

Officer Certification Process and Professional Compliance Process



**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
CRIMINAL JUSTICE PROFESSIONALISM**

and

**CRIMINAL JUSTICE STANDARDS and
TRAINING COMMISSION**

(Revised April 2025)

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INTRODUCTION

This manual is intended to assist law enforcement and correctional agencies in Florida as they process personnel within the scope of the Criminal Justice Standards and Training Commission (CJSTC), also referred to as the Commission. The Commission jurisdiction is defined in s. 943.12, F.S., and is located at <https://www.flsenate.gov/Laws/Statutes/2021/0943.12>. This statute encompasses the certification, training, and discipline of law enforcement, correctional, and correctional probation officers, hereafter referred to as “certified officers.”

The Field Services Section within the Florida Department of Law Enforcement (FDLE) Criminal Justice Professionalism (CJP) Division supports criminal justice agencies with the hiring and certification of officers.

The Professional Compliance Section within FDLE’s CJP Division supports the Commission in its review of certified officers. Additional information about the section is located at <https://www.fdle.state.fl.us/CJSTC/Professional-Compliance/>.

In summary, the Commission’s jurisdiction includes the training, certification, and hiring of officers; the discipline of certified officers for misconduct that involves a moral character violation as defined in Rule 11B-27.0011, Florida Administrative Code (F.A.C.), located at <https://www.flrules.org/gateway/ruleNo.asp?ID=11B-27.0011>; and the separation of certified officers from an agency. Agency policy violations that are not a moral character violation do not fall within the jurisdiction of the Commission. Agencies with questions are encouraged to contact the Professional Compliance Section for assistance and clarification.

ProfessionalCompliance@fdle.state.fl.us

854-410-8600

THE COMMISSION

The Commission is composed of 19 members. The three standing members of the Commission include the Attorney General (or designee), the Secretary of the Department of Corrections (or their proxy), and the Director of the Florida Highway Patrol. The remaining members are appointed by the governor and include three sheriffs, three chiefs of police, five law enforcement officers, two state correctional officers, a training center director, one county corrections administrator, and one resident that falls into none of the previous categories. The Commission meets on a quarterly basis and depends on FDLE’s CJP staff for research, reporting, and implementation of its programs.

The Commission’s mission is “to ensure that the citizens of the State of Florida are served by the most qualified, well trained, competent and ethical criminal justice officers in the nation.” In pursuit of this mission, the Commission is committed to delivering quality training, ensuring job related employment and training standards, and increasing the professionalism of officers throughout the state.

AUTOMATED TRAINING AND MANAGEMENT SYSTEM (ATMS)

The Automated Training and Management System (ATMS) is the system CJP staff and agencies statewide use to document and check personnel certifications, Commission training, employment, separations from employment, and reports of misconduct of Florida’s certified officers. Florida agencies that have components responsible for the hiring, training, and investigation of misconduct of certified officers are encouraged to obtain access by completing the application form that is located at <https://www.fdle.state.fl.us/CJSTC/Documents/Rules-Forms/ATMS-Application.aspx>.

An ATMS User Manual is located at <https://www.fdle.state.fl.us/CJSTC/Documents/ATMS-User-Guide-6-19-17.aspx>.

FIELD SERVICES

The Field Services Section has field representatives assigned in each of the seven FDLE regions to assist agency compliance with Florida Statutes and Commission rules, policies and procedures related to the hiring and training of certified officers. Field representatives conduct inspections at the criminal justice employing agencies, and they review documentation related to officer employment or certification, instructor certification, and K-9 team certification. At the Commission-certified training schools, the field representatives audit training courses and expenditures from the Criminal Justice Trust Fund; assist with the criminal justice training school certification process; inspect and approve Commission-certified training school facilities; and conduct inspections for instructor certification. Regional contact information is located at <https://www.fdle.state.fl.us/CJSTC/Field-Services/Representative-Contacts.aspx>

Additional resources.

- The Commission (CJSTC) forms that agencies will need to document certified officer actions and training are located at <https://www.fdle.state.fl.us/CJSTC/Publications/Forms.aspx>.
- The Officer Certification/New Hire and Auxilliary Certification checklist is included in Addendum A. This checklist is a guide and for agencies processing new or previously certified officers that will ensure CJSTC requirements are met.
- Standards for Certification—the State of Florida, through the Florida Legislature (s. 943.13, F.S.), defines the minimum requirements or standards which a person must meet before becoming certified as an officer. An officer must:
 - be at least 19 years of age, except 18 years of age for correctional officers;
 - be a citizen of the United States;
 - be a high school graduate or its equivalent;
 - not have been convicted of any felony or of a misdemeanor involving perjury or a false statement, regardless of withholding of adjudication or suspended sentence; not have pled guilty or nolo contendere to or found guilty of any felony or misdemeanor involving perjury or a false statement;
 - not have received a dishonorable discharge from any of the Armed Forces of the United States;
 - have processed fingerprints on file with the employing agency;
 - have passed a physical examination by a licensed physician, physician assistant or licensed advanced practice registered nurse based on specifications established by the Commission;
 - have good moral character, as determined by a background investigation under procedures established by the Commission;
 - submit an affidavit attesting to compliance;
 - Satisfactorily complete a Commission-approved course of basic recruit training, unless exempt pursuant to Florida Statutes;
 - Satisfactorily pass the state examination in the respective discipline; and
 - Comply with the continuing training or education requirements.
- ATMS is a source that should be checked by agencies processing Florida certified or formerly certified officers.

