

**CHAPTER 11B-27**  
**CERTIFICATION AND EMPLOYMENT OR APPOINTMENT**

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**11B-27.001 Purpose.**

*Rulemaking Authority 943.12(1) FS. Law Implemented 120.60, 943.12 FS. History—New 10-6-82, Amended 4-26-84, 1-7-85, Formerly 11B-27.01, Amended 7-13-87, Repealed 6-29-95.*

**11B-27.0011 Moral Character.**

(1) For the purpose of certification, employment, or appointment, pursuant to procedures established by paragraph 11B-27.002(1)(g) and Rule 11B-27.00225, F.A.C., the employing agency is responsible for conducting a thorough background investigation to determine the moral character of an applicant, pursuant to Section 943.13(7), F.S.

(2) The unlawful use of any controlled substances pursuant to Rule 11B-27.00225, F.A.C., by an applicant for certification, employment, or appointment, at any time proximate to the submission of application for certification, employment, or appointment, conclusively establishes that the applicant is not of good moral character pursuant to Section 943.13(7), F.S. The unlawful use of any controlled substances specified in Rule 11B-27.00225, F.A.C., by an applicant may or may not conclusively establish that the applicant is not of good moral character pursuant to Section 943.13(7), F.S., depending upon the type of controlled substance used, the frequency of use, and the age of the applicant at the time of use. Nothing in this rule chapter is intended to restrict the requirements of Section 943.13(7), F.S., to controlled substance use only.

(3) Upon written request and submission of materials, the Commission shall evaluate the qualification of an applicant to determine compliance with “good moral character” pursuant to this rule section. Written materials submitted to the Commission upon request for reinstatement of certification shall include, if available, all prior Commission disciplinary records, agency

disciplinary records, victim statement(s), or citizen input. The Notice of Petition for reinstatement shall be published in the Florida Administrative Register or in the jurisdiction of the petitioning agency.

(4) For the purposes of the Criminal Justice Standards and Training Commission's implementation of any of the penalties specified in Section 943.1395(6) or (7), F.S., a certified officer's failure to maintain good moral character required by Section 943.13(7), F.S., is defined as:

(a) The perpetration by an officer of an act that would constitute any felony offense, whether criminally prosecuted or not.

(b) Except as otherwise provided in Section 943.13(4), F.S., a plea of guilty or a verdict of guilty after a criminal trial for any of the following misdemeanor or criminal offenses, notwithstanding any suspension of sentence or withholding of adjudication, or the perpetration by an officer of an act that would constitute any of the following misdemeanor or criminal offenses whether criminally prosecuted or not:

1. Sections 316.193, 327.35, 365.16(1)(c), (d), 414.39, 741.31, 784.011, 784.03, 784.047, 784.048, 784.05, 784.046(15), 790.01, 790.10, 790.15, 790.27, 794.027, 796.07, 800.02, 800.03, 806.101, 806.13, 810.08, 810.14, 812.014, 812.015, 812.14, 817.235, 817.49, 817.563, 817.565, 817.61, 817.64, 827.04, 828.12, 831.30, 831.31(1)(b), 832.05, 837.012, 837.05, 837.055, 837.06, 839.13, 839.20, 843.02, 843.03, 843.06, 843.085, 847.011, 856.021, 870.01, 893.13, 893.147, 901.36, 914.22, 934.03, 944.35, 944.37 and 944.39, F.S.

2. Any principal, accessory, attempt, solicitation, or conspiracy, pursuant to Chapter 777, F.S., which had the crime been committed or completed would have been a felony offense; or

3. The perpetration of an act in any jurisdiction other than the State of Florida, which if committed in the State of Florida would constitute any offense listed in this rule section.

(c) The perpetration by an officer of acts or conduct that constitute the following offenses:

1. Excessive use of force, defined as a use of force on a person by any officer that is not justified under Section 776.05 or 776.07, F.S., or a use of force on an inmate or prisoner by any correctional officer that would not be authorized under Section 944.35(1)(a), F.S.

2. Misuse of official position, defined by Section 112.313(6), F.S.

3. Having an unprofessional relationship with an inmate, detainee, probationer or parolee, or community controllee. An unprofessional relationship is defined as:

a. Having written or oral communication with an inmate, detainee, probationer or parolee, or community controllee that is intended to facilitate conduct prohibited by this rule section; or

b. Engaging in physical contact not required in the performance of official duties, and is defined as kissing, fondling of the genital area, buttocks, or breasts, massaging or similar touching, holding hands, any other physical contact normally associated with the demonstration of affection or sexual misconduct as applied to all certifications, which is defined in Section 944.35(3), F.S.

c. Engaging in a romantic association with an inmate, detainee, probationer, parolee, or community controllee. "Romantic association" is defined as the exchange of telephone calls, pictures, letters, greeting cards, or any other form of oral or written communication, which expresses feelings or thoughts of affection or the desire to engage in a romantic relationship whether emotional or physical. [This subsection shall not apply to an officer who is legally married to an inmate, detainee, probationer or parolee, or community controllee in the community, nor does it apply to any officer who has no knowledge, or reason to believe, that the person with whom the officer has engaged in a romantic association is an inmate, detainee, probationer or parolee, or community controllee.](#)

4. Sexual harassment pursuant to and consistent with decisions interpreting 29 C.F.R. 1604.11, including unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when the harassment involves physical contact or misuse of official position and when:

a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or

b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

5. Engaging in oral, anal, or vaginal penetration by, or union with, the sexual organ of another person or engaging in anal or vaginal penetration by any other object while on duty, or at any time the officer is acting under the color of authority as a Commission-certified criminal justice officer, and not done for a bona fide medical purpose or in the lawful performance of the

officer's duty.

6. False statements during the employment application process.
7. Conduct that subverts or attempts to subvert the State Officer Certification Examination process pursuant to Rule 11B-30.009, F.A.C.
8. Conduct that subverts or attempts to subvert the Basic Abilities Test process pursuant to subsection 11B-35.0011(1), F.A.C.
9. Conduct that subverts or attempts to subvert the examination process for Commission-approved training at a Commission-certified training school or an employing agency promotional examination process which shall include the following:
  - a. Removing from the examination room any of the examination materials.
  - b. Reproducing or reconstructing any portion of the examination.
  - c. Aiding by any means in the reproduction of any portion of the examination.
  - d. Selling, distributing, buying, receiving, or having unauthorized possession of any portion of a past, current, or future examination.
  - e. Communication with any other examinee during the administration of the examination.
  - f. Copying answers from another examinee, or intentionally allowing one's answers to be copied by another examinee during the administration of the examination.
  - g. Having in one's possession during the administration of the examination, any books, notes, written or printed materials, or data of any kind, not supplied as part of, or required for, the test administration.
  - h. Falsifying or misrepresenting information required for admission to the examination.
  - i. Impersonating an examinee.
  - j. Having an impersonator take the examination on one's behalf.
  - k. Disrupting the test administration.
  - l. Revealing the test questions or other information that would compromise the integrity of the examination.
10. Any overt, conspicuous, or public act of a sexual or simulated sexual nature which is likely to be observed by others.
11. Any willful and offensive exposure or exhibition of his or her sexual organs in public or on the private premises of another or so near thereto as to likely be seen except in any place provided or set apart for that purpose.
12. Willful failure of the agency administrator to comply with Chapter 943, F.S., as it pertains to the Criminal Justice Standards and Training Commission or Commission rules.
13. Intentional abuse of a Temporary Employment Authorization, pursuant to Section 943.131(1), F.S.
14. Misuse of Electronic Database. Willfully and knowingly accessing an electronic database within the trust of an officer, by using said database to access restricted information for an illegitimate or personal purpose with bad intent. Bad intent may be evidenced by:
  - a. A pattern of misuse that demonstrates improper accesses or violations.
  - b. If the violation occurred after the officer received agency or Commission discipline for improperly accessing a computer database, or after the officer received formal training on the database(s) that includes provisions on the improper use of said database(s).
  - c. The existence of a current or past non-amicable or otherwise contentious relationship between the officer and the subject of the query, or when the purpose of the query is to identify person(s) linked or associated to said relationship.
  - d. Pre-textual queries based on age, race, sex, gender, or other personal identifying characteristics.
  - e. Any additional action taken by the officer as a result of the information obtained from the query, for example, retaining, copying, or reproducing the information obtained from the query, or disseminating information not listed as confidential or exempt in Chapter 119, F.S., obtained as a result of the query.
- (d) A certified officer's unlawful injection, ingestion, inhalation, or other introduction of any controlled substance, as defined in Section 893.03, F.S., into his or her body as evidenced by a drug test in accordance with Section 112.0455, 440.102 or 944.474, F.S.
- (5) A certified officer's failure to maintain good moral character as defined in subsection (4) of this rule section by committing a violation involving perjury or false statement in a court proceeding, shall not include a statement which was recanted. If the violation involving perjury or false statement is alleged to have occurred in the performance of regularly required work duties or the course of an administrative or disciplinary investigation, a certified officer's failure to maintain good moral character as defined in subsection (4) of this rule section shall not include a statement in which the officer making the statement conceded such statement to be false prior to the employing agency's conclusion of the internal affairs investigation in which the false statement related to a

material fact or within 10 calendar days of making the false statement, whichever occurs first. For purposes of this subsection, the employing agency's internal affairs investigation shall be deemed to be at a conclusion upon the investigator's execution of the statement required by Section 112.533(1)(a)2., F.S.

(6) The employing agency shall forward to the Commission the agency's investigative report pursuant to procedures established in Rule 11B-27.003, F.A.C., when an allegation has been made that an officer has failed to maintain good moral character, as defined in subsection (4) of this rule section, and has been sustained by the employing agency, or an act of conduct by the officer has resulted in the officer's arrest. The report shall be forwarded immediately upon separation of the officer from employment, or, if the officer is not separated from employment, within 45 days from the date an allegation has been sustained, as set forth in this rule section.

(7) Commission staff's decision to initiate presentation of a case for a Commission Probable Cause Determination shall be based upon the following conditions:

- (a) Whether the allegations against the officer constitute a violation of subsection (4) of this rule section or Section 943.13(4), F.S.;
- (b) Whether there is evidence of probable cause to support the filing of a complaint; and,
- (c) Whether a Letter of Acknowledgement is warranted pursuant to subsections 11B-27.004(7)-(11), F.A.C.

*Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.13(7), 943.1395(7) FS. History—New 1-7-85, Formerly 11B-27.011, Amended 7-13-87, 10-25-88, 12-13-92, 9-5-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 4-11-04, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 4-16-09, 6-3-10, 5-21-12, 3-13-13, 5-29-14, 7-29-15, 9-4-16.*

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

(1) Certification or Reactivation of Certification. Prior to submitting an application for certification or reactivation of certification for a law enforcement, correctional, or correctional probation officer, the employing agency shall collect and verify documents establishing that an applicant has complied with the requirements of Section 943.13, F.S. Verified documents shall be maintained in the officer's training file at the employing agency. The following documents are required for verification of an applicant's compliance with this rule section.

- (a) Evidence of the applicant's age and citizenship verified by any of the following documents:
  1. Copy of birth certificate; or
  2. Copy of court documentation that attests to birth; or
  3. Current and valid U.S. passport that indicates U.S. citizenship and birth date; or
  4. Report of Birth Abroad of a Citizen of the United States, issued by a U.S. Consular Office; or
  5. Certificate of Naturalization from the United States Department of Immigration and Naturalization.
- (b) Evidence that the applicant is a high school graduate or its equivalent pursuant to Rule 11B-27.0021, F.A.C.
- (c) Evidence that an applicant's fingerprints have been processed by the Federal Bureau of Investigation or the Florida Department of Law Enforcement, if identified as a single state offender or multi-state offender, pursuant to Rule 11B-27.00211, F.A.C.

