FEDERAL BUREAU OF INVESTIGATION
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FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 04/04/2012

On April 4, 2012, the writer took custody of a copy of the Medical Examiner Report for Trayvon Martin from the Florida Department of Law Enforcement Office, located at 500 West Robinson Street, Orlando, Florida.

The listed report was submitted to the 1A section of this file.

*See 1A34

X

Investigation on 04/04/2012 at Orlando, Florida

File # 44A-TP-74471 -56 Date dictated

by SA [redacted]

b6
b7C

(Rev. 08-28-2000)

FEDERAL BUREAU OF INVESTIGATION

Precedence: IMMEDIATE **Date:** 04/05/2012

To: Charlotte **Attn:** Squad CR-1/ SSA [redacted]

From: Tampa
Squad ORA-2
Contact: SA [redacted]

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Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 44A-TP-74471 - 57

Title: TRAYVON MARTIN-VICTIM;
[redacted]-SUBJECT;
RACIAL DISCRIMINATION- FORCE AND OR VIOLENCE

Synopsis: Request interview be conducted

Details: For background, on 04/02/2012, a neighborhood canvas was conducted surrounding [redacted] home address of [redacted] for any pertinent information related to [redacted] reputation, character and possible racial biases. b6 b7C

During the neighborhood canvass it was revealed a [redacted] located at [redacted] Based on several attempts to locate [redacted] it does not appear the address [redacted] is currently inhabited.

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Subsequent open source checks revealed a [redacted] DOB [redacted] residing with a [redacted] DOB [redacted] possible phone number(s) [redacted] Open source checks revealed [redacted]

Charlotte lead.wpd

To: Charlotte From: Tampa
Re: 44A-TP-74471

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FBI Orlando respectfully requests FBI Charlotte conduct an interview with [redacted] DOB [redacted] residing at [redacted] possible phone number(s) [redacted] to determine if she can provide information related to [redacted] to include but not limited to, his character, truthfulness, temperament, propensity for violence and indication of possible racial bias.

LEAD(s):

Set Lead 1: (Action)

CHARLOTTE

AT CHARLOTTE

Squad CR-1/ SSA [redacted] FBI Orlando respectfully requests FBI Charlotte conduct an interview with [redacted] DOB [redacted] residing at [redacted] possible phone number(s) [redacted] to determine if she can provide information related to [redacted] to include but not limited to, his character, truthfulness, temperament, propensity for violence and indication of possible racial bias.

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(Rev. 05-01-2008)

UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 04/05/2012

To: Tampa

From: Tampa
Orlando RA/JTTF/Squad 2
Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted]

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Case ID #: 44A-TP-74471 (Pending) -58

Title: TRAYVON MARTIN - VICTIM
[redacted] - SUBJECT
RACIAL DISCRIMINATION - FORCE & VIOLENCE

Synopsis: To provide summary of audio recordings of interviews with Sanford Fire Department personnel conducted by Florida Department of Law Enforcement (FDLE).

Details: On April 4, 2012, FBI Tampa conducted a review of audio recordings of interviews of Sanford Fire Department employees Paramedic [redacted] Medic [redacted] Lieutenant [redacted] Firefighter [redacted] Firefighter [redacted] The interviews were conducted by agents of the Florida Department of Law Enforcement, hereafter referred to as FDLE. The following is a summary of said interviews.

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[redacted]

On March 27, 2012, FDLE SA [redacted] conducted an interview with Paramedic [redacted] of the Sanford Fire Department. [redacted] provided the following information:

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On February 26, 2012 at approximately 7:00 pm, [redacted] was returning from a medical transport from Orlando when he was dispatched to a shooting call at the Retreat at Twin Lakes Subdivision. [redacted] was on scene with three to four minutes of being dispatched. Police officers on scene informed [redacted] that there was one victim who had been shot. [redacted] observed an individual, later identified as TRAYVON MARTIN, lying in the

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58

grass and police officers were performing CPR on him. Medic [redacted] EMT [redacted] and Firefighter [redacted] began checking vital signs on MARTIN. A heart monitor was hooked up to MARTIN and it was discovered that there were no vitals and MARTIN had flat lined. Since Medic [redacted] was the senior Medic on scene he declared MARTIN deceased. At that point, [redacted] and his team collected their gear and withdrew from the scene. [redacted] stated that MARTIN never regained consciousness and therefore did not provide any statements. b6 b7C

Officers informed that there was another individual, later identified as [redacted] who needed to be evaluated sitting in a patrol car. When [redacted] approached [redacted] he was seated in a patrol car with his hands cuffed behind his back. [redacted] observed cuts and abrasions on [redacted] face, deformity of his nose and a laceration approximately one inch in length and half inch wide on the back of [redacted] head. [redacted] also observed blood on [redacted] arms and hands, but no cuts or abrasions. [redacted] informed officers that [redacted] may need stitches. [redacted] only observed injuries that were from the shoulders up. [redacted] stated that [redacted] made no statements to him while being treated. b6 b7C

[redacted]

On March 24, 2012, FDLE SA [redacted] conducted an interview with MEDIC [redacted] of the Sanford Fire Department. [redacted] provided the following information: b6 b7C

On February 26, 2012 at approximately 7:00 pm, [redacted] was returning from a medical transport from Orlando with Paramedic [redacted] when he was dispatched to a shooting call at the Retreat at Twin Lakes Subdivision. [redacted] arrived on scene approximately five minutes after being dispatched. [redacted] observed police officers performing CPR on an individual lying in the grass face up. Individual was later identified as TRAYVON MARTIN. [redacted] had the officers discontinue CPR so a heart monitor could be connected and vital signs could be checked on MARTIN. Heart monitor showed that MARTIN had no vital signs and that he was asystole (flat lined). [redacted] stated that Paramedic [redacted] declared MARTIN deceased. [redacted] b6 b7C stated that MARTIN never regained consciousness and therefore did not make any statements to [redacted]

Once [redacted] cleared the scene he was asked to evaluate an individual, later identified as [redacted] who was seated in a patrol car. When [redacted] arrived to the patrol vehicle that [redacted] was seated in, he observed [redacted] was wearing handcuffs behind his back. [redacted] observed one to two lacerations on the back of [redacted] head and a possible fractured nose. [redacted] stated that he and Firefighter [redacted] used Hydrogen Peroxide to clean blood off of [redacted] reported that [redacted] was covered with a significant amount of blood and it had taken awhile to clean him up. [redacted] assessed that approximately 45 percent of [redacted] head was covered in blood. [redacted] never made any statements to [redacted]

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Lieutenant [redacted]

On March 24, 2012, FDLE SA [redacted] conducted an interview with Lieutenant [redacted] of the Sanford Fire Department. [redacted] provided the following information:

On February 26, 2012, [redacted] was dispatched from Station 38 in Sanford Florida on a shooting call. When [redacted] arrived on scene he was informed by a Sanford Police Officer that there was a shooting victim and another individual with minor injuries in the back of a patrol car. [redacted] observed an individual, later identified as MARTIN lying on the ground as police officers were performing CPR. [redacted] Medics and Firefighters took over the scene from the police and hooked up a heart monitor. After taking vital signs, which resulted in there being no vital signs, the lead paramedic, [redacted] pronounced MARTIN deceased. [redacted] never had contact with [redacted]

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[redacted]

On March 24, 2012, FDLE SA [redacted] conducted an interview with Firefighter [redacted] of the Sanford Fire Department. [redacted] provided the following information:

On February 26, 2012, [redacted] responded to a shooting scene from Station 38 in Sanford Florida. Upon arrival she was told that there were two patients. [redacted] responded to the

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shooting victim first. As [redacted] approached the scene she noticed police officers performing CPR on an individual, later identified as MARTIN. [redacted] and other medics took over the scene and proceeded to check airway, breathing and circulation as well as hook up a heart monitor. As she was lifting up MARTIN's shirt to hook up the monitor, [redacted]. After no vital signs were found. The lead medic on scene, [redacted] declared MARTIN deceased. MARTIN never regained consciousness and therefore made no statements. b6 b7C

After clearing the shooting scene, [redacted] proceeded to a patrol car where she observed and individual, later identified as [redacted] sitting handcuffed in the back seat. [redacted] had blood on his face and back of his head. [redacted] noticed two small lacerations on the back of [redacted] head. In addition, [redacted] assessed that [redacted] nose may be fractured. [redacted] complained of being dizzy, but made no other statements in the presence of [redacted]

[redacted] b6 b7C

On March 24, 2012, FDLE SA [redacted] conducted an interview with Firefighter [redacted] of the Sanford Fire Department. [redacted] provided the following information:

On February 26, 2012, [redacted] responded from Station 38 in Sanford, Florida to a shooting. Upon arriving on scene, [redacted] noticed an individual, later identified as MARTIN, lying on the ground and police officers performing CPR on him. [redacted] assisted in hooking up a heart monitor and checking for vitals. After no vitals were found on MARTIN, lead medic [redacted] pronounced MARTIN deceased. According to [redacted] MARTIN never regained consciousness and therefore did not make any statements. [redacted] never had any contact with [redacted] b6 b7C

♦♦

44A-TP-74471 -59
[redacted]

On 04/05/2012, SA [redacted] and SA [redacted] attempted to locate a [redacted] at her last known address of [redacted] with negative results.

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Agents observed the FBI business card still inserted in the front door left on 04/02/2012. Additionally, Agents observed no movement on the electricity meter.

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[redacted] insert

[redacted] 59

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 04/06/2012

[redacted] home address of [redacted] telephone numbers [redacted] and [redacted] date of birth [redacted] social security account number [redacted] was contacted at her residence. Also present during the interview was [redacted] who works at Petsmart. After being advised of the identity of the contacting agents and the nature of the interview, [redacted] provided the following information: b6 b7C

[redacted] was originally from [redacted] and moved into the neighborhood about five years ago. [redacted] was the [redacted] for her particular street for the neighborhood watch program since July of 2011. Each street has a different captain. [redacted] was supposed to go door to door on her street and introduce herself [redacted] when the watch program first started but she did not do that.

The first time [redacted] met [redacted] was in July of 2011 when she saw him standing up the street with a clipboard in his hands. He said that he was starting up a neighborhood watch program and was taking the names of other people who would be interested in participating. [redacted] called the homeowners' association (HOA) president about what [redacted] was doing. [redacted] then contacted the HOA president himself about starting up the watch program. Newsletters were distributed to all the homeowners informing them that the watch program was being instituted. b6 b7C

Sanford Police Department attended the first neighborhood watch program meeting along with [redacted] from the police department who would be the liaison with the watch program. The new Sanford Police chief also attended the meeting. There were about fifty homeowners in attendance at the meeting, including [redacted] Sanford Police Department set up a special line for the watch program to call in order to report suspicious activity. The participants in the watch program were told not to confront anyone but only to call the line and report the activity. There were no other meetings held for the neighborhood watch program. The various watch captains were not in any regular communication with each other. b6 b7C

*see 1435

Investigation on 04/05/2012 at Sanford, Florida

File # 44A-TP-74471-60 [redacted] Date dictated

by SA SA [redacted] 097 [redacted] 01.302.wpd b6 b7C

[redacted] 60

[redacted] has called the Sanford Police Department many times but most of them were related to personal issues she was having at home. [redacted] About two or three of the times that [redacted] called the Sanford Police were related to suspicious activity that she observed related to her duties [redacted] Two of the three calls were for suspicious activity being conducted by black kids and one of the three calls was for suspicious activity being conducted by white kids. All of the calls were on young kids in their late teens. Sanford Police responded to each of [redacted] calls, though no arrests were made related to any of her calls. b6 b7C

[redacted] would see [redacted] out patrolling the streets about two to three times a week. [redacted] never exhibited any violent behavior or aggression, nor did he ever show any biases or prejudices that [redacted] observed or heard about. [redacted] thinks that [redacted] is a caring, good man and a nice guy. As far as she knows, [redacted] has a good relationship with his wife. [redacted] feels bad for what [redacted] is going through now. [redacted] had never heard anyone make any negative remarks about [redacted] before the shooting. b6 b7C

On the night of the shooting, [redacted] was at home but she did not hear anything. She did not know anything had happened until she saw the police lights out her front window. When she went outside and up the street to see what was going on, she saw [redacted] in a police car wearing a tan colored t-shirt. [redacted] was taken out of the police car and was patted down by an officer. [redacted] made eye contact while he was being patted down and [redacted] rolled his eyes. [redacted] could see that [redacted] had a busted nose and had injuries on the back of his head. [redacted] noticed some blood around the area of [redacted] injuries. b6 b7C

[redacted] had some reporters come to her door but she is not making any statements to them. She even had one reporter that was from London, England. Lately there have been a few Black Panthers standing around the front gate to the community who yelled things when she drove by but [redacted] could not understand what they said. b6 b7C

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 04/05/2012

[redacted] Sanford Police Department), date of birth [redacted] B/M, work address 815 W 13th Street, Sanford, Florida, was interviewed at his place of employment. [redacted] was advised of the identities of the interviewing agents and that he was being interviewed in reference to the Sanford Community. [redacted] provided the following information: b6 b7C

[redacted] was born in [redacted] where he has lived and worked his entire life. [redacted] served in the U.S. Army from 1980-1983 as a Military Police Officer.

[redacted] has been employed at the Sanford Police Department for 25 years. During his time at the Police Department he served one term as an investigator. [redacted] was promoted to Sergeant in 2002. [redacted] is currently assigned as the supervisor of the Property Crimes Division. This is [redacted] third term as a supervisor in investigations. [redacted] has been assigned to the Property Division since March of 2011. b6 b7C

[redacted] stated he grew up on the west side of Sanford, which was primarily African American at the time. He stated the racial makeup back then was 60% white and 40% black. [redacted] states he believes the percentages are still the same but are more spread out and not predominate in any specific area. b6 b7C

[redacted] could not provide specific knowledge of The Retreat at Twin Lakes Subdivision. He acknowledges there has been some burglaries in the area and that has been an issue. [redacted] recalled an burglary incident that occurred a few weeks prior to the [redacted] Martin shooting. The incident involved an occupied burglary with three African American male suspects and a white male suspect.

[redacted] stated that prior to the development of The Retreat at Twin Lakes it was an un-developed area. That area was not known to be associated with any particular race.

[redacted] stated the number one crime issue in the City of Sanford is burglaries. Burglaries have been the focus of the Police Department, more specifically the Property Division. b6 b7C

*See 1A36

Investigation on 04/05/2012 at Sanford, Florida

File # 44A-TP-74471 - 61 Date dictated

by SA [redacted]
SA b6 b7C

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 b6 b7C

[redacted] recalls patrolling The Retreat at Twin Lakes when [redacted] back in 2010/2011. [redacted] could not provide an accurate account of the racial makeup of the subdivision.

[redacted] stated the City of Sanford closed a housing project (low income housing) in 2010/2011 near the center of the city. When the housing projects were closed the racial makeup of the city began to spread out. b6 b7C

[redacted] stated the community will not be satisfied until [redacted] is arrested. He added, in his opinion and knowledge of the facts, [redacted] should have been arrested the time of the incident.

[redacted] has a personal relationship with [redacted] for over 20 years. [redacted] stated he spoke with [redacted] about 2-3 days after the shooting. He said [redacted] was upset over losing [redacted] added [redacted] was upset after he spoke with Detective [redacted] but did not specify why. [redacted] spoke with [redacted] two other times after that as a friend. [redacted] stopped speaking with [redacted] as a request from the Captain [redacted] for the integrity of the investigation. During conversations with [redacted] he never mentioned to [redacted] about the incident being racially motivated. b6 b7C

When the incident occurred, [redacted] says that Investigators [redacted] sided with [redacted] in his claim that it was self-defense. [redacted] added that Detective [redacted] wanted to arrest [redacted] at the time but felt he was persuaded otherwise. [redacted] added that Sergeant, [redacted] was the supervisor at the time of the incident. The regular supervisor was on vacation at the time. b6 b7C

[redacted] did not know who made the final decision to have [redacted] released.

[redacted] stated he has remained out of the police investigation and his knowledge of the case is from the media. [redacted] feels the proper questions were not asked during the initial investigation and if so, [redacted] would of been arrested at the time of the incident.

From [redacted] perspective the African American Community from the age of 30 and up just wants an answer to the incident. b6 b7C [redacted] is unsure how the younger African American Community is going to react to the outcome of the incident.

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[redacted] believes the African American Community would be in an "uproar" if [redacted] is not charged. The community will be satisfied if an arrest takes place. As for the civil rights investigation, if it is determined to be a violation of Trayvon Martin's civil rights then it will reflect negatively on the Sanford Police Department and fingers will be pointed at them for not doing their job properly. [redacted] feels the community is at a 50/50 split whether it was a hate crime or not. b7C

[redacted] felt the shooting was not racially motivated, but it was a man shooting an un-armed kid. b6 b7C

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 04/06/2012

[redacted] home address of [redacted] telephone number [redacted] date of birth [redacted] social security account number [redacted] was contacted at her residence. After being advised of the identity of the contacting agents and the nature of the interview, [redacted] provided the following information:

[redacted] only had interaction with [redacted] about [redacted] years ago when [redacted] seemed very young at the time. [redacted] never remembered [redacted] to be violent or aggressive. She did not know about the [redacted] altercations they had until after [redacted] thought that [redacted] kept these things from her so that [redacted] would not insist that the couple stop seeing each other. b6 b7C

[redacted] had no knowledge of [redacted] having any biases or prejudices. [redacted] father is a white male and [redacted] believes his Hispanic mother comes from Central America. [redacted] only interacted with [redacted] five times or less in her life. b6 b7C

*See 1A37

Investigation on 04/05/2012 at Orlando, Florida

File # 44A-TP-74471-62 [redacted] Date dictated

by SA [redacted] 097 [redacted] 2.302.wpd b6 b7C

[redacted] 62

(Rev. 05-01-2008)

UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 04/06/2012

To: Tampa

From: Tampa
Orlando RA/ORA 5
Contact: SA [redacted]

Approved By: [redacted] b6 b7C b7E

Drafted By: [redacted]

Case ID #: 44A-TP-74471 (Pending) – 63

Title: TRAYVON MARTIN - VICTIM;
[redacted] - SUBJECT;
RACIAL DISCRIMINATION - FORCE AND OR VIOLENCE

Synopsis: Summary of recorded interview between Attorney [redacted] and [redacted] LNU (last name unknown).

Details: Attorney [redacted] is interviewing [redacted] LNU (hearafter [redacted] in reference to her telephonic contact with Trayvon Martin on the day of the shooting. Prior to questioning, Attorney [redacted] advised [redacted] he is with [redacted] is not physically present for the interview and is providing her statement telephonically. At times, [redacted] statements were inaudible, the recording device was turned off several times during the interview and as a result [redacted] full statements were not recorded. Based on the above and to the best of the writer's ability, below is a summary of [redacted] statement to Attorney [redacted] b6 b7C

Martin's state of mind the day of the shooting was, "good" and "happy." Martin had told [redacted] a "man" was following him and he had "run for it" and "lost the man." [redacted] further stated, the man was still following Martin "walking to him like fast," getting closer and closer. [redacted] told Martin to run and Martin refused to run. [redacted] heard Martin say to the man, "what are you stopping me for" and the man stated to Martin, "what are you doing around here." [redacted] heard Martin say "I used to know someone" and then she heard a push. The phone disconnected and [redacted] tried to call Martin back several times. b6 b7C

UNCLASSIFIED

To: Tampa From: Tampa
Re: 44A-TP-74471, 04/06/2012

When [redacted] was further questioned about the last phone call with Martin she stated Martin told her the man that was following him was on the phone with somebody, Martin was going to "make a run for it" and that the guy was following Martin very close with the car. [redacted] then stated she wasn't sure if the man was in a car. [redacted] stated Martin was trying to explain himself and then he was pushed. [redacted] believed Martin sounded panicked. Martin described the man following him as a "big white dude." Martin sounded normal and happy the entire day.

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[redacted] stated the situation with Martin was "racial," Martin was an "innocent boy" and just because Martin had a "hoodie" on does not make him a "bad boy." Martin was changing his life, he was doing good and trying to finish school.

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When [redacted] was asked why she could not attend Martin's wake she replied, Martin did not call back and assumed he lost his phone on the grass because she thought there was a fight. At that time, for an unknown reason, the recorder was turned off. The recorder was turned back on and [redacted] was stating she was in "shock" and Martin wasn't doing anything wrong. [redacted] was physically ill over the incident and she spend the night in the hospital. [redacted] realized she was the last person to speak with Martin and it made her physically sick. End of recording.

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FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 04/06/2012

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[redacted] (Protect Identity), date of birth [redacted] social security account number [redacted], who resides at [redacted] telephone number [redacted] was contacted in reference to a Civil Rights Investigation. After being advised of the identity of the interviewing Agents and the nature of the interview, [redacted] provided the following information:

[redacted]

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Investigation on 04/06/2012 at [redacted]

File # 44A-TP-74471 -64 *See 1A38 Date dictated

by SA [redacted] [redacted]

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b7D

64

(Rev. 05-01-2008)

UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 04/06/2012

To: Tampa

From: Tampa
Orlando RA/JTTF/Squad 2 b6
Contact: SA [redacted] b7C
b7E

Approved By: [redacted]

Drafted By:

Case ID #: 44A-TP-74471 (Pending) -65

Title: TRAYVON MARTIN - VICTIM
[redacted] - SUBJECT
RACIAL DISCRIMINATION - FORCE & VIOLENCE

Synopsis: To provide summary of audio recordings of interviews with [redacted] conducted by Florida Department of Law Enforcement (FDLE). b6 b7C

Details: On April 5, 2012, FBI Tampa conducted a review of audio recordings of interviews of [redacted] The interviews were conducted by agents of the Florida Department of Law Enforcement, hereafter referred to as FDLE. The following is a summary of said interviews.

[redacted]

On March 20, 2012, FDLE agents conducted an interview with [redacted] provided the following information: b6 b7C

On February 26, 2012 at approximately 7:15 pm, [redacted] was inside his residence putting furniture together when he heard voices coming from outside. [redacted] stuck her outside the window and heard two people fighting. [redacted] told [redacted] to come back inside and let the individuals work it out. [redacted] was not able to discern what was being said. As soon as [redacted] came back inside, [redacted] heard a loud noise that sounded like a gun shot. [redacted] grabbed his cell phone and flashlight and went outside his residence through his garage. When he went around the corner he saw an individual who looked to be on the phone. [redacted] asked the individual if he need to call 911, and

65

the individual, later identified as [redacted] stated that he had just gotten off the phone with 911. [redacted] asked [redacted] if he was bleeding and [redacted] told [redacted] that he had blood on his face. [redacted] then sat down on the sidewalk and [redacted] observed blood on the back of [redacted] head and grass stains on [redacted] back. [redacted] then observed a individual, later identified as TRAYVON MARTIN, lying face down in the grass. Police arrived and placed handcuffs on [redacted] asked [redacted] to call [redacted] told [redacted] to tell [redacted] that he shot someone. [redacted] observed police officers approach MARTIN and begin CPR. [redacted] stated that [redacted] acted as if he had just been "beat up" in a fight. [redacted] did state that right before he heard the gun shot, he heard someone yell for help. b6 b7C

[redacted] took three pictures with his cell phone. The first picture is of what appears to be a flash light lying in the grass. The second picture is of MARTIN lying face down in the grass and the third photo is of the back of [redacted] head with a significant amount of blood on it. b6 b7C

[redacted]

On March 20, 2012, FDLE agents conducted an interview with [redacted] provided the following information:

On February 26, 2012 at approximately 7:15 pm, [redacted] was inside her residence when she heard yelling coming from outside. At first she thought it was dogs making the noise. When she looked outside the sliding glass door she did not see anything. [redacted] then heard someone call for help and then a noise, which sounded like a gun shot. When [redacted] looked again, she observed two individuals lying on the ground on top of one another. [redacted] went outside to see what had happened. When [redacted] looked again she observed [redacted] talking to someone and another individual on the ground. b6 b7C

♦♦

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 04/09/2012

On April 9, 2012, Seminole County Sheriff's Office, 100 Bush Boulevard, Sanford, Florida, provided the writer with a CD containing 14 calls from [redacted] to the dispatch center. [redacted]

The listed CD was submitted to the 1A section of this file.

b6
b7C

#See 1A39

Investigation on 04/09/2012 at Sanford, Florida

File # 44A-TP-74471-66 Date dictated

by SA [redacted]

b6
b7C

[redacted] 10001.309

66

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 04/06/2012

On April 6, 2012, the writer took custody of 2 CDs from the Florida Department of Law Enforcement Office, located at 500 West Robinson Street, Orlando, Florida. The CDs are labeled as follows: b6 b7C [redacted]

-Neighborhood watch materials (Neighborhood watch materials and emails of neighborhood watch)

-7-11 Video, Martin, 02-26-12 @1822 hrs

The listed CDs were submitted to the 1A section of this file.

Investigation on 04/06/2012 at Orlando, Florida

File # 44A-TP-74471 — 67 *See 1A40 Date dictated b6 b7C

by SA [redacted]

[redacted] 09701.303 [redacted] 67

44A-TP-74471 -68
[redacted]

1

b6
b7C

On 4/09/2012, [redacted] residing at [redacted] telephone number [redacted] telephonically contacted writer subsequent to a 04/02/2012 neighborhood canvass.

[redacted] advised he has resided at the above address for approximately two (2) years. [redacted] had never met nor heard of [redacted] prior to the incident. [redacted] had not heard of the neighborhood watch program. [redacted] had heard of the break-ins in the community but had no problems at his own address. b6 b7C

After the incident, [redacted] heard second hand that [redacted] had gone door to door introducing himself and the neighborhood watch.

b6
b7C

[redacted] invst. wpd

[redacted] 68

FD-302 (Rev. 10-6-95)

1;2

[redacted] b6 b7C

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 04/05/2012

[redacted] (Protect Identity), date of birth [redacted] residence address of [redacted] work telephone number [redacted] cellular telephone number [redacted] was interviewed at [redacted] in reference to a Civil Rights Investigation. Present during the interview, [redacted] After being advised of the identity of the interviewing agents and the nature of the interview, [redacted] provided the following information: b6 b7C b7D

[redacted] b6 b7C b7D

Investigation on 04/03/2012 at [redacted] b6 b7C b7D

File # 44A [redacted] 69 #see 1A41 Date dictated 04/04/2012

by SA [redacted] SA

69

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 04/05/2012

13 [redacted]

[redacted] (Protect Identity), date of birth [redacted] residence address [redacted] cellular telephone number [redacted] was interviewed as [redacted] in reference to a Civil Rights Investigation. Present during the interview, [redacted] After being advised of the identities of the interviewing agents and the nature of the interview, [redacted] provided the following information:

b6
b7C
b7D

[redacted]

b6
b7C
b7D

Investigation on 04/04/2012 at [redacted]

File # 44A-TP-74471 — 70 *See 1A42 Date dictated 04/05/2012

by SA [redacted]
SA

b6
b7C
b7D

[redacted] 70

FD-302 (Rev. 10-6-95)

12

b6
b7C

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 04/06/2012

[redacted] (Protect Identity), date of birth [redacted] residence address [redacted] work telephone number [redacted] cellular telephone number [redacted] was interviewed as his place of employment [redacted] After being advised of the identity of the interviewing agents, [redacted] provided the following information:

b6
b7C
b7D

[redacted]

b6
b7C
b7D

Investigation on 04/05/2012 at [redacted]

File # 44A-TP-74471 -71 *See 1A43

Date dictated 04/06/2012

SA [redacted]
by SA [redacted]

b6
b7C
b7D

[redacted]

71

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 04/09/2012

On April 2, 2012, the writer completed an Administrative Worksheet for photos taken at The Retreats at Twin Lakes, Sanford, Florida.

The listed document was submitted to the 1A section of this file.

*See 1A44

Investigation on April 2, 2012 at Sanford Police Department

File # 44A-TP-74471-72 Date dictated April 9, 2012 b6 b7C

by SA [redacted] [redacted]

72

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 04/11/2012

On April 9, 2012, the writer completed an Administrative Worksheet for video taken at The Retreats at Twin Lakes, Sanford, Florida. Individuals present at time of the video: SA [redacted] (videographer); SA [redacted] SA [redacted] SA [redacted] SA [redacted] and SA [redacted] The following observations were made at the approximate times: b6 b7C

Time	Observations of activities
8:15pm	Video recording started
8:26pm	Video recording ended

On 2/26/2012 (Date of shooting):
The weather according to Weather Underground (www.wunderground.com) at 6:53pm was 63° F with light raid and overcast skies. The Sunset was at 6:24pm. The moon was between a New Moon (2/21/2012) and a First Quarter Moon (2/29/2012)

On 4/9/2012 (Date of video):
The weather according to Weather Underground at 7:53 was 73° F and the skies were clear. The Sunset was at 7:30pm. The moon was between a Full Moon (4/6/2012) and a Last Quarter Moon (4/13/2012).

The listed document was submitted to the 1A section of this file.

#See 1A45

b6 b7C

Investigation on April 9,2012 at Sanford Police Department

File # 44A-TP-74471 -73 Date dictated April 11, 2012

by SA [redacted]

73

[redacted]

102 [redacted] 01

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 04/04/2012

On 04/02/2012, [redacted] POB [redacted] was contacted at his residence, [redacted] After being advised of the identity of the interviewing agents and the nature of the interview [redacted] provided the following information:

b6
b7C

[redacted] moved into The Retreat at Twin Lakes (RTL) in September 2010. He has known [redacted] for approximately 2 years. [redacted] When he first moved in [redacted] was the only one he knew and associated with. [redacted] was very friendly and offered to lend him his truck to help during his move.

[redacted] sees [redacted] every week outside of their residences. [redacted] will occasionally give him updates on the community and the neighborhood watch (NW). He would advise him of any crime alerts.

b6
b7C

[redacted] has a close relationship with [redacted] speaks with her a couple of times a week. [redacted] is known to watch [redacted] residence when she is out of town.

[redacted] has never heard [redacted] make any derogatory statements regarding any group or individual based on race, religion, etc..

[redacted] stated that he has heard the 911 call were an individual is calling for help. He stated he is 110% sure that the voice on the call is [redacted] He stated [redacted] also heard the 911 call and felt 100% that is was [redacted] voice.

b6
b7C

[redacted] stated he did not know that [redacted] carried a gun.

*See 1A46

Investigation on 04/02/2012 at Sanford, FL

b6
b7C

File # 44A-TP-74471 -74 Date dictated 04/04/2012

SA
by SA [redacted]

74

095 [redacted] 03302

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 04/05/2012

On 04/02/2012, [redacted], POB [redacted] was contacted at her residence, [redacted] After being advised of the identity of the interviewing agents and the nature of the interview [redacted] provided the following information: b6 b7C

[redacted] moved into [redacted] in June 2011. She has known [redacted] for less than one year. She is [redacted]

[redacted] stated all interaction with [redacted] has been out in front of their residences. They have had no other social contact. [redacted] described him as always friendly and a very nice guy. She has never heard him say anything derogatory about any group or individual based on race, religion etc..

[redacted] has always been very helpful to her. One time when there were some break-ins in the neighborhood he gave her his card and advised her to call him if she saw anything that looked suspicious. b6 b7C

[redacted] stated one time she advised [redacted] she observed a young black male going door to door attempting to see who was home.

[redacted] noted that she has had conversations in Spanish with [redacted] b6 b7C

[redacted] did not know that [redacted] carried a gun.

Investigation on 04/02/2012 at Sanford, FL b6 b7C

File # 44A-TP-74471 — 75 *See 1A47 Date dictated 04/05/2012

by SA [redacted]

[redacted] 75

44A-TP-74471-76

[redacted]

On 04/02/2012, SA [redacted] and SA [redacted] conducted a neighborhood canvass of [redacted] [redacted] The following are the results:

[redacted] - No answer left business card.

b6
b7C

[redacted] advised he just moved in the night before and had never met [redacted]

[redacted] - No answer left business card.

[redacted] - No answer left business card.

[redacted] advised she has lived at [redacted] since 2007. She stated she does not [redacted] She is aware of the neighborhood watch, but does not know anything about it or who is on it. She is unaware of any issues. b6 b7C

[redacted] - No answer left business card.

[redacted] advised she knew [redacted] She said she see's [redacted] walk his dog, but does not speak with him. She has never heard of any derogatory information regarding [redacted]

[redacted] documented in FD-302.

[redacted] stated she was on her way to work and could not talk.

[redacted] documented in FD-302.

b6
b7C

[redacted] residence.

[redacted] documented in FD-302.

[redacted]

096 [redacted] 02 [redacted] 76

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 04/10/2012

On 04/09/2012, [redacted] home address [redacted] telephone number [redacted] was telephonically interviewed by SA [redacted] and SA [redacted] After being advised of the interviewing agents, [redacted] provided the following information: b6 b7C

[redacted] is married with a son. [redacted] maiden name is [redacted] describes herself as a "stay-at-home Mom."

[redacted] resided at [redacted] from June 2011 to February 2012. [redacted] and her family moved subsequent to the burglary that occurred while she and her son were home on Wednesday, circa August 2, 2011.