Agencies receiving requests for information about Florida's Officer Requirements, should direct them to <https://www.fdle.state.fl.us/CJSTC/Officer-Requirements>.

The goal of the Field Services Section is to promote professionalism among law enforcement, corrections, and correctional probation officers through a higher level of training, education, and employment standards.

Additional information about the Field Services Section is located at <https://www.fdle.state.fl.us/CJSTC/Field-Services.aspx>. For questions or comments contact Mr. Terry Baker, Training & Research Manager, at (850) 410-8600 or by email: TerryBaker@fdle.state.fl.us

PROFESSIONAL COMPLIANCE

The Professional Compliance Section, located at FDLE headquarters in Tallahassee, is responsible for investigating allegations of misconduct by officers, training school instructors, and Commission-certified criminal justice training schools for possible disciplinary or denial of certification action by the Commission, and ensures that due process is observed throughout Commission proceedings.

Any officer who fails to comply with the requirements of s. 943.13 (4) or (7), F.S., by engaging in conduct that constitutes a felony or a serious misdemeanor involving perjury or false statement, or is not of "good moral character," as defined in Rule 11B-27.0011, F.A.C., located at <https://www.flrules.org/gateway/ruleNo.asp?ID=11B-27.0011> is subject to disciplinary action.

Additional Professional Compliance information agencies should be aware of.

- Agencies investigating misconduct are asked to determine if the conduct is 1) solely an agency policy violation, or 2) a moral character violation as defined in Rule 11B-27.0011, F.A.C., or both.
 - Agency policy violations that do not rise to the level of a moral character violation, are not within the jurisdiction of the Commission and need not be reported to the Professional Compliance Section; **However**, agencies are encouraged to contact the Professional Compliance Section to discuss and determine if the actions being investigated should be reported.
- Contact information for the Professional Compliance Section is located at <https://www.fdle.state.fl.us/CJSTC/Professional-Compliance/Contacts.aspx>.
- Professional Compliance may initiate an officer misconduct case as listed at <https://www.fdle.state.fl.us/CJSTC/Professional-Compliance/PC-Initiation-of-Misconduct.aspx>.

Additional information about Professional Compliance Section is located at <https://www.fdle.state.fl.us/CJSTC/Professional-Compliance.aspx>.

For questions or comments contact Ms. Erica Gaines, Training & Research Manager, at (850) 410-8600 or by email: EricaGaines@fdle.state.fl.us.

THE DISCIPLINARY PROCESS

The State of Florida, through the Commission, oversees the certification, employment, training, and conduct of its law enforcement, correctional and correctional probation officers. The Professional Compliance Section and the Commission work to achieve increased professionalism by disciplining individual officers who tarnish the criminal justice profession through their misconduct. The Commission's efforts are focused to ensure that the citizens of Florida are served by the most qualified, well trained, and ethical officers in the nation.

COMMISSION AUTHORITY TO DISCIPLINE

Florida Statutes grant the Commission authority to certify criminal justice officers, and once a certificate is issued, grants the Commission the authority to discipline the officer's certification if the officer fails to maintain the standards of certification. The Commission disciplines an officer's certification if the officer:

- pleads nolo contendere, pleads guilty, or is convicted of any felony;
- pleads nolo contendere, pleads guilty, or is convicted of a misdemeanor involving perjury or false statement; or
- fails to maintain good moral character as defined by Rule 11B-27.0011 (4), F.A.C.

Discipline of an officer's certification is separate and distinct from any disciplinary action taken by the officer's employing agency for violations of agency policy and procedure. The Commission's decision in no way reflects upon the investigation, findings, conclusions, and/or disciplinary action of the employing agency.

EMPLOYING AGENCY INVESTIGATION AND REPORTING

According to the Florida Statutes and Florida Administrative Code, if an officer commits an act of misconduct, and the officer's employing agency has cause to believe that the officer has not maintained the minimum standards to be certified and/or has committed a violation of good moral character, then the employing agency must conduct an internal investigation.

The staff supporting the Commission does not specify the methodology or approach to an internal investigation, but requests submissions be complete and include supporting documentation. Agencies have their own established procedures for conducting certified officer misconduct investigations. Agencies are requested to include these sections within their investigations to facilitate staff review and recommendations to the Commission. The following sections should be clearly identified in each case file presented:

- **A summary of the allegations, investigation, and agency findings**—this section should provide a brief overview while highlight key elements of the case to include:
 - a summary of the facts
 - violations identified and investigated
 - agency points of contact
 - a summary of the investigation
 - the agency findings
- **A narrative of the investigation**—this section should include all information and actions taken throughout the investigation. All information related to the investigation should be included such as investigative reports, documentation of evidence collected, photographs, video, body worn cameras, etc. Agencies are also requested to provide one complete copy without redactions.

- **Agency findings and action taken**—this section should include all information related to agency findings and any action taken by the agency.

Agencies are requested to attach the Internal Investigation Report, form CJSTC-78, located at <https://www.fdle.state.fl.us/CJSTC/Documents/Rules-Forms/Table-1-Forms/PDFs/CJSTC-78.aspx>, and in APPENDIX B. The back of this form has instructions for completing the form. Please take special care when selecting the appropriate agency disposition on line 11. The Affidavit of Separation, form CJSTC-61, is located at <https://www.fdle.state.fl.us/CJSTC/Documents/Rules-Forms/Table-1-Forms/PDFs/CJSTC-61.aspx> and in APPENDIX C. This form also has instructions on the back and is used to document the separation of certified officers. Agencies are requested to take special care when selecting the separation reason in Section 7.