(d) A Physician's Assessment, form CJSTC-75, revised November 8, 2007, hereby incorporated by reference, or an equivalent form signed by a physician, certified advanced registered nurse practitioner, or physician assistant licensed in the United States or its territories, verifying the applicant's fitness to perform the duties of an officer pursuant to Section 943.13(6), F.S. Form CJSTC-75 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615. A copy of the officer's position description shall be reviewed by the physician to ensure that the applicant can meet the physical standards required of the position. A Patient Information, form CJSTC-75A, revised November 8, 2007, hereby incorporated by reference, may also be provided to the examining physician, certified advanced registered nurse practitioner, or physician assistant for reference. Form CJSTC-75A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615. The CJSTC-75 form or equivalent, shall be completed with each new employment or appointment of an officer, and shall not be completed more than one year prior to an officer's employment or appointment. A CJSTC-75 form prepared for a specific employing agency shall not be used by any other employing agency.

- (e) Evidence, by verification of military records, that the individual has not received a dishonorable discharge from any of the

Armed Forces of the United States, pursuant to paragraph 11B-27.0022(2)(c), F.A.C.

(f) An Affidavit of Applicant, form CJSTC-68, revised December 16, 2010 (effective 3/2013), hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref-02236>, executed by the applicant attesting that the applicant complies with the employment or appointment qualifications pursuant to Sections 943.13(1)-(10), F.S. Form CJSTC-68 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(g) Evidence that a thorough background investigation was conducted not more than one year prior to the date of employment or appointment as an officer or civilian officer trainee, pursuant to Rule 11B-27.0022, F.A.C. A thorough background investigation shall be conducted in conjunction with an officer's employment or appointment, regardless of existing evidence that a thorough background investigation of the officer was conducted for a previous employment or appointment.

(h) Evidence that the applicant has successfully completed a Commission-approved Basic Recruit Training Program, pursuant to Rules 11B-35.002 and 11B-35.003, F.A.C., and has achieved a passing score on the State Officer Certification Examination for the discipline for which certification is being sought pursuant to Section 943.13(10), F.S.

(2) The employing agency administrator is required, within 30 days of hire, to submit to Commission staff or electronically transmit through the Commission's Automated Training Management System (ATMS), and maintain on file a Registration of Employment Affidavit of Compliance, form CJSTC-60, revised December 16, 2010 (effective 3/2013), hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref-02235>, attesting to compliance by the employing agency with the following requirements. Form CJSTC-60 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(a) For law enforcement, correctional, and correctional probation officer applicants who have not been previously certified and who have complied with the certification requirements pursuant to Sections 943.13(1)-(10), F.S., the employing agency shall certify to the Commission that the applicant is eligible for certification by submitting to Commission staff or electronically transmitting through the Commission's Automated Training Management System (ATMS), a completed Officer Certification Application, form CJSTC-59, revised December 16, 2010 (effective 3/2013), hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref-02234>, within 30 days of the applicant's compliance with the certification requirements, notwithstanding whether the applicant is separated from employment. Upon receipt of an Officer Certification Application Deficiency Notification, form CJSTC-259, revised November 8, 2007, hereby incorporated by reference, the employing agency shall maintain on file, a copy of form CJSTC-59 and any other employment documentation. Forms CJSTC-59 and CJSTC-259 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615. The employing agency shall submit a copy of form CJSTC-259 and the missing or deficient documentation to Commission staff within 90 days of the date the form was signed and issued to the agency. Failure by the employing agency to submit missing or deficient documentation within the required 90 days may result in denial of an applicant's request for certification. An officer applicant shall not work as a sworn officer prior to meeting the requirements of Section 943.13, F.S., except as authorized pursuant to Section 943.131, F.S.

(b) Name changes shall be verified by the employing agency through verification of information on legal documents such as a marriage license or official name change documents. To document an officer's name change, a completed Name Change Application, form CJSTC-79, revised November 8, 2007, hereby incorporated by reference, and a copy of supporting documentation shall be submitted to Commission staff. Form CJSTC-79 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(3) Employment requirements pursuant to Section 943.13, F.S., shall be documented on an Agency New Hire Report, form CJSTC-207, revised November 8, 2007, hereby incorporated by reference. Form CJSTC-207 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(a) The files of newly hired officers are subject to an on-site inspection by Commission staff to ensure compliance with the requirements of Chapter 943, F.S., and Rule Chapter 11B-27, F.A.C. All documents collected in conjunction with the background investigation shall be available for review. The following documents shall be reviewed for completeness:

1. A Registration of Employment Affidavit of Compliance form CJSTC-60.
2. An Employment Background Investigative Report, form CJSTC-77, revised December 16, 2010 (effective 3/2013), hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref-02237>. Form CJSTC-77 can be obtained at the

following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615.

3. An Affidavit of Applicant form CJSTC-68.

4. A Temporary Employment Authorization Statement, form CJSTC-65, revised November 5, 2015, effective 9/2016, hereby incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-07372>. Form CJSTC-65 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615.

5. Proof of age documentation.

6. Proof of citizenship documentation.

7. Legal document(s) for name change.

8. High School Diploma, GED, and Equivalency of Foreign and Non-Public High School Curriculum pursuant to subsection 11B-27.0021(1), F.A.C.

9. A copy of the most recently issued DD 214, or other official documents from the United States Military denoting the discharge status or copy of the officer's current military identification. Wording on the documentation shall indicate the discharge was any discharge other than dishonorable.

10. An FBI Civil Applicant Response provided from a Live Scan device by the Florida Department of Law Enforcement (FDLE) Certified Mail Application, with the National Crime Information Center (NCIC) criminal history record attached, and an FDLE Customer Summary Report and Transaction Listing with the Florida Criminal Information Center (FCIC) criminal history record attached. If a Civil Applicant Response is not received by the agency, the FCIC Criminal History indicating no single state or multi-state offender criminal history record exists shall be proof the applicant's fingerprints have been processed.

11. An Exemption-From-Training, form CJSTC-76, revised November 5, 2015, effective 9/2016, hereby incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-07380>, and an Exemption-From-Training Proficiency Demonstration, form CJSTC-76A, revised November 6, 2014, effective 7/2015, hereby incorporated by reference, for previous Florida and out-of-state, federal, or military officers, if the officer used this training option. Forms CJSTC-76 and CJSTC-76A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615.

12. Results of the State Officer Certification Examination for training completed after June 30, 1993.

13. A Physician's Assessment form CJSTC-75 or equivalent.

14. Drug screen results of at least a 7-panel test pursuant to paragraph 11B-27.00225(2)(d), F.A.C.

15. An Affidavit of Separation, form CJSTC-61, November 5, 2015, effective 9/2016, hereby incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-07371>, and Affidavit of Separation Supplement, form CJSTC-61A, revised December 16, 2010, (effective 5/2012), hereby incorporated by reference, if the officer has separated employment with the agency. Forms CJSTC-61 and CJSTC-61A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(b) Commission staff shall conduct a re-inspection of the noted deficiencies, which shall be recorded on the Agency New Hire Report form CJSTC-207, within 90 days of the initial inspection.

1. If the deficiency(s) has been resolved prior to the re-inspection, Commission staff shall record the correction on form CJSTC-207.

2. If the deficiency(s) has not been resolved on or before the re-inspection date, the agency administrator shall provide Commission staff with a timeline for resolution of the noted deficiency(s) in the officer's file.

3. If the deficiency(s) noted in the officer's file remains unresolved, the Criminal Justice Standards and Training Commission Chairman shall notify the agency administrator, in writing, that the Registration of Employment Affidavit of Compliance form CJSTC-60, that has been signed by the agency administrator or its designee, confirming agency compliance with Section 943.133(2), F.S., is in fact not in compliance, and as such, is in violation of subparagraph 11B-27.0011(4)(c)11., F.A.C., and Section 837.06, F.S.

4. If the deficiency(s) noted in the officer's file remains uncorrected, the name of the agency and the deficiency(s) noted shall be included in the Commission's quarterly report for further action.

(4)(a) Within four years of the beginning date of a Commission-approved Basic Recruit Training Program, an individual shall successfully complete the program, achieve a passing score on the applicable State Officer Certification Examination, and gain

employment, and certification as an officer.

(b) An individual who fails to comply with the requirements in paragraph (4)(a) of this rule section for the discipline in which the training was completed, within four years of the date of beginning such training, shall as a condition for obtaining employment comply with the following:

1. Successfully complete a Commission-approved Basic Recruit Training Program pursuant to Rule 11B-35.002, F.A.C., or qualify for an exemption from a Commission-approved Basic Recruit Training Program, pursuant to Section 943.131(2), F.S., to include demonstration of proficiency in the High-Liability Basic Recruit Training Courses pursuant to Rule 11B-35.0024, F.A.C.; and

2. Achieve a passing score on the State Officer Certification Examination.

(5) Officer Separation from Employment or Appointment. An Affidavit of Separation form CJSTC-61, shall be completed by the employing agency and immediately transmitted via the Commission's ATMS or submitted to Commission staff. If the officer has met the requirements for certification, mandatory training, or firearms qualification at the time of separation the agency shall update the Commission's ATMS prior to separation.

(6) A completed Affidavit of Separation Supplement form CJSTC-61A, shall be submitted to Commission staff, along with form CJSTC-61, whenever there is a separation involving a violation of Section 943.13(4), F.S., or while being investigated for an alleged moral character violation.

*Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.133, 943.139, 943.1395 FS. History—New 10-6-82, Amended 4-26-84, 1-7-85, Formerly 11B-27.02, Amended 9-3-87, 3-29-89, 5-14-92, 12-13-92, 9-5-93, 1-19-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 6-3-10, 5-21-12, 3-13-13, 5-29-14, 7-29-15, 9-4-16.*

#### **11B-27.0021 High School Graduation or Equivalent.**

(1) A high school graduate shall be an individual who has completed a secondary education program through a public school, private school, an equivalency diploma program, or home education program through an educational provider recognized by a public educational system within the United States or its territories, or received a foreign high school diploma.

(2) Compliance with this rule section shall be documented by the employing agency and made available to Commission staff for review. Criteria for proof of compliance and authenticity of the diploma includes:

(a) A high school diploma or high school equivalency diploma issued by a public school education program; or

(b) A diploma issued by a private school.

(c) A letter on the letterhead from a School Board District Office or high school principal verifying completion of a high school program and issuance of a high school diploma.

(d) For individuals who have completed a home school program, documentation that the education program has met the requirements of Section 1002.41, F.S., or of the Department of Education from the state where the home school program was completed.

(e) Proof that the diploma has been accepted by an accredited college or university, as defined in Section 943.22(1), F.S., for entrance into a degree seeking program.

(f) For individuals who have completed an education program in a foreign jurisdiction, documentation that the diploma or official school transcript, indicating the date of graduation or completion, is equivalent to the requirements for a U.S. High School Diploma or equivalency diploma. Documents shall be transcribed by a certified translator and notarized as true and correct.

(3) In the absence of proof of successful high school graduation, the following shall be acceptable as meeting the minimum educational requirements:

(a) Transcript verification of successful completion of one of the following educational requirements from an institution accredited by an accrediting body recognized by the United States Department of Education or licensed as a degree granting institution by the Commission for Independent Education, pursuant to Section 1005.02(7), F.S., shall be acceptable as meeting the educational requirements of this rule section:

1. At least 30 semester hours; or

2. 45 quarter hours of college work; or

3. An associate or higher degree.

(b) A certificate issued by the United States Armed Forces Institute (U.S.A.F.I.) prior to December 31, 1974, showing successful completion of high school equivalency.