On Wednesday, circa August 2, 2011, at approximately 11:00 A.M., [redacted] front doorbell rang for approximately 30 minutes. From [redacted] upstairs window, she observed a young black male, whom she did not recognize, at her front door. While [redacted] was on the telephone with [redacted] she observed two (2) black males, between eighteen (18) to nineteen (19) years of age, standing in the street in front of her house. [redacted] subsequently retreated to her son's room and called 911 when she observed one (1) of the black males approaching her house. b6 b7C

[redacted] did not know [redacted] prior to the burglary. At approximately 5:00 P.M. on the day of the burglary, [redacted] knocked on [redacted] front door. [redacted] knew "something was going on" because [redacted] had helped identify the suspects of the robbery to the police. [redacted] advised [redacted] that [redacted] next door neighbor were also burglarized six months earlier. [redacted] provided [redacted] with a new bolt lock for her back door. b6 b7C

[redacted] was "really concerned," and "really nice" when he spoke to [redacted] never used any derogatory comments nor any "foul language" when speaking with [redacted] was "very calm," "very mellow" and was "never disrespectful." [redacted] believes everyone she knew liked [redacted] has not heard anything negative about [redacted]

Investigation on 04/09/2012 at Maitland FL (telephonic)

File # 44A-TP-74471 -77 *See 1448 Date dictated b6 b7C

by SA SA [redacted]

[redacted] 302.wpd

77

44A-TP-74471

Continuation of FD-302 of [redacted], On 04/02/2012, Page 2

[redacted] called the police non-emergency number approximately one (1) time per week about suspicious looking kids for the duration of their residency in the neighborhood. In one specific example, [redacted] observed young black males walking around the community lake playing with screen doors.

b6
b7C

[redacted] later learned "the kid" that burglarized her lived in the same neighborhood.

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 04/11/2012

On 04/10/2012, Special Agent Supervisor (SAS) [redacted] Florida Department of Law Enforcement (FDLE) delivered the following items to the FBI Tampa/Orlando RA: b6 b7C

1. 1-Copy FDLE Investigative Reports

2. 1-Copy Maxell CD-R labeled [redacted] Interview "4-2-12."

*See 1A49

Investigation on 04/10/2012 at Orlando, FL

File # 44A-TP-74471 -78 Date dictated 04/11/2012 b6 b7C

by SOS [redacted]

S:\UPLOAD\SQ19[redacted]10[redacted]01.302

 100[redacted]03,302

78

(Rev. 05-01-2008)

UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 04/11/2012

To: Tampa

From: Tampa
ORA2
Contact: SA [redacted]

Approved By: [redacted]

Drafted By:

Case ID #: 44A-TP-74471 (Pending) -79

b6
b7C
b7E

[redacted]

Title: TRAYVON MARTIN-VICTIM;
[redacted]-SUBJECT;
RACIAL DISCRIMINATION-FORCE
AND OR VIOLENCE

Synopsis: Report results of review of [redacted]

Details: The following investigation was conducted by Special Agent's (SA) [redacted] on April 9, 2012:

[redacted] provided for review [redacted] after being presented with a Federal Grand Jury subpoena.

b3
b6
b7C

[redacted]

UNCLASSIFIED

b6
b7C

102 [redacted] A1, EC

79

To: Tampa From: Tampa
Re: 44A-TP-74471, 04/11/2012

[redacted]

b3
b6
b7C

♦♦102[redacted]01.ec

Automated Serial Permanent Charge-Out
FD-5a (1-5-94)

Date: 04/12/12 Time: 11:08

Case ID: 44A-TP-74471 Serial: 80

Description of Document:

Type : FD302
Date : 10/01/11
To : TAMPA
From : TAMPA
Topic: TRANSCRIPT OF CALL TO SANFORD PD

Reason for Permanent Charge-Out:

should have been uploaded to sub-trans

Transferred to:

Case ID: 44A-TP-74471-TRANS Serial: 14

Employee: b6 b7C

80

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 04/11/2012

[redacted] date of birth [redacted] home address [redacted] cellular telephone number [redacted] e-mail address [redacted] was interviewed telephonically. After being advised of the identity of the interviewing agent and the nature of the interview, [redacted] provided the following information:

b6
b7C
b7D

[redacted]

b6
b7C
b7D

Investigation on 04/11/2012 at [redacted] (telephonically)

File # 44A-TP-74471- 81 *See 1A50 Date dictated 04/11/2012

by SA [redacted]

b6
b7C
b7D

81

(Rev. 05-01-2008)

UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: IMMEDIATE **Date:** 04/11/2012

To: Tampa **Attn:** SA [redacted]
Orlando Resident Agency

From: Charlotte
CR-1
Contact: [redacted]

Approved By: [redacted]

Drafted By:

b6
b7C
b7E

Case ID #: 44A-TP-74471 - 82

Title: TRAYVON MARTIN-VICTIM;
[redacted]-SUBJECT;
RACIAL DISCRIMINATION- FORCE AND OR VIOLENCE

Synopsis: Lead 57.1 covered.

Reference: 44A-TP-74471 Serial 57

Enclosure(s): For Tampa, one FD-302 of [redacted] dated 04/11/2012.

Administrative: Re e-mail from SA [redacted] to SA [redacted] dated 04/11/2012.

b6
b7C
b7D

Details: Referenced serial set an immediate lead to Charlotte to interview [redacted] Writer received this lead on 04/11/2012 and contacted [redacted] that same day. The results of this interview were sent via e-mail to Orlando on 04/11/2012. Enclosed for Tampa is the FD-302 documenting the results of that interview.

Charlotte considers lead 57.1 covered.

♦♦

UNCLASSIFIED

b6
b7C

82

(Rev. 05-01-2008)

UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 04/12/2012

To: Tampa **Attn:** SA [redacted]
Orlando Resident Agency

From: Charlotte
CR-1
Contact: [redacted]

Approved By: [redacted]

Drafted By: [redacted] b6 b7C b7E

Case ID #: 44A-TP-74471-83

Title: TRAYVON MARTIN-VICTIM;
[redacted]-SUBJECT;
RACIAL DISCRIMINATION- FORCE AND OR VIOLENCE

Synopsis: [redacted] from [redacted] dated 04/12/2012.

Enclosure(s): For Tampa, one copy of [redacted] from [redacted] to SA [redacted] dated 04/12/2012.

Details: On 04/11/2012, writer interviewed [redacted] regarding her knowledge of [redacted]. In this interview, [redacted] noted that [redacted] On 04/12/2012, [redacted] to SA [redacted] enclosed in a 1A for the file. b6 b7C b7D

♦♦

*See 1A51

UNCLASSIFIED

b6
b7C

83

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 04/17/2012

[redacted], date of birth (DOB) [redacted] [redacted] Social Security Number (SSN) [redacted] residing at [redacted] [redacted] was interviewed at his place of employment, [redacted] [redacted] telephone number [redacted]. After being advised as to the identity of the interviewing agents and the nature of the interview, [redacted] provided the following information: b6 b7C b7D

[redacted]

b6
b7C
b7D

*See 1A52

Investigation on 04/17/2012 at [redacted] b6 b7C b7D

File # 44A-TP-74471 — 84

Date dictated 04/17/2012

by SA [redacted]
SA

84

[redacted] -PB3) 108 [redacted] 02.302

(Rev. 05-01-2008)

UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: IMMEDIATE **Date:** 04/17/2012

To: Tampa **Attn:** Orlando RA
SA [redacted]

From: Miami
PB-3/PBCRA
Contact: SA [redacted]

Approved By: [redacted]

Drafted By:

Case ID #: 44A-TP-74471 (Pending) -85

b6
b7C
b7E

Title: TRAYVON MARTIN - VICTIM;
[redacted] - SUBJECT;
RACIAL DISCRIMINATION - FORCE AND OR VIO

Synopsis: Interview conducted of [redacted]

b6
b7C
b7D

Administrative: Cover lead 44A-TP-74471, Serial 30.

Enclosure(s): FD-302 interview of [redacted] on April 17, 2012.

Details: This electronic communication is to transmit the FD-302 interview of [redacted] on April 17, 2012, to SA [redacted], FBI Tampa/Orlando RA. See enclosed FD-302 for the results of interview.

X [redacted]

UNCLASSIFIED

b6
b7C

85

[redacted] -PB3) 108[redacted] 01.EC

To: Tampa From: Miami
Re: 44A-TP-74471, 04/17/2012

LEAD(s):

Set Lead 1: (Action)

TAMPA

AT ORLANDO, FLORIDA

Enclosed for FBI Tampa/Orlando RA is the FD-302 interview of [redacted] b6 b7C b7D

♦♦

(Rev. 08-28-2000)

FEDERAL BUREAU OF INVESTIGATION

Precedence: IMMEDIATE **Date:** 03/22/2012

To: CIRG **Attn:** Behavioral Analysis Unit 2/ SSA [redacted]

Tampa **Attn:** SA [redacted]

From: Tampa
Squad ORA-2
Contact: SA [redacted]

Approved By: [redacted]

Drafted By:

b6
b7C
b7E

Case ID #: 44A-TP-74471 — 86

Title: TRAYVON MARTIN-VICTIM;
[redacted]-SUBJECT;
RACIAL DISCRIMINATION- FORCE AND OR VIOLENCE

Synopsis: Request the Behavioral Analysis Unit 2(BAU) conduct a personality assessment on the contents of attached media.

Reference: 44A-TP-74471 Serial 25

Details: For background, on or about February 26, 2012, TRAYVON MARTIN (MARTIN) (B/M) was shot to death by [redacted] (H/M), [redacted] who told police he fired in self-defense. [redacted] confronted MARTIN after calling 911 and reporting MARTIN as a suspicious person. Though a dispatcher told [redacted] not to follow the teen, [redacted] confronted MARTIN. MARTIN died [redacted] during a confrontation with [redacted] MARTIN had been staying at [redacted] house in the gated community where the shooting took place. MARTIN was walking back to [redacted] house from a nearby store when the incident occurred. [redacted] was licensed to carry a gun, and he was not arrested after being interviewed by local law enforcement. This matter is being investigated by the FBI to determine if any Civil Rights violations occurred during the shooting of MARTIN by [redacted] to include but not limited to Title 18, U.S.C., Section 249 Hate Crimes Acts whereas in general; offenses involving actual or perceived race, color, religion, or national origin. This investigation is in the public interest and may be necessary to secure substantial justice.

b6
b7C

86

BAU Request.wpd

On 03/26/2012 and 03/30/2012, the Florida Department of Law Enforcement (FDLE) provided the FBI Tampa/ Orlando RA with items to include the content of [redacted] cellular phone. These contents can be viewed electronically by the BAU through the FBINET Sharepoint. b6 b7C

BAU 2 is requested to conduct an examination of the content of [redacted] cellular telephone and, subsequently, prepare a personality assessment of [redacted]

To: CIRG From: Tampa
Re: 44A-TP-74471

LEAD(s):

Set Lead 1: (Action)

CIRG

AT QUANTICO, VA

BAU 2 is requested to conduct an examination of the content of [redacted] cellular telephone and, subsequently, prepare a personality assessment of [redacted] b6 b7C

Set Lead 2: (Info)

TAMPA

AT TAMPA

SA [redacted] For information. Read and clear. b6 b7C

♦♦

a copy

To: [redacted] Attorney
From: [redacted] family, and friends [redacted] b6 b7C

Date: April 7, 2012
Subject: [redacted]-Martin case

Dear [redacted]

We, like most whites, are angry at blacks jumping to conclusions and reactions about the [redacted]-Martin case. Blacks wrongly complained and demonstrated before the facts were known, and with their racist, inflammatory leaders [redacted] and others, angered whites and Hispanics nationwide, and damaged themselves, race relations, and society again. In the last 75 years, America has bent over backwards for blacks, giving them full equality, education opportunities, scholarships, grants, assistance programs, housing, food stamps, utility bill payments, trade schools, medical care, child care, bus passes, etc., but blacks have continued their stupidity, ignorance, laziness, anti-whiteism, hostility, government program fraud, punkism, thuggism, gangsterism, alcohol abuse, drug dealing, drug-taking, muggings, burglaries, car-jackings, rapes, and murders. They have the worst record of all races, with low education, high unemployment, government program fraud, drugs, violence, crime, and prison population. UNDERSTANDABLY, they have made whites, Hispanics, and Asians fear, mistrust, and hate them.

Please assemble the best information, evidence, and legal strategy. We support you and [redacted] fully. b6 b7C

Our views and suggestions -

It was evening, and [redacted] saw a tall black male wearing a hoodie walking in the neighborhood. OF COURSE this person looked suspicious, ESPECIALLY considering the recent burglaries there. [redacted] had the RIGHT to question him. What happened next is unclear, but we have [redacted] and witnesses' accounts. If the witnesses are black, hopefully they'll tell the truth instead of supporting blacks with lies and exaggerations. The police, FBI, and you will have to get them to tell the truth.

Replace the media's photo of [redacted] looking unattractive with new ones of him looking attractive, including photos of him with attractive family members, community leaders, teens, and blacks. b6 b7C

Advise [redacted] to wear good clothes and be confident.

44A-TP-74471 87

Get blown-up photos and videos of [redacted] injuries, and doctors' analyses and opinions. b6 b7C

Get blood and DNA evidence from the ground where [redacted] allegedly hit his head and other body parts, and concrete and grass evidence from his head, other body parts, and clothing.

Research and record [redacted] whole life, as well as his record as a neighborhood watchman, to avoid any surprises by the media and prosecution. Check and record his police record.

Research and record Martin's whole life. Apparently he was 6'2", [redacted] b6 b7C

[redacted] had a legal, up-to-date Florida gun carry license. He was an authorized neighborhood watchman. His responsibility was to patrol and watch for suspicious people and activity, and when he observed them, to investigate and report them to the police. That's what he did. He identified Martin as suspicious. When Martin walked away from him, OF COURSE [redacted] felt that he had to follow him and watch him. Not finding him, [redacted] returned to his SUV. Then, when Martin suddenly 1) approached [redacted] 2) threatened him with words and body language, 3) attacked him, 4) knocked him to the ground, and 5) beat him, [redacted] HAD THE RIGHT TO DEFEND HIMSELF, INCLUDING THE RIGHT TO USE DEADLY FORCE. The Florida law is CLEAR. It is a GOOD LAW that has saved many people's lives. Even if this law wasn't in effect, ANYONE IN THAT TERRIFYING SITUATION would have had the right to defend himself, including the use of deadly force. b6 b7C

We would like to show our address, but we fear our letter may be read by blacks, and we don't want blacks threatening us, robbing us, or killing us. This is the reality of today's America.

Best wishes,

[redacted] b6 b7C

[redacted] family, and friends

[redacted]

FORT LAUDERDALE FL 333

09 APR 2012 PM 1 T

USA FIRST-CLASS FOREVER

b6
b7C

FBI
Agents for the [redacted] Martin Case
6061 Gate Parkway
Jacksonville,
FL 32256

3225697287

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 04/17/2012

On 04/12/2012, [redacted] HUD Office of Inspector General, [redacted] extension [redacted] was contacted by SOS [redacted] to provide the number of Section 8 tenants and/or Section 8 tenant complaints in the community of Retreat at Twin Lakes in Sanford, FL. [redacted] response to SOS [redacted] was there are no (zero) Section 8 tenants and/or Section 8 tenant complaints in the community of Retreat at Twin Lakes in Sanford, FL.

b6
b7C

Investigation on 04/12/2012 at Orlando, FL (telephonically)

File # 44A-TP-74471 - 89 Date dictated 04/17/2012

by SOS [redacted]

b6
b7C

S:\UPLOAD\SQ19[redacted]108[redacted]01.302

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 04/20/2012

On April 19, 2012, the writer received as copy of an interview conducted by Investigator [redacted] on February 26, 2012, from the Sanford Police Department, Sanford, Florida. The interview was conducted of [redacted] after he was transported to the Sanford Police Department. b6 b7C

The CD contains audio of the interview of [redacted] by Investigator [redacted]

The CD was placed in the 1A Section of this file.

*See 1A54

Investigation on 04/20/2012 at Sanford, Florida

File # 44A-TP-74471-90 Date dictated

by SA [redacted] b6 b7C

[redacted] 90

[redacted] 1101.308

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 04/30/2012

[redacted] date of birth [redacted] social security account number [redacted] residence address [redacted] contact number [redacted] email address [redacted] was interviewed at the Orlando RA FBI Office. [redacted] was advised if the identity of the interviewing agent and the nature of the interview. [redacted] provided the following information: b6 b7C b7D

[redacted]

b6 b7C b7D

*see 1A55

Investigation on 04/30/2012 at [redacted] b6 b7C b7D

File # 44A-TP-74471 -91 Date dictated

by SA [redacted]

[redacted] 21 09, 300

91

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 05/01/2012

On 04/23/2012, Supervisory Special Agent (SSA) [redacted] Civil Rights Unit, FBIHQ, FEDEXed the following item to the FBI Tampa/Orlando RA: b6 b7C

1. 1-Copy Memorex CD-R various news media coverage.

b6 b7C

Investigation on 05/01/2012 at Orlando, FL

File # 44A-TP-74471 -92 * See 1A56 [redacted] Date dictated 04/23/2012

by SOS [redacted]

S:\UPLOAD\SQ19\[redacted]\122[redacted]01.302

92

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 05/03/2012

[redacted] City of Sanford, [redacted] DOB [redacted] cell number [redacted] was interviewed at the FBI Orlando RA on May 2, 2012 at approximately 4:30pm. After being advised of the identities of the interviewers, SA [redacted] and Department of Justice (DOJ) Trial Attorney [redacted] and the nature of the interview, he provided the following information: b5 b6 b7C

[redacted]

b5 b6 b7C

Investigation on May 2, 2012 at Maitland, FL b6 b7C

File # 44A-TP-74471 - 93 Date dictated May 3, 2012

by SA [redacted]

93

[redacted]

124[redacted]01.302

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 05/03/2012

[redacted] (Protect Identity), date of birth [redacted] residence [redacted] cellular number [redacted] was interviewed at the Orlando FBI Office. Also present during the interview was Department of Justice Attorney [redacted] After being advised of the identity of the agent and the nature of the interview, [redacted] provided the following information:

b5
b6
b7C
b7D

[redacted]

b5
b6
b7C
b7D

b6
b7C
b7D

Investigation on 05/02/2012 at [redacted]

File # 44A-TP-74471 – 94 #See 1A57 Date dictated

by SA [redacted] [redacted]

[redacted]

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

[redacted] 12402.300

94

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 05/15/2012

[redacted] (Detective, Sanford Police Department), work address 815 W 13th Street, Sanford, Florida, was interviewed at her place of employment. [redacted] was advised of the identities of the interviewing agents and that she was being interviewed in reference to her duties involving the Martin-[redacted] Investigation. b6 b7C

The following information was obtained from the notes section of [redacted] phone:

"I have told you all everything that has transpired, do you really believe I would ommit the fact that a narcotics officer guided me. My mom feels the jury will be tainted. The attrny said we could have the media kicked out from the gated community. I couldn't think of a better outcome. I called to appease my father, the attorney said not to make any comments as you did."

[redacted] worked at the Sanford Police Department for eight years. [redacted] has been assigned to the narcotics unit for three years.

[redacted] did not respond to the scene (Retreat at Twin Lakes) during the investigation. She was told to meet [redacted] at the Sanford Police Department (SPD). During the recorded interview [redacted] explained to [redacted] his Miranda Rights. She read the rights off a Miranda Card provided by SPD and explained the rights in detail. After [redacted] was advised his rights she began the interview process. The audio of the interview was recorded and submitted with the investigation. Officer [redacted] and Officer [redacted] monitored the interview while it was conducted. b6 b7C

Prior to [redacted] meeting with [redacted] at the Sanford Police Station, she was told by Officer [redacted] the case "might be self-defense". b6 b7C

[redacted] recalls telling [redacted] to make sure he was clear on the written statement he provided. She is not sure if this comment was recorded. This occurred when the interview was concluded and she brought [redacted] a map to document the investigation.

Investigation on 05/15/2012 at Orlando, Florida

File # 44A-TP-74471 -95 *See 1A58 Date dictated b6 b7C

by SA [redacted]
SA [redacted]

[redacted]

[redacted] explained the Miranda Rights and advised [redacted] to be clear on his written statement just like any other incident.

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[redacted] did not read [redacted] written statement. When the statement was completed she gave it to Detective [redacted]

[redacted] When the interview was concluded and the audio was off asked [redacted] if she was Catholic. She responded she was Christian and asked [redacted] the relevance of the question. [redacted] told her it is wrong in the Catholic faith to kill another person. [redacted] told [redacted] if it was self-defense like he claims then god would know.

[redacted] can only recall one incident that has occurred in the Retreat at Twin Lakes involving narcotics. In 2010/2011 [redacted] served a search warrant on a resident who was selling marijuana. The suspect was a white female who lived with her single father. The information came from the neighborhood watch. The house was located across the street from the club house.

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b7C

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 05/03/2012

[redacted] date of birth [redacted] social security account number [redacted] cellular number [redacted] was interviewed at the Orlando FBI Office. Also present during the interview was Department of Justice Attorney [redacted] After being advised of the identity of the agent and the nature of the interview, [redacted] provided the following information:

b5
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b7C

[redacted]

b5
b6
b7C

Investigation on 05/02/2012 at Orlando, Florida

File # 44A-TP-74471 - 96 See 1A59

Date dictated

by SA [redacted]

b6
b7C

96

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[redacted] 24/01.2008

UNCLASSIFIED

FD-999
2.1
Revised
05-01-2012

FEDERAL BUREAU OF INVESTIGATION
ASSISTANCE/DISSEMINATION/LIAISON PROVIDED TO OTHER AGENCIES

Type of Contact:
Record of Dissemination of Information to Other Agencies

Date:
06/06/2012

Dissemination To:

Check LEC: ☐ Office of Law Enforcement Coordination

or Select a Division/Field Office (Show Legats? ☐):

Select the Responsible Division/Field Office:
Tampa

Program:
Civil Rights

DOMESTIC AGENCY RECEIVING DISSEMINATION

Agency Type:
State Agency

Contact Name: *(Last, First, Middle)*
[redacted]

Title/Rank:
Special Agent Supervisor

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Agency Name:
Florida Department of Law Enforcement

Agency Address:
500 West Robinson Street

Work Phone:
[redacted]

Cell Phone:

E-mail Address:

Type of Contact:

☐ Telephonic ☐ Email ☑ Meeting ☐ Conference ☐ Note ☐ Fax

Date of Interaction:
04/06/2012

DETAILS OF DISSEMINATION

Examples: "Prosecution of a local case.", "Requested by Sheriff's Office.", "Relates to another agency matter."

Dissemination Specifics: **Prosecution of a local case.**

Date of Dissemination:
04/06/2012

Ongoing Dissemination / One Time Dissemination:

Until the conclusion of the investigation.

◉ Ongoing ○ One-time

○ Oral ◉ Written

Short Description of Information Disseminated:

For example: Interview 302s, Case Files, etc.

Interview 302s

List All Associated Case Files. If the dissemination is ongoing and information is disseminated from case files other than these, a new FD-999 should be completed.

If information was disseminated from more than one serial in the same case file, all serial numbers may be listed in one Associated Serial Number field. (i.e. "1, 5, 11, 35") If dissemination is ongoing, list all serials which have been disseminated as of the date of this report and end the entry with "and future serials".

Associated Case ID:
44A-TP-74471

Associated Serial Number:
10-13, 16, 17, 21, 23, 28,...

ADMINISTRATIVE

FBI Employee Reporting the Dissemination

Name:

Email:

44A-TP-74471-97

[redacted]

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[redacted] (TP) (FBI) [redacted]
*(Enter the Last Name, First Name and click the **Find** button.)*

Disseminated By: b6

☑ Same as FBI Employee Reporting the Dissemination b7C

Name: Email: b7E

[redacted] (TP) (FBI) [redacted]
*(Enter the Last Name, First Name and click the **Find** button.)*

Squad/Unit/RA:
ORA2

Classification:
◉ Unclassified ○ ~~Confidential~~ ○ ~~Secret~~

Dissemination controls:
☐ ~~NOFORN~~ ☐ ~~ORCON~~ ☐ ~~FOUO~~ ☐ ~~PROPIN~~ ☐ ~~LES~~ ☐ ~~RELIDO~~ ☐ ~~FISA~~

☐ ~~PSI~~ ☐ ~~REL TO~~

☐ Edit Classification Text
UNCLASSIFIED

Approved By:

Name: Email:
[redacted] (TP) (FBI) [redacted]
*(Enter the Last Name, First Name and click the **Find** button.)*

b6
b7C
Signature:______________________ Date:______________ b7E

ACS UPLOAD INFORMATION

Decision:
Approve Request

Uploading Decision:
Upload to existing Case File(s)

Comments:
(before hitting the reject button, fill in this field with information on why the form was rejected)

Case ID:

Case ID:	Uploaded:	Serial:
	☐	
44A-TP-74471	☑	97

Author:
[redacted] b6
b7C

ATTACHMENTS

Upload to ACS
☑ Description: Attachment:

Case ID: Serial Num:

File Attachment

GRANT ACCESS TO

Name:
Last Name, First Name
*(Enter the Last Name, First Name and click the **Find** button.)*

Email:

UNCLASSIFIED

(Rev. 05-01-2008)

UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 05/29/2012

5/31/2012

To: Tampa

From: Tampa
ORA2
Contact: SA [redacted]

b6
b7C
b7E

Approved By: [redacted]

Drafted By:

Reassign to SA [redacted]

Case ID #: 44A-TP-74471 (Pending) - 98

Title: TRAYVON MARTIN-VICTIM
[redacted] SUBJECT
RACIAL DISCRIMINATION-FORCE AND OR VIOLENCE

Synopsis: Request captioned matter be reassigned to SA [redacted]

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Details: In view of the fact that SA [redacted] no longer has any investigative responsibilities in above captioned matter, it is requested that this matter be reassigned to SA [redacted]

◆◆150[redacted]01.ec

UNCLASSIFIED

Reassigned 6/14/12

98

FD-302 (Rev. 10-6-95)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 05/21/2012

[redacted] (Sergeant, Sanford Police Department), work address 815 W 13th Street, Sanford, Florida, was interviewed at his place of employment. [redacted] was advised of the identity of the interviewing agent and that he was being interviewed in reference to his duties involving the Martin-[redacted] Investigation. b6 b7C

The following information was obtained from the notes section of [redacted] phone:

"I have told you all everything that has transpired, do you really believe I would ommit the fact that a narcotics officer guided me. My mom feels the jury will be tainted. The attrny said we could have the media kicked out from the gated community. I couldn't think of a better outcome. I called to appease my father, the attorney said not to make any comments as you did."

[redacted] has been employed with the Sanford Police Department since October 1998. In that time [redacted] has spent about nine years in investigations as an investigator and a supervisor. b6 b7C

During the night of the incident [redacted] was the supervisor on call. He made the decision to have [redacted] meet [redacted] at the police department in get his first statement. [redacted] was the only narcotics investigator working that night. [redacted] did not respond to the scene but instead went to the Police Department.

[redacted] listened to the interview conducted by [redacted] and considered it to be above standard. [redacted] read [redacted] his Miranda Rights from a card provided by Sanford Police Department. [redacted] went even further by explaining the rights specifically to [redacted] so he would understand them. b6 b7C

[redacted] thought [redacted] did a great job during the interview and did not see how [redacted] thought she guided him.

Investigation on 05/16/2012 at Sanford, Florida

File # 44A-TP-74471-99 *See 1A60 Date dictated b6 b7C

by SA [redacted]

[redacted] 4201.380

99

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT, IN AND
FOR SEMINOLE COUNTY, FLORIDA

FILED IN OPEN COURT THIS FEB 5 2013
MARYANNE MORSE
Clerk of Circuit Court
Seminole County, Florida
By:
Deputy Clerk

STATE OF FLORIDA,

Plaintiff,

vs. CASE NO.: 2012-001083-CFA

GEORGE ZIMMERMAN,

Defendant.

______________________________/

ORDER ON AMENDED DEMAND FOR SPECIFIC DISCOVERY

THIS CAUSE having come on to be heard before this Court on the 11th day of December, 2012, and this Court having reviewed the pleadings of record, heard the arguments of counsel, and being otherwise fully advised in the premises, it is thereupon

ORDERED and ADJUDGED as follows:

1. The Defendant's Amended Demand for Specific Discovery regarding Federal Bureau of Investigation is hereby GRANTED.

2. The Federal Bureau of Investigation is hereby directed to make available for review and copy to counsel for the Defendant any and all documents, information, data and/or evidence regarding their investigation in connection with the above-reference matter, including but not limited to the following:

a) all interagency memorandums and correspondence between the FBI and Department of Justice Community Relations Services;

b) any and all communication between the FBI and the state attorney's office in

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44A-TP-74471

either the Fourth Circuit or the Eighteenth Circuit;

c) any and all communications between the FBI and the Sanford Police Department;

d) copy of the case package received by the FBI from Sanford Police Department at their request;

e) Names and identifying information of all agents and other FBI personnel who performed any duties in connection with this investigation;

f) Copy of the initial request made to the FBI from whatever source which began the investigation;

g) Any and all reports generated, including, but not limited to, witness statement summaries, agent tasking forms or sheets, and any summaries of the investigation;

h) Identification of all investigative methods use for the preliminary investigation in this matter pursuant to the Domestic Investigations and Operation Guide of the Department of Justice, Federal Bureau of Investigation, as promulgated on October 15, 2011, specifically Guideline 6;

i) Identification and description of the standards utilized by the Federal Bureau Investigation for opening or approving a preliminary investigation which has occurred in this matter pursuant to Guideline 6.6, particularly identifying the considerations of 6.6(U)a, b, and c;

j) Identification of whether or not any of this investigation was begun or continued pursuant to Guideline 6.10, as a sensitive investigative matter in preliminary investigation stage;

k) Identification of and documents concerning whether or not this investigation has been completed or closed. If so, copies of all documents supporting the closing of the investigation;

l) Identification of whether the Federal Bureau of Investigation has undertaken a full investigation as defined by Guideline 7 and if so then the response to similar questions as referenced above for preliminary investigations; and

m) In either a preliminary or full investigation, documentation of legal authority for such an investigation.

3. The Federal Bureau of Investigation has twenty days from the date of this Order to raise an objection to same.

DONE AND ORDERED in Chambers, at Sanford, Seminole County, Florida, this 5 day of February, 2013.

Debra S. Nelson

DEBRA S. NELSON, CIRCUIT JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail/Hand Delivery this 5 day of February, 2013 to Bernie de la Rionda, Assistant State Attorney and John Guy, Assistant State Attorney, Office of the State Attorney, 220 East Bay Street, Jacksonville, Florida 32202-3429; Mark M. O'Mara, Esquire, 1416 East Concord Street, Orlando, Florida 32803; Donald R. West, Esquire, 636 West Yale Street, Orlando, Florida 32804; and to Federal Bureau of Investigation, 850 Trafalgar Court, Maitland, Florida 32751.

JUDICIAL ASSISTANT/ATTORNEY Clerk

List of witnesses called in the George Zimmerman trial

Witnesses called by the prosecution in George Zimmerman's second-degree murder trial. Top row, left to right: Rachel Jeantel, Diana Smith, Jonathan Good. Bottom row, left to right: Detective Chris Serino, Mark Osterman, Sybrina Fulton.

Last Updated: Wednesday, July 10, 2013, 3:54 PM

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SANFORD –

The following is a running list of witnesses who have been called to testify in the George Zimmerman trial in Sanford for the Feb. 26, 2012 shooting death of 17-year-old Trayvon Martin.

Witnesses are listed in the order in which they were called, starting with the first witness on top, and the most recent at the bottom.

Testimony began Monday, June 24, 2013. The trial is expected to last two to four weeks.

- Latest George Zimmerman Trial Updates, Photos & Key Players

Prosecution Phase

	DATE CALLED	NAME	RELATIONSHIP TO CASE
1	June 24	**Chad Joseph**	Friend of Trayvon, son of Tracy Martin's girlfriend
2	June 24	**Andrew Gaugh**	7-Eleven clerk, sold Trayvon Skittles and drink
3	June 24	**Sean Noffke**	Dispatcher who took Zimmerman's call
4	June 24–25	**Ramona Rumph**	Seminole Co. Sheriff's Office communications director
5	June 25	**Wendy Dorival**	Sanford Police, former neighborhood watch coordinator
6	June 25	**Donald O'Brien**	President of Retreat at Twin Lakes HOA
7	June 25	**Sgt. Anthony Raimondo**	Sanford Police, 2nd officer to respond to scene
8	June 25	**Diana Smith**	Crime scene technician, Sanford Police
9	June 25	**Selene Bahadoor**	Former neighbor, witnessed 'struggle' outside home
10	June 26	**Jeanne Manalo**	Former neighbor, heard struggle, shooting
11	June 26	**Jayne Syrdyka**	Former neighbor, heard struggle, shooting
12	June 26–27	**Rachel Jeantel**	"Witness 8," last person on phone with Trayvon
13	June 27	**Raymond MacDonald**	T-Mobile manager, explained Trayvon's phone records
14	June 27	**Jenna Lauer**	Former neighbor, heard screaming for help
15	June 27	**Selma Mora**	Former neighbor, testified in Spanish
16	June 28	**Greg McKinney**	Maintains neighborhood's security cameras
17	June 28	**Jonathan Good**	Former neighbor, saw "MMA-style" struggle
18	June 28	**Jonathan Manalo**	Former neighbor, took photo of bleeding Zimmerman
19	June 28	**Ricardo Ayala**	Sanford Police officer, attempted to revive Trayvon
20	June 28	**Stacey Livingston**	Sanford Fire/EMT, treated Zimmerman's injuries

21	June 28	Timothy Smith	Sanford Police officer, first to respond to scene
22	June 28	Lindzee Folgate	Physician assistant, treated Zimmerman's injuries
23	July 1	Dr. Hirotaka Nakasone	Audio analysis expert, FBI
24	July 1	Doris Singleton	Sanford Police officer, took Zimmerman's statement
25	July 1–2	Chris Serino	Sanford Police detective, case's lead investigator
26	July 2	Mark Osterman	Zimmerman's "best friend"
27	July 2	Dr. Valerie Rao	Chief medical examiner, city of Jacksonville
28	July 2	Kristin Benson	Seminole County Sheriff's Office
29	July 3	Sonja Bolez-Melvin	Seminole State College registrar
30	July 3	Lt. Scott Kearns	Prince William County, Va. Police Dept.
31	July 3	Capt. Alexis Carter	U.S. Army, taught criminal justice course
32	July 3	Jim Krzenski	Sanford Police administrator, ride-along program
33	July 3	Scott Pleasants	Seminole State College criminal justice professor
34	July 3	Amy Siewert	FDLE crime lab analyst, examined Zimmerman's gun
35	July 3	Anthony Gorgone	FDLE crime lab analyst
36	July 5	Sybrina Fulton	Trayvon Martin's mother
37	July 5	Jahvaris Fulton	Trayvon Martin's brother
38	July 5	Sybrina Fulton	*2nd testimony*
39	July 5	Dr. Shiping Bao	Assoc. medical examiner, performed Trayvon's autopsy

Defense Phase

	Date Called	Name	Relationship to Case
40	July 5	Gladys Zimmerman	George Zimmerman's mother
41	July 5	Jorge Mesa	George Zimmerman's uncle (Gladys' brother)
42	July 8	Sondra Osterman	Friend of Zimmerman, Mark Osterman's wife
43	July 8	Mark Osterman	*2nd testimony*
44	July 8	Geri Russo	Friend, former co-worker of Zimmerman

45	July 8	Leanne Benjamin	Friend, former business associate of Zimmerman
46	July 8	John Donnelly	Friend of Zimmerman, husband of Leanne Benjamin
47	July 8	Doris Singleton	*2nd testimony*
48	July 8	Chris Serino	*2nd testimony*
49	July 8	Doris Singleton	*3rd testimony*
50	July 8	Adam Pollock	Gym owner, trained Zimmerman in MMA fighting
51	July 8	Tracy Martin	Trayvon Martin's father
52	July 8	Bill Lee	Former Sanford Police chief
53	July 9	Dr. Vincent Di Maio	Forensic pathologist, gunshot wound expert
54	July 9	Norton Bonaparte	Sanford city manager
55	July 9	Eloise Dilligard	Former neighbor of Zimmerman
56	July 10	Dennis Root	Law enforcement trainer, private investigator
57	July 10	Olivia Bertalan	Former neighbor
58	July 10	Robert Zimmerman Sr.	George Zimmerman's father

Prosecution Rebuttal

	Date Called	Name	Relationship to Case
59	July 10	Adam Pollock	*2nd testimony*

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT, IN AND
FOR SEMINOLE COUNTY, FLORIDA

STATE OF FLORIDA,

Plaintiff,

vs. **CASE NO.: 2012-001083-CFA**

GEORGE ZIMMERMAN,

Defendant.