If the internal investigation sustains the moral character allegation, then the agency shall submit the investigative findings and all supporting documentation to the Commission through the Commission's staff using the Internal Investigation Report, form CJSTC-78. An investigation must be conducted and concluded, and it shall contain an agency finding, even if the officer resigns, retires, or is terminated while under investigation pursuant to s. 943.1395, F.S., and Rule 11B-27.003, F.A.C.

COMMISSION CASE INITIATION AND DEVELOPMENT

Commission disciplinary cases are opened and processed by Commission staff upon receiving:

- information from the employing agency in the form of a sustained violation of the officer's minimum standards to be certified, or a sustained violation of good moral character;
- notification of an officer's termination under undesirable circumstances involving a violation of the officer's minimum standards to be certified, or a violation of good moral character;
- notification of an officer's arrest;
- staff documentation of a violation of the minimum standards to be certified, or a violation of good moral character;
- verifiable complaints received from citizens alleging a violation of the officer's minimum standards to be certified, or a violation of good moral character; or
- an order from the Governor.

Once a case has been initiated, all documentation from the incident is requested from the appropriate investigative sources. Upon receipt, the documentation is reviewed by staff and FDLE legal counsel. In accordance with Commission rules, regardless of the agency characterization of the misconduct, staff's characterization of the misconduct controls the processing of disciplining the officer's certification.

If staff determines that a Commission probable cause review is warranted, the case is then scheduled for the next available Commission Probable Cause Determination Hearing, and both the officer and the employing agency are noticed. If no probable cause review is initiated, then the case is closed, and the employing agency is notified.

AGENCY AND OFFICER NOTICE

Criminal Justice Program staff and the agency conducting the investigation must work cooperatively to maintain contact with the officer and any witnesses needed to present the case to the Commission. This process is similar to a civil process and requires clear facts of the case and witnesses who can provide the information necessary. Staff routinely coordinates with agencies to locate the officer and witnesses

needed and relies on this assistance in the notification process. Staff utilizes certified mail, personal civil service, and legal notices as appropriate.

PROBABLE CAUSE HEARING AND THE DISCIPLINARY PROCESS

At the Commission Probable Cause Determination Hearing, the facts of the disciplinary case are presented to a panel composed of three Commission members. The probable cause panel determines whether probable cause exists to charge the officer with violating the minimum standards to be certified or committing a moral character violation. If the probable cause panel determines that probable cause exists after evaluating the case facts, then an administrative complaint is filed and issued to the officer. From that point, the procedure follows the administrative processes set forth in Chapter 120, F.S., and Chapter 28-106, F.A.C.

FELONY CONVICTIONS OR PLEAS AND REVOCATION

Under Florida law, the Commission must revoke an officer's certification if he or she pleads guilty, nolo contendere, or is found guilty of any felony offense, regardless of whether there is a withholding of adjudication or a suspension of sentence. In this case, the Commission has no discretion other than to impose a penalty of revocation pursuant to s. 943.13(4), F.S.

** When an officer's certification is revoked by the Commission, that officer can no longer work as a certified officer in the State of Florida.

MISDEMEANOR CONVICTIONS OR PLEAS AND REVOCATION

Under Florida law, the Commission must revoke an officer's certification if he or she pleads guilty, nolo contendere, or is found guilty of any misdemeanor involving perjury or false statement, regardless of whether there is a withholding of adjudication or a suspension of sentence. In this case, the Commission has no discretion other than to impose revocation pursuant to s. 943.13(4), F.S.

FAILURE TO MAINTAIN "GOOD MORAL CHARACTER"

According to s. 943.13(7), F. S., a criminal justice officer must, "Have good moral character as determined by a background investigation under procedures established by the Commission." Once certified, a criminal justice officer is subject to discipline by the Commission if he or she fails to maintain good moral character.

The Commission defines failure to maintain good moral character as:

- a. any act constituting a felony offense regardless of criminal prosecution;
- b. a plea of guilty, an adjudication of guilt, or a verdict of guilty after a criminal trial to any act constituting one of the enumerated misdemeanor offenses as listed in APPENDIX D;
- c. any act constituting one of the enumerated misdemeanor offenses as listed in APPENDIX D regardless of criminal prosecution;

- d. any principal, accessory, attempt, solicitation, or conspiracy, pursuant to Chapter 777, F.S., where there would have been a felony offense had the crime been committed or completed;
- e. any act in any jurisdiction other than the state of Florida, which if committed in the state of Florida, would constitute any offense listed in Rule 11B-27.0011(4), F.A.C.;
- f. the non-criminal acts or conduct listed in APPENDIX F may also result in Commission action; or
- f. a certified officer's unlawful injection, ingestion, inhalation, or other introduction of any controlled substance, as defined in s. 893.03, F.S., into his or her body as evidenced by a drug test in accordance with ss. 112.0455, 440.102, or 944.474, F.S.

For additional information, refer to Rule 11B-27.0011(4)(a–d), F.A.C.

THE PENALTIES FOR MISCONDUCT

At the conclusion of the Commission disciplinary process, the Commission imposes discipline on an officer's certification in keeping with an established set of penalty guidelines. The penalties include written reprimand, probation up to two years (with or without mandatory re-training or counseling, if applicable), suspension up to two years (with or without mandatory re-training or counseling, if applicable), and revocation. An overview of these guidelines may be found in APPENDIX E.