*Rulemaking Authority 943.03(4), 943.12(1) F.S. Law Implemented 943.13(3) F.S. History—New 10-6-82, Amended 1-7-85, Formerly 11B-27.021, Amended 7-7-99, 7-29-01, 11-5-02, 11-30-04, 3-21-07, 6-9-08, 3-13-13.*

#### **11B-27.00211 Fingerprint Processing and Criminal Record Results.**

An employing agency shall maintain on file, at minimum, a Federal Bureau of Investigation Civil Applicant Response provided from a Live Scan device by the Florida Department of Law Enforcement (FDLE) Certified Mail Application, with the National Crime Information Center (NCIC) criminal history record attached, and an FDLE Customer Summary Report and Transaction Listing with the Florida Criminal Information Center (FCIC) criminal history record attached. If a Civil Applicant Response is not received by the agency, the FCIC Criminal History indicating no single state or multi-state offender criminal history record exists shall be proof the applicant's fingerprints have been processed.

(1) The employing agency shall submit for processing an applicant's fingerprints to the FDLE. The submission shall include one of the following references: "Law Enforcement Officer Applicant, Section 943.13, F.S.," or "Correctional Officer Applicant, Section 943.13, F.S.," or "Correctional Probation Officer Applicant, Section 943.13, F.S.," as the reason fingerprinted. An applicant's fingerprints shall be processed in conjunction with an officer's employment or appointment regardless if the officer has proof of the existence of processed fingerprints from a previous employment or appointment. The employing agency is required to use an electronic fingerprinting submission device authorized by FDLE for the submission of applicant fingerprints.

(2) Private Correctional Institutions and Jails.

(a) Private correctional institutions under contract with the Florida Department of Management Services (DMS) or the Florida Department of Children and Families (DCF) shall submit for processing an applicant's fingerprints to the FDLE. The private correctional institution is required to use an electronic fingerprinting submission device and is responsible for any cost associated with the fingerprint submission. The response to the fingerprint submission shall be electronically transmitted to the respective contract agency (DMS or DCF) for review for compliance with Section 943.13(4), F.S. The contract agency will complete the Fingerprint Notification, form CJSTC-62, revised November 8, 2007, hereby incorporated by reference, or other written notice to document compliance with Section 943.13(4), F.S., and provide it to the private correctional institution. Form CJSTC-62 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(b) All other private correctional institutions and jails shall submit for processing an applicant's fingerprints to the FDLE. The private correctional institution is required to use an electronic fingerprinting submission device and is responsible for any cost associated with the fingerprint submission. The response to the fingerprint submission shall be electronically transmitted to the FDLE, Officer Records Section, for review for compliance with Section 943.13(4), F.S. The Officer Records Section will complete form CJSTC-62 and provide it to the private correctional institution or jail.

(3) The employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, the date indicated on the electronic response documenting the processed fingerprints. The response from an applicant's processed fingerprints shall be maintained on file at the agency within one year of the officer's initial employment or appointment. An employing agency is not required to re-fingerprint an individual who has been continuously employed or appointed with the same agency and is seeking certification as a sworn officer with that agency.

(4) Training schools that offer a Commission-approved Basic Recruit Training Program for law enforcement, correctional, or correctional probation officers, or a selection center that provides applicant screening for a training school, shall conduct a criminal history background check of an applicant prior to entrance into such Basic Recruit Training Program. The employing agency shall provide the training school with documentation that an applicant's fingerprints have been processed, that the response is on file with the employing or appointing agency, and has been verified by the employing or appointing agency to contain no statutory disqualifiers. If the FBI has not returned the Civil Applicant Response to the employing or appointing agency, the agency shall notify the training school that the criminal history background check is incomplete. The employing or appointing agency shall notify the training school upon receipt of the results of the applicant's fingerprints, which shall be maintained in the student's file at the training school.

(5) An applicant's fingerprints that have been processed prior to employment or appointment, in conjunction with the agency's background investigation, and pursuant to Rule 11B-27.0022, F.A.C., shall be considered current when the officer's fingerprints are processed in conjunction with the new employment or appointment.

(6) An officer's certification shall not be issued by the Commission until he or she is in compliance with the certification



requirements pursuant to Sections 943.13(1)-(10), F.S., and documentation of legible processed applicant fingerprints are on file at the employing agency.

(7) If an officer has been separated for lack of processed applicant fingerprints within one year of employment or appointment, the agency shall re-register the officer when the processed applicant fingerprint response is received from the FBI or FDLE. The re-registration date shall be the date that the FBI or FDLE processed the applicant fingerprints. An officer who has been separated for not having processed applicant fingerprints on file at the employing agency is not authorized to perform the duties of a sworn officer.

(8) Employing agencies shall be notified by Commission staff when an applicant's file does not contain documentation of processed fingerprints.

(9) An employing agency that does not receive processed fingerprint documentation from the FBI or FDLE within thirty days of submission of the fingerprints through an electronic fingerprinting submission device, shall fingerprint the applicant again and resubmit the fingerprints to FDLE and the FBI. If the FBI has processed the fingerprints, the letter from the FBI stating that the individual does not have a criminal history may be accepted as official documentation. The date the letter is postmarked shall be the date recorded as the fingerprint processed date.

(10) Should an officer separate from employment prior to the employing agency's receipt of the officer's processed applicant fingerprints, and there is an indication that the officer would have failed to meet the employment qualifications pursuant to this rule chapter, the separating agency shall immediately notify Commission staff and provide a copy of all documentation that establishes non-compliance of the officer to meet the necessary qualifications.

(11) If a criminal history record that could preclude employment pursuant to Section 943.13(4), F.S., is received from the FBI or FDLE, the agency shall obtain and maintain in the officer's file, supporting documentation from the court that the final disposition of the case has been resolved and the officer is eligible for employment, pursuant to Section 943.13(4), F.S.

*Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.133, 943.139, 943.1395 FS. History—New 11-5-02, Amended 11-30-04, 6-9-08, 5-29-14.*

#### **11B-27.00212 Maintenance of Officer Certification.**

(1) Full-time, part-time, or auxiliary officers shall successfully complete 40 hours of continuing education or training every four years. The expiration date of an officer's mandatory retraining shall be June 30th of the fourth year following the officer's certification.

Example:

Original Officer Certification Date	November 21, 1997
Officer Four-year Anniversary Date	November 21, 2001
Officer Continuing Education or Training Deadline	June 30, 2002

(2) Elected or appointed officials whose mandatory retraining dates have expired on or before the expiration date, pursuant to subsection (1) of this rule section, shall complete the mandatory retraining requirements within four years of the date the individual no longer serves as an elected or appointed official.

(3) Forty hours of continuing education is granted for three semester credit hours or four quarter credit hours of college course work upon successful completion of the course, and provided the credit hours are not used for the purpose of obtaining a degree, which would make the officer eligible for salary incentive payments.

(4) Continuing education or training pursuant to Section 943.135, F.S. Upon an officer's completion of the required continuing education or training the employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, and maintain in file a completed Mandatory Retraining Report, form CJSTC-74, revised August 7, 2008, hereby incorporated by reference. Form CJSTC-74 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615. Criminal justice agencies shall not update an officer's mandatory training unless an officer is employed by the agency or has met the requirement for employment pursuant to subsection 11B-27.002(1), F.A.C.

(5) Statutory mandated continuing training. The following training shall be included as a part of the officer's continuing training:

(a) Domestic Violence Training for Law Enforcement Officers pursuant to Section 943.1701, F.S. Certified law enforcement officers who elect to instruct domestic violence training may substitute completion or instruction of domestic violence training to satisfy the officer's continuing training requirement.

(b) Human Diversity Training pursuant to Section 943.1716, F.S. Certified officers who elect to instruct human diversity modules pursuant to Section 943.1716, F.S., may substitute completion or instruction of human diversity training to satisfy the officer's continuing training requirement.

(c) Juvenile Sexual Offender Investigation Training for Law Enforcement Officers pursuant to Section 943.17295, F.S. Certified law enforcement officers who elect to instruct the Juvenile Sexual Offender Investigation training may substitute completion or instruction of this training to satisfy the officer's continuing training requirement.

(d) Discriminatory Profiling and Professional Traffic Stops pursuant to Section 943.1758, F.S. Certified law enforcement officers who elect to instruct Discriminatory Profiling and Professional Traffic Stops may substitute completion or instruction of this training to satisfy the officer's continuing training requirement. Completion or instruction of this training shall satisfy all or a portion of an officer's continuing training requirement for human diversity training.

(6) Failure to comply with statutorily required continuing education or training. In the event that an officer fails to meet the continuing education or training requirements of Section 943.135, F.S., the officer's certificate shall become inactive until the employing agency provides documentation to Commission staff establishing that the continuing education or training requirements have been satisfied. The Commission's ATMS shall separate an officer from employment if the Mandatory Retraining Report form CJSTC-74, is not received by the June 30th deadline pursuant to subsection (1) of this rule section. Officers who have not satisfied their mandatory retraining requirement within six months of separation shall comply with the requirement of subsection 11B-27.002(1), F.A.C., prior to reemployment.

(7) Individuals who have been separated from an employing agency as an officer for less than four years, and whose certification is inactive for failing to complete the required hours for mandatory training, shall complete the continuing education and training requirements prior to resuming active service with an agency. An officer who requests to claim continuing education and training that was completed during a period when the officer's certification was inactive, shall request approval from the agency administrator of the prospective employing agency and provide proof that the required continuing education and training was completed. The employing agency shall determine if the education or training requirements have been satisfied pursuant to Section 943.135, F.S., and shall submit to Commission staff, or electronically transmit through the Commission's ATMS, a completed Mandatory Retraining Report form CJSTC-74.

(8) Continuing education or training completed pursuant to subsection (1) of this rule section shall not be eligible for salary incentive payments pursuant to Section 943.135(2), F.S.

(9) Documentation supporting the required training shall be attached to the Mandatory Retraining Report form CJSTC-74, and maintained in the officer's file.

(10) A certified officer who has not completed the required continuing education or training on or before the officer's mandatory training deadline, pursuant to subsection (1) of this rule section, shall not perform the duties of a sworn officer.

(11) Inactive Certificate Status. The certificate of any certified officer who has separated from employment or appointment as an officer, and who is not re-employed or re-appointed as an officer by an employing agency in the same discipline within four years after the date of separation, shall become inactive.

(12) Prerequisites for certificate reactivation and reemployment as an officer. To become eligible for reactivation of certification and reemployment in the discipline for which the officer has experienced a break-in-service, pursuant to subsection (11) of this rule section, the officer shall, on or after July 1, 1993, meet the following conditions.

(a) If the break-in-service is between four years and eight years the officer shall:

1. Successfully demonstrate proficiency in the High-Liability Basic Recruit Training Courses pursuant to Rule 11B-35.0024, F.A.C.

2. Achieve a passing score on the applicable State Officer Certification Examination pursuant to procedures in Rule Chapter 11B-30, F.A.C., State Officer Certification Examination.

3. Meet the minimum qualifications described in Rules 11B-27.002, 11B-27.0021, 11B-27.0022 and 11B-27.00225, F.A.C., as evidenced by an employing agency's compliance with Section 943.133(2), F.S.

(b) If the break-in-service is more than eight years, the officer shall:

1. As a condition of employment or appointment, successfully complete a Commission-approved Basic Recruit Training Program pursuant to Rule 11B-35.002, F.A.C.

2. Achieve a passing score on the applicable State Officer Certification Examination pursuant to Rule Chapter 11B-30, F.A.C.

3. Meet the minimum qualifications described in Rules 11B-27.002, 11B-27.0021, 11B-27.0022, and 11B-27.00225, F.A.C., as

evidenced by an employing agency's compliance with Section 943.133(2), F.S.

