

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA IN AND FOR PASCO COUNTY  
CRC14-00216CFAES

FILED FOR RECORD  
PASCO COUNTY, FLORIDA

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Paula S. O'Neill  
Clerk & Comptroller  
Pasco County, Florida

STATE OF FLORIDA

V.

CURTIS J. REEVES,  
Defendant

**STATE'S REQUEST FOR JUDICIAL NOTICE**

(Section 90.202(9), Florida Statutes 2015)

BERNIE McCABE, State Attorney for the Sixth Judicial Circuit, hereby requests,  
pursuant to 90.202(9), Florida Statutes (2015), the Court take judicial notice of:

Rule 11B-27.00212 Maintenance of Officer Certification, Fla. Admin. Code  
Form CJSTC 86A Law Enforcement Officer Firearms Qualification Standard as  
Incorporated by Reference in Rule 11B-27.00212(14), F. A. C.

Rule 11B-27.014 Implementation of the Federal Law Enforcement Officers Safety Act  
of 2004, Fla. Admin. Code

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the *State's Request For Judicial Notice* was  
furnished to Richard Escobar, Esq., Escobar & Associates, P.A., 2917 West Kennedy Blvd., Ste  
100, Tampa, FL 33609, Attorney for the Defendant by U.S. Mail / Hand / Facsimile this 14<sup>th</sup> day  
of November, 2016

BERNIE McCABE, State Attorney  
Sixth Judicial Circuit of Florida



Glenn L. Martin, Jr.  
Assistant State Attorney

**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/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850) 410-8615.

(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 January 29, 2009, 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/Content/CJST/Publications/Professionalism-Program-Forms.aspx>, or by contacting Commission staff at (850)410-8615.

(a) A certified 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/Content/CJST/Publications/Professionalism-Program-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 certified 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 certified 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, created January 29, 2009, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01097>, hereby incorporated by reference and revised December 16, 2010, (effective 5/2012). Form CJSTC-86B 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. 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. CMS Application-Based Law Enforcement Basic Recruit Training Program (BRTP) number 224.
2. Florida CMS Law Enforcement BRTP number 1177.
3. Traditional Correctional Cross-Over to CMS Application-Based Law Enforcement BRTP number 1143.
4. Correctional Officer Cross-Over Training to Florida CMS Law Enforcement BRTP number 1178.
5. Traditional Correctional Probation Cross-Over to CMS Application-Based Law Enforcement BRTP number 1157.
6. Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement BRTP number 1179.
7. CMS Law Enforcement Auxiliary Officer BRTP number 1180.
8. Crimes Against the Elderly advanced training course number 100.
9. Elder Abuse Training for Law Enforcement course by the Department of Elder Affairs.
10. 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(1), 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.*



Florida Department of Law Enforcement

LAW ENFORCEMENT OFFICER FIREARMS QUALIFICATION STANDARD

Incorporated by Reference in Rule 11B-27.00212(14), F.A.C.



CJSTC 86A

Officer's Name: \_\_\_\_\_ Date Performed: \_\_\_\_\_

Officer ID: \_\_\_\_\_ Last Four Digits of Social Security Number: \_\_\_\_\_

Make/Model Firearm # 1: \_\_\_\_\_ Serial Number: \_\_\_\_\_

Make/Model Firearm # 2: \_\_\_\_\_ Serial Number: \_\_\_\_\_

(For Agency Use Only)

Commission's Approved Course of Fire for the Firearms Qualification Standard

Table with 6 stages of firearms qualification. Stage 1: HIP POSITION FROM HOLSTER. Stage 2: TWO-HAND HIGH POINT FROM READY GUN. Stage 3: TWO-HAND HIGH POINT FROM HOLSTER. Stage 4: Two-hand high point from holster. Stage 5: TWO-HAND HIGH POINT FROM HOLSTER. Stage 6: TWO-HAND HIGH POINT FROM HOLSTER. Each stage includes specific target and round requirements.

Weapon: 1 Pass  Fail

Weapon: 2 Pass  Fail  (For Agency Use Only)

Comments: \_\_\_\_\_

Passing Score. A passing score is a minimum score of 80%, which is 32 of 40 rounds in the scoring area.

Scoring. The scoring shall be any hit that is inside or touches the exterior scoring line of the 4 and 5 zone of a commercially produced B-21E target or equivalent Pride Enterprises (P.R.I.D.E.) target. The course of fire shall begin at Stage 1 and follow the order sequence through Stage 6.

Officer's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Instructor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Instructor's Printed Name: \_\_\_\_\_ Expiration Year: \_\_\_\_\_

## **OFFICER TO INSTRUCTOR RATIO**

For instruction of the Firearms Qualification Course, it is recommended there be no more than six officers actively engaged on a firearms range for each Commission-certified firearms instructor.

### **ACTIVELY ENGAGED**

Actively engaged is defined in Rule 11B-35.0021(4)(a), F.A.C., as "an officer on the firing range handling a weapon."

### **FIREARMS QUALIFICATION COURSE REQUIREMENTS**

1. An officer shall, at minimum, be required to demonstrate proficiency at 80% or higher with the type of weapon that the officer carries. The minimum score is calculated at 32 of 40 rounds in the scoring area. The scoring area shall be any hit that is inside or touches the exterior scoring line, for example, the 4 and 5 zone of the a commercially produced B-21E or equivalent Pride Enterprises (P.R.I.D.E.) target.
2. An officer shall use a commercially produced B-21E or equivalent Pride Enterprises (P.R.I.D.E.) target.
3. The Firearms Qualification Standard shall be administered by a currently certified Commission-approved firearms instructor.
4. The Firearms Qualification Standard shall be conducted at a Commission-certified training school range, agency range, or private range.
5. A certified Law Enforcement Officer who fails to demonstrate proficiency skills on the required Firearms Qualification Standard shall not perform the duties of a sworn officer.
6. Any remedial training and subsequent qualification attempts are the responsibility of the employing agency and the officer must meet the Firearms Qualification Standard prior to the officer working in the capacity as a sworn officer.

### **USE OF REDUCED SIZED TARGETS FOR HANDGUN QUALIFICATION**

1. An employing agency is authorized to use a reduced sized target when a firing range with full qualification distance is not available and using the reduced sized target will allow an officer to satisfy the required Firearms Qualification Standard and comply with Rule 11B-27.00212(14), F.A.C.,
2. Use of a reduced sized target is limited to the Firearms Course of Fire Stage 6 (15-yard line: Two-hand High Point from Holster) handgun qualification. An officer is permitted to fire the 15-yard line handgun qualification at the 10-yard line using the Commission-approved CJSTC B-21E R33 target.

### **INSTRUCTIONS FOR COMPLETING FORM CJSTC-86A**

1. Complete Form CJSTC-86A for each officer.
2. Enter the officer's name, ID, last four digits of the officer's social security number, and weapon information and enter the date the officer completed the performance objectives.
3. Place a check in the boxes provided for either PASS or FAIL to signify the officer's overall proficiency performance.
4. The officer shall sign his or her name.
5. The instructor shall print and sign his or her name on page one and enter the expiration date of their firearms instructor certification.
6. Retain this form in the officer's file at the employing agency.

**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 subsection (2) 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), 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. Form CJSTC-600 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.

(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. 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. The B-21E target is commercially available through retailers.

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 is authorized to 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 with each written request, and the request shall be made on the training school's letterhead signed by the training center director.



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, prior to issuing 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.

*Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12, 943.132 FS. History—New 3-3-08.*