AGGRAVATING AND MITIGATING CIRCUMSTANCES

Florida law allows the Commission to deviate from the above penalties when evidence is presented showing the presence of one or more of the following specific aggravating or mitigating circumstances:

Aggravating Circumstances

- whether the officer used his or her official authority to facilitate the misconduct
- whether the misconduct was committed while the officer was performing other duties
- the number of violations found by the commission
- the number and severity of prior disciplinary actions taken against the 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.
- the severity of the misconduct
- the danger to the public
- the actual damage, physical or otherwise, caused by the misconduct
- the lack of deterrent effect of the penalty imposed by the employing agency
- the pecuniary benefit or self-gain to the officer realized by the misconduct
- whether the misconduct was motivated by unlawful discrimination
- any behavior constituting "domestic violence" as defined by s. 741.28(2), F.S.
- whether the certified officer has previously received a Letter of Acknowledgement within the preceding three years
- the certified officer has not filed any answer to the Administrative Complaint or otherwise responded to the allegations of misconduct alleged by the Commission

Mitigating Circumstances

- the officer's employment status in a position requiring Commission certification at the time of the final hearing before the Commission
- the recommendations of character or employment references
- the lack of severity of the misconduct
- the length of time the officer has been certified
- any effort of rehabilitation by the officer
- the effect of disciplinary or remedial action taken by the employing agency and/or recommendations of employing agency administrator
- the recommendation of a Probable Cause Panel to impose a penalty below the penalty guideline
- effort of the officer to retract a false statement prior to the close of the disciplinary or criminal investigation

For additional information, refer to Rule 11B-27.005(6), F.A.C.

COMMISSION ACKNOWLEDGEMENT OF AGENCY DISCIPLINE

When an employing agency has disciplined an officer consistent with the Commission's penalty guidelines, and certain preconditions have been met, the Commission shall recognize the agency discipline and not impose any additional discipline on the officer. 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 provided the employing agency has taken significant agency action as defined in Rule 11B-27.005, F.A.C.

A Letter of Acknowledgment establishes an understanding by the Commission that the officer's act constituted a violation of good moral character and that the agency's discipline was consistent with the Commission's guidelines.

For additional information, refer to Rule 11B-27.004(7),(8), F.A.C.

SUMMARY

Criminal justice officers (law enforcement, correctional and correctional probation) are vested through their certification with important powers and responsibilities that play an intricate and very significant role in society. Under the constant scrutiny of the public eye, they must preserve the peace and enforce Florida's laws while maintaining an unprecedented level of professionalism. The Criminal Justice Standards and Training Commission has been authorized by the Florida Legislature through the Florida Statutes to ensure that criminal justice officers maintain good moral character and abide by the same laws that they are required to enforce. Through the Commission's professional compliance process, the State of Florida maintains the highest standards of professionalism for its criminal justice personnel.

The preceding information is an overview of statutory and administrative law and is provided as a guide to Florida's criminal justice officers. If additional information is required, refer to the applicable Florida Statutes or Florida Administrative Code.

For additional information, please refer to our website at:

<http://www.fdle.state.fl.us>

- OR - contact us at:

Florida Department of Law Enforcement
Criminal Justice Professionalism
Professional Compliance Section
Post Office Box 1489
Tallahassee, Florida 32302-1489

(850) 410-8600

APPENDIX A – OFFICER CERTIFICATION/NEW HIRE CHECKLIST

OFFICER CERTIFICATION/NEW HIRE and AUXILIARY CERTIFICATION CHECKLIST

Name: _____

SSN: _____

_____ Application for Officer Certification (Form CJSTC 59)
**Only needed for previously uncertified

_____ New Hire Registration (Form CJSTC 60) Training Documentation for Auxiliary Officers
**Must be completed within 30 days of employment _____ CJSTC 4 – Firearms Proficiency
_____ Officer ATMS Profile _____ CJSTC 6 – Defensive Tactics Proficiency
_____ CJSTC 7 – Driving Proficiency (If taken)

_____ Proof of Minimum Age of 19 (Birth Certificate, Naturalization Papers, or Valid US Passport)

_____ Proof of US Citizenship (Birth Certificate, Naturalization Papers, or Valid US Passport)

_____ High School Diploma, GED, proof of minimum 30 semester hours
or 45 quarter hours of college, or foreign diploma (must be translated and certified as equivalent to a US
high school diploma) – Education must be verified by background Investigator

_____ Fingerprints/FBI Civil Applicant Response with any supplied criminal history record from FDLE
and/or FBI **Must obtain response within one year from date of employment

_____ Background Investigation (Form CJSTC 77 and applicable documents – investigators summary)
**Must be signed by background investigator and agency administrator

_____ Physician's Assessment (Form CJSTC 75)
**Can not be over one year prior to employment
**Must be signed by Medical Doctor, Physician's Assistant or Advance Registered Nurse Practitioner
**Form CJSTC 75A is optional

_____ Drug Screen Results (Minimum 7-Panel Test)
**Report must be signed by MRO

_____ Affidavit of Applicant (Form CJSTC 68)

_____ Completion of Basic Training
**May use Officer Profile as proof of compliance

_____ Acceptable Score on State Exam
**May use Officer Profile as proof of compliance

_____ TEA Statement (Form CJSTC 65)
**If used by Agency

_____ Equivalency approval (Form CJSTC 76 & 76A or ATMS profile)
**If EOT process was utilized by Officer

_____ Military History
_____ DD214 (Cannot be dishonorable)
_____ Other Official Government-issued document reflecting character of service
_____ Military Waiver Affidavit (may use CJSTC68 form)

_____ Name Change Documentation (Form CJSTC 79)
(documentation of each name change must be in file)

Comments: _____

Signature: _____ Date: _____

APPENDIX B – CJSTC 78, INTERNAL INVESTIGATION REPORT



Florida Department of
Law Enforcement

INTERNAL INVESTIGATION REPORT

Incorporated by Reference in Rule 11B-20.001(3)(a)5.b. and 11B-27.003(2)(a), F.A.C.