(13) Use-of-Force training. An officer shall, as a part of the officer's 40-hour continuing education or training every four years, be required to complete the following Use-of-Force training.

(a) Use-of-Force training shall include the following topics of instruction:

1. Scenario-based Firearms Training.
2. Physiological Response Dynamics Training.
3. Less-lethal force options available within the agency.
4. Agency policies on Use-of-Force training.
5. Legal aspects regarding Use-of-Force training.

(b) A law enforcement and correctional officer shall complete Use-of-Force training pursuant to subparagraphs (13)(a)1.-5., of this rule section.

(c) A correctional probation officer shall complete Use-of-Force training pursuant to subparagraphs (13)(a)2.-5., of this rule section.

(d) An officer's employing agency shall report the completion of Use-of-Force training to Commission staff, pursuant to subsection (4) of this rule section.

(e) An officer is permitted to substitute instruction of Use-of-Force training to satisfy the continuing education or training requirements for the officer's four-year mandatory retraining cycle.

(14) Law Enforcement Officer Firearms Qualification Standard. Beginning July 1, 2006, a law enforcement officer shall be required to qualify on the Commission's approved course of fire with the proficiency skills documented on the Law Enforcement Officer Firearms Qualification Standard, form CJSTC-86A, revised December 16, 2010, (effective 3/2013), hereby incorporated by reference, and maintained in the officer's employment file. Form CJSTC-86A can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(a) A law enforcement officer who fails to demonstrate proficiency skills on the required firearms qualification standard shall not perform the duties of a sworn officer.

(b) Reporting of the compliance with this standard shall be June 30, 2008, and every two years thereafter. Documentation supporting the demonstration of proficiency skills shall be reported on the Mandatory Firearms Training Report, form CJSTC-86, revised November 8, 2007, hereby incorporated by reference, and maintained in the officer's file. Form CJSTC-86 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615. The employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, the date of completion.

(c) In the event a law enforcement officer fails to meet this standard by June 30 of each reporting year, the officer's certificate shall become inactive until the employing agency provides documentation to Commission staff establishing that the firearms qualification standard has been satisfied. Active officers who were separated from employment or appointment for not satisfying the firearms qualification standard, and do not meet the standard within six months of separation from employment or appointment, shall comply with the certification or reactivation of certification requirement(s) in subsection 11B-27.002(1), F.A.C., prior to reemployment.

(d) The certificate of a law enforcement officer shall become inactive if the officer has separated from employment or appointment and is not reemployed or reappointed within the two-year reporting cycle. The officer will be required to comply with the firearms qualification standard upon employment or appointment.

(e) In the event a law enforcement officer is injured in the line of duty or has a chronic illness and fails to meet this standard by June 30 of a reporting year, the agency administrator or designee shall complete the Injury or Illness Exemption for the Firearms Law Enforcement Officer Qualification Standard form CJSTC-86B, revised November 5, 2015, effective 9/2016, hereby incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-07388>. Form CJSTC-86B can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615. The agency shall submit form CJSTC-86B and the supporting medical documentation to Commission staff prior to the June 30 deadline to ensure the officer's certificate does not become inactive on the reporting deadline for that two-year reporting cycle. An additional form CJSTC-86B shall be submitted for each subsequent reporting cycle.

(15) Elder Abuse Training. As a part of basic recruit training or the officer's continuing education or training, a law enforcement officer shall be required to complete training on identifying and investigating elder abuse and neglect.

(a) Certified law enforcement officers shall complete Elder Abuse Training on or before June 30, 2011 pursuant to Section 943.17296, F.S.

(b) The training shall include instruction on the identification of and appropriate responses for persons suffering from dementia and on identifying and investigating elder abuse and neglect.

(c) Law enforcement officers who have successfully completed one of the following programs will have satisfied this training requirement:

1. Florida CMS Law Enforcement BRTP number 1177 (Effective 4/1/08).
2. Correctional Officer Cross-Over Training to Florida CMS Law Enforcement BRTP number 1178 (Retired 6/30/12).  
Correctional Officer Cross-Over Training to Florida CMS Law Enforcement BRTP number 1191 (Retired 6/30/14).
3. Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement BRTP number 1179 (Retired 6/30/14).
4. CMS Law Enforcement Auxiliary Officer BRTP number 1180 (Effective 4/1/08).
5. Crimes Against the Elderly advanced training course number 100 (Effective 4/1/06).
6. [Elder Abuse Training for Law Enforcement course by the Department of Elder Affairs](#) (Effective 10/30/08).
7. [Elder Abuse Investigations](#) specialized training program [course number 1185](#). [There are no required minimum training hours for mandatory retraining, however, training schools are permitted to teach the course as a specialized training program course requiring a minimum of four contact hours.](#)

(d) An officer who fails to comply with the elder abuse and neglect training requirements pursuant to Section 943.17296, F.S., shall become an inactive Florida officer. The officer's certification shall become reactivated when the officer's employing agency provides Commission staff with verification that the officer has met the continuing education or training requirement.

(e) Upon an officer's completion of the required training the employing agency shall submit, or electronically transmit to Commission staff through the Commission's ATMS, the date of completion.

*Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12, 943.13(11), 943.135, 943.1395(3), 943.1701, 943.1715, 943.1716, 943.253 FS. History—New 11-5-02, Amended 12-3-03, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 4-16-09, 9-28-09, 6-3-10, 5-21-12, 3-13-13, 9-4-16.*  
*Editorial Note:* See 11B-27.0023, F.A.C.

#### **11B-27.00213 Temporary Employment Authorization.**

A Certificate of Compliance shall not be issued to officers employed on a Temporary Employment Authorization (TEA) prior to meeting the requirements of Sections 943.13(1)-(10), F.S.

(1) A TEA shall only be issued pursuant to Section 943.131, F.S. Individuals hired on a TEA shall comply with the firearms training program established by Section 943.17(1)(a), F.S.

(a) Pre-Training TEA. Individuals employed or appointed on a pre-training TEA shall:

1. Begin a Commission-approved Basic Recruit Training Program within 180 days of being placed on a TEA;
2. Successfully complete eight hours of firearms training, which shall include demonstration of proficiency in the presence of a Commission-certified firearms instructor.
3. Successfully complete a Commission-approved Basic Recruit Training Program within 18 months of beginning the training program.
4. Achieve a passing score on the State Officer Certification Examination (SOCE) within 180 days from the date that basic recruit training was completed.

5. To employ or appoint an individual on a TEA, who has not completed a Commission-approved Basic Recruit Training Program, the employing agency shall document circumstances for the critical need to employ or appoint such individual on a Temporary Employment Authorization Statement form CJSTC-65, which shall be maintained in the officer's file at the employing agency.

(b) Post-training TEA. Individuals employed or appointed on a post-training TEA shall:

1. Have completed a Commission-approved Basic Recruit Training Program and is waiting to take the next scheduled SOCE.
2. Have 180 days from the completion date of the Basic Recruit Training Program or commencement of employment, whichever is later, to achieve a passing score on the SOCE.

(c) A TEA shall terminate if a basic recruit student fails to pass the Basic Recruit Training Program.

1. If a basic recruit student fails a course in the Basic Recruit Training Program, the student shall be permitted to remain on the TEA while retaking the failed course; and,

2. Shall be required to enroll in the next available course to complete the Basic Recruit Training Program.

(2) An officer employed on a TEA, shall be excused from the firearms training requirement upon placement of a statement in the officer's file at the employing agency. The statement shall be signed by the agency administrator confirming that the TEA-appointed officer shall not be permitted to carry a firearm until the following classroom training requirements have been fulfilled:

(a) Classroom Training:

1. Range Safety Rules	1 Hour
2. Legal Aspects of Firearms	2 Hours
3. Introduction to Primary Service Weapon	2 Hours
4. Chemical Agents	1 Hour
5. Introduction to Alternate Service Weapon	2 Hours
Total Hours	8 Hours

(b) Firearms Range Training. The trainee's proficiency demonstration shall be documented on a CMS Firearms Performance Evaluation, form CJSTC-4 CMS, revised November 5, 2015, effective 9/2016, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref-07365>, and maintained in the trainee's file at the employing agency. Form CJSTC-4 CMS can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615. The instructor shall qualify the trainee with a handgun (revolver or semi-automatic pistol) and long gun (shotgun or semi-automatic rifle/carbine) using the Commission's Basic Recruit Training Firearms Course of Fire, pursuant to form CJSTC-4 CMS, and the form shall be maintained in the trainee's file at the employing agency. Trainees shall fire a long gun as prescribed in the Commission-approved Basic Recruit Training Program.

(3) The Commission shall separate an officer from employment, through the Commission's ATMS, if the officer's TEA exceeds 180 days without enrollment in a Commission-approved Basic Recruit Training Program, fails to complete a Commission-approved Basic Recruit Training Program within 18 months, or the officer has failed to achieve a passing score on the SOCE within 180 consecutive days after successful completion of a Basic Recruit Training Program.

(4) Agencies applying to temporarily employ or appoint an individual who has had a previous TEA registered with the Commission in the same discipline, may do so only if:

(a) The individual was previously certified as a full-time or part-time officer; or

(b) The individual was previously hired on a TEA and has separated from the employing agency or discontinued training while still in good standing, and has had a break-in-service from the last employment for a minimum of four years. Such individual shall comply with the firearms training requirements pursuant to Rule 11B-35.0024, F.A.C. and Section 943.17(1)(a), F.S., unless the agency administrator has waived such requirements in subsection (2) of this rule section, and shall enroll in a Commission-approved Basic Recruit Training Program within 180 days of employment in the first training program offered in the geographic area, or in the first assigned state training program for a state officer.

(5) Individuals employed on a TEA, pursuant to Section 943.131, F.S., are subject to disciplinary action by the Commission.

*Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.131, 943.133, 943.139, 943.1395, 943.17(1)(a) FS. History—New 11-5-02, Amended 11-30-04, 3-27-06, 6-9-08, 9-28-09, 6-3-10, 3-13-13, 9-4-16.*

### **11B-27.0022 Background Investigations.**

(1) Pursuant to Section 943.133, F.S., and Rule 11B-27.0011, F.A.C., the employing agency shall conduct a thorough background investigation of each applicant. The employing agency shall provide evidence that a complete background investigation was conducted, pursuant to the requirements on the Employment Background Investigative Report form CJSTC-77, not more than one year prior to the date of employment or appointment as an officer or civilian officer trainee, pursuant to Rule 11B-27.0022, F.A.C. A complete background investigation shall be conducted in conjunction with an officer's employment or appointment, regardless of existing evidence that a thorough background investigation of the officer was conducted for a previous employment or appointment. The agency shall maintain in the applicant's file at the employing agency a summary of the background investigation findings, signed and dated by the investigator and the agency administrator or designee. The summary shall verify the following information:

(a) Prior criminal justice employments of the applicant and the facts and reasons for any prior separations of employment. An officer applicant's prior criminal justice employments shall be verified, including an applicant with no previous Florida employment

as an officer.

(b) Processed applicant fingerprint responses on file reflecting state and national criminal history record checks. If the processed applicant fingerprint response has not yet been received, the agency shall maintain on file the FCIC/NCIC criminal history and wanted person responses.

(c) Evidence that a urine sample furnished by the applicant was analyzed for the presence of controlled substances, or evidence thereof, pursuant to Rule 11B-27.00225, F.A.C. In cases where an applicant's urine sample is found to contain a controlled substance or evidence thereof, upon the completion of the analysis procedures pursuant to Rule 11B-27.00225, F.A.C., the employing agency shall, if requested by the applicant, permit the applicant to provide to the employing agency evidence that the applicant lawfully used or ingested the said controlled substance.

(d) The applicant is of good moral character.