______________________________/

DEFENDANT'S SECOND AMENDED WITNESS LIST (REDACTED)

COMES NOW the Defendant, GEORGE ZIMMERMAN, by and through his undersigned attorney, and files this his Second Amended Witness List of the names and addresses of all persons known to him to have information which may be relevant to the defense of the pending charges:

Sanford Police Department
Ayala, Ricardo Sgt.
Bernosky, Mike
Bentsen, Kristen
Blake, James
Ciesla, Leon Sgt.
Davila, Carlos
Dodson, Lewis
Dorival, Wendy
Dunn, William
Ervin, William
Flowers, Donald
Francis, Miguel
Goller, Chase
Hernandez, Michael
Herx, Paul
Hinkley, Mickey
Jankowski, Peter
Johnson, Adam
Justiniano, Peter
Kelley, Shawn
Kuchcinski, Robert

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Lee, Bill Chief
Lynch, Steve
Lugo, Sanjuanita
Manley, Robert
McCoy, Stacie
McIntosh, Tammy
Mead, Jonathan
Morgan, Alfred
Murray, Jack
O'Conner, Bob
Raimondo, Tony Sgt.
Ricks, Andrew
Rivera, Lance
Rivera, Pedro
Santiago, Joseph
Santiago, Steven
Serino, Christopher
Shull, Robert H.
Singleton, Doris
Smith, Diana
Smith, Gregory
Smith, Randy Sgt.
Smith, Timothy
Taylor, Mike Lt.
Timpano, Michael
Tucker, Michelle
Wagner, Mike
Walsh, John
Walsh, Kathryn
Wells, Kelly
White, Debbie
Willis, William
Wright, Dorrell

<u>Florida Department of Law Enforcement - (Orlando, Florida)</u>
Batchelor, John
Brenton, Stephen
Crosby, Dale
Gorgone, Anthony
Guzman, Alvin
Krejci, Stephan
Lee, David
Orta, Patty
Rodriguez, Tony
Siewart, Amy

State Attorney's Office (Jacksonville, Florida)
Gilbreath, K.D.
O'Steen, T.C.

State Attorney's Office (Eighteenth Circuit, Florida)
Artingstall, Tom
Carter, Jim
Post, Jim
Salmons, Stacey
Veaudry, Bob
Whitaker, Pat
Wolfinger, Norm

Sanford Fire Rescue
Brandy, Mike
Livingston, Stacy
O'Rourke, Kevin
Rochfort, Tyler
Taylor, Mike

Medical Examiner's Office (Volusia County, Florida)
Bao, Shiping
Dorton, Ben
Fuller, Priscilla
Malphrus, Tara

Seminole County Sheriff's Office
Knoffke, Sean
Morales, Jeffrey
Rumph, Ramona

Civilians
Akkawi, Khaled (1349 S. Orange Blossom Trail, Apopka, Florida)
Anderson, Larry (1349 S. Orange Blossom Trail, Apopka, Florida)
Bonaparte, Jr, Norton (300 N. Park Ave., Sanford, FL 32771)
Brantly, James (4745 S. Orange Avenue, Orlando, Florida)
Crump, Benjamin
Frazier, Sterling (4700 S. U.S. Highway 17-92, Casselberry, Florida)
Fulton, Jahvaris (c/o SAO)
Fulton, Sybrina (c/o SAO)
Hackett, Brian (3750 Flagg Lane, Lake Mary, Florida)
Martin, Miriam (c/o SAO)
Martin, Ronquavius (c/o SAO)
Martin, Stephen Sr. (c/o SAO)
Martin, Tracy (c/o SAO)
McKinney, Greg (3008 Brittney Way, Tampa, Florida)

McLeod, Scott (1447 Willingham Road, Chuluota, Florida)
Mehler, Danny (3750 Flagg Lane, Lake Mary, Florida)
Osterman, Sondra (c/o OLG)
Perillo, Jeff (4700 S. U.S. Highway 17-92, Casselberry, Florida)
Smith, Mike (c/o OLG)
Stinnet, D'Andre (4745 S. Orange Avenue, Orlando, Florida)
Taaffe, Francis (1460 Retreat View Circle, Sanford, Florida)
Taylor, Kent (6972 Lake Gloria Boulevard, Orlando, Florida)
Wright, John (905 West 13th Street, Sanford, Florida)
Zimmerman, Gladys (c/o OLG)
Zimmerman, Sr, Robert (c/o OLG)
GZW1
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GZW JJ
GZW LL
GZW MM
GZW NN
GZW OO
GZW PP
GZW QQ
GZW SS
GZW TT
GZW UU
GZW VV
GZW WW
GZW XX
GZW YY
GZW ZZ
GZW AAA
GZW BBB
GZW CCC
GZW DDD
GZW EEE
GZW FFF

Other
Any witness identified through State's discovery not otherwise disclosed herein

Respectfully submitted this 17th day of April, 2013

MARK M. O'MARA, ESQUIRE
Florida Bar No. 359701
O'MARA LAW GROUP
1416 East Concord Street
Orlando, Florida 32803
Telephone: (407) 898-5151
Facsimile: (407) 898-2468
E-Mail: Mark@markomaralaw.com
Co-Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail this 17th day of April, 2013 to Bernie de la Rionda, Assistant State Attorney and John Guy, Assistant State Attorney, Office of the State Attorney, 220 East Bay Street, Jacksonville, Florida 32202-3429 and to Donald R. West, Esquire, 636 West Yale Street, Orlando, Florida 32804.

MARK M. O'MARA, ESQUIRE

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1511804-000

Total Deleted Page(s) = 10
Page 8 ~ b5; b6; b7C;
Page 9 ~ b5;
Page 10 ~ b5;
Page 11 ~ b5;
Page 27 ~ b5; b6; b7C;
Page 28 ~ b5; b6; b7C;
Page 69 ~ b5; b6; b7C;
Page 70 ~ b5; b6; b7C;
Page 72 ~ b5; b6; b7C;
Page 73 ~ b5; b6; b7C;

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X Deleted Page(s) X
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FD-340a (Rev. 5-9-05)

(Title) Vol: 3

(File No.) 44A-TP-74471-1A

Item	Date Filed	To be returned Yes	To be returned No		Disposition
: 44A-TP-74471					
10				LAB #120323250KR [redacted] RETAINED AT ERF 3 LAB REPORT, 2 COC, 6 COMM LOG, 11 CASE NOTES, 1 SEARCH SLIP, 6 SHIPPING INVOICE, 2 REVIEW FORMS, 3 REQUEST DOCUMENT 1 SHIPPING LABEL DATED 3/22/12, 1 CD BACKUP COPY	
11				SERIAL.28; INTERVIEW NOTES OF [redacted]	
12				SERIAL.29; INTERVIEW NOTES; FL CLASS G STATEWIDE FIREARM LICENSE APPLICATION;	
13				SERIAL.29; FL CLASS D SECURITY OFFICE LICENSE APPLICATION; FL CONCEALED WEAPON OR FIREARM LICENSE APPLICATION INSTRUCTIONS;	
14				SERIAL.36; O/N [redacted]	
15				SERIAL.37; [redacted]	
* See Next Volume *					

b6
b7C

44A-TP-74471-1A

FD-340 (Rev. 4-11-03) 44A-TP-74471 1A10

File Number 44A-TP-74471

Field Office Acquiring Evidence LAB

Serial # of Originating Document 9

Date Received 4/10/12

From LAB - HQ's

(Name of Contributor/Interviewee)

(Address)

(City and State)

By

To Be Returned ☐ Yes ☑ No

Receipt Given ☐ Yes ☑ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6 (e)
Federal Rules of Criminal Procedure

☐ Yes ☑ No

Federal Taxpayer Information (FTI)

☐ Yes ☑ No

Title:

Reference:

(Communication Enclosing Material)

Description: ☐ Original notes re interview of

Lab # 120323250KR [redacted] retained at ERF b6 b7C

3 Lab Report, 2 COC, 6 Comm Log, 11 Case Notes, 1 Search slip, 6 shipping invoice, 2 review forms, 3 request, Document 1 Shipping Label dated 3/22/12 *1 CD Back up Copy*

FD-340 (Rev. 4-11-03)

File Number 44A-TP-74471 - 1A11

Field Office Acquiring Evidence TP

Serial # of Originating Document 28

Date Received 4/2/2012

From [redacted]
(Name of Contributor/Interviewee)

[redacted]
(Address)

[redacted]
(City and State)

b6
b7C

By SA [redacted]

To Be Returned ☐ Yes ☑ No

Receipt Given ☐ Yes ☑ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6 (e)
Federal Rules of Criminal Procedure

☐ Yes ☑ No

Federal Taxpayer Information (FTI)

☐ Yes ☑ No

Title:

Reference: ______________________
(Communication Enclosing Material)

Description: ☐ Original notes re interview of

interview notes w/

[redacted]

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[redacted]

FD-340c (4-11-03)

File Number 44A-TP-74401 - 1A12

Field Office Acquiring Evidence TP

Serial # of Originating Document 29

Date Received 3/28/2012

From [redacted]

(Name of Contributor/Interviewee)

[redacted]

(Address)

(City and State)

By SA [redacted]

b6
b7C

To Be Returned ☐ Yes ☑ No

Receipt Given ☐ Yes ☑ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6 (e)
Federal Rules of Criminal Procedure

☐ Yes ☑ No

Federal Taxpayer Information (FTI)

☐ Yes ☑ No

Title:

Reference:

(Communication Enclosing Material)

Description: ☐ Original notes re interview of

1- Interview notes

2- FL Class G Statewide firearm license application instructions

- Firearms (Re)Certification for Security Officers
- New Shooter Familarization & Safety
- Concealed Weapon Permit Safety Certification
- Class "D" Security Officer Training/Certification
- Custom Training Programs for the Security Industry

DS9400006

Brantly & Associates, inc.

4745 S. Orange Ave.
Orlando, FL 32806 • (407) 850-2131
FAX (407) 812-5878 • Cell [redacted]

b6
b7C

training@brantlyandassociates.com
www.brantlyandassociates.com

HHA-TP-74471-1A12

SECTION IX. EXEMPTION FROM PUBLIC RECORDS DISCLOSURE

See Section IX of the Application Instructions to determine if you qualify for exemption from Public Records Disclosure.
If you do not qualify for the exemption, proceed to Section X.
If you qualify for the exemption, do you wish to have the information kept confidential? ○ YES ○ NO

SECTION X. CITIZENSHIP

a) Have you ever renounced U. S. citizenship? If YES, you are not eligible for licensure. ○ YES ○ NO

b) Are you a citizen of the United States? ○ YES ○ NO
If YES, proceed to Section XI of the application form. Note that you must submit proof of citizenship.
If NO, you must answer question (c) below. See Section X of the APPLICATION INSTRUCTIONS for further details.

c) Are you deemed a lawful permanent resident alien by the Department of Homeland Security, United States Citizenship and Immigration Services (USCIS, formerly USINS)? ○ YES ○ NO
If YES, you must submit a clear and legible copy of the documentation issued to you by the USCIS AND proof that you have resided in the state of residence as shown in Section I of your application at least 90 consecutive days prior to the date the applicaiton is submitted. If you are not a lawful permanent resident alien, you are not eligible for licensure.

SECTION XI. PERSONAL INQUIRY WAIVER AND NOTARIZATION STATEMENT

I certify that I understand that the Division of Licensing will conduct any investigation deemed necessary to assure that I have met all statutory requirements for licensure. I understand that inquiry shall be made regarding my criminal history and that subsequent investigation may include my school records, employment history, financial records, any history of controlled substance or alcohol abuse, and my mental capacity.

I hereby waive any provision of law forbidding any school official, court, police agency, employer, firm or person from disclosing to the Division any knowledge or information concerning me, and I do certify that I give permission for such entity to disclose any information and to provide any record requested concerning me to the Division.

I also affirm that the information contained in this application and all attachments I have submitted to be true and correct to the best of my knowledge. I understand that falsification of any information or documentation submitted with this application may be grounds for denial or revocation of the license.

______________________________ Signature of Applicant

______________________________ Date Signed

STATE OF FLORIDA
COUNTY OF ______________________________

The foregoing application was sworn to (or affirmed) and subscribed before me this _____ day of ____________________, 20____, by:

______________________________ Print Name of Applicant

______________________________ NOTARY SIGNATURE

______________________________ PRINT, TYPE, OR STAMP NAME OF NOTARY

☐ Personally Known ☐ Produced Identification Type of Identification Produced ______________________________

SECTION XII. EMPLOYER STATEMENT (TO BE COMPLETED BY APPLICANT'S EMPLOYER)

We have reviewed this completed application and have approved the applicant for hiring.

Agency Name	Agency License #	Agency Phone #	Signature of Agency Head	Date
		( )		

SECTION XIII. HEALTH CERTIFICATE

To be completed by examining physician or physician assistant currently licensed pursuant to Chapter 458, Chapter 459, or any similar law of another state or authorized to act as a licensed physician by a federal agency or department or by an advanced registered nurse practitioner currently licensed pursuant to Chapter 464. I certify that I have examined the applicant named herein and found no physical impairments that, to the best of my knowledge, would preclude this person from performing duties in an armed capacity.

APPLICANT'S NAME

NAME OF PERSON PERFORMING EXAM	EXAMINER'S LICENSE #	DATE EXAMINED

STREET ADDRESS

CITY	STATE	ZIP CODE

Signature of Person Performing Exam: ______________________________ Date: ______________

PLEASE DETACH APPLICATION AND KEEP INSTRUCTIONS AND FLORIDA STATUTES FOR YOUR RECORDS.

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES DIVISION OF LICENSING

GREAT SEAL OF THE STATE OF FLORIDA
IN GOD WE TRUST

CHARLES H. BRONSON
COMMISSIONER

APPLICATION for the CLASS "G" STATEWIDE FIREARM LICENSE

(Includes Application Instructions and Chapter 493, Florida Statutes)

44A-TP-74471-1A12

11/08

NOTICE TO APPLICANTS FOR LICENSES
ISSUED PURSUANT TO CHAPTER 493, FLORIDA STATUTES

MANDATORY DISCLOSURE OF SOCIAL SECURITY NUMBERS

(The following notice supersedes all references to social security numbers contained in the enclosed application and instructions.)

Sections 493.6105, 493.6304, and 493.6406, Florida Statutes, in conjunction with section 119.071(5)(a) 2, Florida Statutes, mandates that the Department of Agriculture and Consumer Services, Division of Licensing obtain social security numbers from applicants. Applicant social security numbers are maintained and used by the Division of Licensing for identification purposes, to prevent misidentification, and to facilitate the approval process by the Division. The Department of Agriculture and Consumer Services, Division of Licensing will not disclose an applicant's social security number without consent of the applicant to anyone outside of the Department of Agriculture and Consumer Services, Division of Licensing, or as required by law. [See Chapter 119, Florida Statutes, 15 U.S.C. ss. 1681 et seq., 15 U.S.C. ss. 6801 et seq., 18 U.S.C. ss. 2721 et seq., Pub. L. No. 107-56 (USA Patriot Act of 2001), and Presidential Executive Order 13224.]

SECTION IV. MILITARY HISTORY

Have you ever been court-martialed, fined, or disciplined under UCMJ or service regulations?
If answer is YES, explain fully, giving dates and provide documentation on a separate sheet. ○ YES ○ NO

SECTION V. CRIMINAL HISTORY

Have you ever been convicted or had adjudication withheld on any felony or misdemeanor in any jurisdiction?
(Do not include parking or speeding violations).
If YES, please provide accurate and complete information below AND submit certified copies of court dispositions. ○ YES ○ NO

Falsification of answers or failure to provide certified copies of court dispositions may result in the denial of your application.

DATE OF ARREST	COUNTY/STATE	CHARGES	DISPOSITION(S)

Are you currently on parole, probation, deferred prosecution, pre-trial intervention, or any other form of state or federal supervision? ○ YES ○ NO

SECTION VI. ALIASES

Have you ever been known by a name other than the one stated on the front page of this application?
(This includes married, maiden, professional, alias, or fictitious names.) If YES, please list those names below: ○ YES ○ NO

NAME	NAME
NAME	NAME

SECTION VII. PERSONAL HISTORY

a) Have you ever been adjudicated incapacitated* under Chapter 744, F. S., or similar laws of another state?
*["Adjudicated incapacitated" means the court has determined you are incapable of taking care of yourself].
If YES, you must provide proof that you have been granted relief from federal firearm disabilities. ○ YES ○ NO

b) Have you ever been involuntarily placed in a treatment facility for the mentally ill under Chapter 394, F. S., or under the authority of similar laws of another state?
If YES, you must provide proof that you have been granted relief from federal firearm disabilities. ○ YES ○ NO

c) Have you ever been diagnosed with a mental illness?
If YES, please provide a statement from a psychiatrist or psychologist licensed in Florida attesting that you are not currently suffering from a mental illness that precludes you from performing regulated duties in an armed capacity. ○ YES ○ NO

d) Do you currently abuse any controlled substance? ○ YES ○ NO

e) Do you have a history of controlled substance abuse?
If YES, please submit evidence of successful completion of a drug rehabilitation program and three letters of reference, one of which should be from your sponsor in the rehabilitation program. ○ YES ○ NO

f) Do you have a history of alcohol abuse?
If YES, please submit evidence of successful completion of an alcohol rehabilitation program and three letters of reference, one of which should be from your sponsor in the rehabilitation program. ○ YES ○ NO

SECTION VIII. TRAINING/EXPERIENCE

a) Have you successfully completed firearms training administered by a Class "K" instructor or received other qualifying firearms training within the past 12 months? See section VIII of the APPLICATION INSTRUCTIONS. ○ YES ○ NO

b) Have you previously been issued a Florida Class "G" Statewide Firearm License or been licensed to perform armed security and/or private investigative duties in another state?
If YES, please specify which state and the period of time during which you were licensed: ○ YES ○ NO

STATE: ______________________ ***PERIOD OF LICENSURE:*** ______________________

c) Have you ever had a firearms license or registration revoked, suspended, or otherwise acted against (including probation, fine, reprimand, or surrender of license) in a disciplinary proceeding in any state?
If YES, please provide in the space below complete details regarding this action, including the state in which the action occurred, relevant dates, and circumstances. ○ YES ○ NO

SECTION III. PRIOR EMPLOYMENT HISTORY

Provide your employer's name & address and your dates of employment for the past 5 YEARS. Begin with your current employer. If you were not employed at any time during the past 5 years, write "unemployed" under *Name of Employer* and provide the corresponding dates in *Dates of Employment*. If more space is required, you may use a separate sheet of paper.

NAME OF EMPLOYER	PHONE NUMBER ( )
STREET ADDRESS	CITY, STATE, ZIP CODE
JOB TITLE	DATES OF EMPLOYMENT FROM: ____/____ TO: ____/____ (MONTH YEAR MONTH YEAR)
SUMMARY OF JOB DUTIES	

NAME OF EMPLOYER	PHONE NUMBER ( )
STREET ADDRESS	CITY, STATE, ZIP CODE
JOB TITLE	DATES OF EMPLOYMENT FROM: ____/____ TO: ____/____ (MONTH YEAR MONTH YEAR)
SUMMARY OF JOB DUTIES	

NAME OF EMPLOYER	PHONE NUMBER ( )
STREET ADDRESS	CITY, STATE, ZIP CODE
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NAME OF EMPLOYER	PHONE NUMBER ( )
STREET ADDRESS	CITY, STATE, ZIP CODE
JOB TITLE	DATES OF EMPLOYMENT FROM: ____/____ TO: ____/____ (MONTH YEAR MONTH YEAR)
SUMMARY OF JOB DUTIES	

NAME OF EMPLOYER	PHONE NUMBER ( )
STREET ADDRESS	CITY, STATE, ZIP CODE
JOB TITLE	DATES OF EMPLOYMENT FROM: ____/____ TO: ____/____ (MONTH YEAR MONTH YEAR)
SUMMARY OF JOB DUTIES	

APPLICATION INSTRUCTIONS

SECTION I — APPLICANT INFORMATION

- Must be at least 18 years of age.
- Must be a citizen or a legal resident alien as deemed by the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS).
- Must provide current RESIDENCE address. A P.O. Box is not considered a residence.
- The submission of your Social Security number (SSN) is voluntary and is requested pursuant to sections 119.071(5)(a)2, 493.6105(3)(d), 493.6304(2)(a), and 493.6406(2)(a), Florida Statutes, for identification purposes, to prevent misidentification, and facilitate the approval process.

SECTION II — PRIOR ADDRESS HISTORY

- Must provide RESIDENCE address(es) where you have lived for the past 5 years.

SECTION III — PRIOR EMPLOYMENT HISTORY

- Must provide employment history for past 5 years. If you were a student or unemployed, include the associated time frames.

SECTION IV — MILITARY HISTORY

- Complete this section to indicate whether you have ever been court-martialed, fined, or disciplined under the Uniform Code of Military Justice (UCMJ) or service regulations. If you respond YES to the question in this section, explain fully, providing dates and complete details on a separate sheet of paper.

SECTION V — CRIMINAL HISTORY

The Department will deny your application if you:

- have been convicted of a felony in any state or of a crime against the United States, which is designated as a felony, or convicted of an offense in any other state, territory, or country punishable by imprisonment for a term exceeding 1 year, unless and until Civil Rights have been restored and a period of 10 years has passed since final release from supervision [s.493.6118(4), FS]. Proof of restoration of Civil Rights must be submitted with this application. Questions regarding the procedure for applying for restoration of Civil Rights or restoration of Firearm Rights should be addressed to the Florida Office of Executive Clemency, 2601 Blairstone Road, Building C, Room 229, Tallahassee, Florida 32399-2450 (telephone 1-800-435-8286).
- are currently serving a suspended sentence on a felony charge or on probation for a felony charge [s.493.6118(4), FS].

The Department may deny your application if you:

- have a history of being arrested for crimes of violence and/or found guilty of (or had adjudication withheld for) directly-related crimes. This includes, but is not limited to: Trespassing, Breaking and Entering, Burglary, Robbery, Forgery, Criminal Mischief or Theft, Assault, Battery, Stalking, Aggravated Battery, Aggravated Assault, Sexual Battery, Kidnapping, Armed Robbery, Murder, Aggravated Stalking, Resisting an Officer with Violence [s.493.6118(1)(c), 493.6118(1)(j), s.493.6118(3), FS].
- have demonstrated a lack of respect for the laws of this state and the nation [s.493.6118(3), FS].
- have an outstanding bench warrant or capias [s.493.6118(3), FS].
- are currently in a Pre-Trial Intervention or Deferred Prosecution Program [s.493.6118(3), FS].

You must provide complete information about your arrest(s) and include certified copies of court dispositions. A determination of your eligibility cannot be made until all documentation is received and a complete criminal history record check has been completed. This process takes 1-3 months.

SECTION VI — ALIASES

- If you are known by any other name, include it in this section. Include nicknames, married names, maiden names, a legal name change, alias names, fictitious names, etc.

SECTION VII — PERSONAL HISTORY

a. If you have ever been adjudicated incapacitated (determined by the court to be incapable of taking care of yourself), you must provide proof that you have been granted relief from federal firearms disabilities.
b. If you have ever been involuntarily placed in a treatment facility for the mentally ill under Chapter 394, FS, or similar laws of another state, you must provide proof that you have been granted relief from federal firearms disabilities.
c. If you have ever been diagnosed with a mental illness, you must provide a statement from a psychologist or psychiatrist licensed in Florida attesting that you are not currently suffering from a mental illness that precludes you from performing regulated duties in an armed capacity.
d. If you are currently abusing a controlled substance, you are not eligible for licensure.
e. If you have a history of controlled substance abuse, you must provide evidence of successful completion of a drug rehabilitation program and three letters of reference, one of which should be from your sponsor in the program.
f. If you have a history of alcohol abuse, you must provide evidence of successful completion of an alcohol rehabilitation program and three letters of reference, one of which should be from your sponsor in the program.

SECTION VIII — TRAINING/EXPERIENCE

- In order to qualify for the Class "G" license, you must have successfully completed 28 hours of range and classroom training provided by a licensed Class "K" Firearms Instructor within the preceding 12 months. The Firearms Instructor will issue a **Certificate of Firearms Proficiency** (Form DACS-16005) to you upon completion of this training. A copy of this certificate must be included with your application.
- ACCEPTABLE ALTERNATIVES FOR THE 28 HOURS OF RANGE AND CLASSROOM TRAINING
  1. If you are certified by FDLE's Criminal Justice Standards & Training Commission (CJSTC) as a law enforcement officer or correctional officer **AND** you are currently employed in either of these capacities, a copy of your valid ID card issued to you by your employing law enforcement agency will satisfy the training requirement.
  2. If within the preceding 12 months you have successfully completed a training program approved by the CJSTC for certification of graduates as law enforcement officers or correctional officers, a copy of your certificate of completion from that program will satisfy the training requirement.
  3. If you qualify for a Class "K" Firearms Instructor License in accordance with the requirements set forth in s. 493.6105(7(a), FS, a copy of one of the law enforcement or security firearms instructor certificates listed in this section will satisfy the training requirement.

SECTION IX EXEMPTION FROM PUBLIC RECORDS DISCLOSURE

Section 119.071(4)(d), FS, excludes from public disclosure the home addresses, telephone numbers, social security numbers, and photographs of certain individuals. This includes, but is not limited to: former and current law enforcement officers; district court of appeal judges, circuit court judges, and county court judges; personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect; personnel of the Department of Children and Family Services whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities; personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; firefighters certified in compliance with s. 633.35; state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; and the spouses and children of these individuals. The complete text of the law is available on-line at http://www.leg.state.fl.us/statutes/.

SECTION X CITIZENSHIP

You must be EITHER a US citizen OR a permanent legal resident alien in order to qualify for a Class "G" license, and you must provide documentation confirming your citizenship status.

- **If you were born in the United States:** Submit a copy of your birth certificate, US passport, Social Security card, driver license, state-issued ID card, or voter registration card.
- **If you are a naturalized citizen:** Submit a copy of your US passport or the official document issued by US Citizenship and Immigration Services (USCIS) indicating that you are a naturalized citizen.
- **If you are not a US citizen:** Submit a copy of your Permanent Legal Resident Alien Card (USCIS Form I-551) **AND** proof that you have resided in Florida (or in the state of residence indicated in Section I of your application) for least 90 consecutive days prior to the date on which your application for licensure was submitted. Any of the following documents are acceptable as proof of residence: copies of your **monthly** utility bills, credit card statements, bank statements, or any other monthly bill, invoice, or financial statement that bears your **NAME AND ADDRESS.**

SECTION XI PERSONAL INQUIRY WAIVER AND NOTARIZATION STATEMENT

The application must be notarized. Do not sign the application until you are in the presence of a notary public.

SECTION XIII HEALTH CERTIFICATE

This section must be completed and signed by a physician or physician assistant currently licensed pursuant to Chapter 458, Chapter 459 (or any similar law of another state); or by a person authorized to act as a licensed physician by a federal agency or department; or by an advanced registered nurse practitioner currently licensed pursuant to Chapter 464.

FIREARMS AND AMMUNITION

- Pursuant to section 493.6115, FS, only Class "C", "CC", "D", "M", "MA", or "MB" licensees are permitted to bear a firearm, and any such licensee who bears a firearm must also have a Class "G" license. No person is exempt from the requirements of section 493.6115, FS, by virtue of holding a concealed weapon or firearm license issued pursuant to s. 790.06, FS.
- Unless otherwise approved by the Department, a Class "G" licensee may carry ONLY the following weapons: a .38 caliber revolver; a .380 caliber or .9mm semiautomatic pistol; or a .357 caliber revolver with .38 caliber ammunition.
- A Class "G" licensee may carry no more than two (2) firearms upon his or her person when performing regulated duties. A licensee may carry a firearm only of the specific type and caliber with which he or she has qualified pursuant to the firearms training referenced in s. 493.6115(8), FS.
- A Class "D", "M", "MA", or "MB" licensee who has also been issued a Class "G" license must keep his/her firearm encased in view at all times.
- A Class "D" licensee 21 years of age or older who has also been issued a Class "G" license may carry a concealed firearm on a limited, special assignment-basis when he/she is performing regulated duties in a non-uniform status because duty circumstances or special requirements of the client necessitates such dress [s. 493.6115 (4) & s. 493.6305(2)].
- A Class "C" or Class "CC" licensee 21 years of age or older who has also been issued a Class "G" license may carry, in the performance of her or his duties, a concealed firearm only. The authority to carry a concealed firearm shall be valid throughout the state, in any location, while performing services within the scope of the license.

GENERAL INFORMATION

- Type or print in black ink when completing the application. Place letters and numbers within the designated boxes.
- Submit your application to the Department of Agriculture and Consumer Services, Division of Licensing, Regional Office nearest you. Alternatively, you can mail it to the Department of Agriculture and Consumer Services, Division of Licensing, Post Office Box 6687, Tallahassee, Florida 32314-6687.
- An applicant or licensee is ineligible to re-apply for the same class of license for a minimum period of 1 year following final agency action of denial or revocation of a license. However, this time restriction shall not apply to administrative denials where the basis for denial was either of the following:
  1. an inadvertent error or omission on the application or failure to submit required fees; or
  2. the Department was unable to complete the criminal background investigation due to insufficient information from the Florida Department of Law Enforcement, the FBI, or any other applicable law enforcement agency.

INCLUDE THE FOLLOWING ITEMS WITH YOUR APPLICATION

- **CERTIFICATE OF FIREARMS PROFICIENCY (Form DACS-16005)**
- **DOCUMENTATION CONFIRMING YOUR STATUS AS A US CITIZEN OR LEGAL RESIDENT ALIEN**
- **PHOTOGRAPH** (Photograph instructions are included on the next page.)
- **FINGERPRINT SUBMISSION** (You must submit a legible set of fingerprints. Fingerprint submission instructions are included on the next page.)
- **FEES**
  License Fee: $112
  Fingerprint Processing Fee: $ 42

TOTAL FEES REQUIRED: $154.00

Fees can be paid by check or money order made payable to the Florida Department of Agriculture and Consumer Services. The license fee and fingerprint processing fee are nonrefundable and nontransferable. If at this time you are also submitting an application for another class of license issued under Chapter 493, Florida Statutes, submit only one set of fingerprints and a single fingerprint processing fee. NO FINGERPRINT SUBMISSION OR FINGERPRINT PROCESSING FEE IS NECESSARY IF YOU HAVE SUBMITTED A SET OF FINGERPRINTS AND A FINGERPRINT PROCESSING FEE FOR A LICENSE UNDER CHAPTER 493 WITHIN THE PAST SIX MONTHS.

SECTION II. PRIOR ADDRESS HISTORY

Please list all addresses where you have lived for the past 5 YEARS. Begin with your current address. If more space is required, you may use a separate sheet of paper.

