of their responsibility to verify individual meets the eligibility requirements.

11B-35.001(10)(d)14. This revision incorporates updates to the Physician's Assessment, form CJSTC-75, which combines the original Physician's Assessment, form CJSTC-75, and the Physical Fitness Assessment, form CJSTC-75B, to create the revised Physician's Assessment, form CJSTC-75, to replace the repealed Physical Fitness Assessment, form CJSTC-75B.

11B-35.001(14)(b) This revision updates the rule text to require a student to complete the Physician's Assessment, form CJSTC-75, prior to beginning a Basic Recruit Training Program, instead of completing the Physical Fitness Assessment, form CJSTC-75B, which is being repealed.

11B-35.0010 eLearning Instruction.

11B-35.0010(4)(b) This revision updates the forms website link.

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

11B-35.002(1)(a)7. This revision retires the Correctional Officer Cross-Over Training to Florida Law Enforcement Academy, number 2003, because it is being replaced with the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy, number 3002.

11B-35.002(1)(a)8. This revision retires the Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy, number 2004 because it is being replaced with the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy, number 3005.

11B-35.002(1)(a)9. This revision adds the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 3002 to the list of Law Enforcement Basic Recruit Training Programs, effective July 1, 2016, to replace the retired Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 2003.

11B-35.002(1)(a)10. This revision adds the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy number 3005 to the list of Law Enforcement Basic Recruit Training Programs, effective July 1, 2016, to replace the retired Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy number 2004.

11B-35.002(1)(b)5. This revision retires the Correctional Probation Officer Training to Florida CMS Correctional BRTP, number 1193, because it is being replaced with the new Correctional Probation Officer Training to Florida CMS Correctional BRTP, number 3004.

11B-35.002(1)(b)8.-9. This revision retires the Law Enforcement Officer Cross-Over Training to Florida CMS Correctional BRTP, number 2005, because it is being replaced with the new Law Enforcement Officer Cross-Over Training to Florida CMS Correctional BRTP, number 3001. Commission staff is no longer using crossover-specific courses in the cross-over programs. Instead staff is only using existing courses in their entirety from the discipline to be learned.

11B-35.002(1)(b)10. This revision adds the new Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 3004 to the list of Correctional Basic Recruit Training Programs, effective July 1, 2016, to replace the retired Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 1193 because crossover-specific courses are no longer being used.

11B-35.002(1)(c)1. This revision retires the Florida Correctional Probation BRTP number 1176.

11B-35.002(1)(c)2. This revision retires the Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy number 1183 and replaces it with the new Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy number 3003.

11B-35.002(1)(c)4. This revision changes the rule text to require a basic recruit student to complete the new Florida Correctional Probation Officer Training Academy instead of the Correctional Probation B RTP in order to become a certified Correctional Probation Auxiliary Officer. It also updates the rule references.

11B-35.002(1)(c)5. This revision adds the new Florida Correctional Probation Officer Training Academy number 3000 to the list of Correctional Probation Basic Recruit Training Programs, effective November 1, 2016.

11B-35.002(1)(c)6. This revision adds the new Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy number 3003 to the list of Correctional Probation Basic Recruit Training Programs to replace the Correctional Officer Cross-Over Training to Florida Correctional Probation B RTP number 1183, effective November 1, 2016.

11B-35.002(5)(d) This revision retires the Florida Correctional Probation Basic Recruit Training Program number 1176 and deletes the table of associated courses.

11B-35.002(5)(f) This revision includes the new Florida Correctional Probation Officer Training Academy number 3000 and associated courses to the list of Correctional Probation Basic Recruit Training Programs, effective November 1, 2016.

11B-35.002(6)(d)2. This revision replaces the Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 2003 with the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 3002 because crossover-specific courses are no longer used in the crossover programs.

11B-35.002(6)(d)3.-7. This revision renumbers the rule subsections because the list of Correctional Probation Basic Recruit Training Programs was updated.

11B-35.002(6)(d)3. This revision adds the new Correctional Officer Cross-Over Training to Florida Law Enforcement Academy number 3002 and associated courses to the Law Enforcement Cross-Over Basic Recruit Training Programs because crossover-specific courses are no longer used in the crossover programs.

11B-35.002(6)(d)5. This revision replaces the Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy number 2004 with the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy number 3005 because crossover-specific courses are no longer used in the crossover programs.

11B-35.002(6)(d)6. This revision adds the new Correctional Probation Officer Cross-Over Training to Florida Law Enforcement Academy number 3005 to the list of Correctional Probation Basic Recruit Training Programs, effective July 1, 2016.

11B-35.002(6)(e)2. This revision replaces the retired Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 2005 with the Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 3001; and renumbers the subparagraphs in Rule 11B-35.002(6)(e), F.A.C.