(2) The employing agency shall, at a minimum, use the following background investigation procedures:

(a) Obtain previous employment data from prior employers. Criminal justice agencies conducting background investigations have the option of using the Authority for Release of Information, form CJSTC-58, revised December 16, 2010 (effective 3/2013), hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref-02322>, pursuant to Sections 943.134(2) and (4), F.S., hereby incorporated by reference. Form CJSTC-58 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(b) Research military records. A copy of the most recently issued DD 214, or other official separation document(s) from the United States Military denoting the discharge status or a copy of the officer's current military identification, shall be maintained in the officer's file at the employing agency. The agency shall document contact with the applicant's commanding officer or designee if the applicant is currently serving on a active duty or military reserve to ensure the applicant is compliant with military regulations. Wording on the documentation shall indicate the discharge was any discharge other than dishonorable. A military discharge that is other than an honorable discharge, shall be investigated by the agency. The agency shall submit a Request Pertaining to Military Record, form OMB No. 3095-0029.

(c) Verify the applicant's response regarding prior history of unlawful conduct through a Florida Crime Information Center and National Crime Information Center records and warrants check.

(d) Verify the applicant's response regarding unlawful drug use pursuant to subsection 11B-27.0011(2), F.A.C.

(3) The employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, a Registration of Employment Affidavit of Compliance form CJSTC-60. The agency shall also submit to Commission staff a completed Employment Background Investigative Report form CJSTC-77, for each officer employed or appointed. The original form CJSTC-77 that has been signed and dated by the investigator and the agency administrator or designee shall be retained in the applicant's file.

*Rulemaking Authority 943.03(4), 943.12(1), 943.133(3) FS. Law Implemented 943.133, 943.139 FS. History—New 10-6-82, Amended 1-7-85, Formerly 11B-27.022, Amended 7-13-87, 10-17-90, 5-13-92, 5-14-92, 12-13-92, 9-5-93, 8-7-94, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 6-3-10, 3-13-13.*

#### **11B-27.0023 Issuance and Maintenance of Certification.**

*Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12, 943.13(11), 943.135, 943.1701, 943.1715, 943.1716, 943.253 FS. History—New 10-6-82, Amended 12-28-83, 1-7-85, 7-1-85, Formerly 11B-27.023, Amended 7-13-87, 5-23-88, 8-30-89, 5-13-92, 5-14-92, 12-13-92, 1-19-94, 8-7-94, 1-2-97, 7-7-99, 8-22-00, Repealed 11-5-02.*

#### **11B-27.0024 Reactivation of a Certificate.**

*Rulemaking Authority 943.03(3), 943.12(9) FS. Law Implemented 943.09, 943.12, 943.13, 943.14, 943.145 FS. History—New 10-6-82, Amended 4-26-84, Formerly 11B-27.024, Repealed 6-3-85.*

#### **11B-27.00225 Controlled Substance Testing Procedures.**

(1) The employing agency is required to conduct a background investigation upon each applicant for certification, or employment or appointment, which shall include the analysis of a urine sample furnished by the applicant for the presence of controlled substances or metabolites, which shall be consistent with the procedures for drug testing pursuant to Section 112.0455,

F.S., and Rule Chapter 59A-24, F.A.C., which have been adopted by the Agency for Health Care Administration. A new urine sample shall be submitted for analysis following any break-in-service.

(2) The employing agency shall verify the following requirements for the collection and analysis of urine samples:

(a) The procedures for collection sites and specimen collection complies with the requirements of Rule 59A-24.005, F.A.C.

(b) Each applicant gave written consent prior to giving the sample for collection, analysis for evidence of controlled substances, and disclosure of the analysis results to the employing agency and to the Commission.

(c) The procedures for analyzing and reporting the urine sample were consistent with Rule 59A-24.006, F.A.C.

(d) The laboratory performing the analysis did analyze the urine sample for the presence of the following seven substances:

1. Amphetamines (amphetamine and methamphetamine).
2. Cannabis or Cannabinoids.
3. Cocaine or Cocaine Metabolite.
4. Phencyclidine.
5. Opiates (codeine and morphine).
6. Barbiturates.
7. Benzodiazepines.

*Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.13(7), 943.133, 943.1395 FS. History—New 7-13-87, Amended 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04.*

#### **11B-27.0025 Name.**

*Rulemaking Authority 943.03(3), 943.12(9) FS. Law Implemented 943.13, 943.14, 943.145, 943.19 FS. History—New 10-6-82, Formerly 11B-27.025, Repealed 1-7-85.*

#### **11B-27.0026 Reactivation of Certificate.**

*Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.1395(3) FS. History—New 1-19-94, Amended 1-2-97, 7-7-99, Repealed 11-5-02.*

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

(1) Pursuant to Section 943.1395(5), F.S., an employing agency shall conduct an investigation when having cause to suspect that an officer it employs or employed at the time of the alleged violation, or employed on a Temporary Employment Authorization (TEA) pursuant to Section 943.131, F.S., does not comply with Sections 943.13(4) or (7), F.S. or subsection 11B-27.0011(4), F.A.C. An investigation shall be conducted and concluded when the employing agency has cause to suspect that an officer is in violation of Section 943.13(4) or (7), F.S., or subsection 11B-27.0011(4), F.A.C. The agency's investigation shall contain an official disposition, which shall be reported to Commission staff pursuant to subsection (2) of this rule section.

(2) Upon concluding the investigation:

(a) If the allegations are sustained, the employing agency shall complete an Internal Investigation Report, form CJSTC-78, revised November 8, 2007, hereby incorporated by reference, regardless of whether any civil service appeal, arbitration, employment hearing, administrative, civil, or criminal action is pending or contemplated. Form CJSTC-78 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(b) If the allegations are sustained, and are a violation of Section 943.13(4) or (7), F.S., or subsection 11B-27.0011(4), F.A.C., the employing agency shall forward to Commission staff the complete investigative package, which shall include the following, no later than 45 days after the allegations are sustained:

1. A completed Internal Investigation Report form CJSTC-78.
2. The allegations.
3. A summary of the facts.
4. Names of witnesses.
5. Witness statements and depositions.
6. Certified court documents.

7. Any other supportive documentation or information.

(c) If the allegations are not sustained, unfounded, or the officer has been exonerated, or the allegations that are sustained are only violations of the employing agency's policies, and are not violations of Section 943.13(4) or (7), F.S., or subsection 11B-27.0011(4), F.A.C., the employing agency shall complete form CJSTC-78 and maintain the form on file at the agency.

*Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.1395(5) FS. History—New 10-6-82, Amended 1-7-85, Formerly 11B-27.03, Amended 12-13-92, 9-5-93, 7-7-99, 8-22-00, 11-5-02, 11-30-04, 6-9-08.*

#### **11B-27.004 Probable Cause Determination.**

At the conclusion of the preliminary investigation and when the reports and documents are received as directed by Sections 943.139 and 943.1395, F.S., a determination of probable cause shall be made before the Commission initiates proceedings to take disciplinary action against the certification of an officer.

(1) For the purpose of probable cause determinations, the chairperson of the Commission or designee shall appoint Probable Cause Panels of three Commission members and one alternate member, to hold Probable Cause Determination Hearings for terms specified in their appointment. The Commission Chairperson or designee shall appoint a chairperson for each panel, and the panels shall meet as necessary.

(2) A Probable Cause Determination Hearing is the conclusion of the preliminary investigation, and is not a hearing pursuant to Sections 120.569 and 120.57, F.S.

(3) Each Probable Cause Determination Hearing shall be noticed in the Florida Administrative Register pursuant to Section 120.525, F.S. The respondent shall be mailed a prior notice of the Probable Cause Determination Hearing and a subsequent notification of whether or not probable cause was determined by the panel.

(4) After considering all evidence, a majority vote of the Probable Cause Panel shall determine whether or not probable cause exists to file an administrative complaint pursuant to Section 120.60(5), F.S., charging a violation of Chapter 943, F.S., or Rule Chapter 11B-27, F.A.C. If the case is presented for imposition of a penalty, the Panel is authorized to make a penalty recommendation to the Commission, or to direct Commission staff to offer a settlement agreement in the case.

(5) The panel is authorized to issue a Letter of Guidance to the officer when the panel determines that it is not practical to initiate proceedings against an officer's certification. A copy of the Letter of Guidance shall be retained in the officer's file within the Criminal Justice Professionalism Program, Bureau of Standards.

(6) The Probable Cause Panel is authorized to offer the respondent the opportunity to enter into an Intervention Program if there would otherwise be a finding of probable cause but the Panel finds that there are significant mitigating circumstances or that the violation is not egregious. The terms and conditions of the Probable Cause Panel's Intervention Programs may include the following:

- (a) Successful completion of training or retraining deemed appropriate by the panel.
- (b) Participation in psychological, occupational, or substance abuse counseling.
- (c) Furnishing blood, breath, or urine samples, and consent to the release of analysis results of such random or scheduled tests.
- (d) Payment of restitution for damages or loss created by the officer's misconduct.
- (e) Any other such rehabilitative terms and conditions.

(f) As a standard condition of the Intervention Program, the respondent shall refrain from any violation of Sections 943.13(4), (7), F.S., and subsections 11B-27.0011(2)-(4), F.A.C. For the Intervention Program to be a viable alternative in consideration of probable cause, the respondent shall agree to all terms and conditions recommended by the panel. The respondent shall be responsible for successfully completing the terms and conditions of the Intervention Program within a specified period. Once the respondent has reported the successful completion of the terms and conditions to Commission staff, the matter shall be presented to a Probable Cause Panel. The panel shall then issue a Letter of Guidance in lieu of a finding of probable cause, pursuant with subsection (5) of this rule section. Failure of the respondent to either agree to or successfully complete the terms and conditions of the Intervention Program within the specified time frame, shall result in the matter being returned to the Probable Cause Panel for a finding of probable cause and the issuance of an Administrative Complaint.

(7) When Commission staff determines that the respondent has been retained by the employing agency, Commission staff shall issue a Letter of Acknowledgment of agency action in these cases, provided the employing agency shall have taken significant agency action as defined in subsections 11B-27.005(1)-(2), F.A.C.

(8) Commission staff:

- (a) Shall not issue a Letter of Acknowledgement to a respondent who has been issued a Letter of Acknowledgement within three



years prior to the date of receipt of the information described in paragraph 11B-27.003(2)(b), F.A.C.

(b) Shall not issue a Letter of Acknowledgement to a respondent who has been issued a Letter of Guidance within five years prior to the date of receipt of the information described in paragraph 11B-27.003(2)(b), F.A.C.

(c) Shall not issue a Letter of Acknowledgement to a respondent who has been disciplined by the Commission within eight years prior to the date of receipt of the information described in paragraph 11B-27.003(2)(b), F.A.C.

(d) Shall not issue a Letter of Acknowledgement to a respondent if the penalty guidelines of subsection 11B-27.005(5), F.A.C., specify prospective suspension to revocation as the guideline penalty for the offense.

(9) In cases where the respondent has been terminated or disciplined and is seeking review of that termination or discipline through the administrative or judicial process, the respondent and employing agency shall notify Commission staff of such review. Pending final resolution, Commission staff shall hold such cases in abeyance.

(10)(a) If administrative or judicial review results in a final disposition of the respondent's termination or discipline, the case shall no longer be held in abeyance and Commission staff shall review the case for the issuance of a Letter of Acknowledgment, if applicable, or for presentation to the Commission for Commission action.

(b) In cases in which administrative or judicial review results in a final reversal of discipline imposed by the employing agency relating to the alleged misconduct that is subject to review by the Commission, or criminal proceedings that result in the respondent's acquittal on all charges subject to review by the Commission after a trial, Commission staff shall take no further action, provided that Commission staff may present the case to a Probable Cause Panel upon Commission staff's specific showing that the findings of fact in the collateral proceedings were based upon inclusion or exclusion of evidence, or that the testimony was a departure from the essential requirements of law, the findings of fact in the collateral proceedings were not supported by competent and substantial evidence, or were clearly contrary to the evidence presented.