STREET ADDRESS		
CITY	STATE	ZIP
LENGTH OF TIME AT THIS ADDRESS FROM: ____ / ____ (MONTH / YEAR) TO: ____ / ____ (MONTH / YEAR)		

STREET ADDRESS		
CITY	STATE	ZIP
LENGTH OF TIME AT THIS ADDRESS FROM: ____ / ____ (MONTH / YEAR) TO: ____ / ____ (MONTH / YEAR)		

STREET ADDRESS		
CITY	STATE	ZIP
LENGTH OF TIME AT THIS ADDRESS FROM: ____ / ____ (MONTH / YEAR) TO: ____ / ____ (MONTH / YEAR)		

STREET ADDRESS		
CITY	STATE	ZIP
LENGTH OF TIME AT THIS ADDRESS FROM: ____ / ____ (MONTH / YEAR) TO: ____ / ____ (MONTH / YEAR)		

STREET ADDRESS		
CITY	STATE	ZIP
LENGTH OF TIME AT THIS ADDRESS FROM: ____ / ____ (MONTH / YEAR) TO: ____ / ____ (MONTH / YEAR)		

STREET ADDRESS		
CITY	STATE	ZIP
LENGTH OF TIME AT THIS ADDRESS FROM: ____ / ____ (MONTH / YEAR) TO: ____ / ____ (MONTH / YEAR)		

STREET ADDRESS		
CITY	STATE	ZIP
LENGTH OF TIME AT THIS ADDRESS FROM: ____ / ____ (MONTH / YEAR) TO: ____ / ____ (MONTH / YEAR)		

PHOTOGRAPH AND FINGERPRINT SUBMISSION INSTRUCTIONS

PHOTOGRAPH INSTRUCTIONS

You must submit one passport-size color photograph with your application. Failure to submit a photograph in compliance with the specifications outlined below will delay the processing of your application.

- Photograph must show the subject in a frontal portrait as shown at right (NO HATS, NO SUNGLASSES).
- Photograph's outer dimension must be larger than 1-1/4" X 1-3/8".
- Photograph must be in color with a light-colored background. (NO FANCY BACKDROP, LETTERING, ETC.)
- Surface of the photograph must be glossy.
- Photograph must not be stained, cracked, or mutilated; it must lie flat.
- Photographic image must be sharp and correctly exposed; photograph must be non-retouched.
- Photograph must not be pasted on cards or mounted in any way.
- Photograph must be taken within six months of the date application is submitted.
- Snapshots, group pictures, or full-length portraits will not be accepted.
- Do not cut the photograph.
- Lightly print your name and date of birth on the back of the photograph. Use crayon or felt-tipped pen to avoid mutilation of the photograph.
- Place photograph in return envelope with other application materials; DO NOT USE GLUE OR STAPLES TO ATTACH PHOTOGRAPH TO APPLICATION.

SAMPLE PHOTOGRAPH

FINGERPRINT SUBMISSION INSTRUCTIONS

Fingerprints must be submitted on a **FINGERPRINT CARD** provided by the Division of Licensing or by **ELECTRONIC SCAN.** Your fingerprints can be taken at a law enforcement agency, by your employer, or by any business providing fingerprinting services.

OPTION 1: FINGERPRINT CARD SUBMISSIONS

- WASH and DRY your fingers thoroughly before your prints are taken.
- Do not sign the fingerprint card until you are in the presence of the person who will take your fingerprints.
- The three spaces at the top of the fingerprint card labeled **YOUR NO. OCA**, FBI **NO. FBI, AND MISCELLANEOUS NO. MNU** should be left **BLANK. However, you must provide all the other requested information at the top of the card, and this information MUST BE TYPED or PRINTED IN BLACK INK.** If the person who takes your prints does not complete the top portion of the card for you, you are responsible for providing that information yourself. Special instructions and entry codes for completing the fingerprint card appear below.
- Your fingerprint card will not be processed if: (1) the required information is not contained within the designated blocks; (2) a highlighter is used; (3) the card has been folded, creased, or damaged.
- You will need to obtain a #10-1/2 envelope (9"x12"; larger, if necessary) to return the fingerprint card and the other application materials to the Division of Licensing.

SPECIAL INSTRUCTIONS AND ENTRY CODES

RACE	EYE COLOR	HAIR COLOR	SEX
W = White B = Black I = American Indian or Alaskan Native A = Asian or Oriental U = Other or Unknown	BLK = Black BLU = Blue BRO = Brown GRY = Gray GRN = Green HAZ = Hazel	BLK = Black BRO = Brown GRY = Gray RED = Red WHI = White BAL = Bald BLN = Blonde	M = Male F = Female

EMPLOYER AND ADDRESS – Enter the name and address of the agency of which you are an employee.
HGT – Specify height in feet and inches (e.g., 5' 9"). Do not use total inches.
CITIZENSHIP CTZ – Enter the country of which you are a citizen (U.S., Cuba, Canada, etc.).
ARMED FORCES NO. MNU – Enter your military service number if you have one.
SOCIAL SECURITY NO. SOC –The submission of your Social Security number (SSN) is voluntary and is requested pursuant to sections 119.071(5)(a)2, 493.6105(3)(d), 493.6304(2)(a), and 493.6406(2)(a), Florida Statutes, for identification purposes, to prevent mis-identification, and to facilitate the approval process.

OPTION 2: ELECTRONIC FINGERPRINT SUBMISSIONS (Please see instructions for submitting your fingerprints electronically on our webpage at (licgweb.doacs.state.fl.us/livescan493/elecfingerprintinfo493.html).

PART I

GENERAL PROVISIONS

493.6100 Legislative intent.--The Legislature recognizes that the private security, investigative, and recovery industries are rapidly expanding fields that require regulation to ensure that the interests of the public will be adequately served and protected. The Legislature recognizes that untrained persons, unlicensed persons or businesses, or persons who are not of good moral character engaged in the private security, investigative, and recovery industries are a threat to the welfare of the public if placed in positions of trust. Regulation of licensed and unlicensed persons and businesses engaged in these fields is therefore deemed necessary.

History.--ss. 2, 11, ch. 90-364; s. 4, ch. 91-429; s. 1, ch. 94-172.

493.6101 Definitions.--

(1) "Department" means the Department of Agriculture and Consumer Services.

(2) "Person" means any individual, firm, company, agency, organization, partnership, or corporation.

(3) "Licensee" means any person licensed under this chapter.

(4) The personal pronoun "he" or the personal pronoun "she" implies the impersonal pronoun "it."

(5) "Principal officer" means an individual who holds the office of president, vice president, secretary, or treasurer in a corporation.

(6) "Advertising" means the submission of bids, contracting, or making known by any public notice or solicitation of business, directly or indirectly, that services regulated under this chapter are available for consideration.

(7) "Good moral character" means a personal history of honesty, fairness, and respect for the rights and property of others and for the laws of this state and nation.

(8) "Conviction" means an adjudication of guilt by a federal or state court resulting from plea or trial, regardless of whether imposition of sentence was suspended.

(9) "Unarmed" means that no firearm shall be carried by the licensee while providing services regulated by this chapter.

(10) "Branch office" means each additional location of an agency where business is actively conducted which advertises as performing or is engaged in the business authorized by the license.

(11) "Sponsor" means any Class "C," Class "MA," or Class "M" licensee who supervises and maintains under his or her direction and control a Class "CC" intern; or any Class "E" or Class "MR" licensee who supervises and maintains under his or her direction and control a Class "EE" intern.

(12) "Intern" means an individual who studies as a trainee or apprentice under the direction and control of a designated sponsoring licensee.

(13) "Manager" means any licensee who directs the activities of licensees at any agency or branch office. The manager shall be assigned to and shall primarily operate from the agency or branch office location for which he or she has been designated as manager.

(14) "Firearm instructor" means any Class "K" licensee

ch. 91-429; s. 8, ch. 93-49; s. 18, ch. 94-172; s. 11, ch. 94-241; s. 5, ch. 2005-143.

493.6404 Property inventory; vehicle license identification numbers.--

(1) If personal effects or other property not covered by a security agreement are contained in or on a recovered vehicle, mobile home, motorboat, aircraft, personal watercraft, all-terrain vehicle, farm equipment, or industrial equipment at the time it is recovered, a complete and accurate inventory shall be made of such personal effects or property. The date and time the inventory is made shall be indicated, and it shall be signed by the Class "E" or Class "EE" licensee who obtained the personal property. The inventory of the personal property and the records regarding any disposal of personal property shall be maintained for a period of 2 years in the permanent records of the licensed agency and shall be made available, upon demand, to an authorized representative of the department engaged in an official investigation.

(2) Within 5 working days after the date of a repossession, the Class "E" or Class "EE" licensee shall give written notification to the debtor of the whereabouts of personal effects or other property inventoried pursuant to this section. At least 45 days prior to disposing of such personal effects or other property, the Class "E" or Class "EE" licensee shall, by United States Postal Service proof of mailing or certified mail, notify the debtor of the intent to dispose of said property. Should the debtor, or her or his lawful designee, appear to retrieve the personal property, prior to the date on which the Class "E" or Class "EE" licensee is allowed to dispose of the property, the licensee shall surrender the personal property to that individual upon payment of any reasonably incurred expenses for inventory and storage. If personal property is not claimed within 45 days of the notice of intent to dispose, the licensee may dispose of the personal property at her or his discretion, except that illegal items or contraband shall be surrendered to a law enforcement agency, and the licensee shall retain a receipt or other proof of surrender as part of the inventory and disposal records she or he maintains.

(3) Vehicles used for the purpose of repossession by a Class "E" or Class "EE" licensee must be identified during repossession by the license number of the Class "R" agency only, local ordinances to the contrary notwithstanding. These vehicles are not "wreckers" as defined in s. 713.78. The license number must be displayed on both sides of the vehicle and must appear in lettering no less than 4 inches tall and in a color contrasting from that of the background.

History.--ss. 5, 11, ch. 90-364; s. 4, ch. 91-429; s. 9, ch. 93-49; s. 539, ch. 97-103; s. 11, ch. 97-248; s. 6, ch. 2005-143.

493.6405 Sale of motor vehicle, mobile home, motorboat, aircraft, personal watercraft, all-terrain vehicles, farm equipment, or industrial equipment by a licensee; penalty.--

(1) A Class "E" or Class "EE" licensee shall obtain, prior to sale, written authorization and a negotiable title from the owner or lienholder to sell any repossessed motor vehicle, mobile home, motorboat, aircraft, personal watercraft, all-terrain vehicles, farm equipment, or industrial equipment.

(2) A Class "E" or Class "EE" licensee shall send the net proceeds from the sale of such repossessed motor vehicle, mobile home, motorboat, aircraft, personal watercraft, all-terrain vehicles, farm equipment, or industrial equipment to the owner or lienholder, within 20 working days after the licensee executes the documents which permit the transfer of legal ownership to the purchaser.

(3) A person who violates a provision of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.--ss. 5, 11, ch. 90-364; s. 4, ch. 91-429; s. 7, ch. 2005-143.

493.6406 Repossession services school or training facility.--

(1) Any school, training facility, or instructor who offers the training outlined in s. 493.6403(2) for Class "EE" applicants shall, before licensure of such school, training facility, or instructor, file with the department an application accompanied by an application fee in an amount to be determined by rule, not to exceed $60. The fee shall not be refundable. This training may be offered as face-to-face training, Internet-based training, or correspondence training.

(2) The application shall be signed and notarized and shall contain, at a minimum, the following information:

(a) The name and address of the school or training facility and, if the applicant is an individual, his or her name, address, and social security or alien registration number.

(b) The street address of the place at which the training is to be conducted or the street address of the Class "RS" school offering Internet-based or correspondence training.

(c) A copy of the training curriculum and final examination to be administered.

(3) The department shall adopt rules establishing the criteria for approval of schools, training facilities, and instructors.

History.--ss. 5, 11, ch. 90-364; s. 4, ch. 91-429; s. 540, ch. 97-103; s. 3, ch. 2007-232.

who provides classroom or range instruction to applicants for a Class "G" license.

(15) "Private investigative agency" means any person who, for consideration, advertises as providing or is engaged in the business of furnishing private investigations.

(16) "Private investigator" means any individual who, for consideration, advertises as providing or performs private investigation. This does not include an informant who, on a one-time or limited basis, as a result of a unique expertise, ability, vocation, or special access and who, under the direction and control of a Class "C" licensee or a Class "MA" licensee, provides information or services that would otherwise be included in the definition of private investigation.

(17) "Private investigation" means the investigation by a person or persons for the purpose of obtaining information with reference to any of the following matters:

(a) Crime or wrongs done or threatened against the United States or any state or territory of the United States, when operating under express written authority of the governmental official responsible for authorizing such investigation.

(b) The identity, habits, conduct, movements, whereabouts, affiliations, associations, transactions, reputation, or character of any society, person, or group of persons.

(c) The credibility of witnesses or other persons.

(d) The whereabouts of missing persons, owners of unclaimed property or escheated property, or heirs to estates.

(e) The location or recovery of lost or stolen property.

(f) The causes and origin of, or responsibility for, fires, libels, slanders, losses, accidents, damage, or injuries to real or personal property.

(g) The business of securing evidence to be used before investigating committees or boards of award or arbitration or in the trial of civil or criminal cases and the preparation therefor.

(18) "Security agency" means any person who, for consideration, advertises as providing or is engaged in the business of furnishing security services, armored car services, or transporting prisoners. This includes any person who utilizes dogs and individuals to provide security services.

(19) "Security officer" means any individual who, for consideration, advertises as providing or performs bodyguard services or otherwise guards persons or property; attempts to prevent theft or unlawful taking of goods, wares, and merchandise; or attempts to prevent the misappropriation or concealment of goods, wares or merchandise, money, bonds, stocks, choses in action, notes, or other documents, papers, and articles of value or procurement of the return thereof. The term also includes armored car personnel and those personnel engaged in the transportation of prisoners.

(20) "Recovery agency" means any person who, for consideration, advertises as providing or is engaged in the business of performing repossessions.

(21) "Recovery agent" means any individual who, for consideration, advertises as providing or performs repossessions.

(22) "Repossession" means the recovery of a motor vehicle as defined under s. 320.01(1), a mobile home as defined in s. 320.01(2), a motorboat as defined under s. 327.02, an aircraft as defined in s. 330.27(1), a personal watercraft as defined in s. 327.02, an all-terrain vehicle as defined in s. 316.2074, farm equipment as defined under s. 686.402, or industrial equipment, by an individual who is authorized by the legal owner, lienholder, or lessor to recover, or to collect money payment in lieu of recovery of, that which has been sold or leased under a security agreement that contains a repossession clause. As used in this subsection, the term "industrial equipment" includes, but is not limited to, tractors, road rollers, cranes, forklifts, backhoes, and bulldozers. The term "industrial equipment" also includes other vehicles that are propelled by power other than muscular power and that are used in the manufacture of goods or used in the provision of services. A repossession is complete when a licensed recovery agent is in control, custody, and possession of such repossessed property.

(23) "Felony" means a criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by death or imprisonment in the state penitentiary; a crime in any other state or a crime against the United States which is designated as a felony; or an offense in any other state, territory, or country punishable by imprisonment for a term exceeding 1 year.

History.--ss. 2, 11, ch. 90-364; s. 4, ch. 91-429; s. 10, ch. 94-241; s. 5, ch. 96-407; s. 1137, ch. 97-103; s. 1, ch. 97-248; s. 34, ch. 2001-36; s. 4, ch. 2002-295; s. 1, ch. 2005-143.

493.6102 Inapplicability of this chapter.--This chapter shall not apply to:

(1) Any individual who is an "officer" as defined in s. 943.10(14) or is a law enforcement officer of the United States Government, while such local, state, or federal officer is engaged in her or his official duties or when performing off-duty security activities approved by her or his superiors.

(2) Any insurance investigator or adjuster licensed by a state or federal licensing authority when such person is providing services or expert advice within the scope of her or his license.

(3) Any individual solely, exclusively, and regularly employed as an unarmed investigator in connection with the business of her or his employer, when there exists an employer-employee relationship.

(4) Any unarmed individual engaged in security services who is employed exclusively to work on the premises of her or his employer, or in connection with the business of her or his employer, when there exists an employer-employee relationship.

(5) Any person or bureau whose business is exclusively the furnishing of information concerning the business and financial standing and credit responsibility of persons or the financial habits and financial responsibility of applicants for insurance, indemnity bonds, or commercial credit.

(6) Any attorney in the regular practice of her or his profession.

(7) Any bank or bank holding company, credit union, or small loan company operating pursuant to chapters 516

been involuntarily placed in a treatment facility for the mentally ill under chapter 394 or a similar statute in any other state, unless her or his competency has been judicially restored; and not have been diagnosed as having an incapacitating mental illness, unless a psychologist or psychiatrist licensed in this state certifies that she or he does not currently suffer from the mental illness.

(d) Not be a chronic and habitual user of alcoholic beverages to the extent that her or his normal faculties are impaired; not have been committed under chapter 397, former chapter 396, or a similar law in any other state; not have been found to be a habitual offender under s. 856.011(3) or a similar law in any other state; and not have had two or more convictions under s. 316.193 or a similar law in any other state within the 3-year period immediately preceding the date the application was filed, unless the individual establishes that she or he is not currently impaired and has successfully completed a rehabilitation course.

(e) Not have been committed for controlled substance abuse or have been found guilty of a crime under chapter 893 or a similar law relating to controlled substances in any other state within a 3-year period immediately preceding the date the application was filed, unless the individual establishes that she or he is not currently abusing any controlled substance and has successfully completed a rehabilitation course.

(f) Be a citizen or legal resident alien of the United States or have been granted authorization to seek employment in this country by the United States Bureau of Citizenship and Immigration Services.

(2) Each agency shall have a minimum of one physical location within this state from which the normal business of the agency is conducted, and this location shall be considered the primary office for that agency in this state.

(a) If an agency desires to change the physical location of the business, as it appears on the agency license, the department must be notified within 10 days of the change, and, except upon renewal, the fee prescribed in s. 493.6107 must be submitted for each license requiring revision. Each license requiring revision must be returned with such notification.

(b) The Class "A," Class "B," or Class "R" license and any branch office or school license shall at all times be posted in a conspicuous place at the licensed physical location in this state where the business is conducted.

(c) Each Class "A," Class "B," Class "R," branch office, or school licensee shall display, in a place that is in clear and unobstructed public view, a notice on a form prescribed by the department stating that the business operating at this location is licensed and regulated by the Department of Agriculture and Consumer Services and that any questions or complaints should be directed to the department.

(d) A minimum of one properly licensed manager shall be designated for each agency and branch office location.

(3) Each Class "C," Class "CC," Class "D," Class "DI," Class "E," Class "EE," Class "G," Class "K," Class "M," Class "MA," Class "MB," Class "MR," or Class "RI" licensee shall notify the division in writing within 10 days of a change in her or his residence or mailing address.

History.--ss. 2, 11, ch. 90-364; s. 2, ch. 91-248; s. 4, ch. 91-429; s. 2, ch. 93-49; s. 4, ch. 94-172; s. 528, ch. 97-103; s. 83, ch. 2004-5; s. 1, ch. 2006-165.

493.6107 Fees.--

(1) The department shall establish by rule examination and biennial license fees which shall not exceed the following:

(a) Class "M" license--manager Class "AB" agency: $75.

(b) Class "G" license--statewide firearm license: $150.

(c) Class "K" license--firearms instructor: $100.

(d) Fee for the examination for firearms instructor: $75.

(2) The department may establish by rule a fee for the replacement or revision of a license which fee shall not exceed $30.

(3) The fees set forth in this section must be paid by certified check or money order or, at the discretion of the department, by agency check at the time the application is approved, except that the applicant for a Class "G" or Class "M" license must pay the license fee at the time the application is made. If a license is revoked or denied or if the application is withdrawn, the license fee shall not be refunded.

(4) The department may prorate license fees.

(5) Payment of any license fee provided for under this chapter authorizes the licensee to practice his or her profession anywhere in this state without obtaining any additional license, permit, registration, or identification card, any municipal or county ordinance or resolution to the contrary notwithstanding. However, an agency may be required to obtain a city and county occupational license in each city and county where the agency maintains a physical office.

History.--ss. 2, 11, ch. 90-364; s. 3, ch. 91-248; s. 4, ch. 91-429; s. 5, ch. 94-172; s. 529, ch. 97-103.

493.6108 Investigation of applicants by Department of Agriculture and Consumer Services.--

(1) Except as otherwise provided, prior to the issuance of a license under this chapter, the department shall make an investigation of the applicant for a license. The investigation shall include:

(a)1. An examination of fingerprint records and police records. When a criminal history analysis of any applicant under this chapter is performed by means of fingerprint card identification, the time limitations prescribed by s. 120.60(1) shall be tolled during the time the applicant's fingerprint card is under review by the Department of Law Enforcement or the United States Department of Justice, Federal Bureau of Investigation.

2. If a legible set of fingerprints, as determined by the Department of Law Enforcement or the Federal Bureau of Investigation, cannot be obtained after two attempts, the Department of Agriculture and Consumer Services may determine the applicant's eligibility based upon a criminal history record check under the applicant's name conducted by the Department of Law Enforcement and the Federal Bureau of Investigation. A set of fingerprints taken by a law enforcement agency and a written statement signed by the fingerprint technician or a licensed physician stating that there is a physical condition that precludes obtaining a legible set

that provided equivalent experience or training.

(b) College coursework related to criminal justice, criminology, or law enforcement administration, or successful completion of any law enforcement-related training received from any federal, state, county, or municipal agency, except that no more than 1 year may be used from this category.

(c) Work as a Class "CC" licensed intern.

(5) Effective January 1, 2008, an applicant for a Class "MA," Class "M," or Class "C" license must pass an examination that covers the provisions of this chapter and is administered by the department or by a provider approved by the department. The applicant must pass the examination before applying for licensure and must submit proof with the license application on a form approved by rule of the department that he or she has passed the examination. The administrator of the examination shall verify the identity of each applicant taking the examination.

(a) The examination requirement in this subsection does not apply to an individual who holds a valid Class "CC," Class "C," Class "MA," or Class "M" license.

(b) Notwithstanding the exemption provided in paragraph (a), if the license of an applicant for relicensure has been invalid for more than 1 year, the applicant must take and pass the examination.

(c) The department shall establish by rule the content of the examination, the manner and procedure of its administration, and an examination fee that may not exceed $100.

(6)(a) A Class "CC" licensee shall serve an internship under the direction and control of a designated sponsor, who is a Class "C," Class "MA," or Class "M" licensee.

(b) Effective September 1, 2008, an applicant for a Class "CC" license must have completed at least 24 hours of a 40-hour course pertaining to general investigative techniques and this chapter, which course is offered by a state university or by a school, community college, college, or university under the purview of the Department of Education, and the applicant must pass an examination. The certificate evidencing satisfactory completion of at least 24 hours of a 40-hour course must be submitted with the application for a Class "CC" license. The remaining 16 hours must be completed and an examination passed within 180 days. If documentation of completion of the required training is not submitted within the specified timeframe, the individual's license is automatically suspended or his or her authority to work as a Class "CC" pursuant to s. 493.6105(9) is rescinded until such time as proof of certificate of completion is provided to the department. The training course specified in this paragraph may be provided by face-to-face presentation, on-line technology, or a home study course in accordance with rules and procedures of the Department of Education. The administrator of the examination must verify the identity of each applicant taking the examination.

1. Upon an applicant's successful completion of each part of the approved course and passage of any required examination, the school, community college, college, or university shall issue a certificate of completion to the applicant. The certificates must be on a form established by rule of the department.

2. The department shall establish by rule the general content of the training course and the examination criteria.

3. If the license of an applicant for relicensure has been invalid for more than 1 year, the applicant must complete the required training and pass any required examination.

(7) In addition to any other requirement, an applicant for a Class "G" license shall satisfy the firearms training set forth in s. 493.6115.

History.--ss. 3, 11, ch. 90-364; s. 9, ch. 91-248; s. 4, ch. 91-429; s. 1, ch. 2007-232.

PART III
PRIVATE SECURITY SERVICES

493.6301 Classes of licenses.--

(1) Any person, firm, company, partnership, or corporation which engages in business as a security agency shall have a Class "B" license. A Class "B" license is valid for only one location.

(2) Each branch office of a Class "B" agency shall have a Class "BB" license. Where a person, firm, company, partnership, or corporation holds both a Class "A" and Class "B" license, each branch office shall have a Class "AB" license.

(3) Any individual who performs the services of a manager for a:

(a) Class "B" security agency or Class "BB" branch office shall have a Class "MB" license. A Class "M" licensee, or a Class "D" licensee who has been so licensed for a minimum of 2 years, may be designated as the manager, in which case the Class "MB" license is not required.

(b) Class "A" and Class "B" agency or a Class "AB" branch office shall have a Class "M" license.

(4) A Class "D" licensee shall own or be an employee of a Class "B" security agency or branch office. This does not include those individuals who are exempt under s. 493.6102(4) but who possess a Class "D" license solely for the purpose of holding a Class "G" license.

(5) Any individual who performs the services of a security officer shall have a Class "D" license. However, a Class "C" licensee or a Class "CC" licensee may perform bodyguard services without a Class "D" license.

(6) Only Class "M," Class "MB," or Class "D" licensees are permitted to bear a firearm, and any such licensee who bears a firearm shall also have a Class "G" license.

(7) Any person who operates a security officer school or training facility must have a Class "DS" license.

(8) Any individual who teaches or instructs at a Class "DS" security officer school or training facility must have a Class "DI" license.

History.--ss. 4, 11, ch. 90-364; s. 10, ch. 91-248; s. 4, ch. 91-429; s. 13, ch. 94-172; s. 71, ch. 95-144; s. 7, ch. 96-407; s. 9, ch. 97-248.

(5) The disposition of all administrative complaints.
(6) A description of all disciplinary actions taken by profession.
History.--ss. 2, 11, ch. 90-364; s. 4, ch. 91-429; s. 19, ch. 94-172; s. 49, ch. 95-196.

493.6126 Saving clauses.--
(1) No judicial or administrative proceeding pending on October 1, 1990, shall be abated as a result of the repeal and reenactment of this chapter.
(2) All licenses valid on October 1, 1990, shall remain in full force and effect until expiration or revocation by the department. Henceforth, all licenses shall be applied for and renewed in accordance with this chapter.
History.--ss. 2, 11, ch. 90-364; s. 4, ch. 91-429.

PART II

PRIVATE INVESTIGATIVE SERVICES

493.6201 Classes of licenses.--
(1) Any person, firm, company, partnership, or corporation which engages in business as a private investigative agency shall have a Class "A" license. A Class "A" license is valid for only one location.
(2) Each branch office of a Class "A" agency shall have a Class "AA" license. Where a person, firm, company, partnership, or corporation holds both a Class "A" and Class "B" license, each additional or branch office shall have a Class "AB" license.
(3) Any individual who performs the services of a manager for a:
(a) Class "A" private investigative agency or Class "AA" branch office shall have a Class "MA" license. A Class "C" or Class "M" licensee may be designated as the manager, in which case the Class "MA" license is not required.
(b) Class "A" and "B" agency or a Class "AB" branch office shall have a Class "M" license.
(4) Class "C" or Class "CC" licensees shall own or be an employee of a Class "A" agency, a Class "A" and Class "B" agency, or a branch office. This does not include those who are exempt under s. 493.6102, but who possess a Class "C" license solely for the purpose of holding a Class "G" license.
(5) Any individual who performs the services of a private investigator shall have a Class "C" license.
(6) Any individual who performs private investigative work as an intern under the direction and control of a designated, sponsoring Class "C" licensee or a designated, sponsoring Class "MA" or Class "M" licensee must have a Class "CC" license.
(7) Only Class "M," Class "MA," Class "C," or Class "CC" licensees are permitted to bear a firearm, and any such licensee who bears a firearm shall also have a Class "G" license.
(8) A Class "C" or Class "CC" licensee may perform bodyguard services without obtaining a Class "D" license.
History.--ss. 3, 11, ch. 90-364; s. 4, ch. 91-429; s. 11, ch. 94-172; s. 70, ch. 95-144; s. 8, ch. 97-248.

493.6202 Fees.--
(1) The department shall establish by rule examination and biennial license fees, which shall not exceed the following:
(a) Class "A" license--private investigative agency: $450.
(b) Class "AA" or "AB" license--branch office: $125.
(c) Class "MA" license--private investigative agency manager: $75.
(d) Class "C" license--private investigator: $75.
(e) Class "CC" license--private investigator intern: $60.
(2) The department may establish by rule a fee for the replacement or revision of a license, which fee shall not exceed $30.
(3) The fees set forth in this section must be paid by certified check or money order or, at the discretion of the department, by agency check at the time the application is approved, except that the applicant for a Class "G," Class "C," Class "CC," Class "M," or Class "MA" license must pay the license fee at the time the application is made. If a license is revoked or denied or if the application is withdrawn, the license fee shall not be refunded.
History.--ss. 3, 11, ch. 90-364; s. 4, ch. 91-429; s. 12, ch. 94-172.

493.6203 License requirements.--In addition to the license requirements set forth elsewhere in this chapter, each individual or agency shall comply with the following additional requirements:
(1) Each agency or branch office shall designate a minimum of one appropriately licensed individual to act as manager, directing the activities of the Class "C" or Class "CC" employees.
(2) An applicant for a Class "MA" license shall have 2 years of lawfully gained, verifiable, full-time experience, or training in:
(a) Private investigative work or related fields of work that provided equivalent experience or training;
(b) Work as a Class "CC" licensed intern;
(c) Any combination of paragraphs (a) and (b);
(d) Experience described in paragraph (a) for 1 year and experience described in paragraph (e) for 1 year;
(e) No more than 1 year using:
1. College coursework related to criminal justice, criminology, or law enforcement administration; or
2. Successfully completed law enforcement-related training received from any federal, state, county, or municipal agency; or
(f) Experience described in paragraph (a) for 1 year and work in a managerial or supervisory capacity for 1 year.
(3) An applicant for a Class "M" license shall qualify for licensure as a Class "MA" manager as outlined under subsection (2) and as a Class "MB" manager as outlined under s. 493.6303(2).
(4) An applicant for a Class "C" license shall have 2 years of lawfully gained, verifiable, full-time experience, or training in one, or a combination of more than one, of the following:
(a) Private investigative work or related fields of work

of fingerprints or that the fingerprints taken are the best that can be obtained is sufficient to meet this requirement.
(b) An inquiry to determine if the applicant has been adjudicated incompetent under chapter 744 or has been committed to a mental institution under chapter 394.
(c) Such other investigation of the individual as the department may deem necessary.
(2) In addition to subsection (1), the department shall make an investigation of the general physical fitness of the Class "G" applicant to bear a weapon or firearm. Determination of physical fitness shall be certified by a physician or physician assistant currently licensed pursuant to chapter 458, chapter 459, or any similar law of another state or authorized to act as a licensed physician by a federal agency or department or by an advanced registered nurse practitioner currently licensed pursuant to chapter 464. Such certification shall be submitted on a form provided by the department.
(3) The department shall also investigate the mental history and current mental and emotional fitness of any Class "G" applicant, and may deny a Class "G" license to anyone who has a history of mental illness or drug or alcohol abuse.
History.--ss. 2, 11, ch. 90-364; s. 4, ch. 91-429; s. 3, ch. 93-49; s. 6, ch. 94-172; s. 230, ch. 96-410; s. 4, ch. 97-248; s. 6, ch. 2002-295; s. 1, ch. 2005-76.

493.6109 Reciprocity.--
(1) The department may adopt rules for:
(a) Entering into reciprocal agreements with other states or territories of the United States for the purpose of licensing persons to perform activities regulated under this chapter who are currently licensed to perform similar services in the other states or territories; or
(b) Allowing a person who is licensed in another state or territory to perform similar services in this state, on a temporary and limited basis, without the need for licensure in state.
(2) The rules authorized in subsection (1) may be promulgated only if:
(a) The other state or territory has requirements which are substantially similar to or greater than those established in this chapter.
(b) The applicant has engaged in licensed activities for at least 1 year in the other state or territory with no disciplinary action against him or her.
(c) The Commissioner of Agriculture or other appropriate authority of the other state or territory agrees to accept service of process for those licensees who are operating in this state on a temporary basis.
History.--ss. 2, 11, ch. 90-364; s. 4, ch. 91-429; s. 530, ch. 97-103; s. 7, ch. 2002-295.

493.6110 Licensee's insurance.--A Class "B" agency license may not be issued unless the applicant first files with the department a certification of insurance evidencing commercial general liability coverage. The coverage shall provide the department as an additional insured for the purpose of receiving all notices of modification or cancellation of such insurance. Coverage shall be written by an insurance company which is lawfully engaged to provide insurance coverage in Florida. Coverage shall provide for a combined single-limit policy in the amount of at least $300,000 for death, bodily injury, property damage, and personal injury. Coverage shall insure for the liability of all employees licensed by the department while acting in the course of their employment.
(1) The licensed agency shall notify the department of any claim against such insurance.
(2) The licensed agency shall notify the department immediately upon cancellation of the insurance policy, whether such cancellation was initiated by the insurance company or the insured agency.
(3) The agency license shall be automatically suspended upon the date of cancellation unless evidence of insurance is provided to the department prior to the effective date of cancellation.
History.--ss. 2, 11, ch. 90-364; s. 4, ch. 91-248; s. 4, ch. 91-429; s. 3, ch. 2005-143.

493.6111 License; contents; identification card.--
(1) All licenses issued pursuant to this chapter shall be on a form prescribed by the department and shall include the licensee's name, license number, expiration date of the license, and any other information the department deems necessary. Class "C," Class "CC," Class "D," Class "E," Class "EE," Class "M," Class "MA," Class "MB," Class "MR," and Class "G" licenses shall be in the possession of individual licensees while on duty.
(2) Licenses shall be valid for a period of 2 years, except for Class "A," Class "B," Class "AB," Class "R," and branch agency licenses, which shall be valid for a period of 3 years.
(3) The department shall, upon complete application and payment of the appropriate fees, issue a separate license to each branch office for which application is made.
(4) Notwithstanding the existence of a valid Florida corporate registration, no agency licensee may conduct activities regulated under this chapter under any fictitious name without prior written authorization from the department to use that name in the conduct of activities regulated under this chapter. The department may not authorize the use of a name which is so similar to that of a public officer or agency, or of that used by another licensee, that the public may be confused or misled thereby. The authorization for the use of a fictitious name shall require, as a condition precedent to the use of such name, the filing of a certificate of engaging in business under a fictitious name under s. 865.09. No licensee shall be permitted to conduct business under more than one name except as separately licensed nor shall the license be valid to protect any licensee who is engaged in the business under any name other than that specified in the license. An agency desiring to change its licensed name shall notify the department and, except upon renewal, pay a fee not to exceed $30 for each license requiring revision including those of all licensed employees except Class "D" or Class "G" licensees. Upon the return of such licenses to the department, revised licenses shall be provided.
(5) It shall be the duty of every agency to furnish all of its partners, principal corporate officers, and all licensed employees an identification card. The card shall specify

at least the name and license number, if appropriate, of the holder of the card and the name and license number of the agency and shall be signed by a representative of the agency and by the holder of the card.

