

**Criminal Justice Standards and Training Commission (CJSTC)
Annual Regulatory Plan for Fiscal Year 2021 – 2022**

Rule Number	Rule Name	Description of Rule Revision and Reason for the Revision
11B-20.001(2)(a)	Definitions and Minimum Requirements for General Certification of Instructors	Incorporates the revised Instructor Certification Application, form CJSTC-71, to only request the last four digits of the instructor's social security number.
11B-20.001(3)(a)3.a.	Definitions and Minimum Requirements for General Certification of Instructors	Incorporates the revised Instructor Competency Checklist, form CJSTC-81, to only request the last four digits of the evaluator's social security number.
11B-20.001(3)(a)5a.	Definitions and Minimum Requirements for General Certification of Instructors	Incorporates the Affidavit of Separation, form CJSTC-61, to add instructions and clarify the employing agency's usage of the form to process "separating" and "re-employing" officers who serve on active military duty.
11B-20.001(4)	Definitions and Minimum Requirements for General Certification of Instructors	Incorporates the Instructor Exemption, form CJSTC-82, which was revised on August 13, 2020, effective 5/2021, but not included in previous rule promulgation.
11B-20.0014(1)(d)	Minimum Requirements for High-Liability and Specialized Instructor Certifications	Incorporates the revised Instructor Competency Checklist, form CJSTC-81, to only request the last four digits of the evaluator's social security number.
11B-20.0017(7)(a)	Maintenance and Duration of Instructor Certifications	Updates the lapse of instructor certification requirement to include Specialized Instructor Certification in Rule 11B-20.0017(7)(e).
11B-21.005(4)(a)	Criminal Justice Training School Requirements for Certification and Re-Certification	Incorporates the revised Driving Range Facility and Equipment Requirements, form CJSTC-202, to remove requirements for slide initiating devices and paved skid pad areas for driving ranges, as the vehicle operations proficiency requirements are changing for 7/1/2022 to make slide recovery optional.
11B-27.0011(4)(b)1. Law: 2021-241; Citation: s.943.13(8), Section 2; s.943.133(3), Section 3; s.943.1735(2), Section 5	Moral Character	Amends current rule language to add the charge of "video voyeurism" back into the list of misdemeanor moral character violations and associated penalty guideline because a 2019 statutory change was made allowing for individuals 18 years old to become certified in corrections.
11B-27.002(1)(d)	Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers	Incorporates the Physician's Assessment, form CJSTC-75, which was revised on August 13, 2020, effective 5/2021, but not included in previous rule promulgation.

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Rule Number	Rule Name	Description of Rule Revision and Reason for the Revision
11B-27.002(3)	Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers	Incorporates and clarifies the usage of the Agency New Hire Report, form CJSTC-207, and adds a notation that the CJSTC-62 form is required for “private correctional officers only”.
11B-27.002(3)(a)15.	Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers	Incorporates the Affidavit Of Separation, form CJSTC-61, to add instructions and clarify the employing agency’s usage of the form to process “separating” and “re-employing” officers who serve on active military duty.
11B-27.00211(2)(a)	Fingerprint Processing and Criminal Record Results	Incorporates the revised Fingerprint Notification, form CJSTC-62, to coincide with previous updates made to Rule 11B-27.00211(2)(a), F.A.C., adding Department of Children and Families (DCF) as an approving entity for the fingerprint notification.
11B-27.00212(4) Law: 2021-239; Citation: s.943.17191, Section 4 Law: 2021-129; Citation: s.943.17191, Section 4	Maintenance of Officer Certification	Incorporates the revised Mandatory Retraining Report, form CJSTC-74, pursuant to the 2021 Florida Legislature which passed legislation and adds instructions to the form to mandate retraining for law enforcement officers in the proper use of electronic databases.
11B-27.00212(5)(e) Law: 2021-239; Citation: s.943.17191, Section 4 Law: 2021-129; Citation: s.943.17191, Section 4	Maintenance of Officer Certification	Adds a training requirement in Use of Electronic Databases for law enforcement officers, pursuant to the 2021 Legislature which passed legislation to add the training requirement to the 40-hour mandatory retraining requirement for law enforcement officers.
11B-27.00212(17)(a)-(d)	Maintenance of Officer Certification	Adds a section (17), pursuant to the 2020 Florida Legislature which created s. 943.17298, F.S., requiring all law enforcement officers to complete training in recognition and responses to head trauma and brain injury in a child under 6 years of age.
11B-27.00212(18)(a)-(d) Law: 2021-229; Citation: s.943.17, Section 2; s.943.17(17), Section 2	Maintenance of Officer Certification	Adds a section (18) to Rule 11B-27.00212, F.A.C., pursuant to the 2021 Florida Legislature which created s. 943.1724, F.S., requiring all law enforcement officers to complete training in sexual assault investigation.