(11)(a) In cases in which the facts presented to Commission staff are inconclusive, lack reliability, are insufficient to permit a reasonable determination of what occurred, or fail to demonstrate that the alleged misconduct meets the statutory criteria for Commission action, Commission staff shall "no cause" the case. Commission staff shall reopen a case that has been "no caused" if new evidence or witnesses become available to Commission staff. However, Commission staff shall "no cause" a violation of paragraph 11B-27.0011(4)(b) or (c), F.A.C., if the officer is alleged to have committed the violation more than eight years prior to the case being presented to a Probable Cause Determination Hearing.

(b) Commission staff's characterization of misconduct based upon the facts as presented shall control processing of misconduct cases under the rules of the Commission.

(12) Commission staff shall submit annually to the Commission, a listing of those agencies that fail to impose significant agency disciplinary action pursuant to subsections 11B-27.005(1), (2), F.A.C.

(13) When the Probable Cause Panel has insufficient information to determine the existence of probable cause, but in good faith believes that Commission staff can obtain the information necessary to reach a decision, the panel shall enter a finding of "Insufficient Information." The case shall be continued until reasonable efforts by Commission staff have been concluded to obtain the additional information requested by the panel, at which time the case shall be scheduled before a Probable Cause Panel for further review.

*Rulemaking Authority 943.03(4), 943.12(1), 943.1395 FS. Law Implemented 943.1395 FS. History--New 12-13-92, Amended 1-19-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 4-11-04, 11-30-04, 6-9-08, 6-3-10, 5-29-14, 9-4-16.*

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

(1) For the purpose of implementing the provisions of Rule 11B-27.004, F.A.C., "significant agency action" is defined as follows:

(a) For an offense that would be sanctioned by suspension of certification under these guidelines herein: Suspension from duty without pay for at least one day, or any change in assignment or duties that results in reduction in compensation.

(b) For an offense that would be sanctioned by probation of certification under these guidelines herein: Any documented or written formal action, any change in assignment or duties that results in reduction in compensation.

(2) Additionally, for an offense that requires retraining, in addition to suspension or probation, "significant agency action" shall include agency certification of in-service retraining by a qualified instructor. For an offense that requires counseling, in addition to suspension or probation, there shall be agency certification of counseling by a qualified counselor.

(3) Pursuant to the provisions of Section 943.1395(8), F.S., disciplinary proceedings shall be conducted as prescribed in Chapter 120, F.S., Administrative Procedures Act, and Rule Chapter 28, F.A.C., Uniform Rules of Procedure, when there is a determination of probable cause that a certificate holder, hereinafter referred to as a “certified officer,” has failed to maintain compliance with:

- (a) Section 943.13(4) or (7), F.S.; or
- (b) An order of the Commission previously issued during a disciplinary hearing; or
- (c) The Temporary Employment Authorization (TEA) requirements pursuant to Section 943.131, F.S.

(4)(a) The Commission sets forth in paragraphs (5)(a)-(d) of this rule section, a range of disciplinary guidelines from which disciplinary penalties shall be imposed upon certified officers who have been found by the Commission to have violated Section 943.13(7), F.S. The purpose of the disciplinary guidelines is to give notice to certified officers of the range of penalties or prescribed penalties that shall be imposed for particular violations of Section 943.13(7), F.S., absent aggravating or mitigating circumstances, as provided in subsection (6) of this rule section. The disciplinary guidelines are based upon a “single count violation” of each provision listed. All penalties at the upper range of the sanctions set forth in the guidelines (i.e., suspension or revocation), include lesser penalties (i.e., reprimand, remedial training, or probation), that may be included in the final penalty at the Commission’s discretion.

(b) In determining a penalty that may be imposed by the Commission, when a penalty guideline recommendation includes “suspension,” the Commission is authorized to consider the number of days of employment suspension imposed upon the officer by the employing agency for retroactive or parallel inclusion in the length of a certification suspension imposed by the Commission. When a penalty guideline recommendation includes “prospective suspension,” no such inclusion is authorized.

(5) When the Commission finds that a certified officer has committed an act that violates Section 943.13(7), F.S., the Commission shall issue a final order imposing penalties within the ranges recommended in the following disciplinary guidelines:

(a) For the perpetration by the officer of an act that would constitute any felony offense, pursuant to paragraph 11B-27.0011(4) (a), F.A.C., but where there was not a violation of Section 943.13(4), F.S., the action of the Commission shall be to impose a penalty ranging from suspension of certification to revocation. Specific violations and penalties that shall be imposed, absent mitigating circumstances, include the following:

Violation	Recommended Penalty Range
1. Felony assault (Sections 784.021, 784.07, F.S.)	Prospective suspension to revocation
2. Felony battery (Sections 784.041, 784.045, 784.07, F.S.)	Prospective suspension to revocation
3. Grand theft (Section 812.014, F.S.)	Revocation
4. Possession, sale of controlled substance (Section 893.13, F.S.)	Revocation
5. Tampering with evidence (Section 918.13, F.S.)	Revocation
6. Introduction of contraband into a jail or prison involving a firearm, concealed weapon, controlled substance, currency, or a tool or implement useful in an attempt to escape from custody (Sections 843.11, 944.47, 951.22, F.S.)	Revocation
7. Other introduction of contraband into a jail or prison (Sections 944.47, 951.22, F.S.)	Suspension to revocation
8. False Statements (Sections 837.02, 837.021, 837.05(2), 838.022, F.S.)	Prospective suspension to revocation
9. Felony stalking (Section 784.048, F.S.)	Revocation
10. Sexual battery, unlawful sexual activity with a minor (Sections 794.011, 794.05, F.S.)	Revocation
11. Lewd or lascivious offense, child under 16 (Section 800.04, F.S.)	Revocation
12. Child abuse	

(Section 827.03, F.S.)	Prospective suspension to revocation
13. Aggravated child abuse with violence (Section 827.03, F.S.)	Revocation
14. Resisting an officer with violence (Section 843.01, F.S.)	Prospective suspension to revocation
15. Felony controlled substance violation (Sections 893.13, 893.135, 893.147, 893.149, F.S.)	Revocation
16. Bribery (Section 838.015, F.S.)	Revocation
17. Unlawful compensation or reward for official behavior (Section 838.016, F.S.)	Revocation
18. Video Voyeurism	Prospective suspension and probation with counseling to revocation

(b) For the perpetration by the officer of an act that would constitute any of the misdemeanor offenses, pursuant to paragraph 11B-27.0011(4)(b), F.A.C., but where there was not a violation of Section 943.13(4), F.S., the action of the Commission shall be to impose a penalty ranging from probation of certification to suspension of certification. Specific violations and penalties that shall be imposed, absent aggravating or mitigating circumstances, include the following:

Violation:	Recommended Penalty Range:
1. Assault (Section 784.011, F.S.)	Suspension
2. Battery (Section 784.03, F.S.)	Suspension
3. Petit theft (Section 812.014, F.S.)	Suspension to revocation
4. False reports and statements (Sections 817.49, 837.012, 837.05(1), 837.055, 837.06, 901.36, 944.35(4)(b), F.S.)	Prospective suspension to revocation
5. Improper exhibition of a weapon (Section 790.10, F.S.)	Probation with training
6. Discharging a firearm in public (Section 790.15, F.S.)	Suspension
7. Passing a worthless check (Section 832.05, F.S.)	Probation
8. Prostitution or lewdness; voyeurism (Sections 796.07, 810.14, F.S.)	Prospective suspension, and probation with counseling to revocation
9. Indecent exposure (Section 800.03, F.S.)	Suspension, and probation with counseling to revocation
10. Driving or boating under the influence Second DUI Offence (Sections 316.193 and 327.35, F.S.)	Probation with substance abuse counseling Prospective suspension to revocation
11. Possess or delivery without consideration, and not more than 20 grams of Cannabis (Section 893.13, F.S.)	Revocation
12. Neglect or refusal to aid (Section 843.06, F.S.)	Suspension to revocation
13. Second violation of domestic violence or other protective injunction (Sections 741.31, 784.047, F.S.)	Prospective suspension to revocation

14. Stalking

(Section 784.048, F.S.)

Prospective suspension to revocation

15. Battery involving domestic violence with slight or moderate victim physical injury

(Sections 741.28, 784.03, F.S.)

Prospective suspension to revocation

(c) For the perpetration by the officer of an act or conduct, as described in paragraph 11B-27.0011(4)(c), F.A.C., if such act or conduct does not constitute a crime described in paragraphs (5)(a)-(b) of this rule section, the action of the Commission shall be to impose the following penalties, absent aggravating or mitigating circumstances:

Violation:

Recommended Penalty Range:

1. Excessive use of force under the color of authority

Suspension to revocation

2. Sexual harassment involving physical contact or misuse of position

Probation with training to suspension with training

3. Misuse of official position

Suspension to revocation

4. Engaging in sex while on duty, or at any time the officer is acting under the color of authority as a Commission-certified officer

Suspension to revocation

5. Unprofessional relationship with an inmate, detainee, probationer or Revocation parolee, or community controlee that subsequently impairs the officer's ability to perform necessary duties and responsibilities fairly and objectively or that jeopardizes the security of the correctional institution

Revocation

6. Other unprofessional relationship with an inmate, detainee, probationer or parolee, or community controlee

Probation of certification with training to suspension with training to suspension

7. False statements during the employment application process

Suspension to revocation

8. Conduct that subverts or attempts to subvert the State Officer

Certification Examination process pursuant to subsection 11B-30.009(1), F.A.C.

Revocation

9. Subverting Commission-approved training or employing agency promotional examination process

Suspension to revocation

10. Any overt, conspicuous, or public act of a sexual or simulated sexual nature which is likely to be observed by others

Suspension to revocation

11. Willful failure of the agency administrator to comply with Chapter 943, F.S., as it pertains to the Commission or Commission rules

Suspension to revocation

12. Conduct that subverts or attempts to subvert the Basic Abilities Test process pursuant to subsection 11B-35.0011(1), F.A.C.

Revocation

13. Misuse of Electronic Database

Probation to suspension

14. Intentional Abuse of a Temporary Employment Authorization

Suspension to revocation

15. Any willful and offensive exposure or exhibition of his or her sexual organs in public or on the private premises of another or so near thereto

as to likely be seen except in any place provided or set apart for that purpose.

Suspension to revocation

(d) Notwithstanding subsection (4) of this rule section, for the unlawful use by a certified officer of any controlled substances specified in Section 893.13, F.S., or Rule 11B-27.00225, F.A.C., pursuant to paragraph 11B-27.0011(4)(d), F.A.C., the action of the Commission, absent clear and convincing evidence of complete rehabilitation and substantial mitigating circumstances, shall be to impose a penalty ranging from prospective suspension to revocation.

(6) The Commission shall be entitled to deviate from the disciplinary guidelines in this rule section, upon a showing of aggravating or mitigating circumstances by evidence presented to the Commission, if pursuant to Section 120.57(2), F.S., or to an Administrative Law Judge, if pursuant to Section 120.57(1), F.S., prior to the imposition of a final penalty. The Commission shall base a deviation from the disciplinary guidelines upon a finding of one or more of the following:

(a) Aggravating circumstances:

1. Whether the certified officer used official authority to facilitate the misconduct.

2. Whether the misconduct was committed while the certified officer was performing other duties.

3. The number of violations found by the Commission.

4. The number and severity of prior disciplinary actions taken against the certified officer by the Commission, provided the officer was previously disciplined by the Commission within the preceding eight years or received a Letter of Guidance within the preceding five years.