(a) Each individual to whom a license and identification card have been issued shall be responsible for the safekeeping thereof and shall not loan, or let or allow any other individual to use or display, the license or card.

(b) The identification card shall be in the possession of each partner, principal corporate officer, or licensed employee while on duty.

(c) Upon denial, suspension, or revocation of a license, or upon termination of a business association with the licensed agency, it shall be the duty of each partner, principal corporate officer, manager, or licensed employee to return the identification card to the issuing agency.

(6) A licensed agency must include its agency license number in any advertisement in any print medium or directory, and must include its agency license number in any written bid or offer to provide services.

History.--ss. 2, 11, ch. 90-364; s. 5, ch. 91-248; s. 4, ch. 91-429; s. 4, ch. 93-49; s. 1, ch. 98-335.

493.6112 Notification to Department of Agriculture and Consumer Services of changes of partner or officer or employees.--

(1) After filing the application, unless the department declines to issue the license or revokes it after issuance, an agency or school shall, within 5 working days of the withdrawal, removal, replacement, or addition of any or all partners or officers, notify and file with the department complete applications for such individuals. The agency's or school's good standing under this chapter shall be contingent upon the department's approval of any new partner or officer.

(2) Each agency or school shall, upon the employment or termination of employment of a licensee, report such employment or termination immediately to the department and, in the case of a termination, report the reason or reasons therefor. The report shall be on a form prescribed by the department.

History.--ss. 2, 11, ch. 90-364; s. 4, ch. 91-429; s. 8, ch. 2002-295.

493.6113 Renewal application for licensure.--

(1) A license granted under the provisions of this chapter shall be renewed biennially by the department, except for Class "A," Class "B," Class "AB," Class "R," and branch agency licenses, which shall be renewed every 3 years.

(2) No less than 90 days prior to the expiration date of the license, the department shall mail a written notice to the last known residence address for individual licensees and to the last known agency address for agencies.

(3) Each licensee shall be responsible for renewing his or her license on or before its expiration by filing with the department an application for renewal accompanied by payment of the prescribed license fee.

(a) Each Class "A," Class "B," or Class "R" licensee shall additionally submit on a form prescribed by the department a certification of insurance which evidences that the licensee maintains coverage as required under s. 493.6110.

(b) Each Class "G" licensee shall additionally submit proof that he or she has received during each year of the license period a minimum of 4 hours of firearms recertification training taught by a Class "K" licensee and has complied with such other health and training requirements which the department may adopt by rule. If proof of a minimum of 4 hours of annual firearms recertification training cannot be provided, the renewal applicant shall complete the minimum number of hours of range and classroom training required at the time of initial licensure.

(c) Each Class "DS" or Class "RS" licensee shall additionally submit the current curriculum, examination, and list of instructors.

(4) A licensee who fails to file a renewal application on or before its expiration must renew his or her license by fulfilling the applicable requirements of subsection (3) and by paying a late fee equal to the amount of the license fee.

(5) No license shall be renewed 3 months or more after its expiration date. The applicant shall submit a new, complete application and the respective fees.

(6) A renewal applicant shall not perform any activity regulated by this chapter between the date of expiration and the date of renewal of his or her license.

History.--ss. 2, 11, ch. 90-364; s. 6, ch. 91-248; s. 4, ch. 91-429; s. 43, ch. 95-144; s. 531, ch. 97-103; s. 2, ch. 98-335.

493.6114 Cancellation or inactivation of license.--

(1) In the event the licensee desires to cancel her or his license, she or he shall notify the department in writing and return the license to the department within 10 days of the date of cancellation.

(2) The department, at the written request of the licensee, may place her or his license in inactive status. A license may remain inactive for a period of 3 years, at the end of which time, if the license has not been renewed, it shall be automatically canceled. If the license expires during the inactive period, the licensee shall be required to pay license fees and, if applicable, show proof of insurance or proof of firearms training before the license can be made active. No late fees shall apply when a license is in inactive status.

History.--ss. 2, 11, ch. 90-364; s. 4, ch. 91-429; s. 532, ch. 97-103.

493.6115 Weapons and firearms.--

(1) The provisions of this section shall apply to all licensees in addition to the other provisions of this chapter.

(2) Only Class "C," Class "CC," Class "D," Class "M," Class "MA," or Class "MB" licensees are permitted to bear a firearm and any such licensee who bears a firearm shall also have a Class "G" license.

(3) No employee shall carry or be furnished a weapon or firearm unless the carrying of a weapon or firearm is required by her or his duties, nor shall an employee carry a weapon or firearm except in connection with those duties. When carried pursuant to this subsection, the weapon or firearm shall be encased in view at all times except as provided in subsection (4).

refuses to comply with a proper subpoena to be examined or fails or refuses to answer any question about her or his qualifications or the business methods or business practices under investigation or refuses access to agency records in accordance with s. 493.6119, the circuit court of Leon County or of the county wherein such person resides may issue an order on the application of the department requiring such person to comply with the subpoena and to testify. Such failure or refusal shall also be grounds for revocation, suspension, or other disciplinary action. The testimony of witnesses in any such proceeding shall be under oath before the department or its agents.

(5) In order to carry out the duties of the department prescribed in this chapter, designated employees of the Division of Licensing of the Department of Agriculture and Consumer Services may obtain access to the information in criminal justice information systems and to criminal justice information as defined in s. 943.045, on such terms and conditions as are reasonably calculated to provide necessary information and protect the confidentiality of the information. Such criminal justice information submitted to the division is confidential and exempt from the provisions of s. 119.07(1).

(6) The department shall be provided access to the program that is operated by the Department of Law Enforcement, pursuant to s. 790.065, for providing criminal history record information to licensed gun dealers, manufacturers, and exporters. The department may make inquiries, and shall receive responses in the same fashion as provided under s. 790.065. The department shall be responsible for payment to the Department of Law Enforcement of the same fees as charged to others afforded access to the program.

(7) The Department may institute judicial proceedings in the appropriate circuit court seeking enforcement of this chapter or any rule or order of the department.

(8) Any investigation conducted by the department pursuant to this chapter is exempt from s. 119.07(1) until:

(a) The investigation of the complaint has been concluded and determination has been made by the department as to whether probable cause exists;

(b) The case is closed prior to a determination by the department as to whether probable cause exists; or

(c) The subject of the investigation waives her or his privilege of confidentiality.

History.--ss. 2, 11, ch. 90-364; s. 17, ch. 91-248; s. 4, ch. 91-429; s. 5, ch. 92-183; s. 2, ch. 93-197; s. 10, ch. 94-172; s. 69, ch. 95-144; s. 326, ch. 96-406; s. 1139, ch. 97-103; s. 7, ch. 97-248; s. 9, ch. 2002-295; s. 2, ch. 2006-165.

493.6122 Information about licensees; confidentiality.--The residence telephone number and residence address of any Class "C," Class "CC," Class "E," or Class "EE" licensee maintained by the department is confidential and exempt from the provisions of s. 119.07(1), except that the department may provide this information to local, state, or federal law enforcement agencies. When the residence telephone number or residence address of such licensee is, or appears to be, the business telephone number or business address, this information shall be public record.

History.--ss. 2, 11, ch. 90-364; s. 18, ch. 91-248; s. 4, ch. 91-429; s. 327, ch. 96-406.

493.6123 Publication to industry.--

(1) The department shall have the authority to periodically, through the publication of a newsletter, advise its licensees of information that the department or the advisory council determines is of interest to the industry. Additionally, this newsletter shall contain the name and locality of any licensed or unlicensed person or agency against which the department has filed a final order relative to an administrative complaint and shall contain the final disposition. This newsletter shall be published not less than two or more than four times annually.

(2) The department shall develop and make available to each Class "C," Class "D," and Class "E" licensee and all interns a pamphlet detailing in plain language the legal authority, rights, and obligations of his or her class of licensure. Within the pamphlet, the department should endeavor to present situations that the licensee may be expected to commonly encounter in the course of doing business pursuant to his or her specific license, and provide to the licensee information on his or her legal options, authority, limits to authority, and obligations. The department shall supplement this with citations to statutes and legal decisions, as well as a selected bibliography that would direct the licensee to materials the study of which would enhance his or her professionalism. The department shall provide a single copy of the appropriate pamphlet without charge to each individual to whom a license is issued, but may charge for additional copies to recover its publication costs. The pamphlet shall be updated every 2 years as necessary to reflect rule or statutory changes, or court decisions. Intervening changes to the regulatory situation shall be noticed in the industry newsletter issued pursuant to subsection (1).

History.--ss. 2, 11, ch. 90-364; s. 4, ch. 91-429; s. 537, ch. 97-103.

493.6124 Use of state seal; prohibited.--No person or licensee shall use any facsimile reproduction or pictorial portion of the Great Seal of the State of Florida on any badge, credentials, identification card, or other means of identification used in connection with any activities regulated under this chapter.

History.--ss. 2, 11, ch. 90-364; s. 4, ch. 91-429.

493.6125 Maintenance of information concerning administrative complaints and disciplinary actions.-- The department shall maintain statistics and relevant information, by profession, for private investigators, recovery agents, and private security officers which details:

(1) The number of complaints received and investigated.

(2) The number of complaints initiated and investigated by the department.

(3) The disposition of each complaint.

(4) The number of administrative complaints filed by the department.

was insufficient at the time of application;

(c) The department was unable to complete the criminal background investigation due to insufficient information from the Department of Law Enforcement, the Federal Bureau of Investigation, or any other applicable law enforcement agency; or (d) Failure to submit required fees.

History.--ss. 2, 11, ch. 90-364; s. 8, ch. 91-248; s. 4, ch. 91-429; s. 5, ch. 93-49; s. 9, ch. 94-172; s. 534, ch. 97-103; s. 6, ch. 97-248; s. 4, ch. 2005-143.

493.6119 Divulging investigative information; false reports prohibited.--

(1) Except as otherwise provided by this chapter or other law, no licensee, or any employee of a licensee or licensed agency shall divulge or release to anyone other than her or his client or employer the contents of an investigative file acquired in the course of licensed investigative activity. However, the prohibition of this section shall not apply when the client for whom the information was acquired, or the client's lawful representative, has alleged a violation of this chapter by the licensee, licensed agency, or any employee, or when the prior written consent of the client to divulge or release such information has been obtained.

(2) Nothing in this section shall be construed to deny access to any business or operational records, except as specified in subsection (1), by an authorized representative of the department engaged in an official investigation, inspection, or inquiry pursuant to the regulatory duty and investigative authority of this chapter.

(3) Any licensee or employee of a licensee or licensed agency who, in reliance on subsection (1), denies access to an investigative file to an authorized representative of the department shall state such denial in writing within 2 working days of the request for access. Such statement of denial shall include the following:

(a) That the information requested was obtained by a licensed private investigator on behalf of a client; and

(b) That the client has been advised of the request and has denied permission to grant access; or

(c) That the present whereabouts of the client is unknown or attempts to contact the client have been unsuccessful but, in the opinion of the person denying access, review of the investigative file under conditions specified by the department would be contrary to the interests of the client; or

(d) That the requested investigative file will be provided pursuant to a subpoena issued by the department.

(4) No licensee or any employer or employee of a licensee or licensed agency shall willfully make a false statement or report to her or his client or employer or an authorized representative of the department concerning information acquired in the course of activities regulated by this chapter.

History.--ss. 2, 11, ch. 90-364; s. 4, ch. 91-429; s. 535, ch. 97-103.

493.6120 Violations; penalty.--

(1) Any person who violates any provision of this chapter except s. 493.6405 commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who is convicted of any violation of this chapter shall not be eligible for licensure for a period of 5 years.

(3) Any person who violates or disregards any cease and desist order issued by the department commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. In addition, the department may seek the imposition of a civil penalty not to exceed $5,000.

(4) Any person who was an owner, officer, partner, or manager of a licensed agency at the time of any activity that is the basis for revocation of the agency or branch office license and who knew or should have known of the activity, shall have his or her personal licenses or approval suspended for 3 years and may not have any financial interest in or be employed in any capacity by a licensed agency during the period of suspension.

History.--ss. 2, 11, ch. 90-364; s. 4, ch. 91-429; s. 6, ch. 93-49; s. 536, ch. 97-103.

493.6121 Enforcement; investigation.--

(1) The department shall have the power to enforce the provisions of this chapter, irrespective of the place or location in which the violation occurred, and, upon the complaint of any person or on its own initiative, to cause to be investigated any suspected violation thereof or to cause to be investigated the business and business methods of any licensed or unlicensed person, agency or employee thereof, or applicant for licensure under this chapter.

(2) In any investigation undertaken by the department, each licensed or unlicensed person, applicant, agency, or employee shall, upon request of the department provide records and shall truthfully respond to questions concerning activities regulated under this chapter. Such records shall be maintained in this state for a period of 2 years at the principal place of business of the licensee, or at any other location within the state for a person whose license has been terminated, canceled, or revoked. Upon request by the department the records must be made available immediately to the department unless the department determines that an extension may be granted.

(3) The department shall have the authority to investigate any licensed or unlicensed person, firm, company, partnership, or corporation when such person, firm, company, partnership, or corporation is advertising as providing or is engaged in performing services which require licensure under this chapter or when a licensee is engaged in activities which do not comply with or are prohibited by this chapter; and the department shall have the authority to issue an order to cease and desist the further conduct of such activities, or seek an injunction, or take other appropriate action pursuant to s. 493.6118(2)(a) or (c).

(4) In the exercise of its enforcement responsibility and in the conduct of any investigation authorized by this chapter, the department shall have the power to subpoena and bring before it any person in the state, require the production of any papers it deems necessary, administer oaths, and take depositions of any persons so subpoenaed. If any person fails or

(4) A Class "C" or Class "CC" licensee 21 years of age or older who has also been issued a Class "G" license may carry, in the performance of her or his duties, a concealed firearm. A Class "D" licensee 21 years of age or older who has also been issued a Class "G" license may carry a concealed firearm in the performance of her or his duties under the conditions specified in s. 493.6305(2). The Class "G" license shall clearly indicate such authority. The authority of any such licensee to carry a concealed firearm shall be valid throughout the state, in any location, while performing services within the scope of the license.

(5) The Class "G" license shall remain in effect only during the period the applicant is employed as a Class "C," Class "CC," Class "D," Class "MA," Class "MB," or Class "M" licensee.

(6) In addition to any other firearm approved by the department, a licensee who has been issued a Class "G" license may carry a .38 caliber revolver; or a .380 caliber or 9 millimeter semiautomatic pistol; or a .357 caliber revolver with .38 caliber ammunition only while performing duties authorized under this chapter. No licensee may carry more than two firearms upon her or his person when performing her or his duties. A licensee may only carry a firearm of the specific type and caliber with which she or he is qualified pursuant to the firearms training referenced in subsection (8) or s. 493.6113(3)(b).

(7) Any person who provides classroom and range instruction to applicants for Class "G" licensure shall have a Class "K" license.

(8) A Class "G" applicant must satisfy the minimum training criteria as set forth in s. 493.6105(6) and as established by rule of the department.

(9) Whenever a Class "G" licensee discharges her or his firearm in the course of her or his duties, the Class "G" licensee and the agency by which she or he is employed shall, within 5 working days, submit to the department an explanation describing the nature of the incident, the necessity for using the firearm, and a copy of any report prepared by a law enforcement agency. The department may revoke or suspend the Class "G" licensee's license and the licensed agency's agency license if this requirement is not met.

(10) The department may promulgate rules to establish minimum standards to issue licenses for weapons other than firearms.

(11) The department may establish rules to require periodic classroom training for firearms instructors to provide updated information relative to curriculum or other training requirements provided by statute or rule.

(12) The department may issue a temporary Class "G" license, on a case-by-case basis, if:

(a) The agency or employer has certified that the applicant has been determined to be mentally and emotionally stable by either:

1. A validated written psychological test taken within the previous 12-month period.

2. An evaluation by a psychiatrist or psychologist licensed in this state or by the Federal Government made within the previous 12-month period.

3. Presentation of a DD form 214, issued within the previous 12-month period, which establishes the absence of emotional or mental instability at the time of discharge from military service.

(b) The applicant has submitted a complete application for a Class "G" license, with a notation that she or he is seeking a temporary Class "G" license.

(c) The applicant has completed all Class "G" minimum training requirements as specified in this section.

(d) The applicant has received approval from the department subsequent to its conduct of a criminal history record check as authorized in s. 493.6121(6).

(13) In addition to other fees, the department may charge a fee, not to exceed $25, for processing a Class "G" license application as a temporary Class "G" license request.

(14) Upon issuance of the temporary Class "G" license, the licensee is subject to all of the requirements imposed upon Class "G" licensees.

(15) The temporary Class "G" license is valid until the Class "G" license is issued or denied. If the department denies the Class "G" license, any temporary Class "G" license issued to that individual is void, and the individual shall be removed from armed duties immediately.

(16) If the criminal history record check program referenced in s. 493.6121(6) is inoperable, the department may issue a temporary "G" license on a case-by-case basis, provided that the applicant has met all statutory requirements for the issuance of a temporary "G" license as specified in subsection (12), excepting the criminal history record check stipulated there; provided, that the department requires that the licensed employer of the applicant conduct a criminal history record check of the applicant pursuant to standards set forth in rule by the department, and provide to the department an affidavit containing such information and statements as required by the department, including a statement that the criminal history record check did not indicate the existence of any criminal history that would prohibit licensure. Failure to properly conduct such a check, or knowingly providing incorrect or misleading information or statements in the affidavit shall constitute grounds for disciplinary action against the licensed agency, including revocation of license.

(17) No person is exempt from the requirements of this section by virtue of holding a concealed weapon or concealed firearm license issued pursuant to s. 790.06.

History.--ss. 2, 11, ch. 90-364; s. 7, ch. 91-248; s. 4, ch. 91-429; s. 7, ch. 94-172; s. 533, ch. 97-103; s. 5, ch. 97-248; s. 1, ch. 2005-69.

493.6116 Sponsorship of interns.--

(1) Only licensees may sponsor interns. A Class "C," Class "M," or Class "MA" licensee may sponsor a Class "CC" private investigator intern; a Class "E" or Class "MR" licensee may sponsor a Class "EE" recovery agent intern.

(2) An internship may not commence until the sponsor has submitted to the department the notice of intent to sponsor. Such notice shall be on a form provided by the department.

(3) Internship is intended to serve as a learning process. Sponsors shall assume a training status by providing direction and control of interns. Sponsors shall

only sponsor interns whose place of business is within a 50-mile distance of the sponsor's place of business and shall not allow interns to operate independently of such direction and control, or require interns to perform activities which do not enhance the intern's qualification for licensure.

(4) No sponsor may sponsor more than six interns at the same time.

(5) A sponsor shall certify a biannual progress report on each intern and shall certify completion or termination of an internship to the department within 15 days after such completion or termination. The report must be made on a form provided by the department and must include at a minimum:

(a) The inclusive dates of the internship.

(b) A narrative part explaining the primary duties, types of experiences gained, and the scope of training received.

(c) An evaluation of the performance of the intern and a recommendation regarding future licensure.

History.--ss. 2, 11, ch. 90-364; s. 4, ch. 91-429; s. 8, ch. 94-172; s. 68, ch. 95-144.

493.6117 Division of Licensing Trust Fund.--There is created within the Division of Licensing of the department a Division of Licensing Trust Fund. All moneys required to be paid under this chapter shall be collected by the department and deposited in the trust fund. The Division of Licensing Trust Fund shall be subject to the service charge imposed pursuant to chapter 215. The Legislature shall appropriate from the fund such amounts as it deems necessary for the purpose of administering the provisions of this chapter. The unencumbered balance in the trust fund at the beginning of the year shall not exceed $100,000, and any excess shall be transferred to the General Revenue Fund unallocated.

History.--ss. 2, 11, ch. 90-364; s. 4, ch. 91-429.

493.6118 Grounds for disciplinary action.--

(1) The following constitute grounds for which disciplinary action specified in subsection (2) may be taken by the department against any licensee, agency, or applicant regulated by this chapter, or any unlicensed person engaged in activities regulated under this chapter.

(a) Fraud or willful misrepresentation in applying for or obtaining a license.

(b) Use of any fictitious or assumed name by an agency unless the agency has department approval and qualifies under s. 865.09.

(c) Being found guilty of or entering a plea of guilty or nolo contendere to, regardless of adjudication, or being convicted of a crime that directly relates to the business for which the license is held or sought. A plea of nolo contendere shall create a rebuttable presumption of guilt to the underlying criminal charges, and the department shall allow the individual being disciplined or denied an application for a license to present any mitigating circumstances surrounding his or her plea.

(d) A false statement by the licensee that any individual is or has been in his or her employ.

(e) A finding that the licensee or any employee is guilty of willful betrayal of a professional secret or any unauthorized release of information acquired as a result of activities regulated under this chapter.

(f) Proof that the applicant or licensee is guilty of fraud or deceit, or of negligence, incompetency, or misconduct, in the practice of the activities regulated under this chapter.

(g) Conducting activities regulated under this chapter without a license or with a revoked or suspended license.

(h) Failure of the licensee to maintain in full force and effect the commercial general liability insurance coverage required by s. 493.6110.

(i) Impersonating, or permitting or aiding and abetting an employee to impersonate, a law enforcement officer or an employee of the state, the United States, or any political subdivision thereof by identifying himself or herself as a federal, state, county, or municipal law enforcement officer or official representative, by wearing a uniform or presenting or displaying a badge or credentials that would cause a reasonable person to believe that he or she is a law enforcement officer or that he or she has official authority, by displaying any flashing or warning vehicular lights other than amber colored, or by committing any act that is intended to falsely convey official status.

(j) Commission of an act of violence or the use of force on any person except in the lawful protection of one's self or another from physical harm.

(k) Knowingly violating, advising, encouraging, or assisting the violation of any statute, court order, capias, warrant, injunction, or cease and desist order, in the course of business regulated under this chapter.

(l) Soliciting business for an attorney in return for compensation.

(m) Transferring or attempting to transfer a license issued pursuant to this chapter.

(n) Employing or contracting with any unlicensed or improperly licensed person or agency to conduct activities regulated under this chapter, or performing any act that assists, aids, or abets a person or business entity in engaging in unlicensed activity, when the licensure status was known or could have been ascertained by reasonable inquiry.

(o) Failure or refusal to cooperate with or refusal of access to an authorized representative of the department engaged in an official investigation pursuant to this chapter.

(p) Failure of any partner, principal corporate officer, or licensee to have his or her identification card in his or her possession while on duty.

(q) Failure of any licensee to have his or her license in his or her possession while on duty, as specified in s. 493.6111(1).

(r) Failure or refusal by a sponsor to certify a biannual written report on an intern or to certify completion or termination of an internship to the department within 15 working days.

(s) Failure to report to the department any person whom the licensee knows to be in violation of this chapter or the rules of the department.

(t) Violating any provision of this chapter.

(u) In addition to the grounds for disciplinary action prescribed in paragraphs (a)-(t), Class "R" recovery agencies, Class "E" recovery agents, and Class "EE" recovery agent interns are prohibited from committing the following acts:

1. Recovering a motor vehicle, mobile home, motorboat, aircraft, personal watercraft, all-terrain vehicle, farm equipment, or industrial equipment that has been sold under a conditional sales agreement or under the terms of a chattel mortgage before authorization has been received from the legal owner or mortgagee.

2. Charging for expenses not actually incurred in connection with the recovery, transportation, storage, or disposal of repossessed property or personal property obtained in a repossession.

3. Using any repossessed property or personal property obtained in a repossession for the personal benefit of a licensee or an officer, director, partner, manager, or employee of a licensee.

4. Selling property recovered under the provisions of this chapter, except with written authorization from the legal owner or the mortgagee thereof.

5. Failing to notify the police or sheriff's department of the jurisdiction in which the repossessed property is recovered within 2 hours after recovery.

6. Failing to remit moneys collected in lieu of recovery of a motor vehicle, mobile home, motorboat, aircraft, personal watercraft, all-terrain vehicle, farm equipment, or industrial equipment to the client within 10 working days.

7. Failing to deliver to the client a negotiable instrument that is payable to the client, within 10 working days after receipt of such instrument.

8. Falsifying, altering, or failing to maintain any required inventory or records regarding disposal of personal property contained in or on repossessed property pursuant to s. 493.6404(1).

9. Carrying any weapon or firearm when he or she is on private property and performing duties under his or her license whether or not he or she is licensed pursuant to s. 790.06.

10. Soliciting from the legal owner the recovery of property subject to repossession after such property has been seen or located on public or private property if the amount charged or requested for such recovery is more than the amount normally charged for such a recovery.

11. Wearing, presenting, or displaying a badge in the course of performing a repossession regulated by this chapter.

(2) When the department finds any violation of subsection (1), it may do one or more of the following:

(a) Deny an application for the issuance or renewal of a license.

(b) Issue a reprimand.

(c) Impose an administrative fine not to exceed $1,000 for every count or separate offense.

(d) Place the licensee on probation for a period of time and subject to such conditions as the department may specify.

(e) Suspend or revoke a license.

(3) The department may deny an application for licensure citing lack of good moral character only if the finding by the department of lack of good moral character is supported by clear and convincing evidence. In such cases, the department shall furnish the applicant a statement containing the findings of the department, a complete record of the evidence upon which the determination was based, and a notice of the rights of the applicant to an administrative hearing and subsequent appeal.

(4) Notwithstanding the provisions of paragraph (1)(c) and subsection (2):

(a) If the applicant or licensee has been convicted of a felony, the department shall deny the application or revoke the license unless and until civil rights have been restored by the State of Florida or by a state acceptable to Florida and a period of 10 years has expired since final release from supervision.

(b) A Class "G" applicant who has been convicted of a felony shall also have had the specific right to possess, carry, or use a firearm restored by the State of Florida.

(c) If the applicant or licensee has been found guilty of, entered a plea of guilty to, or entered a plea of nolo contendere to a felony and adjudication of guilt is withheld, the department shall deny the application or revoke the license until a period of 3 years has expired since final release from supervision.

(d) A plea of nolo contendere shall create a rebuttable presumption of guilt to the underlying criminal charges, and the department shall allow the person being disciplined or denied an application for a license to present any mitigating circumstances surrounding his or her plea.

(e) The grounds for discipline or denial cited in this subsection shall be applied to any disqualifying criminal history regardless of the date of commission of the underlying criminal charge. Such provisions shall be applied retroactively and prospectively.

(5) Upon revocation or suspension of a license, the licensee shall forthwith return the license which was suspended or revoked.

(6) The agency license and the approval or license of each officer, partner, or owner of the agency are automatically suspended upon entry of a final order imposing an administrative fine against the agency, until the fine is paid, if 30 calendar days have elapsed since the entry of the final order. All owners and corporate or agency officers or partners are jointly and severally liable for agency fines. Neither the agency license or the approval or license of any officer, partner, or owner of the agency may be renewed, nor may an application be approved if the owner, licensee, or applicant is liable for an outstanding administrative fine imposed under this chapter. An individual's approval or license becomes automatically suspended if a fine imposed against the individual or his or her agency is not paid within 30 days after the date of the final order, and remains suspended until the fine is paid. Notwithstanding the provisions of this subsection, an individual's approval or license may not be suspended nor may an application be denied when the licensee or the applicant has an appeal from a final order pending in any appellate court.

(7) An applicant or licensee shall be ineligible to reapply for the same class of license for a period of 1 year following final agency action resulting in the denial or revocation of a license applied for or issued under this chapter. This time restriction shall not apply to administrative denials wherein the basis for denial was:

(a) An inadvertent error or omission on the application;

(b) The experience documented by the department

FD-340c (4-11-03)

File Number 44A-TP-74471- 1A 13

Field Office Acquiring Evidence TP

Serial # of Originating Document 29

Date Received 3/28/2012

From [redacted]
(Name of Contributor/Interviewee)

[redacted]
(Address)

(City and State)

By [redacted]

b6
b7C

To Be Returned ☐ Yes ☑ No

Receipt Given ☐ Yes ☑ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6 (e)
Federal Rules of Criminal Procedure
☐ Yes ☑ No

Federal Taxpayer Information (FTI)
☐ Yes ☑ No

Title:

Reference:
(Communication Enclosing Material)

Description: ☐ Original notes re interview of

1 - FL Class D Security Office license application

2 - FL Concealed weapon or firearm license application

instructions

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
DIVISION OF LICENSING

ADAM H. PUTNAM
COMMISSIONER

CONCEALED WEAPON OR FIREARM LICENSE APPLICATION INSTRUCTIONS AND CHAPTER 790, FLORIDA STATUTES

Message from the Commissioner of Agriculture

Dear Concealed Weapon License Applicant:

A license permits you to carry a weapon or firearm concealed on your person. It does not authorize you to use that weapon or firearm. Such usage is regulated by other provisions of Florida law.

The Department of Agriculture and Consumer Services has the responsibility to administer this program in accordance with the law and its intent as a service to the people of Florida.

It is my hope that you will exercise your lawful right responsibly, properly, and safely.

Sincerely,

Commissioner

REV. 9/10

APPLICATION INSTRUCTIONS

BEFORE COMPLETING THIS APPLICATION, PLEASE READ THIS!

You should be aware that you can submit your application for a Florida Concealed Weapon or Firearm License at one of the Division of Licensing's eight Regional Offices located throughout the State of Florida. The Regional Office application intake service is designed to allow applicants to complete the entire application process quickly and conveniently. *You simply have to call for an appointment.* At the time of your appointment, you will be directed to a computer station where you will complete an electronic version of the application form. Our Regional Office staff will review your application, scan your fingerprints, take your photograph, and process your payment.

IF YOU CHOOSE TO USE THE REGIONAL OFFICE APPLICATION INTAKE SERVICE, YOU DO NOT NEED TO PROCEED WITH COMPLETING THIS APPLICATION FORM. You will find additional information about the service on our webpage at http://licgweb.doacs.state.fl.us/weapons/cw_regional_faq.html.

PLEASE READ THE INSTRUCTIONS ON THE FOLLOWING PAGES CAREFULLY. FAILURE TO COMPLETE THE APPLICATION IN ITS ENTIRETY IN ACCORDANCE WITH THESE INSTRUCTIONS WILL CAUSE DELAYS IN THE PROCESSING OF YOUR APPLICATION.

TYPE OR PRINT IN BLACK INK WHEN COMPLETING THE APPLICATION. PLACE LETTERS AND NUMBERS WITHIN THE DESIGNATED BOXES.

RETURN YOUR COMPLETED APPLICATION AND OTHER MATERIALS USING THE ENVELOPE INCLUDED IN THE APPLICATION PACKAGE.

MINIMUM ELIGIBILITY REQUIREMENTS

- **You must be at least 21 years of age.**
- **You must meet the CITIZENSHIP and RESIDENCY requirements set forth in the law. See the instructions for Question 5 in Section II below for further details.**
- **You must be able to provide a CERTIFICATE OF COMPLETION from a firearms training class or other acceptable training document that evidences your competency with a firearm. See the instructions for Question 6 in Section II below for further details.**
- **You must not have a DISQUALIFYING CRIMINAL RECORD or other condition that would make you ineligible for licensure.**

If you have any questions about your eligibility, you can complete the online preliminary eligibility questionnaire on our webpage at http://app1.licgweb.doacs.state.fl.us/firearms/prequal_questions.aspx.

SECTION I APPLICANT INFORMATION

Please provide all personal identifying information requested in this section. Note the following specific instructions:

- **USE OF SOCIAL SECURITY NUMBERS:** Section 119.071(5)(a) 2, Florida Statutes, authorizes the Department of Agriculture and Consumer Services, Division of Licensing to request social security numbers from applicants. Applicant social security numbers are maintained and used by the Division of Licensing for identification purposes, to prevent misidentification, and to facilitate the approval process by the Division. The Department of Agriculture and Consumer Services, Division of Licensing will not disclose an applicant's social security number without consent of the applicant to anyone outside of the Department of Agriculture and Consumer Services, Division of Licensing, or as required by law. HOWEVER, SUBMISSION OF YOUR SOCIAL SECURITY NUMBER ON YOUR CONCEALED WEAPON LICENSE APPLICATION IS OPTIONAL AND VOLUNTARY. IF YOU CHOOSE NOT TO SUBMIT YOUR SOCIAL SECURITY NUMBER, IT WILL HAVE NO BEARING ON THE PROCESSING OF YOUR APPLICATION.
- **RESIDENCE ADDRESS:** You must provide a residence address. A P.O. Box is not acceptable.
- **OCCUPATION:** Indicate your occupation or job title. Indicate whether you are RETIRED or SELF-EMPLOYED.

(2) A law enforcement officer, or any person whom the officer has summoned or directed to assist him or her, is not justified in the use of force if the arrest or execution of a legal duty is unlawful and known by him or her to be unlawful.

History.--s. 13, ch. 74-383; s. 1192, ch. 97-102; s. 1, ch. 2008-67.

776.06 Deadly force.--

(1) The term "deadly force" means force that is likely to cause death or great bodily harm and includes, but is not limited to:

(a) The firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm; and

(b) The firing of a firearm at a vehicle in which the person to be arrested is riding.

(2)(a) The term "deadly force" does not include the discharge of a firearm by a law enforcement officer or correctional officer during and within the scope of his or her official duties which is loaded with a less-lethal munition. As used in this subsection, the term "less-lethal munition" means a projectile that is designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without penetrating the person's body.

(b) A law enforcement officer or a correctional officer is not liable in any civil or criminal action arising out of the use of any less-lethal munition in good faith during and within the scope of his or her official duties.