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Rule Number	Rule Name	Description of Rule Revision and Reason for the Revision
11B-27.00213(2)(b)	Temporary Employment Authorization	Incorporates the revised Firearms Performance Evaluation, form CJSTC-4, to reflect inclusion of Equivalency of Training students; clarification that only basic recruit and instructor students are required to pass an end-of-course examination; and allows the training school to record when an EOT student fails to demonstrate the proficiency skills.
11B-27.00213(4)(b)	Temporary Employment Authorization	Amends the rule language because training courses are sometimes difficult to schedule and the change allows an officer who is unable to meet the TEA time requirements to be employed on a second TEA.
11B-27.005(5)(a)11.	Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances	Adds an enumerated penalty guideline for the felony charge of “abuse of children”.
11B-27.005(5)(a)21.	Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances	Adds the enumerated penalty guideline for the felony charge of “obscenity” as outlined in Florida Statutes.
11B-27.005(5)(b)8.	Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances	Adds the misdemeanor charge of “video voyeurism” to the enumerated penalty guideline.
11B-27.005(5)(b)21.	Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances	Adds the enumerated penalty guideline for the misdemeanor moral character violation of “obscenity”.

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Rule Number	Rule Name	Description of Rule Revision and Reason for the Revision
11B-27.013(2)(e)	Canine Team Certification	Incorporates the revised Canine Team Certification Application, form CJSTC-70, to only request the last four digits of the instructors' social security number.
11B-35.001(11)(c)14.	General Training Programs; Requirements and Specifications	Updates the rule reference.
11B-35.002(3)(a)3.	Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation	Adds a rule reference to allow a person who completes the EOT process to enter cross-over training without becoming employed in the EOT discipline.
11B-35.002(6)(c)1-8.	Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation	Removes the retired courses that are no longer eligible for completion and incorporates the revised list of retired courses that are eligible for completion provided that they are still within 4 years from the beginning date of the training.
11B-35.0024(3)(a)2.	Student Performance in Commission-approved High-Liability Basic Recruit Training Courses, Instructor Training Courses, and Specialized and Advanced Training Program Courses Requiring Proficiency Demonstration	Incorporates the revised Defensive Tactics Performance Evaluation, form CJSTC-6, to reflect inclusion of Equivalency of Training students; clarification that only basic recruit and instructor students are required to pass an end-of-course examination; allows the training school to record when an EOT student fails to demonstrate the proficiency skills; and adds a line to pages to include student name and ID number to ensure pages of the form can be identified should the pages become separated.
11B-35.0024(3)(c)2.	Student Performance in Commission-approved High-Liability Basic Recruit Training Courses, Instructor Training Courses, and Specialized and Advanced Training Program Courses Requiring Proficiency Demonstration	Incorporates the revised Firearms Performance Evaluation, form CJSTC-4, to reflect inclusion of Equivalency of Training students; clarification that only basic recruit and instructor students are required to pass an end-of-course examination; and allows the training school to record when an EOT student fails to demonstrate the proficiency skills.