5. The severity of the misconduct.

6. The danger to the public.

7. The actual damage, physical or otherwise, caused by the misconduct.

8. The lack of deterrent effect of the penalty imposed by the employing agency.

9. The pecuniary benefit or self-gain to the officer realized by the misconduct.

10. Whether the misconduct was motivated by unlawful discrimination.

11. Any behavior constituting "domestic violence" defined by Section 741.28(2), F.S.

12. Whether the certified officer has previously received a Letter of Acknowledgement within the preceding three years.

13. The certified officer has not filed any answer to the Administrative Complaint or otherwise responded to the allegations of misconduct alleged by the Commission.

(b) Mitigating circumstances:

1. The officer's employment status in a position requiring Commission certification at the time of the final hearing before the Commission.

2. The recommendations of character or employment references.

3. The lack of severity of the misconduct.

4. The length of time the officer has been certified by the Commission.

5. Any effort of rehabilitation by the certified officer.

6. The effect of disciplinary or remedial action taken by the employing agency or recommendations of the employing agency administrator.

7. The recommendation of a Probable Cause Panel to impose a penalty below the penalty guideline.

8. Effort of the officer to retract a false statement prior to the close of the disciplinary or criminal investigation.

(7) The Commission shall impose one or more of the following penalties, listed in increasing order of severity:

(a) The issuance of a reprimand.

(b) Successful completion by the certified officer of a Basic Recruit Training Program, Advanced Training Program, or Career Development Training Program, or such retraining deemed appropriate by the Commission.

(c) Placement on a probationary status for a period not to exceed two years and subject to the terms and conditions imposed by the Commission. The Commission may impose one or more of the following terms and conditions of probation:

1. Periodic reports from the officer, supervisor, or counselor, or indirect or direct supervision by a Commission-approved supervisor.

2. Furnishing urine samples and consents to the release of analysis results of random or scheduled urine drug tests at the officer's expense.

3. Participation in psychological, occupational, or substance abuse counseling.

4. Successful completion of training or retraining specified in paragraphs (5)(b), (c) of this rule section.

5. Refraining from violations of Sections 943.13(4), (7), F.S.

6. The payment of restitution for damages or loss created by the certified officer's misconduct.

7. The effective date of any period of probation imposed on a respondent by the Commission shall begin fifteen days from the filing date of the Final Order, unless such probation is to follow a period of prospective suspension. Commission staff shall monitor the probation status of each officer to ensure compliance with the conditions of probation. Commission staff shall report to the Commission satisfactory completion of probation, as well as any violations of the conditions of probation. If the officer violates any of the conditions of probation, Commission staff shall report the violations to the Commission for consideration of further disciplinary action, pursuant to subsection (3) of this rule section and Section 943.1395(7)(c), F.S.

(d) Suspension of certification and the privilege of employment as an officer for a period not to exceed two years.

(e) Revocation of certification.

(8)(a) The provisions of subsections (1)-(7) of this rule section are not intended and shall not be construed to limit the ability of the Commission to pursue or recommend collateral, civil, or criminal actions, when appropriate.

(b) The provisions of subsections (1)-(7) of this rule section are not intended and shall not be construed to limit the ability of the

Commission to informally dispose of disciplinary actions by stipulation, agreed settlement, or consent order, pursuant to Section 120.57(4), F.S.

(9) Action by the Commission disciplining an officer's certification shall concurrently discipline all other certifications of any nature issued to that officer by the Criminal Justice Standards and Training Commission pursuant to Sections 943.1395(1) and 943.12(3), F.S., and Rules 11B-20.001 and 11B-27.002, F.A.C.

(10) Temporary Employment Authorization (TEA). Individuals employed on a TEA, pursuant to Section 943.131, F.S., are subject to the following discipline by the Commission:

(a) If the Commission issues a probationary period to an individual employed on a TEA, such individual shall be eligible for certification pending successful completion of the terms and conditions of the probationary period.

(b) If the Commission issues a suspension period to an individual employed on a TEA, such individual shall not be eligible for certification until the completion of the suspension period.

(c) If an individual commits a revocable offense the Commission shall deny the individual's request for certification.

*Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.1395(8) FS. History—New 10-6-82, Amended 1-7-85, Formerly 11B-27.05, Amended 3-29-89, 12-13-92, 2-17-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 4-11-04, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 6-3-10, 5-21-12, 5-29-14, 9-4-16.*

#### **11B-27.006 Administrative Complaint.**

*Rulemaking Authority 943.03(3), 943.12(9) FS. Law Implemented 120.60, 120.62, 943.12(1), (2), (9), 943.13, 943.14(1), (2), (3), 943.19 FS. History—New 10-6-82, Formerly 11B-27.06, Repealed 1-7-85.*

#### **11B-27.007 Denial of Certification.**

Should the Commission find that an applicant for certification fails to meet the qualifications established pursuant to Sections 943.13(1) through (10), F.S., or any rules promulgated thereunder, the Commission shall notify the applicant by forwarding a statement of denial, and shall forward a copy to the agency that submitted the application for certification. The statement of denial shall specify the basis for Commission action, and shall be forwarded to the applicant pursuant to the procedures of Rule Chapter 120, F.S., Administrative Procedure Act, and the Uniform Rules of Procedure, Chapter 28, F.A.C.

*Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 120.60, 120.62, 943.1395 FS. History—New 10-6-82, Amended 1-7-85, Formerly 11B-27.07, Amended 7-7-99, 8-22-00.*

#### **11B-27.008 Explanation and Election of Rights.**

*Rulemaking Authority 943.03(3), 943.12(9) FS. Law Implemented 120.60, 120.62, 943.121(1), (2), (9), 943.13, 943.14(1), (2), (3), 943.19 FS. History—New 10-6-82, Formerly 11B-27.08, Repealed 6-3-85.*

#### **11B-27.009 Request for Formal or Informal Hearing.**

*Rulemaking Authority 120.53, 943.03(3), 943.12(9) FS. Law Implemented 120.53, 120.60, 120.62, 943.12(1), (2), (9), 943.13, 943.14(1), (2), (3), 943.19 FS. History—New 10-6-82, Amended 12-28-83, Formerly 11B-27.09, Repealed 1-7-85.*

#### **11B-27.010 Default.**

*Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 120.54(5), 120.60, 120.62, 943.12(9), 943.13, 943.14(1), (2), (3), 943.19 FS. History—New 10-6-82, Amended 12-28-83, Formerly 11B-27.10, Amended 6-2-91, 1-2-97, 7-7-99, Repealed 8-22-00.*

#### **11B-27.011 Recommended Order.**

*Rulemaking Authority 943.03(3), (4), 943.12(1) FS. Law Implemented 120.54(5), 120.60, 943.12(9), 943.13, 943.14(1)-(3), 943.19 FS. History—New 10-6-82, Formerly 11B-27.11, Amended 7-7-99, Repealed 8-22-00.*

#### **11B-27.012 Recordskeeping.**

*Rulemaking Authority 120.53, 943.03(3), 943.12(9) FS. Law Implemented 120.53, 120.60, 120.62, 943.12(1), (2), (9), 943.13, 943.14(1), (2), (3), 943.19 FS. History—New 10-6-82, Formerly 11B-27.12, Repealed 12-13-92.*

### **11B-27.013 Canine Team Certification.**

#### (1) Definitions.

(a) “Canine team” shall refer to a certified officer and a specific canine working together in the performance of law enforcement or correctional duties. “Handler” refers to the certified officer who trains and controls the canine. This definition does not include canines used by certified officers exclusively for tracking and trailing or specific detection, which are excluded from the certification process.

(b) “Canine evaluator” shall refer to a person who is authorized by the Commission to administer the canine team performance evaluation to canine teams and to attest to the proficiency of the canine team pursuant with the performance evaluation. The evaluator shall determine if training submitted by an agency that is requesting certification is equivalent to the 480-hour Canine Team Training Course number 1198. The canine team evaluator applicant requesting approval of the Commission shall be required to possess the minimum training and experience pursuant to subsection (7) of this rule section, and documented in a request to Commission staff. A Commission-approved evaluator shall not verify equivalent training that he or she delivered.

(c) “Equivalent Training” shall refer to the Canine Team Training Course number 1198 not delivered at a Commission-certified training school, or any canine team training course other than the Commission-approved Canine Team Training Course number 1198. Equivalent training shall be a minimum of 480 hours and shall comply with the goals and objectives of the Canine Team Training Course number 1198. For a previously Commission-certified handler assigned a new canine, equivalent training shall refer to the 80-hour minimum training requirement.

(2) Canine team certification requirements. Commission certification of a canine team is not required. If a canine team seeks Commission certification, the canine team shall meet the following requirements:

(a) A canine team shall successfully complete the Canine Team Training Course number 1198, or equivalent training as defined in subsection (1) of this rule section, at a minimum of 480 hours before applying for certification, or

(b) A canine team that has successfully completed the Canine Team Training Course number 1112, or equivalent training, at a minimum of 400 hours prior to the retirement of that course on November 6, 2013, shall become certified by October 31, 2015. Failure to become certified by that date shall require the canine team to successfully complete Canine Team Training Course number 1198, or equivalent training, at a minimum of 480 hours.

(c) A canine team shall successfully demonstrate proficiency skills pursuant to paragraph (3)(c) of this rule section.

(d) A previously Commission-certified handler assigned a new canine shall comply with the training goals and objectives in the Canine Team Training Course number 1198, with the exception of the academic block of instruction. The canine team shall train for a minimum of 80 hours, which shall be verified by a Commission-approved evaluator as equivalent training, and successfully demonstrate the required proficiency skills.

(e) A canine team shall provide documentation of the canine team’s compliance with certification requirements and submit a Canine Team Certification Application, form CJSTC-70, revised November 5, 2015, effective 9/2016, hereby incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-07377>. Form CJSTC-70 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(3) Required documentation for certification of a canine team. Documentation of compliance for Commission certification of canine teams shall include:

(a) A completed Canine Team Certification Application form CJSTC-70. Prior to submitting a form CJSTC-70, the agency employing the canine team shall collect, verify, and have on file documents establishing compliance with the requirements of this rule section, regardless of where canine training takes place.

(b) Documentation of successful completion of canine team training shall include the following:

1. Certificate of successful completion of the Canine Team Training Course number 1198 delivered at a Commission-certified training school and taught by Commission-certified Canine Instructors; or

2. Successful completion of the equivalent training shall be documented on the Canine Course Equivalency Checklist form CJSTC-70A, revised November 5, 2015, effective 9/2016, hereby incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-07378>. Form CJSTC-70A can be obtained at the following FDLE Internet

address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615.

a. Canine Team Training Course number 1198 not delivered at a Commission-certified training school shall be deemed as equivalent training by a Commission-approved evaluator.

b. Any canine team training course other than the Commission-approved Canine Team Training Course number 1198 shall be deemed equivalent training by a Commission-approved evaluator if the course is a minimum of 480 hours and complies with the objectives of the Canine Team Training Course number 1198.

3. The employing agency submitting form CJSTC-70 shall provide documentation of training to the Commission-approved evaluator. The evaluator shall review and document of the training on form CJSTC-70A.

(c) A completed Canine Team Performance Evaluation form CJSTC-83, revised November 6, 2014, effective 7/2015, hereby incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-05655>, shall be verified by evaluator(s) to ensure the canine team completed the proficiency requirements. Form CJSTC-83 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615.

1. Successful completion of the canine team performance evaluation shall be administered by two Commission-approved canine team evaluators and documented on form CJSTC-83. A Commission-approved canine team evaluator conducting the initial training of a canine team shall not participate in the initial certification of that team. One of the Commission-approved canine team evaluators shall not be affiliated with the employing agency of the canine team being examined for certification. A Commission-approved canine team evaluator shall not administer a performance evaluation to a canine that is assigned as the evaluator's work partner.