History.--s. 13, ch. 74-383; s. 1, ch. 99-272.

776.07 Use of force to prevent escape.--

(1) A law enforcement officer or other person who has an arrested person in his or her custody is justified in the use of any force which he or she reasonably believes to be necessary to prevent the escape of the arrested person from custody.

(2) A correctional officer or other law enforcement officer is justified in the use of force, including deadly force, which he or she reasonably believes to be necessary to prevent the escape from a penal institution of a person whom the officer reasonably believes to be lawfully detained in such institution under sentence for an offense or awaiting trial or commitment for an offense.

History.--s. 13, ch. 74-383; s. 7, ch. 95-283; s. 1193, ch. 97-102.

776.08 Forcible felony.--"Forcible felony" means treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual.

History.--s. 13, ch. 74-383; s. 4, ch. 75-298; s. 289, ch. 79-400; s. 5, ch. 93-212; s. 10, ch. 95-195.

776.085 Defense to civil action for damages; party convicted of forcible or attempted forcible felony.--

(1) It shall be a defense to any action for damages for personal injury or wrongful death, or for injury to property, that such action arose from injury sustained by a participant during the commission or attempted commission of a forcible felony. The defense authorized by this section shall be established by evidence that the participant has been convicted of such forcible felony or attempted forcible felony, or by proof of the commission of such crime or attempted crime by a preponderance of the evidence.

(2) For the purposes of this section, the term "forcible felony" shall have the same meaning as in s. 776.08.

(3) Any civil action in which the defense recognized by this section is raised shall be stayed by the court on the motion of the civil defendant during the pendency of any criminal action which forms the basis for the defense, unless the court finds that a conviction in the criminal action would not form a valid defense under this section.

(4) In any civil action where a party prevails based on the defense created by this section:

(a) The losing party, if convicted of and incarcerated for the crime or attempted crime, shall, as determined by the court, lose any privileges provided by the correctional facility, including, but not limited to:

1. Canteen purchases;

2. Telephone access;

3. Outdoor exercise;

4. Use of the library; and

5. Visitation.

(b) The court shall award a reasonable attorney's fee to be paid to the prevailing party in equal amounts by the losing party and the losing party's attorney; however, the losing party's attorney is not personally responsible if he or she has acted in good faith, based on the representations of his or her client. If the losing party is incarcerated for the crime or attempted crime and has insufficient assets to cover payment of the costs of the action and the award of fees pursuant to this paragraph, the party shall, as determined by the court, be required to pay by deduction from any payments the prisoner receives while incarcerated.

(c) If the losing party is incarcerated for the crime or attempted crime, the court shall issue a written order containing its findings and ruling pursuant to paragraphs (a) and (b) and shall direct that a certified copy be forwarded to the appropriate correctional institution or facility.
History.--s. 1, ch. 87-187; s. 72, ch. 96-388.

(4) A person who unlawfully and by force enters or attempts to enter a person's dwelling, residence, or occupied vehicle is presumed to be doing so with the intent to commit an unlawful act involving force or violence.

(5) As used in this section, the term:

(a) "Dwelling" means a building or conveyance of any kind, including any attached porch, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed to be occupied by people lodging therein at night.

(b) "Residence" means a dwelling in which a person resides either temporarily or permanently or is visiting as an invited guest.

(c) "Vehicle" means a conveyance of any kind, whether or not motorized, which is designed to transport people or property.

History.--s. 1, ch. 2005-27.

776.031 Use of force in defense of others.--A person is justified in the use of force, except deadly force, against another when and to the extent that the person reasonably believes that such conduct is necessary to prevent or terminate the other's trespass on, or other tortious or criminal interference with, either real property other than a dwelling or personal property, lawfully in his or her possession or in the possession of another who is a member of his or her immediate family or household or of a person whose property he or she has a legal duty to protect. However, the person is justified in the use of deadly force only if he or she reasonably believes that such force is necessary to prevent the imminent commission of a forcible felony. A person does not have a duty to retreat if the person is in a place where he or she has a right to be.

History.--s. 13, ch. 74-383; s. 1189, ch. 97-102; s. 3, ch. 2005-27.

776.032 Immunity from criminal prosecution and civil action for justifiable use of force.--

(1) A person who uses force as permitted in s. 776.012, s. 776.013, or s. 776.031 is justified in using such force and is immune from criminal prosecution and civil action for the use of such force, unless the person against whom force was used is a law enforcement officer, as defined in s. 943.10(14), who was acting in the performance of his or her official duties and the officer identified himself or herself in accordance with any applicable law or the person using force knew or reasonably should have known that the person was a law enforcement officer. As used in this subsection, the term "criminal prosecution" includes arresting, detaining in custody, and charging or prosecuting the defendant.

(2) A law enforcement agency may use standard procedures for investigating the use of force as described in subsection (1), but the agency may not arrest the person for using force unless it determines that there is probable cause that the force that was used was unlawful.

(3) The court shall award reasonable attorney's fees, court costs, compensation for loss of income, and all expenses incurred by the defendant in defense of any civil action brought by a plaintiff if the court finds that the defendant is immune from prosecution as provided in subsection (1).

History.--s. 4, ch. 2005-27.

776.041 Use of force by aggressor.--The justification described in the preceding sections of this chapter is not available to a person who:

(1) Is attempting to commit, committing, or escaping after the commission of, a forcible felony; or

(2) Initially provokes the use of force against himself or herself, unless:

(a) Such force is so great that the person reasonably believes that he or she is in imminent danger of death or great bodily harm and that he or she has exhausted every reasonable means to escape such danger other than the use of force which is likely to cause death or great bodily harm to the assailant; or

(b) In good faith, the person withdraws from physical contact with the assailant and indicates clearly to the assailant that he or she desires to withdraw and terminate the use of force, but the assailant continues or resumes the use of force.

History.--s. 13, ch. 74-383; s. 1190, ch. 97-102.

776.05 Law enforcement officers; use of force in making an arrest.--A law enforcement officer, or any person whom the officer has summoned or directed to assist him or her, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. The officer is justified in the use of any force:

(1) Which he or she reasonably believes to be necessary to defend himself or herself or another from bodily harm while making the arrest;

(2) When necessarily committed in retaking felons who have escaped; or

(3) When necessarily committed in arresting felons fleeing from justice. However, this subsection shall not constitute a defense in any civil action for damages brought for the wrongful use of deadly force unless the use of deadly force was necessary to prevent the arrest from being defeated by such flight and, when feasible, some warning had been given, and:

(a) The officer reasonably believes that the fleeing felon poses a threat of death or serious physical harm to the officer or others; or

(b) The officer reasonably believes that the fleeing felon has committed a crime involving the infliction or threatened infliction of serious physical harm to another person.

History.--s. 13, ch. 74-383; s. 1, ch. 75-64; s. 1, ch. 87-147; s. 54, ch. 88-381; s. 1191, ch. 97-102.

776.051 Use of force in resisting arrest or making an arrest or in the execution of a legal duty; prohibition.--

(1) A person is not justified in the use of force to resist an arrest by a law enforcement officer, or to resist a law enforcement officer who is engaged in the execution of a legal duty, if the law enforcement officer was acting in good faith and he or she is known, or reasonably appears, to be a law enforcement officer.

SECTION II QUALIFYING DATA

You must provide responses to all the questions indicated in this section. Please read the detailed instructions included here for each of the 16 questions in this section.

QUESTION 1

If you answer YES to this question: Complete only Sections I and III of the application form. Submit the application with a color photograph, a fee payment in the amount of $300, and a letter of certification stating that you are a consular official engaged in security duties on behalf of your government. This letter must be written in English on embassy or consulate letterhead stationery, and it must be signed by the ambassador, the ambassador's designee, or the consul-general.

QUESTION 2

Answer YES to this question ONLY IF:

- You are CERTIFIED by the Florida Criminal Justice Standards and Training Commission as a law enforcement officer, correctional officer, or correctional probation officer as defined in ss. 943.10(1), (2), (3), (6), (7), (8), or (9), Florida Statutes; AND,
- You are CURRENTLY EMPLOYED as a law enforcement officer, correctional officer or correctional probation officer.

If you answer YES to this question: Submit your complete application along with a color photograph, a check or money order in the amount of $75 for the license fee, and an official letter on agency letterhead stating that you are currently employed with that agency as a law enforcement officer, correctional officer, or correctional probation officer. This letter must be signed by the agency head, the agency's authorized representative, or the agency's personnel officer.

QUESTION 3

Answer YES to this question ONLY IF:

- **Within the year immediately preceding the date on which you are submitting your application to the Division,** you retired from a Florida law enforcement agency at which you were employed as a law enforcement officer, correctional officer, or correctional probation officer.

If you answer YES to this question: Submit your complete application along with a color photograph and a copy of an official document that shows the date of your retirement and the name of the public agency from which you retired. **You do not need to submit any fees.**
If you are a retired law enforcement officer who retired more than one year ago: Submit a complete application, a fingerprint card, a color photograph, a copy of an official document that shows the date of your retirement and the name of the public agency from which you retired, and a fee payment in the amount of $72 (license fee $30 + fingerprint processing fee $42).
(PLEASE NOTE: You must have actually RETIRED as a law enforcement officer, correctional officer, or correctional probation officer in order to qualify for the fee exemptions provided for in statute. Simply having been formerly employed at one time as a law enforcement officer, correctional officer, or correctional probation officer is not sufficient. Note also that Florida law does not extend this fee exemption to federal law enforcement retirees or law enforcement retirees from other states.)

QUESTION 4

Under Florida law, the home addresses, telephone numbers, Social Security numbers, and photographs of certain individuals are confidential and exempt from disclosure provisions of Florida's public records law (s. 119.071, Florida Statutes). **Answer YES to this question ONLY IF you belong to one of the following categories:**

> former and current law enforcement officers; district court of appeal judges, circuit court judges, and county court judges; personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect; personnel of the Department of Children and Family Services whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities; personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; firefighters certified in compliance with s. 633.35; state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; and the spouses and children of these individuals.

The complete text of the law is available on-line at http://www.leg.state.fl.us/statutes/.

EVEN IF YOU DO NOT QUALIFY FOR THE EXEMPTION AS DESCRIBED ABOVE: *Section 790.0601, FS, makes the personal identifying information of any concealed weapon licensee or applicant confidential and exempt from disclosure provisions of Florida's public records law EXCEPT IN THE FOLLOWING CONDITIONS: (1) we have the express written* *consent of the applicant or licensee or his/her legally authorized representative to disclose information; (2) we receive a court order showing good cause for the disclosure of that information; or (3) we receive a request from a law enforcement agency in connection with the performance of that agency's lawful duties and responsibilities. However, this exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and may be repealed on October 2, 2011, unless the Legislature chooses to review and reenact the exemption.*

QUESTION 5

You must be a CITIZEN of the United States (or a PERMANENT RESIDENT ALIEN), and you must CURRENTLY RESIDE in this country in order to qualify for a Florida concealed weapon license. However, note the following special instructions:

- **If you are not currently residing in the United States because you are serving in the US Armed Forces:** submit a copy of your deployment documentation with your application.
- **If you are a PERMANENT RESIDENT ALIEN:** submit the documentation issued to you by the Department of Homeland Security, US Citizenship and Immigration Services (USCIS) giving you permanent resident alien status. You must also submit documentation indicating that you have resided in the state of residence as shown on your application for at least 90 consecutive days prior to the date on which you submit your application. Any of the following documents can be submitted to prove 90 days of consecutive residency PROVIDED THAT YOUR NAME AND ADDRESS APPEAR ON THOSE DOCUMENTS:
  - monthly utility, telephone, power, or cable bills;
  - monthly pay stubs or other documents from your employer;
  - monthly credit statements.
- **If you were born outside the United States and are now a US citizen:** submit a copy of any one of the following documents with your application: a U.S. passport, a Consular Report of Birth (Form FS-240), a Certification of Report of Birth (DS-1350), a Certificate of Naturalization (Form N-550 or N-570), or a Certificate of Citizenship (Form N-560 or N-561). These various documents are issued either by the US Department of State or the Bureau of Citizenship and Immigration Services (USCIS) in the US Department of Homeland Security.

QUESTION 6

Florida law requires you to submit proof of competency with a firearm in order to qualify for a concealed weapon license. A copy of a CERTIFICATE OF COMPLETION or similar document from any of the following courses or classes is acceptable:

- any hunter education or hunter safety course approved by the Florida Fish and Wildlife Conservation Commission or a similar agency in another state;
- any National Rifle Association firearms safety or training course;
- any firearm safety or training course or class available to the general public offered by a law enforcement agency, junior college, college, or private or public institution or organization or firearms training school, utilizing instructors certified by the National Rifle Association, the Criminal Justice Standards and Training Commission, or the Department of Agriculture and Consumer Services;
- any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;
- any firearms training or safety course or class conducted by a state-certified instructor or by an instructor certified by the National Rifle Association.

The copy of the training certificate/document must be clear and legible. The certificate/document must include your name, the instructor's name, the instructor's signature, and the instructor's certification number.

Other acceptable forms of training documentation include the following:

- documentary evidence of experience with a firearm obtained through participation in organized shooting competition;
- active-duty military personnel may submit copies of any of the following documents that confirm your experience with a firearm gained during your service: military orders including call to active-duty letter; a statement of military service signed by, or at the direction of, the adjutant, personnel officer, or commander of your unit or higher headquarters which identifies you and provides your date of entry on your current active-duty period;
- former military personnel can submit a DD Form 214 reflecting honorable discharge from military service.

DO NOT SEND <u>ORIGINAL</u> TRAINING DOCUMENTS OR OTHER RELATED MATERIALS TO THE DIVISION.

QUESTION 7

If you have been convicted of a felony as described in section 790.23, Florida Statutes, and the felony conviction occurred within the State of Florida, your civil rights **and** firearm rights must be restored by the Florida Office of Executive Clemency in order to qualify you for a Florida concealed weapon license. Felony convictions occurring in another state require restoration of civil **and** firearm rights by the state in which the conviction occurred. If you were convicted of a felony under federal law, you must have a presidential pardon or have been granted relief from federal firearm disabilities through the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). **If your civil rights and firearms rights have not been restored as described above, or if you cannot provide proof of restoration of civil rights and firearms rights, you are not eligible for a Concealed Weapon or Firearm License.**

CHAPTER 776, FLORIDA STATUTES (2010)

JUSTIFIABLE USE OF FORCE

PLEASE NOTE: This section of Florida law pertaining to the justifiable use of force is provided to you here FOR INFORMATIONAL PURPOSES ONLY. The Division of Licensing has no jurisdiction in matters concerning the use of firearms in self-defense. If you have any questions about the use of force in defending yourself or another person, you should consult with an attorney.

776.012 Use of force in defense of person.--A person is justified in using force, except deadly force, against another when and to the extent that the person reasonably believes that such conduct is necessary to defend himself or herself or another against the other's imminent use of unlawful force. However, a person is justified in the use of deadly force and does not have a duty to retreat if:

(1) He or she reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself or another or to prevent the imminent commission of a forcible felony; or

(2) Under those circumstances permitted pursuant to s. 776.013.

History.--s. 13, ch. 74-383; s. 1188, ch. 97-102; s. 2, ch. 2005-27.

776.013 Home protection; use of deadly force; presumption of fear of death or great bodily harm.--

(1) A person is presumed to have held a reasonable fear of imminent peril of death or great bodily harm to himself or herself or another when using defensive force that is intended or likely to cause death or great bodily harm to another if:

(a) The person against whom the defensive force was used was in the process of unlawfully and forcefully entering, or had unlawfully and forcibly entered, a dwelling, residence, or occupied vehicle, or if that person had removed or was attempting to remove another against that person's will from the dwelling, residence, or occupied vehicle; and

(b) The person who uses defensive force knew or had reason to believe that an unlawful and forcible entry or unlawful and forcible act was occurring or had occurred.

(2) The presumption set forth in subsection (1) does not apply if:

(a) The person against whom the defensive force is used has the right to be in or is a lawful resident of the dwelling, residence, or vehicle, such as an owner, lessee, or titleholder, and there is not an injunction for protection from domestic violence or a written pretrial supervision order of no contact against that person; or

(b) The person or persons sought to be removed is a child or grandchild, or is otherwise in the lawful custody or under the lawful guardianship of, the person against whom the defensive force is used; or

(c) The person who uses defensive force is engaged in an unlawful activity or is using the dwelling, residence, or occupied vehicle to further an unlawful activity; or

(d) The person against whom the defensive force is used is a law enforcement officer, as defined in s. 943.10(14), who enters or attempts to enter a dwelling, residence, or vehicle in the performance of his or her official duties and the officer identified himself or herself in accordance with any applicable law or the person using force knew or reasonably should have known that the person entering or attempting to enter was a law enforcement officer.

(3) A person who is not engaged in an unlawful activity and who is attacked in any other place where he or she has a right to be has no duty to retreat and has the right to stand his or her ground and meet force with force, including deadly force if he or she reasonably believes it is necessary to do so to prevent death or great bodily harm to himself or herself or another or to prevent the commission of a forcible felony.

requests for criminal history record checks, unique approval and nonapproval numbers, license identification numbers, and transaction numbers corresponding to such dates.

(h) Records of an insurer that, as a condition to providing insurance against theft or loss of a firearm, identify such firearm. Such records may not be sold, commingled with records relating to other firearms, or transferred to any other person or entity. The insurer may not keep a record of such firearm more than 60 days after the policy of insurance expires or after notification by the insured that the insured is no longer the owner of such firearm.

(i) Lists of customers of a firearm dealer retained by such dealer, provided that such lists do not disclose the particular firearms purchased. Such lists, or any parts thereof, may not be sold, commingled with records relating to other firearms, or transferred to any other person or entity.

(j) Sales receipts retained by the seller of firearms or by a person providing credit for such purchase, provided that such receipts shall not serve as or be used for the creation of a database for registration of firearms.

(k) Personal records of firearms maintained by the owner of such firearms.

(l) Records maintained by a business that stores or acts as the selling agent of firearms on behalf of the lawful owner of the firearms.

(m) Membership lists of organizations comprised of firearm owners.

(n) Records maintained by an employer or contracting entity of the firearms owned by its officers, employees, or agents, if such firearms are used in the course of business performed on behalf of the employer.

(o) Records maintained pursuant to s. 790.06 by the Department of Agriculture and Consumer Services of a person who was a licensee within the prior 2 years.

(p) Records of firearms involved in criminal investigations, criminal prosecutions, criminal appeals, and postconviction motions, civil proceedings relating to the surrender or seizure of firearms including protective injunctions, Baker Act commitments, and sheriff's levies pursuant to court judgments, and voluntary surrender by the owner or custodian of the firearm.

(q) Paper documents relating to firearms involved in criminal cases, criminal investigations, and criminal prosecutions, civil proceedings relating to the surrender or seizure of firearms including protective injunctions, Baker Act commitments, and sheriff's levies pursuant to court judgments, and voluntary surrender by the owner or custodian of the firearm.

(r) Noncriminal records relating to the receipt, storage or return of firearms, including, but not limited to, records relating to firearms impounded for storage or safekeeping, receipts proving that a firearm was returned to the rightful owner and supporting records of identification and proof of ownership, or records relating to firearms impounded pursuant to levies or court orders, provided, however, that such records shall not be compiled, sorted, or otherwise arranged into any lists, indexes, or registries of firearms or firearms owners.

(4) PENALTIES.--

(a) Any person who, or entity that, violates a provision of this section commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Except as required by the provisions of s. 16, Art. I of the State Constitution or the Sixth Amendment to the United States Constitution, no public funds shall be used to defend the unlawful conduct of any person charged with a violation of this section, unless the charges against such person are dismissed or such person is determined to be not guilty at trial. Notwithstanding this paragraph, public funds may be expended to provide the services of the office of public defender or court-appointed conflict counsel as provided by law.

(c) The governmental entity, or the designee of such governmental entity, in whose service or employ a list, record, or registry was compiled in violation of this section may be assessed a fine of not more than $5 million, if the court determines that the evidence shows that the list, record, or registry was compiled or maintained with the knowledge or complicity of the management of the governmental entity. The Attorney General may bring a civil cause of action to enforce the fines assessed under this paragraph.

(d) The state attorney in the appropriate jurisdiction shall investigate complaints of criminal violations of this section and, where evidence indicates a violation may have occurred, shall prosecute violators.

(5) ELECTRONIC RECORDS.--Secondhand dealers and pawnbrokers who electronically submit firearms transaction records to the appropriate law enforcement agencies as required by chapters 538 and 539 shall submit the name of the manufacturer and caliber information of each firearm in Florida Crime Information Center coding, and shall include the model and serial number of each firearm.

(6) CONSTRUCTION.--This section shall be construed to effectuate its remedial and deterrent purposes. This section may not be construed to grant any substantive, procedural privacy right or civil claim to any criminal defendant, and a violation of this section may not be grounds for the suppression of evidence in any criminal case.

History.--s. 1, ch. 2004-59; s. 9, ch. 2006-201; s. 1, ch. 2009-229.

790.336 Lists, records, or registries to be destroyed.--Any list, record, or registry maintained or under construction on the effective date of this act shall be destroyed, unless prohibited by law, within 60 calendar days after this act becomes law. Thereafter, failure to destroy any such list, record, or registry may result in prosecution under this act.

History.--s. 2, ch. 2004-59.

QUESTION 8

If you have had ADJUDICATION OF GUILT WITHHELD OR IMPOSITION OF SENTENCE SUSPENDED ON ANY FELONY OR MISDEMEANOR CRIME OF DOMESTIC VIOLENCE, you are NOT ELIGIBLE for a Florida concealed weapon license unless a period of three years has elapsed since probation or any other conditions set by the court have been fulfilled (or the record has been sealed and expunged). If you answer YES to this question, you must submit a copy of the document issued by the court or probation office evidencing completion of probation or other court-imposed conditions. Alternatively, you can submit a copy of the court document ordering that the record be sealed and expunged.

QUESTION 9

If you have been FOUND GUILTY OF, HAD ADJUDICATION OF GUILT WITHHELD FOR, OR HAD IMPOSITION OF SENTENCE SUSPENDED FOR ONE OR MORE MISDEMEANOR CRIMES OF VIOLENCE, you are NOT ELIGIBLE for a Florida concealed weapon license unless a period of three years has elapsed since probation or any other conditions set by the court have been fulfilled (or the record has been sealed and expunged). If you answer YES to this question, you must submit a copy of the document issued by the court or probation office evidencing completion of probation or other court-imposed conditions. Alternatively, you can submit a copy of the court document ordering that the record be sealed and expunged.

QUESTION 10

If you have been CONVICTED OR FOUND GUILTY OF A MISDEMEANOR CRIME OF DOMESTIC VIOLENCE, you are NOT ELIGIBLE for a Florida concealed weapon license. Owning or possessing a firearm by one who has been convicted of a misdemeanor crime of domestic violence is also punishable under federal law §18 USC 922.

A misdemeanor *crime of domestic violence* includes any misdemeanor conviction or suspended sentence involving the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim. Examples include, but are not limited to, spouse abuse, battery/domestic violence, child abuse, assault, etc. A person shall not be considered to have been convicted if the conviction or suspended sentence has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the convicting state provides for the loss of civil rights upon conviction of such an offense) unless the pardon, expunction, or restoration of civil rights expressly provides that the person may not possess or receive firearms.

QUESTION 11

If you have been issued an injunction that is currently in force and effect that restrains you from committing acts of domestic violence or acts of repeat violence, you are NOT ELIGIBLE for a Florida concealed weapon license. The Division will suspend the processing of your application until you submit certified court documents showing that the injunction has been dissolved or dismissed.

QUESTION 12

You are NOT ELIGIBLE for a Florida concealed weapon license if any of the following conditions applies to you: (1) you have been adjudicated incapacitated under section 744.331, FS, or similar laws of any other state; (2) you have been committed to a mental institution in accordance with the provisions of Chapter 394, FS, or similar laws of any other state; (3) you have been adjudicated mentally defective or in competent in any court. **Your eligibility for licensure would be restored only if you had received relief from federal firearms disabilities through the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).**

QUESTION 13

You are NOT ELIGIBLE for a Florida concealed weapon license if you answer YES to any one of these questions pertaining to committal for controlled substance abuse, committal for alcohol abuse, or DUI conviction DURING THE THREE YEARS PRECEDING THE DATE ON WHICH YOU SUBMITTED YOUR APPLICATION.

QUESTION 14

You are NOT ELIGIBLE for licensure if you are UNDER ARREST OR CURRENTLY CHARGED with any felony, or crime punishable by imprisonment for more than one year; or any crime of violence, including crimes of domestic violence; or any crime under the provisions of Chapter 893, Florida Statutes, or similar laws of any other state relating to controlled substances. If you choose to submit an application anyway, the Division will suspend the processing of your application until you provide a certified court document indicating the final disposition of your case. If that court document indicates that the case did not result in a conviction or a withholding of adjudication on a disqualifying crime, the suspension will be lifted and the processing of your application will continue. If you are convicted or receive a withhold of adjudication on a disqualifying crime, your application will be denied.

QUESTION 15

The term **"fugitive from justice"** means any person who has fled from any State to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding. If you answer YES to this question or if the background check reveals that you are a fugitive from justice, the Division will suspend the processing of your application until you submit a certified copy of a court document reflecting the final disposition of your case.

QUESTION 16

You are NOT ELIGIBLE for a Florida concealed weapon license if you were discharged from military service under **DISHONORABLE CONDITIONS.**

SECTION III NOTARIZATION STATEMENT

Do not sign the application form until you are in the presence of a notary public. An out-of-state notary seal is acceptable.

GENERAL INFORMATION

- **FINGERPRINTS:** The law requires you to submit a COMPLETE AND LEGIBLE SET OF PRINTS. Please read the instructions pertaining to fingerprint submissions included with this application package. Law enforcement authorities occasionally find that fingerprints are insufficiently legible for a complete background check. If this occurs with your fingerprints, we will inform you by letter and request a second fingerprint submission from you.
- **PHOTOGRAPH:** You must also submit a PASSPORT-TYPE COLOR PHOTOGRAPH. Refer to the photograph instructions included in this package for details concerning the appearance of the photograph.
- **FEES:** The total fee for the Florida Concealed Weapon or Firearm License is $117.00. This total actually consists of two separate fees:

License Fee:	$75.00
Fingerprint Processing Fee:	$42.00

IMPORTANT NOTE CONCERNING FEES

- If you had your fingerprints electronically scanned at a local law enforcement agency, you do not need to remit the $42.00 fingerprint processing fee to the Division. Please refer to the ELECTRONIC FINGERPRINT SUBMISSION INSTRUCTIONS included with this application package.
- If you are a CONSULAR SECURITY OFFICIAL, a $300.00 license fee must be submitted with your application.
- If you are a FLORIDA LAW ENFORCEMENT OFFICER, CORRECTIONAL OFFICER, OR CORRECTIONAL PROBATION OFFICER (ACTIVE or RETIRED), refer to the instructions for QUESTION 2 and QUESTION 3 for information concerning the required fees.

Fees must be paid with a check or money order made payable to the **Florida Department of Agriculture and Consumer Services. Do not send cash.** The Department will assume no liability for cash sent through the mail. Fees are nonrefundable and nontransferable.

- **FAMILIARITY WITH FLORIDA LAW: You are required by law to read and become knowledgeable of the provisions of Chapter 790, Florida Statutes, relating to weapons and firearms, prior to submitting your application for a Florida Concealed Weapon or Firearm License. We have included a copy of this section of the law in this application package for you to read and retain in your files. You will also find included in this package a copy of Chapter 776, Florida Statutes, the portion of Florida law relating to justifiable use of force.**

Be sure to check your application!

Before mailing your application, please review it carefully to ensure that it is COMPLETE and ACCURATE. You should include the following items with your application.

- **TRAINING DOCUMENTATION as described in the section pertaining to QUESTION 6 above**
- **CITIZENSHIP/RESIDENCY DOCUMENTATION as described in the section pertaining to QUESTION 5 above** (if applicable)
- **COURT DOCUMENTATION REFLECTING FINAL DISPOSITION OF ANY ARRESTS** (if applicable)
- **PHOTOGRAPH**
- **A COMPLETE AND LEGIBLE SET OF FINGERPRINTS OR A COPY OF YOUR LIVESCAN FINGERPRINT RECEIPT**
- **A CHECK OR MONEY ORDER FOR THE APPROPRIATE FEES**

790.335 Prohibition of registration of firearms; electronic records.-

(1) LEGISLATIVE FINDINGS AND INTENT.--

(a) The Legislature finds and declares that:

1. The right of individuals to keep and bear arms is guaranteed under both the Second Amendment to the United States Constitution and s. 8, Art. I of the State Constitution.

2. A list, record, or registry of legally owned firearms or law-abiding firearm owners is not a law enforcement tool and can become an instrument for profiling, harassing, or abusing law-abiding citizens based on their choice to own a firearm and exercise their Second Amendment right to keep and bear arms as guaranteed under the United States Constitution. Further, such a list, record, or registry has the potential to fall into the wrong hands and become a shopping list for thieves.

3. A list, record, or registry of legally owned firearms or law-abiding firearm owners is not a tool for fighting terrorism, but rather is an instrument that can be used as a means to profile innocent citizens and to harass and abuse American citizens based solely on their choice to own firearms and exercise their Second Amendment right to keep and bear arms as guaranteed under the United States Constitution.

4. Law-abiding firearm owners whose names have been illegally recorded in a list, record, or registry are entitled to redress.

(b) The Legislature intends through the provisions of this section to:

1. Protect the right of individuals to keep and bear arms as guaranteed under both the Second Amendment to the United States Constitution and s. 8, Art. I of the State Constitution.

2. Protect the privacy rights of law-abiding firearm owners.

(2) PROHIBITIONS.--No state governmental agency or local government, special district, or other political subdivision or official, agent, or employee of such state or other governmental entity or any other person, public or private, shall knowingly and willfully keep or cause to be kept any list, record, or registry of privately owned firearms or any list, record, or registry of the owners of those firearms.

(3) EXCEPTIONS.--The provisions of this section shall not apply to:

(a) Records of firearms that have been used in committing any crime.

(b) Records relating to any person who has been convicted of a crime.

(c) Records of firearms that have been reported stolen that are retained for a period not in excess of 10 days after such firearms are recovered. Official documentation recording the theft of a recovered weapon may be maintained no longer than the balance of the year entered, plus 2 years.

(d) Firearm records that must be retained by firearm dealers under federal law, including copies of such records transmitted to law enforcement agencies. However, no state governmental agency or local government, special district, or other political subdivision or official, agent, or employee of such state or other governmental entity or any other person, private or public, shall accumulate, compile, computerize, or otherwise collect or convert such written records into any form of list, registry, or database for any purpose.

(e)1. Records kept pursuant to the recordkeeping provisions of s. 790.065; however, nothing in this section shall be construed to authorize the public release or inspection of records that are made confidential and exempt from the provisions of s. 119.07(1) by s. 790.065(4)(a).

2. Nothing in this paragraph shall be construed to allow the maintaining of records containing the names of purchasers or transferees who receive unique approval numbers or the maintaining of records of firearm transactions.

(f) Firearm records, including paper pawn transaction forms and contracts on firearm transactions, required by chapters 538 and 539.

1. Electronic firearm records held pursuant to chapter 538 may only be kept by a secondhand dealer for 30 days after the date of the purchase of the firearm by the secondhand dealer.

2. Electronic firearm records held pursuant to chapter 539 may only be kept by a pawnbroker for 30 days after the expiration of the loan that is secured by a firearm or 30 days after the date of purchase of a firearm, whichever is applicable.

3. Except as required by federal law, any firearm records kept pursuant to chapter 538 or chapter 539 shall not, at any time, be electronically transferred to any public or private entity, agency, business, or enterprise, nor shall any such records be copied or transferred for purposes of accumulation of such records into lists, registries, or databases.

4. Notwithstanding subparagraph 3., secondhand dealers and pawnbrokers may electronically submit firearm transaction records to the appropriate law enforcement agencies as required by chapters 538 and 539; however, the law enforcement agencies may not electronically submit such records to any other person or entity and must destroy such records within 60 days after receipt of such records.

5. Notwithstanding subparagraph 3., secondhand dealers and pawnbrokers may electronically submit limited firearms records consisting solely of the manufacturer, model, serial number, and caliber of pawned or purchased firearms to a third-party private provider that is exclusively incorporated, exclusively owned, and exclusively operated in the United States and that restricts access to such information to only appropriate law enforcement agencies for legitimate law enforcement purposes. Such records must be destroyed within 30 days by the third-party provider. As a condition of receipt of such records, the third-party provider must agree in writing to comply with the requirements of this section. Any pawnbroker or secondhand dealer who contracts with a third-party provider other than as provided in this act or electronically transmits any records of firearms transactions to any third-party provider other than the records specifically allowed by this paragraph commits a felony of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(g) Records kept by the Department of Law Enforcement of NCIC transactions to the extent required by federal law and a log of dates of removal and recycling of projectiles, and documentation of actions taken.

(f) "Environment" means the air, water, surface water, sediment, soil, and groundwater and other natural and manmade resources of this state.

(g) "User" means any person, partner, joint venture, business or social entity, or corporation, or any group of the foregoing, organized or united for a business, sport, or social purpose.

(h) "Sport shooting and training range" or "range" means any area that has been designed, or operated for the use of, firearms, rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, BB guns, airguns, or similar devices, or any other type of sport or training shooting.

(4) DUTIES.--

(a) No later than January 1, 2005, the department shall make a good faith effort to provide copies of the Best Management Practices for Environmental Stewardship of Florida Shooting Ranges to all owners or operators of sport shooting or training ranges. The department shall also provide technical assistance with implementing environmental management practices, which may include workshops, demonstrations, or other guidance, if any owner or operator of sport shooting or training ranges requests such assistance.