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Rule Number	Rule Name	Description of Rule Revision and Reason for the Revision
11B-35.0024(3)(f)2.	Student Performance in Commission-approved High-Liability Basic Recruit Training Courses, Instructor Training Courses, and Specialized and Advanced Training Program Courses Requiring Proficiency Demonstration	Incorporates the revised First Aid Performance Evaluation, form CJSTC-5, to reflect inclusion of Equivalency of Training students; clarification that only basic recruit and instructor students are required to pass an end-of-course examination; and allows the training school to record when an EOT student fails to demonstrate the proficiency skills.
11B-35.0024(3)(h)2.	Student Performance in Commission-approved High-Liability Basic Recruit Training Courses, Instructor Training Courses, and Specialized and Advanced Training Program Courses Requiring Proficiency Demonstration	Incorporates the revised Vehicle Operations Performance Evaluation, form CJSTC-7, to reflect inclusion of Equivalency of Training students; clarification that only basic recruit and instructor students are required to pass an end-of-course examination; allows the training school to record when an EOT student fails to demonstrate the proficiency skills; removes requirement for Figure 8 and Breaking exercises to be done first; removes requirement for shuffle steering and slide recovery during certain exercises; removes redundant language and makes practice runs optional for EOT students; and makes use of sirens during night time exercises optional.
11B-35.009(7) Law: 2021-229; Citation: s.943.17, Section 2; s.943.17(17), Section 2	Exemption from Basic Recruit Training	Amends the rule because the 2020 Florida Legislature created s. 943.17298, F.S., requiring all law enforcement officers to complete training in recognition and responses to head trauma and brain injury in a child under 6 years of age. The 2021 Florida Legislature created s. 943.1724, F.S., requiring all law enforcement officers complete training in sexual assault investigations. Clarifies that training in elder abuse investigations required pursuant to s. 943.17296, F.S. must be completed by persons approved for an exemption from training. Officers approved for an exemption from training do not complete Florida basic recruit training and would not receive the above training otherwise.

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All rules changes stated above in **RED** are those in which there was a Law enacted or amended on or after October 1, 2020, which creates or modifies the duties or authority of the agency. Rulemaking is required for these to implement the law.

For those rules a Notice of Rule Development has not been filed as of October 1, 2021. FDLE anticipates filing the Notices Rule Development by November 1, 2021.

FDLE anticipates filing all Notices of Proposed Rule by April 1, 2022.

**Criminal Justice Information Systems
Annual Regulatory Plan for Fiscal Year 2021-2022**

Rule Number	Rule Title	Statute	Reason for Creation, Revision, or Repeal
11C-4.010	Criminal Justice Crime Data Reporting	943.6872	New rule due to the transition from UCR to incident-based crime reporting (includes Use-of-Force)
11C-6.004	Procedures for Requesting Criminal History Records	943.0542	Updating section name and updating forms.
11C-7.006	Procedures on Court-Ordered Expunctions	943.0585	Updating form.
11C-7.007	Procedures on Court-Ordered Sealings	943.059	Updating form.
11C-7.009	Procedures on Juvenile Diversion Expunctions	943.0582	Updating form.
11C-7.010	Procedures on Early Juvenile Expunction	943.0515	Updating form.
11C-7.012	Procedures on Lawful Self-Defense Expunctions	943.0578	Updating form.

Miscellaneous

2021-093; 937.0205(6) Modifies the authority of FDLE but does not require rulemaking. Rulemaking not required as the Department can implement the statute without administrative rule.

2021-213; 943.326(4)(d) Modifies the authority of FDLE and requires Rulemaking. A Notice of Rule Development has not been filed as of October 1, 2021. FDLE anticipates filing the Notice of Rule development by November 1, 2021. FDLE anticipates filing the Notice of Proposed Rule by April 1, 2022.



Florida Department of
Law Enforcement

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Commissioner

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Re: 2021-2022 Annual Regulatory Plan Certification Pursuant to Florida Statute 120.74(1)(d)

We the undersigned hereby certify:

1. That we have reviewed the Florida Department of Law Enforcement's 2020-2022 Annual Regulatory Plan;
2. That the Florida Department of Law Enforcement regularly reviews its rules;
3. That the Florida Department of Law Enforcement most recently completed a review of its rules during the period of May through September of 2021 to determine if the rules remain consistent with the Florida Department of Law Enforcement's authority and the laws implemented.

Agency Head


Richard L. Swearingen, Commissioner

Legal Advisor


James D. Martin, General Counsel

Date: 9/30/21

Date: 9-30-21