2. The canine team proficiency topics are permitted to be administered in random order by the evaluator or concurrently by the evaluator.

3. During the initial evaluation the canine team shall test in all topics of the performance evaluation. If a canine team fails to successfully demonstrate proficiency on one specific topic during the initial evaluation, one re-evaluation is permitted to be given for the specific topic during the initial evaluation. The handler shall be allowed to remediate with the canine prior to declaring intent to repeat the specific topic. If a canine team fails to complete the specific topic or any additional topics, the canine team shall be deemed to have failed the performance evaluation. Remediation is defined as the handler working with the canine to resolve the topic of deficiency specified in form CJSTC-83 in the "Re-examination and Remediation Process" section.

4. If a canine team fails to successfully demonstrate proficiency for any topic(s) during the first performance evaluation, the handler shall remediate the canine team in the topic(s). The canine team shall retest after a minimum of 24 hours from the date of the first failure and successfully demonstrate proficiency in the specific failed topic(s) under the supervision of two Commission-approved evaluators. One evaluator shall be an original evaluator involved in the initial proficiency failure. The handler shall provide documentation, to include lesson plans and signed attendance rosters, of the remedial training to the Commission-approved evaluators prior to the administration of the re-evaluation.

5. If a canine team fails to successfully demonstrate proficiency in the specific failed topic(s) during the second attempt, the handler shall remediate with the same canine in the specific failed topic outlined in the Canine Team Training Course number 1198. The canine team shall retest after a minimum of 30 days from the date of the second failure. The canine team shall repeat the performance evaluation in its entirety under the supervision of two Commission-approved evaluators. One evaluator shall be an evaluator who was involved in the initial proficiency failure for that canine team. The handler shall provide documentation, to include lesson plans and signed attendance rosters, of the remedial training to the Commission-approved evaluators prior to the administration of the re-evaluation.

6. A canine team that has failed a third attempt to pass a Canine Team Performance Evaluation shall be deemed to have failed the certification process, and shall complete the Canine Team Training Course number 1198 or equivalent training prior to submitting an application for certification. Form CJSTC-83 shall be used to document the third failure of the canine team and submitted by one of the canine team evaluators to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302.

7. Documentation of the training shall be made available to the Commission-approved evaluators prior to the administration of a subsequent canine team performance evaluation.

(4) Renewal of Certification.

(a) A Canine Team Certification shall lapse if it is not renewed on or before October 31 of the year following the initial certification.



(b) If the canine team handler applying for recertification has not changed canines or the canine team certification has not expired, the employing agency requesting renewal of the certification shall complete the applicable sections and submit form CJSTC-70 marked "Renewal," and document the canine team proficiency on form CJSTC-83 in compliance with the requirements of subsection (3) of this rule section.

(c) If the canine team certification has expired, the employing agency requesting renewal of the certification shall complete the applicable sections and submit form CJSTC-70 marked "Renewal," and document the canine team proficiency on form CJSTC-83, in compliance with the requirements of subsection (3) of this rule section.

(5) Change of assigned canine team. If a Commission-certified canine handler or canine ceases to be assigned as part of a canine team by the employing agency, the certification shall lapse.

(a) Notification of changes in a canine team assignment shall be submitted to Commission staff in writing to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, provided the handler is not assigned a new canine.

(b) A Commission-certified canine handler who has been assigned a new canine, shall submit form CJSTC-70, marked "New" and "Canine Team Change" after complying with the requirements of this rule section.

(6) Inspection of canine team applicant files.

(a) Upon determination of an unfavorable inspection by Commission staff, the deficiencies shall be documented on a Canine Team Certification Deficiency Notification form CJSTC-270, revised November 6, 2014, effective 7/2015, hereby incorporated by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref-05660>. Form CJSTC-270 can be obtained at the following FDLE Internet address: <http://www.fdle.state.fl.us/cms/CJSTC/Publications/Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(b) The employing agency shall satisfy the deficiency(ies) by submitting the required documentation to Commission staff within 90 days of the receipt of the Canine Team Certification Deficiency Notification form CJSTC-270. The Commission has the authority to deny the employing agency's request for canine team certification for failure to meet the 90-day requirement. Upon denial of the application, the employing agency may reapply for canine team certification.

(7) Canine Team Evaluators.

(a) Prior to being approved by the Commission as a canine team evaluator, the evaluator applicant shall provide documentation verifying the evaluator applicant has complied with the following requirements:

1. Documentation of one year experience as a Commission-certified canine team instructor.

2. Documentation on form CJSTC-70 that the evaluator applicant has taught the Canine Team Training Course number 1198; or the Canine Team Training Course number 1112 (retired 11/6/2013); or equivalent training in its entirety to a minimum of six canine teams that have successfully completed the canine team certification process. Canine teams trained exclusively for tracking and trailing or specific detection shall not be included in this total.

3. Verification that the evaluator applicant has evaluated a minimum of twelve canine teams under the supervision of Commission-approved evaluators, which shall be documented on form CJSTC-83. Canine teams trained exclusively for tracking and trailing or specific detection shall not be included in this total.

4. A letter of recommendation for the evaluator applicant from a training center director, agency administrator, or designee.

5. Request for evaluator status. A letter from the evaluator applicant requesting approval from the Commission as a "canine team evaluator" shall be forwarded to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, P. O. Box 1489, Tallahassee, Florida 32302, Attention Bureau Chief of the Bureau of Standards, for the initial request for approval as a canine team evaluator. The letter shall include the evaluator's full name, the last four digits of the evaluator's social security number, complete address, and documentation of compliance with the standards set forth in this rule section.

(b) Approval of canine team evaluator status. Upon a review of the documents and determination that the evaluator applicant has complied with the requirements set forth in this rule section, a letter acknowledging approval by the Commission shall be forwarded to the evaluator applicant.

(c) Maintenance of canine team evaluator status. Commission-approved evaluators shall be required to submit a request for continuance as an evaluator, to the address in paragraph (7)(a) of this rule section within four years of the date of approval, with documentation that verifies the evaluator has completed a minimum of four canine team performance evaluations within the four-year period. The verifying documentation shall be copies of form CJSTC-70, attesting that the performance evaluation was administered by the evaluator. A canine team evaluator's "approval status" shall expire four years following the date approved by the

Commission. If the Commission-approved evaluator's "approval status" expires, the evaluator shall comply with the maintenance requirements in this rule section as an evaluator applicant under the supervision of two Commission-approved canine team evaluators and shall document the evaluation skills on form CJSTC-83. Canine team evaluators with an expired status shall submit for approval a "request for evaluator status" and comply with the requirements in paragraph (7)(a) of this rule section.

*Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(16) FS. History—New 3-29-89, Amended 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, 9-28-09, 6-3-10, 3-13-13, 5-29-14, 7-29-15, 9-4-16.*

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

(1) Requirements to demonstrate the firearms proficiency requirements under the Federal Law Enforcement Officers Safety Act of 2004 (18 U.S.C.A. §926C) in Florida.

(a) To carry a concealed firearm under the Federal Law Enforcement Officers Safety Act of 2004 ("Act"), a qualified retired law enforcement officer ("retiree"), as defined in 18 U.S.C.A. §926C, shall show that he or she has demonstrated the firearms proficiency required by the Act within the past twelve months of the time he or she possesses a concealed firearm.

(b) The Act provides the following two methods for a retiree to demonstrate firearms proficiency:

1. One method allows the retiree to return to the agency from which he or she retired to meet the agency's firearms proficiency standards as applied to the agency's active officers. Under the Act, an agency has the option to offer this alternative.

2. The second method allows the retiree to meet the minimum firearms standards applied to active law enforcement officers by the state of the retiree's residence.

(c) For retirees who reside in Florida, the option to meet the state's minimum firearms standards shall be demonstrated using the Commission's approved minimum firearms proficiency course of fire ("course of fire"), conducted in a manner specified in paragraph (2)(c) of this rule section, pursuant to the Law Enforcement Officer Firearms Qualification Standard on form CJSTC-86A, incorporated by reference in subsection 11B-27.00212(14), F.A.C.

(2) Requirements for administering the course of fire are as follows:

(a) The range master conducting the course of fire shall be an active Commission-certified firearms instructor pursuant to subsection 11B-20.0014(2)(c) or (d), F.A.C.

(b) The range master shall issue a Commission-approved Firearms Proficiency Verification Card, form CJSTC-600, created on July 9, 2007, hereby incorporated by reference, to each retiree who successfully completes the course of fire as required on form CJSTC-86A.

(c) The range master shall maintain the following documentation that is related to the completion of the course of fire for each retiree who successfully completes the course, and the retained documentation shall be subject to audit during regular business hours upon a two-day written notice by Commission staff:

1. Full name of the retiree completing the course of fire.

2. Address of the retiree completing the course of fire.

3. The Course of Fire Proficiency Score. A passing score is a minimum score of 80%, which is 32 of 40 rounds in the scoring area using a commercially produced B-21E target or equivalent Pride Enterprises (P.R.I.D.E.) target. The scoring area shall be any hit that is inside or touches the exterior scoring line of the four and five zone of the B-21E target.

4. Date the course of fire was completed.

5. Location where the course of fire was conducted.

6. The specific number imprinted on the CJSTC-600 form issued to the retiree who completed the course of fire.

7. Type(s) of firearm(s).

(3) Firearms Range Requirements.

(a) The course of fire shall be conducted on any public or private range that meets the shooting distance requirements on form CJSTC-86A.

(b) The owner of a firearms range is not required to administer the course of fire on the owner's firearms range.

(c) The retiree shall be responsible for any fee associated with the course of fire.

(4) Issuance and Maintenance of form CJSTC-600.

(a) A request for form CJSTC-600 shall be made in writing to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Officer Records Section.

1. A Commission-certified firearms instructor is allowed to receive up to 50 each of the CJSTC-600 form with each written

request, and the request shall include the firearm instructor's full name, mailing address and physical address if different from the mailing address, telephone number, and the name of the Commission-certified training school, defined as "training school" in subsection 11B-18.003(23), F.A.C., affiliation or criminal justice agency affiliation.

2. A training school is allowed to receive up to 200 each of the CJSTC-600 form one time a month with each written request, and the request shall be made on the training school's letterhead signed by the training center director or designee.

3. If a retiree loses form CJSTC-600, a replacement card shall not be reissued. The retiree shall be required to complete the course of fire, again, and be issued a new CJSTC-600 form.

(b) A Commission-certified firearms instructor shall only issue a CJSTC-600 form for successful completion of the course of fire. Each CJSTC-600 form shall be issued with a specific number imprinted on the form and the firearms instructor shall maintain documentation for a period of two years indicating to whom the CJSTC-600 was issued, which shall be subject to audit by Commission staff during regular business hours upon a two-day written notice by Commission staff.

(c) The CJSTC-600 form shall expire one year from the date the retiree completed the course of fire.

(5) Admission to a range to attempt to complete the course of fire shall be under the terms and conditions of the range master, and solely at the range master's discretion. Neither state law nor the Act provide a retiree with a right to demand access to a range or an opportunity to attempt the course of fire.

(6) It is not the responsibility of the Commission, any Commission certified firearms instructor, a training school, or any other entity operating a firearms range, at the time of the firearms qualification, to verify or certify that a retiree meets any of the additional requirements of a "qualified retired law enforcement officer" under the Act. Meeting the Act's qualifications is solely the responsibility of the retiree. The range master is not required to otherwise verify a retiree's status under the Act at the time of the firearms qualification.

*Rulemaking Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12, 943.132 FS. History--New 3-3-08, Amended 6-3-10, 3-13-13.*