**CJSTC
78**

Please type or print in black or blue and use capital and small letters for names, titles, and address

OFFICER

1. Last Four Digits of Officer's Social Security Number: _____
2. Officer's Name: _____
Last First MI
3. Officer's Last Known Address: _____
Street City State Zip Code
4. Officer's Telephone Number: _____

AGENCY

5. Agency ORI: FL _____ 6. Agency Name: _____
7. Agency Contact Person: _____ 8. Agency Contact Person's Telephone Number: _____
9. Agency Fax Number: _____

VIOLATION - ALLEGATION

10. Nature of Allegation(s): _____

11. Agency Disposition: Sustained – (Violation of Section 943.13(4) or (7) or Rule 11B-27.0011, F.A.C. ☐
Sustained – (Violation of Agency Policy): ☐ Not Sustained: ☐ Unfounded: ☐ Exonerated: ☐

12. Limitation Period for Disciplinary Action: Date Internal Investigation Initiated: _____ Date Internal Investigation Completed: _____

Exception to limitation period for disciplinary action: Place a check mark by the exceptions to limitations that apply		Days Told
<input type="checkbox"/>	Written waiver of limitation by officer	_____
<input type="checkbox"/>	Ongoing criminal investigation or criminal prosecution	_____
<input type="checkbox"/>	Officer incapacitated or unavailable	_____
<input type="checkbox"/>	Multi-jurisdictional investigation	_____
<input type="checkbox"/>	Emergency or natural disaster as declared by the Governor	_____
<input type="checkbox"/>	Ongoing compliance hearing proceeding	_____

13. Criminal Charges Filed: _____
14. Agency Disciplinary Action: _____
15. If the allegation has been sustained and determined to be a violation of Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C., attach and forward the following documentation to the Florida Department of Law Enforcement.

Summary of the Facts	<input type="checkbox"/>	Internal Investigation Report	<input type="checkbox"/>	Name and Address of Witness	<input type="checkbox"/>
Witness Statement/Disposition	<input type="checkbox"/>	Certified Court Documents	<input type="checkbox"/>	Other Supportive Information	<input type="checkbox"/>

NOTICE: Pursuant to Section 943.1395(5), F.S., an employing agency must conduct an internal 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 is not in compliance with Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C. If the investigation is sustained, the employing agency must forward a report to the Commission as specified by Rule 11B-27.003.

16. Agency administrator's signature _____

17. Date signed _____

18. Agency administrator's name and title _____

Created 1/1/1993

Original – FDLE

Copy - Agency

1 of 2

Commission-Approved Revisions: 8/13/2020
Form Effective Date: 5/2021

APPENDIX C – CJSTC 61 FORM, AFFIDAVIT OF SEPARATION



Florida Department of
Law Enforcement

AFFIDAVIT OF SEPARATION

Incorporated by Reference in Rules
11B-20.001(3)(a)5.a., and 11B-27.002(3)(a)15., F.A.C.



CJSTC
61

<p>1. Last Four Digits of Social Security Number: _____</p> <p>2. Name: _____ Last First MI</p> <p>3. Agency Name: _____</p> <p>4. Agency ORI: FL _____</p> <p>5. Date Employed: _____ 6. Separation Date: _____</p>	<p>Employment Class</p> <p><input type="checkbox"/> Law Enforcement</p> <p><input type="checkbox"/> Correctional</p> <p><input type="checkbox"/> Correctional Probation</p> <p><input type="checkbox"/> Concurrent</p> <p><input type="checkbox"/> Special Elected or Appointed</p> <p><input type="checkbox"/> Instructor</p> <p>Employment Type</p> <p><input type="checkbox"/> Full time</p> <p><input type="checkbox"/> Part time</p> <p><input type="checkbox"/> Auxiliary</p>
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7. Separation Reasons