(b) No later than January 1, 2006, sport shooting or training range owners, operators, tenants, or occupants shall implement situation appropriate environmental management practices.

(c) If contamination is suspected or identified by any owner, operator, tenant, or occupant of sport shooting or training ranges, any owner, operator, tenant, or occupant of sport shooting or training ranges may request that the department assist with or perform contamination assessment, including, but not limited to, assistance preparing and presenting a plan to confirm the presence and extent of contamination.

(d) If contamination is suspected or identified by a third-party complaint or adjacent property sampling events, the department shall give 60 days' notice to the sport shooting or training range owner, operator, tenant, or occupant of the department's intent to enter the site for the purpose of investigating potential sources of contamination. The department may assist with or perform contamination assessment, including, but not limited to, assistance preparing and presenting a plan to confirm the presence and extent of contamination.

(e) If the department confirms contamination under paragraph (c) or paragraph (d), principles of risk-based corrective action pursuant to s. 376.30701 shall be applied to sport shooting or training ranges. Application of the minimum risk-based corrective action principles shall be the primary responsibility of the sport shooting range or training range owner or operator for implementation, however, the department may assist in these efforts. Risk-based corrective action plans used for these cleanups shall be based upon the presumption that the sport shooting or training range is an industrial use and not a residential use and will continue to be operated as a sport shooting or training range.

(5) SPORT SHOOTING AND TRAINING RANGE PROTECTION.--

(a) Notwithstanding any other provision of law, any public or private owner, operator, employee, agent, contractor, customer, lender, insurer, or user of any sport shooting or training range located in this state shall have immunity from lawsuits and other legal actions from the state and any of its agencies, special purpose districts, or political subdivisions for any claims of any kind associated with the use, release, placement, deposition, or accumulation of any projectile in the environment, on or under that sport shooting or training range, or any other property over which the range has an easement, leasehold, or other legal right of use, if the sport shooting or training range owner or operator has made a good faith effort to comply with subsection (4).

(b) Nothing in this act is intended to impair or diminish the private property rights of owners of property adjoining a sport shooting or training range.

(c) The sport shooting and training range protections provided by this act are supplemental to any other protections provided by general law.

(6) WITHDRAWALS OF CLAIMS AND RECOVERY OF EXPENSES AND ATTORNEY'S FEES.--

(a) Within 90 days after the effective date of this act becoming law, all claims by the state and any of its agencies, special purpose districts, or political subdivisions against sport shooting or training ranges pending in any court of this state or before any administrative agency on January 1, 2004, shall be withdrawn. The termination of such cases shall have no effect on the defendant's cause of action for damages, reasonable attorney's fees, and costs.

(b) In any action filed in violation of this act after the effective date of this act, the defendant shall recover all expenses resulting from such action from the governmental body, person, or entity bringing such unlawful action.

(7) PENALTIES.--Any official, agent, or employee of a county, municipality, town, special purpose district, or other political subdivision or agent of the state, while he or she was acting in his or her official capacity and within the scope of his or her employment or office, who intentionally and maliciously violates the provisions of this section or is party to bringing an action in violation of this section commits a misdemeanor of the first degree, punishable as provided in ss. 775.082 and 775.083.

(8) PREEMPTION.--Except as expressly provided by general law, the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition use at sport shooting and training ranges, including the environmental effects of projectile deposition at sport shooting and training ranges.

(9) The provisions of this act shall supersede any conflicting provisions of chapter 376 or chapter 403.

(10) CONSTRUCTION.--This act shall be liberally construed to effectuate its remedial and deterrent purposes.

History.--s. 1, ch. 2004-56.

PHOTOGRAPH AND FINGERPRINT SUBMISSION INSTRUCTIONS

PHOTOGRAPH INSTRUCTIONS

You must submit one passport-size color photograph with your application. The photograph specifications are outlined in detail below.

- Photograph must show the subject in a frontal portrait as shown at right (NO HATS, NO SUNGLASSES).
- Photograph's outer dimension must be larger than 1-1/4" X 1-3/8".
- Photograph must be in color with a light-colored background. (NO FANCY BACKDROP, LETTERING, ETC.)
- Surface of the photograph must be glossy.
- Photograph must not be stained, cracked, or mutilated; it must lie flat.
- Photographic image must be sharp and correctly exposed; photograph must be non-retouched.
- Photograph must not be pasted on cards or mounted in any way.
- Photograph must be taken within six months of the date application is submitted.
- Snapshots, group pictures, or full-length portraits will not be accepted.
- Do not cut the photograph.
- Lightly print your name and date of birth on the back of the photograph. Use crayon or felt-tipped pen to avoid mutilation of the photograph.
- Place photograph in return envelope with other application materials; DO NOT USE GLUE OR STAPLES TO ATTACH PHOTOGRAPH TO APPLICATION.

SAMPLE PHOTOGRAPH

FINGERPRINT SUBMISSION INSTRUCTIONS

You must submit a complete and legible set of fingerprints either on the **FINGERPRINT CARD** enclosed with this application package or by **ELECTRONIC SCAN**. Your fingerprints must be taken at a **LAW ENFORCEMENT AGENCY.**** Your local Florida county sheriff will provide fingerprinting service if requested and may charge a fee not to exceed $5. There may also be a charge associated with the fingerprint service provided by another law enforcement agency. If you have your fingerprints electronically scanned at a local law enforcement agency, please read the **ELECTRONIC FINGERPRINT SUBMISSION INSTRUCTIONS** included in this application package.

****REMINDER: Our Division's Regional Offices provide convenient one-stop service to individuals interested in obtaining a Florida concealed weapon license. You can submit your application and have your fingerprints scanned at any one of these Regional Offices located throughout the state. For additional information, please go to our webpage at http://licgweb.doacs.state.fl.us/weapons/cw_regional_faq.html.**

Read the following instructions carefully:

- Fingers should be washed and dried thoroughly prior to prints being taken.
- Do not sign the fingerprint card until you are at the law enforcement agency and in the presence of the person who will take your fingerprints.
- Fingerprints must be rolled using black printer's ink.
- **The information you provide at the top of the card MUST BE TYPED or PRINTED IN BLACK INK.** If the person who takes your prints does not complete the top portion of the card for you, you are responsible for providing that information yourself. **However, please note that some spaces at the top of the fingerprint card should be left blank.** Special instructions and entry codes for completing the fingerprint card appear below.
- Your fingerprint card will not be processed if: (1) the required information is not contained within the designated blocks; (2) a highlighter is used; (3) the card has been folded, creased, or damaged.
- The return envelope included in this package is to be used to return your fingerprint card, application, etc.

SPECIAL INSTRUCTIONS AND ENTRY CODES

RACE	EYE COLOR	HAIR COLOR	SEX
W = White B = Black I = American Indian or Alaskan Native A = Asian or Oriental U = Other or Unknown	BLK = Black BLU = Blue BRO = Brown GRY = Gray GRN = Green HAZ = Hazel	BLK = Black BRO = Brown GRY = Gray RED = Red WHI = White BAL = Bald BLN = Blonde	M = Male F = Female

ALIASES – If you are known, or have been known, by any other name (nickname, married name, maiden name, alias, fictitious name, etc.), list those name(s) here. Include with your application copies of any legal documents that reflect a change of name (marriage certificates, divorce decrees, court affidavits effecting a legal name change, etc.). NOTE: Failure to provide a list of your other names or to furnish documentation pertaining to a legal name change will result in delays in the processing of your application.
EMPLOYER AND ADDRESS – Leave this space blank. The name and address of the law enforcement agency at which you have your prints taken should appear **on the back of the card in the blank area in the upper right corner.**
YOUR NO. OCA, FBI NO. FBI, AND MISCELLANEOUS NO. MNU – Leave these spaces blank.
CITIZENSHIP CTZ – Enter the country of which you are a citizen (U.S., Cuba, Canada, etc.).
ARMED FORCES NO. MNU – Enter your military service number if you have one.
SOCIAL SECURITY NUMBER – Section 119.071(5)(a) 2, Florida Statutes, authorizes the Department of Agriculture and Consumer Services, Division of Licensing to obtain social security numbers from applicants. Applicant social security numbers are maintained and used by the Division of Licensing for identification purposes, to prevent misidentification, and to facilitate the approval process by the Division.
HGT – Specify height in feet and inches (e.g., 5' 9"). Do not use total inches.

ELECTRONIC FINGERPRINT SUBMISSION INSTRUCTIONS

The application package for the Florida Concealed Weapon or Firearm License includes a fingerprint card. However, you can have your fingerprints scanned electronically instead of submitting them on this traditional "hard card." An electronic fingerprint submission will reduce the time it takes for law enforcement authorities to complete the required criminal history background check and to return the results of that background check to us.

*The instructions for submitting your fingerprints electronically that appear below will apply to you only if you are having your fingerprints taken at one of the county sheriffs' offices in Florida that offer electronic fingerprinting service. You should be aware that you have the option of submitting your application for a Florida concealed weapon license at one of the Division of Licensing's eight Regional Offices located throughout the state. If you choose this option, our Regional Office staff can scan your fingerprints. For additional information about submitting your application at one of our Regional Offices, visit our webpage at **http://licgweb.doacs.state.fl.us/weapons/cw_regional_faq.html**.*

1. WHERE TO GO

Most of Florida's 67 county sheriffs provide electronic fingerprint scanning. Go to the link on our web site (http://licgweb.doacs.state.fl.us/CWCS/cwcsindex.html) to see if your sheriff offers the service. This site includes telephone numbers and addresses of offices where scanning is done. We suggest that you call your sheriff ahead of time to confirm office hours and availability.

2. GETTING YOUR PRINTS TAKEN

It's really very simple. A fingerprint technician will create a digital image of your prints using a fingerprint-scanning device. After your fingerprints have been scanned, you will be given a receipt. Some offices will also give you a photocopy of the scan. **KEEP THESE DOCUMENTS; YOU WILL NEED THEM LATER.**

3. HOW MUCH IT COSTS AND HOW TO PAY

The cost of the fingerprint scanning service is approximately $35; however, you should be aware that some sheriffs' offices might also charge a nominal service fee. There are two options for paying for the electronic scan:

- Some sheriffs' offices can accept payment by check, cash, credit card, or money order at the time you have your fingerprints scanned.
- If your sheriff's office cannot accept payment, you will need to submit payment using a secure Internet system called the Civil Workflow Control System (CWCS) developed by the Florida Department of Law Enforcement (FDLE). You can get to this site using this link: http://licgweb.doacs.state.fl.us/CWCS/elecfingerprintinfo.html. You will need your credit card and the receipt given to you by the fingerprint technician at the sheriff's office. This receipt will include a **Transaction Control Number** (a number that will begin with 70SX followed by 16 digits) and your name. Follow the instructions on the CWCS web site very carefully. **TYPE THE TRANSACTION CONTROL NUMBER AND YOUR NAME EXACTLY AS THEY APPEAR ON THE RECEIPT.** At the conclusion of your online transaction, **print a copy of the CWCS receipt screen.**

NOTE: You must submit your payment via CWCS WITHIN 30 DAYS of having your fingerprints scanned or your electronic response will be deleted from the CWCS database. If you do not submit payment within 30 days, you will need to go back to the sheriff's office to have your prints scanned again. You will then have another 30 days in which to remit payment.

4. WHAT TO SUBMIT TO THE DIVISION OF LICENSING

After you have paid for your electronic fingerprint submission, you can submit your application to the Division of Licensing. Be sure to include the following items with your application: photocopies of your fingerprint scan and all receipts (including the CWCS receipt), a photograph, training documentation and a check or money order for the $75 licensing fee. ***IMPORTANT: PLEASE SUBMIT YOUR APPLICATION TO THE DIVISION OF LICENSING WITHIN 90 DAYS OF YOUR FINGERPRINT SCAN TO AVOID INCONVENIENCE AND ADDITIONAL EXPENSE.***

5. FINGERPRINT REJECTIONS

Law enforcement authorities occasionally find that fingerprints are insufficiently legible to complete a background check. When this happens, the law requires us to ask the applicant to submit a second set of fingerprints. We will send you a letter informing you of the fingerprint rejection and provide you with instructions for having your fingerprints taken again.

PLEASE NOTE: It is important that you submit your application and your fingerprint submissions to us in a timely manner in order to avoid additional inconvenience and expense. If we have to request a second fingerprint submission from you and we do not receive that second fingerprint submission within 180 days of your first submission, we will have no alternative but to require you to have your fingerprints scanned again AND to remit an additional fingerprint processing fee.

(6)(a) If a civil action is brought in violation of this section, the defendant may recover all expenses resulting from such action from the governmental entity bringing such action.

(b) In any civil action where the court finds that the defendant is immune as provided in this section, the court shall award the defendant all attorney's fees, costs and compensation for loss of income, and expenses incurred as a result of such action.

(7) This section applies to any action brought on or after the effective date of this section.

History.--s. 1, ch. 2001-38.

790.333 Sport shooting and training range protection; liability; claims, expenses, and fees; penalties; preemption; construction.--

(1) LEGISLATIVE FINDINGS.--

(a) The Legislature finds that in excess of 400 sport shooting and training ranges exist on public and private lands throughout this state.

(b) These sport shooting and training ranges are widely used and enjoyed by the residents of this state and are a necessary component of the guarantees of the Second Amendment to the United States Constitution and of s. 8, Art. I of the State Constitution.

(c) Many of these ranges are used by state and local law enforcement agencies for training, practice, and regular mandatory qualification by law enforcement officers; by Fish and Wildlife Conservation Commission hunter safety instructors who teach adults and youngsters in the safe use and handling of firearms in preparation for obtaining hunting licenses; by school boards, colleges, and universities for reserve officer training corps training and activities; by school shooting teams; by Olympic competitors; and by certified instructors who teach the safe use and handling of firearms in preparation for applying for licenses to carry concealed firearms for lawful self-protection.

(d) The public policy of the State of Florida is to encourage the safe handling and operation of firearms and mandates appropriate training in the safe use and handling of firearms for persons licensed to carry concealed firearms and for persons licensed to hunt in the state. Sport shooting and training ranges throughout this state provide the location at which this important public purpose is served and at which the firearms training mandates are fulfilled.

(e) Projectiles are integral to sport shooting and training range activity and to the ownership and use of firearms.

(f) Over years of operation, projectiles have accumulated in the environment at many ranges. Whether this projectile accumulation has caused or will cause degradation of the environment or harm to human health depends on factors that are site-specific. Therefore, sport shooting and training ranges must be allowed flexibility to apply appropriate environmental management practices at ranges. The use of environmental management practices can be implemented to avoid or reduce any potential for adverse environmental impact.

(g) The Department of Environmental Protection, in collaboration with shooting range owners and operators, sport shooting organizations, law enforcement representatives, and university researchers, has developed shooting range best management practices in order to minimize any potential for any adverse environmental impact resulting from the operation of shooting ranges.

(h) Appropriate environmental management practices, when implemented where applicable, can minimize or eliminate environmental impacts associated with projectiles. Environmental management practices to maintain or to improve the condition of ranges is evolving and will continue to evolve.

(i) Unnecessary litigation and unnecessary regulation by governmental agencies of sport shooting and training ranges impairs the ability of residents of this state to ensure safe handling of firearms and to enjoy the recreational opportunities ranges provide. The cost of defending these actions is prohibitive and threatens to bankrupt and destroy the sport shooting and training range industry.

(j) The Department of Environmental Protection does not have nor has it ever had authority to force permitting requirements of part IV of chapter 403 on owners and operators of sport shooting and training ranges.

(k) The elimination of sport shooting ranges will unnecessarily impair the ability of residents of this state to exercise and practice their constitutional guarantees under the Second Amendment to the United States Constitution and under s. 8, Art. I of the State Constitution.

(2) LEGISLATIVE INTENT.--The Legislature intends to protect public and private sport shooting or training range owners, operators, users, employees, agents, contractors, customers, lenders, and insurers from lawsuits and other legal actions by the state, special purpose districts, or political subdivisions and to promote maximum flexibility for implementation of environmental management practices and of the principles of risk-based corrective action pursuant to s. 376.30701. It is also the intent of the Legislature that legal action against sport shooting and training ranges will only be a last-resort option and be available only to the department and only after all reasonable efforts to resolve disputes at shooting ranges, including compliance assistance, negotiations, and alternative dispute resolution, have been attempted.

(3) DEFINITIONS.--As used in this act:

(a) "Department" means the Department of Environmental Protection.

(b) "Operator" means any person who operates or has operated a sport shooting or training range.

(c) "Owner" means any person who owns or has owned a sport shooting or training range or any interest therein.

(d) "Projectile" means any object expelled, propelled, discharged, shot, or otherwise released from a firearm, BB gun, airgun, or similar device, including, but not limited to, gunpowder, ammunition, lead, shot, skeet, and trap targets and associated chemicals, derivatives, and constituents thereof.

(e) "Environmental management practices" includes but is not limited to Best Management Practices for Environmental Stewardship of Florida Shooting Ranges as developed by the Department of Environmental Protection. Such practices include, but are not limited to, control and containment of projectiles, prevention of the migration of projectiles and their constituents to ground and surface water, periodic

(2) LIMITED EXCEPTION; COUNTY WAITING-PERIOD ORDINANCES.--

(a) Any county may have the option to adopt a waiting-period ordinance requiring a waiting period of up to, but not to exceed, 3 working days between the purchase and delivery of a handgun. For purposes of this subsection, "purchase" means payment of deposit, payment in full, or notification of intent to purchase. Adoption of a waiting-period ordinance, by any county, shall require a majority vote of the county commission on votes on waiting-period ordinances. This exception is limited solely to individual counties and is limited to the provisions and restrictions contained in this subsection.

(b) Ordinances authorized by this subsection shall apply to all sales of handguns to individuals by a retail establishment except those sales to individuals exempted in this subsection. For purposes of this subsection, "retail establishment" means a gun shop, sporting goods store, pawn shop, hardware store, department store, discount store, bait or tackle shop, or any other store or shop that offers handguns for walk-in retail sale but does not include gun collectors shows or exhibits, or gun shows.

(c) Ordinances authorized by this subsection shall not require any reporting or notification to any source outside the retail establishment, but records of handgun sales must be available for inspection, during normal business hours, by any law enforcement agency as defined in s. 934.02.

(d) The following shall be exempt from any waiting period:

1. Individuals who are licensed to carry concealed firearms under the provisions of s. 790.06 or who are licensed to carry concealed firearms under any other provision of state law and who show a valid license;

2. Individuals who already lawfully own another firearm and who show a sales receipt for another firearm; who are known to own another firearm through a prior purchase from the retail establishment; or who have another firearm for trade-in;

3. A law enforcement or correctional officer as defined in s. 943.10;

4. A law enforcement agency as defined in s. 934.02;

5. Sales or transactions between dealers or between distributors or between dealers and distributors who have current federal firearms licenses; or

6. Any individual who has been threatened or whose family has been threatened with death or bodily injury, provided the individual may lawfully possess a firearm and provided such threat has been duly reported to local law enforcement.

(3) POLICY AND INTENT.--

(a) It is the intent of this section to provide uniform firearms laws in the state; to declare all ordinances and regulations null and void which have been enacted by any jurisdictions other than state and federal, which regulate firearms, ammunition, or components thereof; to prohibit the enactment of any future ordinances or regulations relating to firearms, ammunition, or components thereof unless specifically authorized by this section or general law; and to require local jurisdictions to enforce state firearms laws.

(b) As created by chapter 87-23, Laws of Florida, this section shall be known and may be cited as the "Joe Carlucci Uniform Firearms Act."

History.--ss. 1, 2, 3, 4, ch. 87-23; s. 5, ch. 88-183.

790.331 Prohibition of civil actions against firearms or ammunition manufacturers, firearms trade associations, firearms or ammunition distributors, or firearms or ammunition dealers.--

(1) The Legislature finds and declares that the manufacture, distribution, or sale of firearms and ammunition by manufacturers, distributors, or dealers duly licensed by the appropriate federal and state authorities is a lawful activity and is not unreasonably dangerous, and further finds that the unlawful use of firearms and ammunition, rather than their lawful manufacture, distribution, or sale, is the proximate cause of injuries arising from their unlawful use.

(2) Except as permitted by this section, a legal action against a firearms or ammunition manufacturer, firearms trade association, firearms or ammunition distributor, or firearms or ammunition dealer on behalf of the state or its agencies and instrumentalities, or on behalf of a county, municipality, special district, or any other political subdivision or agency of the state, for damages, abatement, or injunctive relief resulting from or arising out of the lawful design, marketing, distribution, or sale of firearms or ammunition to the public is prohibited. However, this subsection does not preclude a natural person from bringing an action against a firearms or ammunition manufacturer, firearms trade association, firearms or ammunition distributor, or firearms or ammunition dealer for breach of a written contract, breach of an express warranty, or injuries resulting from a defect in the materials or workmanship in the manufacture of a firearm or ammunition.

(3) A county, municipality, special district, or other political subdivision or agency of the state may not sue for or recover from a firearms or ammunition manufacturer, firearms trade association, firearms or ammunition distributor, or firearms or ammunition dealer damages, abatement, or injunctive relief in any case that arises out of or results from the lawful design, marketing, distribution, or sale of firearms or ammunition to the public.

(4) This section does not prohibit an action against a firearms or ammunition manufacturer, distributor, or dealer for:

(a) Breach of contract or warranty in connection with a firearm or ammunition purchased by a county, municipality, special district, or other political subdivision or agency of the state.

(b) Injuries resulting from the malfunction of a firearm or ammunition due to a defect in design or manufacture.

(5)(a) For the purposes of this section, the potential of a firearm or ammunition to cause serious injury, damage, or death as a result of normal function does not constitute a defective condition of the product.

(b) A firearm or ammunition may not be deemed defective on the basis of its potential to cause serious injury, damage, or death when discharged legally or illegally.

CHAPTER 790, FLORIDA STATUTES (2010)

WEAPONS AND FIREARMS

790.001 Definitions.--As used in this chapter, except where the context otherwise requires:

(1) "Antique firearm" means any firearm manufactured in or before 1918 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system) or replica thereof, whether actually manufactured before or after the year 1918, and also any firearm using fixed ammunition manufactured in or before 1918, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(2) "Concealed firearm" means any firearm, as defined in subsection (6), which is carried on or about a person in such a manner as to conceal the firearm from the ordinary sight of another person.

(3)(a) "Concealed weapon" means any dirk, metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon carried on or about a person in such a manner as to conceal the weapon from the ordinary sight of another person.

(b) "Tear gas gun" or "chemical weapon or device" means any weapon of such nature, except a device known as a "self-defense chemical spray." "Self-defense chemical spray" means a device carried solely for purposes of lawful self-defense that is compact in size, designed to be carried on or about the person, and contains not more than two ounces of chemical.

(4) "Destructive device" means any bomb, grenade, mine, rocket, missile, pipebomb, or similar device containing an explosive, incendiary, or poison gas and includes any frangible container filled with an explosive, incendiary, explosive gas, or expanding gas, which is designed or so constructed as to explode by such filler and is capable of causing bodily harm or property damage; any combination of parts either designed or intended for use in converting any device into a destructive device and from which a destructive device may be readily assembled; any device declared a destructive device by the Bureau of Alcohol, Tobacco, and Firearms; any type of weapon which will, is designed to, or may readily be converted to expel a projectile by the action of any explosive and which has a barrel with a bore of one-half inch or more in diameter; and ammunition for such destructive devices, but not including shotgun shells or any other ammunition designed for use in a firearm other than a destructive device. "Destructive device" does not include:

(a) A device which is not designed, redesigned, used, or intended for use as a weapon;

(b) Any device, although originally designed as a weapon, which is redesigned so that it may be used solely as a signaling, line-throwing, safety, or similar device;

(c) Any shotgun other than a short-barreled shotgun; or

(d) Any nonautomatic rifle (other than a short-barreled rifle) generally recognized or particularly suitable for use for the hunting of big game.

(5) "Explosive" means any chemical compound or mixture that has the property of yielding readily to combustion or oxidation upon application of heat, flame, or shock, including but not limited to dynamite, nitroglycerin, trinitrotoluene, or ammonium nitrate when combined with other ingredients to form an explosive mixture, blasting caps, and detonators; but not including:

790.29 Paramilitary training; teaching or participation prohibited.-
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(1) This act shall be known and may be cited as the "State Antiparamilitary Training Act."

(2) As used in this section, the term "civil disorder" means a public disturbance involving acts of violence by an assemblage of three or more persons, which disturbance causes an immediate danger of, or results in, damage or injury to the property or person of any other individual within the United States.

(3)(a) Whoever teaches or demonstrates to any other person the use, application, or making of any firearm, destructive device, or technique capable of causing injury or death to persons, knowing or having reason to know or intending that the same will be unlawfully employed for use in, or in furtherance of, a civil disorder within the United States, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Whoever assembles with one or more persons for the purpose of training with, practicing with, or being instructed in the use of any firearm, destructive device, or technique capable of causing injury or death to persons, intending to unlawfully employ the same for use in, or in furtherance of, a civil disorder within the United States, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Nothing contained in this section shall be construed to prohibit any act of a law enforcement officer which is performed in connection with the lawful performance of his or her official duties or to prohibit the training or teaching of the use of weapons to be used for hunting, recreation, competition, self-defense or the protection of one's person or property, or other lawful use.

History.--s. 1, ch. 82-5; s. 164, ch. 83-216; s. 1220, ch. 97-102.

790.31 Armor-piercing or exploding ammunition or dragon's breath shotgun shells, bolo shells, or flechette shells prohibited.--

(1) As used in this section, the term:

(a) "Armor-piercing bullet" means any bullet which has a steel inner core or core of equivalent hardness and a truncated cone and which is designed for use in a handgun as an armor-piercing or metal-piercing bullet.

(b) "Exploding bullet" means any bullet that can be fired from any firearm, if such bullet is designed or altered so as to detonate or forcibly break up through the use of an explosive or deflagrant contained wholly or partially within or attached to such bullet. The term does not include any bullet designed to expand or break up through the mechanical forces of impact alone or any signaling device or pest control device not designed to impact on any target.

(c) "Handgun" means a firearm capable of being carried and used by one hand, such as a pistol or revolver.

(d) "Dragon's breath shotgun shell" means any shotgun shell that contains exothermic pyrophoric misch metal as the projectile and that is designed for the sole purpose of throwing or spewing a flame or fireball to simulate a flamethrower.

(e) "Bolo shell" means any shell that can be fired in a firearm and that expels as projectiles two or more metal balls connected by solid metal wire.

(f) "Flechette shell" means any shell that can be fired in a firearm and that expels two or more pieces of fin-stabilized solid metal wire or two or more solid dart-type projectiles.

(2)(a) Any person who manufactures, sells, offers for sale, or delivers any armor-piercing bullet or exploding bullet, or dragon's breath shotgun shell, bolo shell, or flechette shell is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Any person who possesses an armor-piercing bullet or exploding bullet with knowledge of its armor-piercing or exploding capabilities loaded in a handgun, or who possesses a dragon's breath shotgun shell, bolo shell, or flechette shell with knowledge of its capabilities loaded in a firearm, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person who possesses with intent to use an armor-piercing bullet or exploding bullet or dragon's breath shotgun shell, bolo shell, or flechette shell to assist in the commission of a criminal act is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) This section does not apply to:

(a) The possession of any item described in subsection (1) by any law enforcement officer, when possessed in connection with the performance of his or her duty as a law enforcement officer, or law enforcement agency.

(b) The manufacture of items described in subsection (1) exclusively for sale or delivery to law enforcement agencies.

(c) The sale or delivery of items described in subsection (1) to law enforcement agencies.

History.--s. 1, ch. 83-253; s. 1, ch. 92-141; s. 1221, ch. 97-102.

790.33 Field of regulation of firearms and ammunition preempted.-
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(1) PREEMPTION.--Except as expressly provided by general law, the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or regulations relating thereto. Any such existing ordinances are hereby declared null and void. This subsection shall not affect zoning ordinances which encompass firearms businesses along with other businesses. Zoning ordinances which are designed for the purpose of restricting or prohibiting the sale, purchase, transfer, or manufacture of firearms or ammunition as a method of regulating firearms or ammunition are in conflict with this subsection and are prohibited.

lawful purposes, that is out of sight within the customer's, employee's, or invitee's private motor vehicle.

(e) No public or private employer may terminate the employment of or otherwise discriminate against an employee, or expel a customer or invitee for exercising his or her constitutional right to keep and bear arms or for exercising the right of self-defense as long as a firearm is never exhibited on company property for any reason other than lawful defensive purposes.

This subsection applies to all public sector employers, including those already prohibited from regulating firearms under the provisions of s. 790.33.

(5) DUTY OF CARE OF PUBLIC AND PRIVATE EMPLOYERS; IMMUNITY FROM LIABILITY.--

(a) When subject to the provisions of subsection (4), a public or private employer has no duty of care related to the actions prohibited under such subsection.

(b) A public or private employer is not liable in a civil action based on actions or inactions taken in compliance with this section. The immunity provided in this subsection does not apply to civil actions based on actions or inactions of public or private employers that are unrelated to compliance with this section.

(c) Nothing contained in this section shall be interpreted to expand any existing duty, or create any additional duty, on the part of a public or private employer, property owner, or property owner's agent.

(6) ENFORCEMENT.--The Attorney General shall enforce the protections of this act on behalf of any customer, employee, or invitee aggrieved under this act. If there is reasonable cause to believe that the aggrieved person's rights under this act have been violated by a public or private employer, the Attorney General shall commence a civil or administrative action for damages, injunctive relief and civil penalties, and such other relief as may be appropriate under the provisions of s. 760.51, or may negotiate a settlement with any employer on behalf of any person aggrieved under the act. However, nothing in this act shall prohibit the right of a person aggrieved under this act to bring a civil action for violation of rights protected under the act. In any successful action brought by a customer, employee, or invitee aggrieved under this act, the court shall award all reasonable personal costs and losses suffered by the aggrieved person as a result of the violation of rights under this act. In any action brought pursuant to this act, the court shall award all court costs and attorney's fees to the prevailing party.

(7) EXCEPTIONS.--The prohibitions in subsection (4) do not apply to:

(a) Any school property as defined and regulated under s. 790.115.

(b) Any correctional institution regulated under s. 944.47 or chapter 957.

(c) Any property where a nuclear-powered electricity generation facility is located.

(d) Property owned or leased by a public or private employer or the landlord of a public or private employer upon which are conducted substantial activities involving national defense, aerospace, or homeland security.

(e) Property owned or leased by a public or private employer or the landlord of a public or private employer upon which the primary business conducted is the manufacture, use, storage, or transportation of combustible or explosive materials regulated under state or federal law, or property owned or leased by an employer who has obtained a permit required under 18 U.S.C. s. 842 to engage in the business of importing, manufacturing, or dealing in explosive materials on such property.

(f) A motor vehicle owned, leased, or rented by a public or private employer or the landlord of a public or private employer.

(g) Any other property owned or leased by a public or private employer or the landlord of a public or private employer upon which possession of a firearm or other legal product by a customer, employee, or invitee is prohibited pursuant to any federal law, contract with a federal government entity, or general law of this state.

History.--s. 1, ch. 2008-7.

790.256 Public service announcements.--The Department of Health shall prepare public service announcements for dissemination to parents throughout the state, of the provisions of chapter 93-416, Laws of Florida.

History.--s. 9, ch. 93-416; s. 295, ch. 99-8.

790.27 Alteration or removal of firearm serial number or possession, sale, or delivery of firearm with serial number altered or removed prohibited; penalties.--

(1)(a) It is unlawful for any person to knowingly alter or remove the manufacturer's or importer's serial number from a firearm with intent to disguise the true identity thereof.

(b) Any person violating paragraph (a) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2)(a) It is unlawful for any person to knowingly sell, deliver, or possess any firearm on which the manufacturer's or importer's serial number has been unlawfully altered or removed.

(b) Any person violating paragraph (a) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) This section shall not apply to antique firearms.

History.--s. 2, ch. 79-58; s. 179, ch. 91-224.

790.28 Purchase of rifles and shotguns in contiguous states.--A resident of this state may purchase a rifle or shotgun in any state contiguous to this state if he or she conforms to applicable laws and regulations of the United States, of the state where the purchase is made, and of this state.

History.--s. 1, ch. 79-44; s. 1219, ch. 97-102.

(a) Shotgun shells, cartridges, or ammunition for firearms;

(b) Fireworks as defined in s. 791.01;

(c) Smokeless propellant powder or small arms ammunition primers, if possessed, purchased, sold, transported, or used in compliance with s. 552.241;

(d) Black powder in quantities not to exceed that authorized by chapter 552, or by any rules adopted thereunder by the Department of Financial Services, when used for, or intended to be used for, the manufacture of target and sporting ammunition or for use in muzzle-loading flint or percussion weapons.

The exclusions contained in paragraphs (a)-(d) do not apply to the term "explosive" as used in the definition of "firearm" in subsection (6).

(6) "Firearm" means any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term "firearm" does not include an antique firearm unless the antique firearm is used in the commission of a crime.

(7) "Indictment" means an indictment or an information in any court under which a crime punishable by imprisonment for a term exceeding 1 year may be prosecuted.

(8) "Law enforcement officer" means:

(a) All officers or employees of the United States or the State of Florida, or any agency, commission, department, board, division, municipality, or subdivision thereof, who have authority to make arrests;

(b) Officers or employees of the United States or the State of Florida, or any agency, commission, department, board, division, municipality, or subdivision thereof, duly authorized to carry a concealed weapon;

(c) Members of the Armed Forces of the United States, the organized reserves, state militia, or Florida National Guard, when on duty, when preparing themselves for, or going to or from, military duty, or under orders;

(d) An employee of the state prisons or correctional systems who has been so designated by the Department of Corrections or by a warden of an institution;

(e) All peace officers;

(f) All state attorneys and United States attorneys and their respective assistants and investigators.