11B-35.002(6)(e)3. This revision adds the new Law Enforcement Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 3001 and associated courses to the list of Correctional Cross-Over Basic Recruit Training Programs, effective July 1, 2016.

11B-35.002(6)(e)6. This revision replaces the retired Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 1193 with the Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 3004.

11B-35.002(6)(e)7. This revision adds the new Correctional Probation Officer Cross-Over Training to Florida CMS Correctional Basic Recruit Training Program number 3004 and associated courses to the list of Correctional Cross-Over Basic Recruit Training Programs, effective July 1, 2016.

11B-35.002(6)(f)5. This revision replaces the retired Correctional Officer Cross-Over Training to Florida Correctional Probation Basic Recruit Training Program number 1183 with the Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy number 3003.

11B-35.002(6)(f)6. This revision adds the new Correctional Officer Cross-Over Training to Florida Correctional Probation Officer Training Academy number 3003 and associated courses to the list of Correctional Probation Cross-Over Basic Recruit Training Programs, effective November 1, 2016.

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

11B-35.0021(1)(e) This revision removes the "Cross-Over Handgun Transition Course" from the High-Liability Basic Recruit Training Program and retires the course from crossover programs involving the Corrections Officer BRTP because corrections officers no longer need this training.

11B-35.0021(8)(a) This revision removes the "Cross-Over Handgun Transition Course" as a course that requires instructor to student ratio of proficiency demonstration. The course is being retired from cross-over programs involving the Corrections Officer BRTP because corrections officers no longer need this training.

11B-35.0023 Student Transfers within Basic Recruit Training Programs.

11B-35.0023(2)(c) This revision updates the title of the ATMS Global Profile Report to reflect ATMS Global Profile Sheet for consistency within the rule; and adds text to allow for other documentation as proof of a student's course completion.

11B-35.0023(3) This revision adds a new paragraph to include text that allows high liability courses completed in one Basic Recruit Training Program to be transferred to another Program and identify the requirements which must be met in order to transfer the courses.

11B-35.0023(3)(a)-(d) This revision includes rule language to identify the requirements which must be met in order to transfer from one Basic Recruit Training Program to another Program.

11B-35.0023(4)-(6) This revision rennumbers paragraphs because the new paragraph 11B-35.0023(3), F.A.C., was added.

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) This revision removes the “Cross-Over Handgun Transition Course” as a proficiency demonstration course. The course is being retired from cross-over programs involving the Corrections Officer B RTP because corrections officers no longer need this training.

11B-35.0024(3)(a)3. This revision updates the rule text to require a basic recruit student to complete the Physician’s Assessment, form CJSTC-75, prior to beginning a Basic Recruit Training Program, instead of completing the Physical Fitness Assessment, form CJSTC-75B, which is being repealed.

11B-35.0024(4) This revision removes the specialized “Role-play Scenario for Facilitative Learning” course from a list of courses that require students to demonstrate proficiency. It also removes related text stating the same.

11B-35.0024(4)(m) This revision removes the unnecessary statement that the Role-play Scenarios for Facilitative Learning course, number 2001, does not require a proficiency demonstration.

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

11B-35.003(2) This revision updates the rule text to reflect that an applicant must complete the Florida Correctional Probation Officer Training Academy in its entirety in order to become a certified law enforcement or correctional auxiliary officer.

11B-35.003(8) This revision updates the rule text to require an individual to complete the new Florida Correctional Probation Officer Training Academy number 3000 instead of the Florida Correctional Probation Basic Recruit Training Program, number 1176, in order to become a correctional probation auxiliary officer.

11B-35.009 Exemption from Basic Recruit Training.

11B-35.009(3)(c) This revision updates the topics and exemption-from-training requirements for correctional probation officer training to complete the new Florida Correctional Probation Officer Training Academy number 3000 instead of the Florida Correctional Probation Basic Recruit Training Program, number 1176.

11B-35.009(5) This revision incorporates the updated Exemption-From-Training, form CJSTC-76, to change the discipline field name to “Florida Correctional Probation Officer Training Academy” and revises the comparable training topics.

The 2016/2017 Forms Index for Rule 11B, effective 7/2017, is noted below:

Form Number	Form Name	Form Action
CJSTC-61	Affidavit of Separation	Revised
CJSTC-61A	Affidavit of Separation Supplement	Repealed
CJSTC-67A	Academy Physical Fitness Standards Report	Revised
CJSTC-75	Physician's Assessment	Revised
CJSTC-75B	Physical Fitness Assessment	Repealed
CJSTC-76	Exemption-From-Training	Revised
CJSTC-78	Internal Investigation Report	Revised
CJSTC-82	Instructor Exemption	Revised

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