<p>7A. ADMINISTRATIVE – ROUTINE</p> <p><input type="checkbox"/> Voluntary separation not involving misconduct</p> <p><input type="checkbox"/> Transfer within agency. No break in service</p> <p><input type="checkbox"/> Retired. Not involving misconduct</p> <p><input type="checkbox"/> Deceased</p> <p><input type="checkbox"/> Line of Duty Death</p> <p><input type="checkbox"/> Budgetary constraints. Local and Federal grants not renewed</p> <p><input type="checkbox"/> Extended leave of absence</p> <p>Type: _____</p> <p>Periods of Time: _____</p> <p><input type="checkbox"/> Military leave of absence</p> <p>Periods of Time: _____</p> <p>NOTE: See Instructions on Page 2.</p> <p><input type="checkbox"/> Suspension</p> <p>Periods of Time: _____</p> <p><input type="checkbox"/> Administrative separation not involving misconduct</p> <p><input type="checkbox"/> Special elected or appointed</p> <p>Position: _____</p> <p>Anticipated term: _____</p> <p><input type="checkbox"/> Instructor request for change of affiliation</p> <p>7B. ADMINISTRATIVE – NON-ROUTINE</p> <p><input type="checkbox"/> Failure to complete basic recruit training</p> <p><input type="checkbox"/> Failure to pass the State Officer Certification Examination</p>	<p>7C. ADMINISTRATIVE – SUBSTANDARD PERFORMANCE</p> <p><input type="checkbox"/> Failure to satisfactorily complete the agency field-training program (training performance issues).</p> <p><input type="checkbox"/> Failure to perform assigned tasks satisfactorily.</p> <p>7D. OTHER – EXAMPLE</p> <p><input type="checkbox"/> Excessive absenteeism, failure to report for duty, sleeping on duty, etc.</p> <p>7E. UNFAVORABLE – MISCONDUCT</p> <p><input type="checkbox"/> Voluntary separation or retirement while being investigated for violation of agency or training school policy not involving a moral character violation defined in Rule 11B-27.0011, F.A.C.</p> <p><input type="checkbox"/> Voluntary separation or retirement in lieu of termination for violation of agency or training school policy not involving a moral character violation defined in Rule 11B-27.0011, F.A.C.</p> <p><input type="checkbox"/> Terminated for violation of agency or training school policy not involving a moral character violation defined in Rule 11B-27.0011, F.A.C.</p> <p>NOTE: The agency administrator or designee shall provide written documentation of the internal or criminal investigation upon request by Commission staff.</p>	<p>7F. Pursuant to Section 943.139(5), F.S., an employing agency must conduct an internal investigation when having cause to suspect that an officer or instructor it employs or employed at the time of the alleged violation, or employed on a Temporary Employment Authorization is not in compliance with Section 943.13(4) or (7), F.S., or Rule 11B-27.0011, F.A.C.</p> <p><input type="checkbox"/> Voluntary separation or retirement while being investigated for violation of Section 943.13(4), F.S., or violation of moral character standards defined in Rule 11B-27.0011, F.A.C.</p> <p><input type="checkbox"/> Voluntary separation or retirement in lieu of termination for violation of Section 943.13(4), F.S., or violation of moral character standards as defined in Rule 11B-27.0011, F.A.C.</p> <p><input type="checkbox"/> Terminated for violation of Section 943.13(4), F.S., or violation of moral character standards as defined in Rule 11B-27.0011, F.A.C.</p> <p>NOTE: The agency administrator or designee shall provide written documentation of the internal or criminal investigation upon request by Commission staff.</p>
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NOTICE: Section 943.139(2), F.S., requires the execution of an Affidavit of Separation by the employing agency in a case of officer separation. **WARNING:** Intentional false execution of this Affidavit of Separation constitutes a misdemeanor of the second degree.

8. Agency Administrator or Designee's Signature _____ 9. Agency Administrator or Designee's Printed Name _____ 10. Date _____

11. Agency Administrator or Designee's Title _____

12. OATH Pursuant to Section 117.05(13)(a), Florida Statutes

STATE OF _____

COUNTY OF _____

Sworn to (or affirmed) and subscribed before me by means of Physical Presence ☐ OR Online Notarization ☐ this _____

day of _____, year _____, By _____

Signature of Notary Public – State of Florida _____

Print, Type, or Stamp Commissioned name of Notary Public _____

Personally Known ☐ OR Produced Identification ☐

Type of Identification Produced _____

Created 1/1/1992

Original – FDLE

Copy – Agency

1 of 2

Commission-Approved Revisions: 8/18/2022

Oath amended pursuant to Section 117.05(13)(a), F.S., effective 1/1/2020

Form Effective Date: 8/2023

APPENDIX D – FLORIDA ADMINISTRATIVE CODE 11B-27.0011 MORAL CHARACTER

ENUMERATED MISDEMEANOR OFFENSES

316.193	DUI
316.1939	SECOND REFUSAL TO SUBMIT TO A PHYSICAL TEST OF BREATH, BLOOD, OR URINE
327.35	BOATING UNDER THE INFLUENCE
365.16(1)(c)(d)	OBSCENE OR HARASSING TELEPHONE CALLS
414.39	WELFARE FRAUD
499.03	POSSESSION OF CERTAIN DRUGS WITHOUT A PRESCRIPTION
741.31	VIOLATION OF INJUNCTION FOR PROTECTION AGAINST DOMESTIC VIOLENCE
784.011	ASSAULT
784.03	BATTERY
784.046(15)	VIOLATION OF INJUNCTION FOR PROTECTION AGAINST REPEAT DATING VIOLENCE
784.047	VIOLATION OF INJUNCTION FOR PROTECTION AGAINST REPEAT VIOLENCE
784.048	STALKING
784.049(3)(a)	SEXUAL CYBERHARASSMENT
784.05	CULPABLE NEGLIGENCE
790.01	CARRYING A CONCEALED WEAPON
790.10	IMPROPER EXHIBITION OF DANGEROUS WEAPON
790.15	DISCHARGING FIREARM IN PUBLIC
790.27	POSSESSION/SALE/DELIVERY OF FIREARM WITH SERIAL NUMBER ALTERED/REMOVED
794.027	FAILURE TO REPORT SEXUAL BATTERY
796.07	PROSTITUTION ESTABLISHMENT
800.02	UNNATURAL AND LASCIVIOUS ACT
800.03	EXPOSURE OF SEXUAL ORGANS
806.101	FALSE ALARM OF FIRE
806.13	CRIMINAL MISCHIEF LESS THAN \$1000
810.08	TRESPASS IN STRUCTURE OR CONVEYANCE
810.14	VOYEURISM
810.145	VIDEO VOYEURISM
812.014	PETIT THEFT
812.015	RESISTING THEFT RECOVERY EFFORTS
812.14	TRESPASS & LARCENY WITH RELATION TO UTILITY FIXTURES
817.235	PERSONAL PROPERTY: REMOVE / ALTER ID MARKS
817.49	FALSE REPORT OF A CRIME
817.563	SALE IN LIEU OF A CONTROLLED SUBSTANCE
817.565	URINE TESTING, FRAUDULENT PRACTICES
817.61	FRAUDULENT USE OF A CREDIT CARD
817.64	RECEIPT OF MONEY, ETC. FROM FRAUDULENT USE OF A CREDIT CARD
827.04	CONTRIBUTING TO THE DELINQUENCY OF A MINOR
828.12	CRUELTY TO ANIMALS
831.30	FORGED PRESCRIPTION
831.31(1)(b)	COUNTERFEIT CONTROLLED SUBSTANCE SALE/MANUFACTURE/DELIVERY/POSSESSION OR POSSESSION WITH INTENT
832.05	WORTHLESS CHECK

836.12(2)	THREATS
837.012	PERJURY NOT IN AN OFFICIAL PROCEEDING
837.05	FALSE REPORT TO LAW ENFORCEMENT
837.055	FALSE INFORMATION TO LAW ENFORCEMENT DURING INVESTIGATION
837.06	FALSE OFFICIAL STATEMENT
839.13	FALSIFYING RECORDS
839.20	REFUSAL TO EXECUTE CRIMINAL PROCESS
843.02	RESISTING OR OBSTRUCTING AN OFFICER WITHOUT VIOLENCE
843.03	OBSTRUCTION BY DISGUISED PERSON
843.06	NEGLECT OR REFUSAL TO AID PEACE OFFICERS
843.085	UNLAWFUL USE OF POLICE BADGE OR INDICIA
847.011	SALE OR POSSESSION OF OBSCENE MATERIAL/OBSCENE PERFORMANCE
856.021	LOITERING AND PROWLING
870.01	AFFRAY
893.13	CONTROLLED SUBSTANCES-SELL, MANUFACTURE, DELIVER AND/OR POSSESS WITH INTENT
893.147	USE OR POSSESSION OF DRUG PARAPHERNALIA
901.36	GIVING FALSE NAME OR FALSE IDENTIFICATION BY PERSON ARRESTED OR LAWFULLY DETAINED
914.22	TAMPERING WITH A WITNESS, VICTIM, OR INFORMANT
934.03	INTERCEPTION AND DISCLOSURE OF WIRE, ORAL, OR ELECTRONIC COMMUNICATIONS
934.425	INSTALLATION OF TRACKING DEVICES OR APPLICATIONS
944.35	MALICIOUS BATTERY
944.37	ACCEPTANCE OF UNAUTHORIZED COMPENSATION
944.39	INTERFERENCE WITH PRISONERS
944.47	INTRODUCTION OF CONTRABAND IN A STATE CORRECTIONAL INSTITUTION
951.22	INTRODUCTION/POSSESSION OF CONTRABAND IN A COUNTY DETENTION FACILITY

APPENDIX E - VIOLATIONS RESULTING IN REVOCATION

	Violation	Recommended Penalty Range
•	For any felony offense where there is a conviction, plea of nolo contendere or plea of guilty (regardless of suspension of sentence or withholding of adjudication);	Revocation
•	For a misdemeanor offense involving perjury or false statement where there is a conviction, plea of nolo contendere, or plea of guilty; (regardless of suspension of sentence or withholding of adjudication);	Revocation

- Penalties for Specific Felony Acts/Violations. Absent mitigating/aggravating circumstances, the following specific **felony acts/violations** result in the indicated penalty:

	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.	Possession, sale of controlled substance (Section 893.13, F.S.)	Revocation
4.	Tampering with evidence (Section 918.13, F.S.)	Revocation
5.	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
6.	False statements (Sections 837.02, 837.021, 837.05(2), 838.022, 839.13(2), F.S.)	Prospective Suspension to revocation
7.	Felony stalking, sexual cyberharassment (Section 784.048, 784.049(3)(b), F.S.)	Revocation
8.	Sexual battery, unlawful sexual activity with a minor (Sections 794.011, 794.05, F.S.)	Revocation
9.	Lewd or lascivious offense, child under 16 (Section 800.04, F.S.)	Revocation
10.	Child abuse (Section 827.03, F.S.)	Prospective suspension to revocation
11.	Aggravated child abuse with violence (Section 827.03, F.S.)	Revocation
12.	Resisting an officer with violence (Section 843.01, F.S.)	Prospective suspension to revocation
13.	Felony controlled substance violation (Sections 893.13, 893.135, 893.147, 893.149, F.S.)	Revocation
14.	Bribery (Section 838.015, F.S.)	Revocation
15.	Unlawful compensation or reward for official behavior (Section 838.016, F.S.)	Revocation
16.	Video voyeurism	Prospective suspension and probation with counseling to revocation
17.	Felony threats (Section 836.12(3), F.S.)	Revocation

18.	Sexual misconduct (944.35(3)(b)(2) F.S.)	Revocation
19.	Possession of certain drugs without prescriptions with the intent to sell, dispense, or deliver (Section 499.03, F.S.)	Prospective suspension to revocation
20.	Obscenity (Sections 847.011(1)(c), 847.011(5), 847.0135, 847.0145, F.S.)	Prospective suspension to revocation

(For additional information refer to Rule 11B-27.005(5)(a), F.A.C.)

- Penalties for Specific Misdemeanor Acts/Violations. Absent mitigating/aggravating circumstances, the following specific **misdemeanor acts/violations** result in the indicated penalty:

	Violation	Recommended Penalty Range
1.	Assault (Section 784.011, F.S.)	Suspension
2.	Battery; malicious battery (Sections 784.03, 944.35(3)(a)(1), 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, 839.13(1), 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; video voyeurism (Sections 796.07, 810.14, 810.145, 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 (Sections 316.193 and 327.35, F.S.)	Probation with substance abuse counseling
	Driving or boating under the influence-second offense	Prospective suspension with substance abuse counseling to revocation
	Driving or boating under the influence with property damage or injury	Prospective suspension with substance abuse counseling to revocation
	Driving or boating under the influence -blood-alcohol level or breath-alcohol level of 0.15 or higher	Prospective suspension with substance abuse counseling to revocation
	Driving or boating under the influence while accompanied in the vehicle by a person under the age of 18 years	Prospective suspension with substance abuse counseling 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,	Prospective suspension to revocation

	784.03, F.S.)	
16.	Threats (836.12(2), F.S.)	Prospective suspension to revocation
17.	Sexual cyberharassment (Section 784.049(3)(a), F.S.)	Prospective suspension and probation with counseling to revocation
18.	Second refusal to submit to a physical test of breath, blood, or urine (Section 316.1939, F.S.)	Prospective suspension with substance abuse counseling to revocation
19.	Installation of tracking devices or applications (Section 934.425, F.S.)	Suspension to revocation
20.	Possession of certain drugs without prescriptions (Section 499.03, F.S.)	Suspension to revocation
21.	Obscenity (Section 847.011(5), F.S.)	Prospective suspension to revocation
22.	Introduction of Contraband (Sections 944.47 and 951.22, F.S.)	Suspension to revocation

(For additional information refer to Rule 11B-27.005(5)(b), F.A.C.)

- Penalties for Non-Criminal Acts/Violations. Absent mitigating/aggravating circumstances, the following specific **non-criminal acts/violations** result in the indicated penalty:

	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 parolee, or community controlee that substantially 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 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	Suspension to revocation

	Chapter 943, F.S., as it pertains to the Commission or Commission rules.	
12.	Conduct that subverts or attempts to subvert the Basic Abilities Test process pursuant to paragraphs 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
16.	Discriminatory conduct specified in sub-paragraph 11B-27.0011(4)(c)15.a., F.A.C.	Written reprimand to revocation
17.	Discriminatory conduct specified in sub-paragraph 11B-27.0011(4)(c)15.b., F.A.C.	Revocation

(For additional information refer to Rule 11B-27.005(5)(c), F.A.C.)

- Penalties for Positive Drug Test. Absent aggravating/mitigating circumstances the following specific acts/violations result in the indicated penalty:

Violation	Recommended Penalty Range
Positive drug test	Prospective suspension to revocation

(For additional information refer to Rule 11B-27.005(5)(d), F.A.C.)

APPENDIX F – NON-CRIMINAL ACTS OR CONDUCT

The following non-criminal acts or conduct may also result in commission action:

- Excessive use of force.
- Sexual harassment involving physical contact or misuse of official position.
- Misuse of official position, as defined in s.112.313(6), F.S.
- Engaging in sex while on duty.
- Unprofessional relationship with an inmate, detainee, probationer or parolee, or community controllee: having written or oral communication that is intended to facilitate conduct which is prohibited by Commission rule; or engaging in physical contact not required in the performance of official duties, defined as kissing, fondling of the genital area, buttocks, and/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 and defined in s. 944.35(3), F.S.; or 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.
- False statements during the employment application process.
- Conduct that subverts or attempts to subvert the State Officer Certification Examination process pursuant to Rule 11B-30.009(1), F.A.C.
- Conduct that subverts or attempts to subvert the Criminal Justice Standards and Training Commission approved training examination process, or an employing agency promotional examination process.
- Conduct that subverts or attempts to subvert the Basic Abilities Test process pursuant to subsections of Rule 11B-35.0011(1), F.A.C.
- Any overt, conspicuous, or public act of a sexual or simulated sexual nature which is likely to be observed by others.
- 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.
- 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.
- Intentional abuse of a Temporary Employment Authorization, per s. 943.131(1), F.S.
- 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, such as 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.
- Discriminatory Conduct:
 - a. The perpetration by the officer of either a course of conduct or a single egregious act that evidences discriminatory conduct based on race, color, religion, sex, pregnancy, national origin, age, handicap or sexual orientation, which does not involve an expression of public concern, and which causes a clear and substantial belief in the mind of a reasonable person that the officer cannot perform the duties of office in a fair and impartial manner, with respect for the rights of others and laws of the state and nation; or
 - b. Knowingly, willfully and actively participating in any activity committed with the intent to benefit, promote or further the interests of a "hate group", as defined in Section 874.03(6), Florida Statutes.
 - c. For the purposes of this section, an expression of public concern shall mean an expression by an individual as a citizen that relates to any matter of political, social or other concern of the community. Expressions of public concern are determined by the content, form and context of the given act or course of conduct, viewed by the totality of the record.