(9) "Machine gun" means any firearm, as defined herein, which shoots, or is designed to shoot, automatically more than one shot, without manually reloading, by a single function of the trigger.

(10) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches.

(11) "Short-barreled rifle" means a rifle having one or more barrels less than 16 inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches.

(12) "Slungshot" means a small mass of metal, stone, sand, or similar material fixed on a flexible handle, strap, or the like, used as a weapon.

(13) "Weapon" means any dirk, knife, metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon except a firearm or a common pocketknife, plastic knife, or blunt-bladed table knife.

(14) "Electric weapon or device" means any device which, through the application or use of electrical current, is designed, redesigned, used, or intended to be used for offensive or defensive purposes, the destruction of life, or the infliction of injury.

(15) "Dart-firing stun gun" means any device having one or more darts that are capable of delivering an electrical current.

(16) "Readily accessible for immediate use" means that a firearm or other weapon is carried on the person or within such close proximity and in such a manner that it can be retrieved and used as easily and quickly as if carried on the person.

(17) "Securely encased" means in a glove compartment, whether or not locked; snapped in a holster; in a gun case, whether or not locked; in a zippered gun case; or in a closed box or container which requires a lid or cover to be opened for access.

(18) "Sterile area" means the area of an airport to which access is controlled by the inspection of persons and property in accordance with federally approved airport security programs.

(19) "Ammunition" means an object consisting of all of the following:

(a) A fixed metallic or nonmetallic hull or casing containing a primer.

(b) One or more projectiles, one or more bullets, or shot.

(c) Gunpowder.

All of the specified components must be present for an object to be ammunition.

History.--s. 1, ch. 69-306; ss. 13, 19, 35, ch. 69-106; ss. 1, 2, ch. 70-441; s. 32, ch. 73-334; s. 1, ch. 76-165; s. 12, ch. 77-120; s. 1, ch. 78-200; s. 19, ch. 79-3; s. 1, ch. 79-58; s. 1, ch. 80-112; s. 1, ch. 82-131; s. 162, ch. 83-216; s. 2, ch. 88-183; s. 43, ch. 88-381; s. 1, ch. 90-124; s. 1, ch. 90-176; s. 1, ch. 93-17; s. 1, ch. 97-72; s. 1202, ch. 97-102; s. 5, ch. 2000-161; s. 1904, ch. 2003-261; s. 1, ch. 2004-286; s. 1, ch. 2006-186; s. 1, ch. 2006-298.

790.01 Carrying concealed weapons.--

(1) Except as provided in subsection (4), a person who carries a concealed weapon or electric weapon or device on or about his or her person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A person who carries a concealed firearm on or about his or her person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) This section does not apply to a person licensed to carry a concealed weapon or a concealed firearm pursuant to the provisions of s. 790.06.

(4) It is not a violation of this section for a person to carry for purposes of lawful self-defense, in a concealed manner:

(a) A self-defense chemical spray.

(b) A nonlethal stun gun or dart-firing stun gun or other nonlethal electric weapon or device that is designed solely for defensive purposes.

(5) This section does not preclude any prosecution for the use of an electric weapon or device, a dart-firing stun gun, or a self-defense chemical spray during the commission of any criminal offense under s. 790.07, s. 790.10, s. 790.23, or s. 790.235, or for any other criminal offense.

History.--s. 1, ch. 4929, 1901; GS 3262; RGS 5095; CGL 7197; s. 1, ch. 67-165; s. 2, ch. 69-306; s. 739, ch. 71-136; s. 2, ch. 76-165; s. 3, ch. 80-268; s. 2, ch. 92-183; s. 2, ch. 97-72; s. 1203, ch. 97-102; s. 5, ch. 2004-286; s. 2, ch. 2006-298.

790.015 Nonresidents who are United States citizens and hold a concealed weapons license in another state; reciprocity.--

(1) Notwithstanding s. 790.01, a resident of the United States who is a nonresident of Florida may carry a concealed weapon or concealed firearm while in this state if the nonresident:

(a) Is 21 years of age or older; and

(b) Has in his or her immediate possession a valid license to carry a concealed weapon or concealed firearm issued to the nonresident in his or her state of residence.

(2) A nonresident is subject to the same laws and restrictions with respect to carrying a concealed weapon or concealed firearm as a resident of Florida who is so licensed.

(3) If the resident of another state who is the holder of a valid license to carry a concealed weapon or concealed firearm issued in another state establishes legal residence in this state by registering to vote, or making a statement of domicile pursuant to s. 222.17, or filing for homestead tax exemption on property in this state, the license shall remain in effect for 90 days following the date on which the holder of the license establishes legal state residence. This section applies only to nonresident concealed weapon or concealed firearm licenseholders from states that honor Florida concealed weapon or concealed firearm licenses.

History.--s. 1, ch. 99-132.

790.02 Officer to arrest without warrant and upon probable cause.--The carrying of a concealed weapon is declared a breach of peace, and any officer authorized to make arrests under the laws of this state may make arrests without warrant of persons violating the provisions of s. 790.01 when said officer has reasonable grounds or probable cause to believe that the offense of carrying a concealed weapon is being committed.

History.--s. 1, ch. 4929, 1901; GS 3263; RGS 5096; CGL 7198; s. 3, ch. 69-306.

790.051 Exemption from licensing requirements; law enforcement officers.--Law enforcement officers are exempt from the licensing and penal provisions of this chapter when acting at any time within the scope or course of their official duties or when acting at any time in the line of or performance of duty.

History.--s. 11, ch. 69-306.

790.052 Carrying concealed firearms; off-duty law enforcement officers.--

(1) All persons holding active certifications from the Criminal Justice Standards and Training Commission as law enforcement officers or correctional officers as defined in s. 943.10(1), (2), (6), (7), (8), or (9) shall have the right to carry, on or about their persons, concealed firearms, during off-duty hours, at the discretion of their superior officers, and may perform those law enforcement functions that they normally perform during duty hours, utilizing their weapons in a manner which is reasonably expected of on-duty officers in similar situations. However, nothing in this subsection shall be construed to limit the right of a law enforcement officer, correctional officer, or correctional probation officer to carry a concealed firearm off duty as a private citizen under the exemption provided in s. 790.06 that allows a law enforcement officer, correctional officer, or correctional probation officer as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9) to carry a concealed firearm without a concealed weapon or firearm license. The appointing or employing agency or department of an officer carrying a concealed firearm as a private citizen under s. 790.06 shall not be liable for the use of the firearm in such capacity. Nothing herein limits the authority of the appointing or employing agency or department from establishing policies limiting law enforcement officers or correctional officers from carrying concealed firearms during off-duty hours in their capacity as appointees or employees of the agency or department.

(2) The superior officer of any police department or sheriff's office or the Florida Highway Patrol, if he or she elects to direct the officers under his or her supervision to carry concealed firearms while off duty, shall file a statement with the governing body of such department of his or her instructions and requirements relating to the carrying of said firearms.

History.--ss. 1, 2, 3, ch. 72-84; s. 235, ch. 77-104; s. 23, ch. 79-8; s. 3, ch. 88-183; s. 4, ch. 95-318; s. 1204, ch. 97-102.

790.053 Open carrying of weapons.--

(1) Except as otherwise provided by law and in subsection (2), it is unlawful for any person to openly carry on or about his or her person any firearm or electric weapon or device.

(2) A person may openly carry, for purposes of lawful self-defense:

(a) A self-defense chemical spray.

(5) POSSESSION IN PRIVATE CONVEYANCE.--Notwithstanding subsection (2), it is lawful and is not a violation of s. 790.01 for a person 18 years of age or older to possess a concealed firearm or other weapon for self-defense or other lawful purpose within the interior of a private conveyance, without a license, if the firearm or other weapon is securely encased or is otherwise not readily accessible for immediate use. Nothing herein contained prohibits the carrying of a legal firearm other than a handgun anywhere in a private conveyance when such firearm is being carried for a lawful use. Nothing herein contained shall be construed to authorize the carrying of a concealed firearm or other weapon on the person. This subsection shall be liberally construed in favor of the lawful use, ownership, and possession of firearms and other weapons, including lawful self-defense as provided in s. 776.012.

History.--s. 1, ch. 65-410; s. 32, ch. 69-216; s. 32, ch. 73-334; s. 2, ch. 77-302; s. 2, ch. 82-131; s. 15, ch. 83-167; ss. 45, 49, ch. 83-334; s. 32, ch. 84-258; s. 68, ch. 85-62; s. 5, ch. 85-332; s. 15, ch. 87-274; s. 2, ch. 87-537; s. 1, ch. 89-60; s. 8, ch. 90-364; s. 1, ch. 93-269; s. 7, ch. 93-416; s. 89, ch. 95-211; s. 1218, ch. 97-102; s. 110, ch. 2006-1; s. 2, ch. 2006-103.

[1]**Note.**--Repealed by s. 3, ch. 72-133.

790.251 Protection of the right to keep and bear arms in motor vehicles for self-defense and other lawful purposes; prohibited acts; duty of public and private employers; immunity from liability; enforcement.--

(1) SHORT TITLE.--This section may be cited as the "Preservation and Protection of the Right to Keep and Bear Arms in Motor Vehicles Act of 2008."

(2) DEFINITIONS.--As used in this section, the term:

(a) "Parking lot" means any property that is used for parking motor vehicles and is available to customers, employees, or invitees for temporary or long-term parking or storage of motor vehicles.

(b) "Motor vehicle" means any automobile, truck, minivan, sports utility vehicle, motor home, recreational vehicle, motorcycle, motor scooter, or any other vehicle operated on the roads of this state and required to be registered under state law.

(c) "Employee" means any person who possesses a valid license issued pursuant to s. 790.06 and:

1. Works for salary, wages, or other remuneration;

2. Is an independent contractor; or

3. Is a volunteer, intern, or other similar individual for an employer.

(d) "Employer" means any business that is a sole proprietorship, partnership, corporation, limited liability company, professional association, cooperative, joint venture, trust, firm, institution, or association, or public sector entity, that has employees.

(e) "Invitee" means any business invitee, including a customer or visitor, who is lawfully on the premises of a public or private employer.

As used in this section, the term "firearm" includes ammunition and accoutrements attendant to the lawful possession and use of a firearm.

(3) LEGISLATIVE INTENT; FINDINGS.--This act is intended to codify the long-standing legislative policy of the state that individual citizens have a constitutional right to keep and bear arms, that they have a constitutional right to possess and keep legally owned firearms within their motor vehicles for self-defense and other lawful purposes, and that these rights are not abrogated by virtue of a citizen becoming a customer, employee, or invitee of a business entity. It is the finding of the Legislature that a citizen's lawful possession, transportation, and secure keeping of firearms and ammunition within his or her motor vehicle is essential to the exercise of the fundamental constitutional right to keep and bear arms and the constitutional right of self-defense. The Legislature finds that protecting and preserving these rights is essential to the exercise of freedom and individual responsibility. The Legislature further finds that no citizen can or should be required to waive or abrogate his or her right to possess and securely keep firearms and ammunition locked within his or her motor vehicle by virtue of becoming a customer, employee, or invitee of any employer or business establishment within the state, unless specifically required by state or federal law.

(4) PROHIBITED ACTS.--No public or private employer may violate the constitutional rights of any customer, employee, or invitee as provided in paragraphs (a)-(e):

(a) No public or private employer may prohibit any customer, employee, or invitee from possessing any legally owned firearm when such firearm is lawfully possessed and locked inside or locked to a private motor vehicle in a parking lot and when the customer, employee, or invitee is lawfully in such area.

(b) No public or private employer may violate the privacy rights of a customer, employee, or invitee by verbal or written inquiry regarding the presence of a firearm inside or locked to a private motor vehicle in a parking lot or by an actual search of a private motor vehicle in a parking lot to ascertain the presence of a firearm within the vehicle. Further, no public or private employer may take any action against a customer, employee, or invitee based upon verbal or written statements of any party concerning possession of a firearm stored inside a private motor vehicle in a parking lot for lawful purposes. A search of a private motor vehicle in the parking lot of a public or private employer to ascertain the presence of a firearm within the vehicle may only be conducted by on-duty law enforcement personnel, based upon due process and must comply with constitutional protections.

(c) No public or private employer shall condition employment upon either:

1. The fact that an employee or prospective employee holds or does not hold a license issued pursuant to s. 790.06; or

2. Any agreement by an employee or a prospective employee that prohibits an employee from keeping a legal firearm locked inside or locked to a private motor vehicle in a parking lot when such firearm is kept for lawful purposes.

(d) No public or private employer shall prohibit or attempt to prevent any customer, employee, or invitee from entering the parking lot of the employer's place of business because the customer's, employee's, or invitee's private motor vehicle contains a legal firearm being carried for

(2) USES NOT AUTHORIZED.--

(a) This section does not authorize carrying a concealed weapon without a permit, as prohibited by ss. 790.01 and 790.02.

(b) The protections of this section do not apply to the following:

1. A person who has been adjudged mentally incompetent, who is addicted to the use of narcotics or any similar drug, or who is a habitual or chronic alcoholic, or a person using weapons or firearms in violation of ss. 790.07-790.115, 790.145-790.19, 790.22-790.24;

2. Vagrants and other undesirable persons as defined in [1]s. 856.02;

3. A person in or about a place of nuisance as defined in s. 823.05, unless such person is there for law enforcement or some other lawful purpose.

(3) LAWFUL USES.--The provisions of ss. 790.053 and 790.06 do not apply in the following instances, and, despite such sections, it is lawful for the following persons to own, possess, and lawfully use firearms and other weapons, ammunition, and supplies for lawful purposes:

(a) Members of the Militia, National Guard, Florida State Defense Force, Army, Navy, Air Force, Marine Corps, Coast Guard, organized reserves, and other armed forces of the state and of the United States, when on duty, when training or preparing themselves for military duty, or while subject to recall or mobilization;

(b) Citizens of this state subject to duty in the Armed Forces under s. 2, Art. X of the State Constitution, under chapters 250 and 251, and under federal laws, when on duty or when training or preparing themselves for military duty;

(c) Persons carrying out or training for emergency management duties under chapter 252;

(d) Sheriffs, marshals, prison or jail wardens, police officers, Florida highway patrol officers, game wardens, revenue officers, forest officials, special officers appointed under the provisions of chapter 354, and other peace and law enforcement officers and their deputies and assistants and full-time paid peace officers of other states and of the Federal Government who are carrying out official duties while in this state;

(e) Officers or employees of the state or United States duly authorized to carry a concealed weapon;

(f) Guards or messengers of common carriers, express companies, armored car carriers, mail carriers, banks, and other financial institutions, while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this state;

(g) Regularly enrolled members of any organization duly authorized to purchase or receive weapons from the United States or from this state, or regularly enrolled members of clubs organized for target, skeet, or trap shooting, while at or going to or from shooting practice; or regularly enrolled members of clubs organized for modern or antique firearms collecting, while such members are at or going to or from their collectors' gun shows, conventions, or exhibits;

(h) A person engaged in fishing, camping, or lawful hunting or going to or returning from a fishing, camping, or lawful hunting expedition;

(i) A person engaged in the business of manufacturing, repairing, or dealing in firearms, or the agent or representative of any such person while engaged in the lawful course of such business;

(j) A person firing weapons for testing or target practice under safe conditions and in a safe place not prohibited by law or going to or from such place;

(k) A person firing weapons in a safe and secure indoor range for testing and target practice;

(l) A person traveling by private conveyance when the weapon is securely encased or in a public conveyance when the weapon is securely encased and not in the person's manual possession;

(m) A person while carrying a pistol unloaded and in a secure wrapper, concealed or otherwise, from the place of purchase to his or her home or place of business or to a place of repair or back to his or her home or place of business;

(n) A person possessing arms at his or her home or place of business;

(o) Investigators employed by the several public defenders of the state, while actually carrying out official duties, provided such investigators:

1. Are employed full time;

2. Meet the official training standards for firearms established by the Criminal Justice Standards and Training Commission as provided in s. 943.12(5) and the requirements of ss. 493.6108(1)(a) and 943.13(1)-(4); and

3. Are individually designated by an affidavit of consent signed by the employing public defender and filed with the clerk of the circuit court in the county in which the employing public defender resides.

(p) Investigators employed by the capital collateral regional counsel, while actually carrying out official duties, provided such investigators:

1. Are employed full time;

2. Meet the official training standards for firearms as established by the Criminal Justice Standards and Training Commission as provided in s. 943.12(1) and the requirements of ss. 493.6108(1)(a) and 943.13(1)-(4); and

3. Are individually designated by an affidavit of consent signed by the capital collateral regional counsel and filed with the clerk of the circuit court in the county in which the investigator is headquartered.

(4) CONSTRUCTION.--This act shall be liberally construed to carry out the declaration of policy herein and in favor of the constitutional right to keep and bear arms for lawful purposes. This act is supplemental and additional to existing rights to bear arms now guaranteed by law and decisions of the courts of Florida, and nothing herein shall impair or diminish any of such rights. This act shall supersede any law, ordinance, or regulation in conflict herewith.

(b) A nonlethal stun gun or dart-firing stun gun or other nonlethal electric weapon or device that is designed solely for defensive purposes.

(3) Any person violating this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.--s. 1, ch. 87-537; s. 173, ch. 91-224; s. 3, ch. 97-72; s. 1205, ch. 97-102; s. 3, ch. 2006-298.

790.054 Prohibited use of self-defense weapon or device against law enforcement officer; penalties.--A person who knowingly and willfully uses a self-defense chemical spray, a nonlethal stun gun or other nonlethal electric weapon or device, or a dart-firing stun gun against a law enforcement officer engaged in the performance of his or her duties commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.--s. 4, ch. 97-72; s. 4, ch. 2006-298.

790.06 License to carry concealed weapon or firearm.--

(1) The Department of Agriculture and Consumer Services is authorized to issue licenses to carry concealed weapons or concealed firearms to persons qualified as provided in this section. Each such license must bear a color photograph of the licensee. For the purposes of this section, concealed weapons or concealed firearms are defined as a handgun, electronic weapon or device, tear gas gun, knife, or billie, but the term does not include a machine gun as defined in s. 790.001(9). Such licenses shall be valid throughout the state for a period of 7 years from the date of issuance. Any person in compliance with the terms of such license may carry a concealed weapon or concealed firearm notwithstanding the provisions of s. 790.01. The licensee must carry the license, together with valid identification, at all times in which the licensee is in actual possession of a concealed weapon or firearm and must display both the license and proper identification upon demand by a law enforcement officer. Violations of the provisions of this subsection shall constitute a noncriminal violation with a penalty of $25, payable to the clerk of the court.

(2) The Department of Agriculture and Consumer Services shall issue a license if the applicant:

(a) Is a resident of the United States and a citizen of the United States or a permanent resident alien of the United States, as determined by the United States Bureau of Citizenship and Immigration Services, or is a consular security official of a foreign government that maintains diplomatic relations and treaties of commerce, friendship, and navigation with the United States and is certified as such by the foreign government and by the appropriate embassy in this country;

(b) Is 21 years of age or older;

(c) Does not suffer from a physical infirmity which prevents the safe handling of a weapon or firearm;

(d) Is not ineligible to possess a firearm pursuant to s. 790.23 by virtue of having been convicted of a felony;

(e) Has not been committed for the abuse of a controlled substance or been found guilty of a crime under the provisions of chapter 893 or similar laws of any other state relating to controlled substances within a 3-year period immediately preceding the date on which the application is submitted;

(f) Does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages or other substances to the extent that his or her normal faculties are impaired if the applicant has been committed under chapter 397 or under the provisions of former chapter 396 or has been convicted under s. 790.151 or has been deemed a habitual offender under s. 856.011(3), or has had two or more convictions under s. 316.193 or similar laws of any other state, within the 3-year period immediately preceding the date on which the application is submitted;

(g) Desires a legal means to carry a concealed weapon or firearm for lawful self-defense;

(h) Demonstrates competence with a firearm by any one of the following:

1. Completion of any hunter education or hunter safety course approved by the Fish and Wildlife Conservation Commission or a similar agency of another state;

2. Completion of any National Rifle Association firearms safety or training course;

3. Completion of any firearms safety or training course or class available to the general public offered by a law enforcement, junior college, college, or private or public institution or organization or firearms training school, utilizing instructors certified by the National Rifle Association, Criminal Justice Standards and Training Commission, or the Department of Agriculture and Consumer Services;

4. Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;

5. Presents evidence of equivalent experience with a firearm through participation in organized shooting competition or military service;

6. Is licensed or has been licensed to carry a firearm in this state or a county or municipality of this state, unless such license has been revoked for cause; or

7. Completion of any firearms training or safety course or class conducted by a state-certified or National Rifle Association certified firearms instructor;

A photocopy of a certificate of completion of any of the courses or classes; or an affidavit from the instructor, school, club, organization, or group that conducted or taught said course or class attesting to the completion of the course or class by the applicant; or a copy of any document which shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this paragraph; any person who conducts a course pursuant to subparagraph 2., subparagraph 3., or subparagraph 7., or who, as an instructor, attests to the completion of such courses, must maintain records certifying that he or she observed the student safely handle and discharge the firearm;

(i) Has not been adjudicated an incapacitated person under s. 744.331, or similar laws of any other state, unless 5 years have elapsed since the applicant's restoration to capacity by court order;

(j) Has not been committed to a mental institution under chapter 394, or similar laws of any other state, unless the applicant produces a certificate from a licensed psychiatrist that he or she has not suffered from disability for at least 5 years prior to the date of submission of the application;

(k) Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony or misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been sealed or expunged;

(l) Has not been issued an injunction that is currently in force and effect and that restrains the applicant from committing acts of domestic violence or acts of repeat violence; and

(m) Is not prohibited from purchasing or possessing a firearm by any other provision of Florida or federal law.

(3) The Department of Agriculture and Consumer Services shall deny a license if the applicant has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence constituting a misdemeanor, unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled or the record has been sealed or expunged. The Department of Agriculture and Consumer Services shall revoke a license if the licensee has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence within the preceding 3 years. The department shall, upon notification by a law enforcement agency, a court, or the Florida Department of Law Enforcement and subsequent written verification. suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime that would disqualify such person from having a license under this section, until final disposition of the case. The department shall suspend a license or the processing of an application for a license if the licensee or applicant is issued an injunction that restrains the licensee or applicant from committing acts of domestic violence or acts of repeat violence.

(4) The application shall be completed, under oath, on a form promulgated by the Department of Agriculture and Consumer Services and shall include:

(a) The name, address, place and date of birth, race, and occupation of the applicant;

(b) A statement that the applicant is in compliance with criteria contained within subsections (2) and (3);

(c) A statement that the applicant has been furnished a copy of this chapter and is knowledgeable of its provisions;

(d) A conspicuous warning that the application is executed under oath and that a false answer to any question, or the submission of any false document by the applicant, subjects the applicant to criminal prosecution under s. 837.06; and

(e) A statement that the applicant desires a concealed weapon or firearms license as a means of lawful self-defense.

(5) The applicant shall submit to the Department of Agriculture and Consumer Services:

(a) A completed application as described in subsection (4).

(b) A nonrefundable license fee not to exceed $85, if he or she has not previously been issued a statewide license, or a nonrefundable license fee not to exceed $70 for renewal of a statewide license. Costs for processing the set of fingerprints as required in paragraph (c) shall be borne by the applicant. However, an individual holding an active certification from the Criminal Justice Standards and Training Commission as a "law enforcement officer," "correctional officer," or "correctional probation officer" as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9) is exempt from the licensing requirements of this section. If any individual holding an active certification from the Criminal Justice Standards and Training Commission as a "law enforcement officer," a "correctional officer," or a "correctional probation officer" as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9) wishes to receive a concealed weapons or firearms license, such person is exempt from the background investigation and all background investigation fees, but shall pay the current license fees regularly required to be paid by nonexempt applicants. Further, a law enforcement officer, a correctional officer, or a correctional probation officer as defined in s. 943.10(1), (2), or (3) is exempt from the required fees and background investigation for a period of 1 year subsequent to the date of retirement of said officer as a law enforcement officer, a correctional officer, or a correctional probation officer.

(c) A full set of fingerprints of the applicant administered by a law enforcement agency.

(d) A photocopy of a certificate or an affidavit or document as described in paragraph (2)(h).

(e) A full frontal view color photograph of the applicant taken within the preceding 30 days, in which the head, including hair, measures $\frac{7}{8}$ of an inch wide and $1\frac{1}{8}$ inches high.

(6)(a) The Department of Agriculture and Consumer Services, upon receipt of the items listed in subsection (5), shall forward the full set of fingerprints of the applicant to the Department of Law Enforcement for state and federal processing, provided the federal service is available, to be processed for any criminal justice information as defined in s. 943.045. The cost of processing such fingerprints shall be payable to the Department of Law Enforcement by the Department of Agriculture and Consumer Services.

(b) The sheriff's office shall provide fingerprinting service if requested by the applicant and may charge a fee not to exceed $5 for this service.

(c) The Department of Agriculture and Consumer Services shall, within 90 days after the date of receipt of the items listed in subsection (5):

1. Issue the license; or

2. Deny the application based solely on the ground that the applicant fails to qualify under the criteria listed in subsection (2) or subsection (3). If the Department of Agriculture and Consumer Services denies the application, it shall notify the applicant in writing, stating the ground for

(b) Found, in the courts of this state, to have committed a delinquent act that would be a felony if committed by an adult and such person is under 24 years of age;

(c) Convicted of or found to have committed a crime against the United States which is designated as a felony;

(d) Found to have committed a delinquent act in another state, territory, or country that would be a felony if committed by an adult and which was punishable by imprisonment for a term exceeding 1 year and such person is under 24 years of age; or

(e) Found guilty of an offense that is a felony in another state, territory, or country and which was punishable by imprisonment for a term exceeding 1 year.

(2) This section shall not apply to a person convicted of a felony whose civil rights and firearm authority have been restored.

(3) Except as otherwise provided in subsection (4), any person who violates this section commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Notwithstanding the provisions of s. 874.04, if the offense described in subsection (1) has been committed by a person who has previously qualified or currently qualifies for the penalty enhancements provided for in s. 874.04, the offense is a felony of the first degree, punishable by a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

History.--ss. 1, 2, 3, ch. 29766, 1955; s. 1, ch. 63-31; s. 9, ch. 69-306; s. 754, ch. 71-136; s. 1, ch. 71-318; s. 169, ch. 71-355; s. 2, ch. 76-165; s. 6, ch. 93-416; s. 51, ch. 98-280; s. 39, ch. 99-284; s. 2, ch. 2004-286; s. 2, ch. 2008-238.

790.233 Possession of firearm or ammunition prohibited when person is subject to an injunction against committing acts of domestic violence; penalties.--

(1) A person may not have in his or her care, custody, possession, or control any firearm or ammunition if the person has been issued a final injunction that is currently in force and effect, restraining that person from committing acts of domestic violence, and that has been issued under s. 741.30.

(2) A person who violates subsection (1) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) It is the intent of the Legislature that the disabilities regarding possession of firearms and ammunition are consistent with federal law. Accordingly, this section shall not apply to a state or local officer as defined in s. 943.10(14), holding an active certification, who receives or possesses a firearm or ammunition for use in performing official duties on behalf of the officer's employing agency, unless otherwise prohibited by the employing agency.

History.--s. 1, ch. 98-284.

790.235 Possession of firearm or ammunition by violent career criminal unlawful; penalty.--

(1) Any person who meets the violent career criminal criteria under s. 775.084(1)(d), regardless of whether such person is or has previously been sentenced as a violent career criminal, who owns or has in his or her care, custody, possession, or control any firearm, ammunition, or electric weapon or device, or carries a concealed weapon, including a tear gas gun or chemical weapon or device, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person convicted of a violation of this section shall be sentenced to a mandatory minimum of 15 years' imprisonment; however, if the person would be sentenced to a longer term of imprisonment under s. 775.084(4)(d), the person must be sentenced under that provision. A person convicted of a violation of this section is not eligible for any form of discretionary early release, other than pardon, executive clemency, or conditional medical release under s. 947.149.

(2) For purposes of this section, the previous felony convictions necessary to meet the violent career criminal criteria under s. 775.084(1)(d) may be convictions for felonies committed as an adult or adjudications of delinquency for felonies committed as a juvenile. In order to be counted as a prior felony for purposes of this section, the felony must have resulted in a conviction sentenced separately, or an adjudication of delinquency entered separately, prior to the current offense, and sentenced or adjudicated separately from any other felony that is to be counted as a prior felony.

(3) This section shall not apply to a person whose civil rights and firearm authority have been restored.

History.--s. 7, ch. 95-182; s. 45, ch. 96-388; s. 6, ch. 99-188; s. 1, ch. 2002-210; s. 3, ch. 2004-286.

790.24 Report of medical treatment of certain wounds; penalty for failure to report.--Any physician, nurse, or employee thereof and any employee of a hospital, sanitarium, clinic, or nursing home knowingly treating any person suffering from a gunshot wound or life-threatening injury indicating an act of violence, or receiving a request for such treatment, shall report the same immediately to the sheriff's department of the county in which said treatment is administered or request therefor received. This section does not affect any requirement that a person has to report abuse pursuant to chapter 39 or chapter 415. Any such person willfully failing to report such treatment or request therefor is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.--s. 1, ch. 59-35; s. 755, ch. 71-136; s. 1, ch. 99-235.

790.25 Lawful ownership, possession, and use of firearms and other weapons.--

(1) DECLARATION OF POLICY.--The Legislature finds as a matter of public policy and fact that it is necessary to promote firearms safety and to curb and prevent the use of firearms and other weapons in crime and by incompetent persons without prohibiting the lawful use in defense of life, home, and property, and the use by United States or state military organizations, and as otherwise now authorized by law, including the right to use and own firearms for target practice and marksmanship on target practice ranges or other lawful places, and lawful hunting and other lawful purposes.

(a) For a first offense, that the minor shall serve a minimum period of detention of 15 days in a secure detention facility; and

1. Perform 100 hours of community service; and may

2. Be placed on community control or in a nonresidential commitment program.

(b) For a second or subsequent offense, that the minor shall serve a mandatory period of detention of at least 21 days in a secure detention facility; and

1. Perform not less than 100 nor more than 250 hours of community service; and may

2. Be placed on community control or in a nonresidential commitment program.

The minor shall not receive credit for time served before adjudication. For the purposes of this subsection, community service shall be performed, if possible, in a manner involving a hospital emergency room or other medical environment that deals on a regular basis with trauma patients and gunshot wounds.

(10) If a minor is found to have committed an offense under subsection (9), the court shall impose the following penalties in addition to any penalty imposed under paragraph (9)(a) or paragraph (9)(b):

(a) For a first offense:

1. If the minor is eligible by reason of age for a driver license or driving privilege, the court shall direct the Department of Highway Safety and Motor Vehicles to revoke or to withhold issuance of the minor's driver license or driving privilege for up to 1 year.

2. If the minor's driver license or driving privilege is under suspension or revocation for any reason, the court shall direct the Department of Highway Safety and Motor Vehicles to extend the period of suspension or revocation by an additional period for up to 1 year.

3. If the minor is ineligible by reason of age for a driver license or driving privilege, the court shall direct the Department of Highway Safety and Motor Vehicles to withhold issuance of the minor's driver license or driving privilege for up to 1 year after the date on which the minor would otherwise have become eligible.

(b) For a second or subsequent offense:

1. If the minor is eligible by reason of age for a driver license or driving privilege, the court shall direct the Department of Highway Safety and Motor Vehicles to revoke or to withhold issuance of the minor's driver license or driving privilege for up to 2 years.

2. If the minor's driver license or driving privilege is under suspension or revocation for any reason, the court shall direct the Department of Highway Safety and Motor Vehicles to extend the period of suspension or revocation by an additional period for up to 2 years.

3. If the minor is ineligible by reason of age for a driver license or driving privilege, the court shall direct the Department of Highway Safety and Motor Vehicles to withhold issuance of the minor's driver license or driving privilege for up to 2 years after the date on which the minor would otherwise have become eligible.

History.--ss. 1, 2, ch. 26946, 1951; s. 8, ch. 69-306; s. 753, ch. 71-136; s. 2, ch. 76-165; s. 177, ch. 91-224; s. 5, ch. 93-416; s. 29, ch. 95-267; s. 6, ch. 96-398; s. 1817, ch. 97-102; s. 32, ch. 98-136; s. 50, ch. 98-280; s. 1, ch. 99-284; s. 10, ch. 2000-135; s. 113, ch. 2006-120; s. 160, ch. 2010-102.

790.221 Possession of short-barreled rifle, short-barreled shotgun, or machine gun; penalty.--

(1) It is unlawful for any person to own or to have in his or her care, custody, possession, or control any short-barreled rifle, short-barreled shotgun, or machine gun which is, or may readily be made, operable; but this section shall not apply to antique firearms.

(2) A person who violates this section commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Firearms in violation hereof which are lawfully owned and possessed under provisions of federal law are excepted.

History.--s. 10, ch. 69-306; s. 1, ch. 89-312; s. 21, ch. 93-406; s. 1217, ch. 97-102.

790.225 Ballistic self-propelled knives; unlawful to manufacture, sell, or possess; forfeiture; penalty.--

(1) It is unlawful for any person to manufacture, display, sell, own, possess, or use a ballistic self-propelled knife which is a device that propels a knifelike blade as a projectile and which physically separates the blade from the device by means of a coil spring, elastic material, or compressed gas. A ballistic self-propelled knife is declared to be a dangerous or deadly weapon and a contraband item. It shall be subject to seizure and shall be disposed of as provided in s. 790.08(1) and (6).

(2) This section shall not apply to:

(a) Any device from which a knifelike blade opens, where such blade remains physically integrated with the device when open.

(b) Any device which propels an arrow, a bolt, or a dart by means of any common bow, compound bow, crossbow, or underwater spear gun.

(3) Any person violating the provisions of subsection (1) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.--s. 1, ch. 85-258; s. 178, ch. 91-224; s. 1, ch. 2003-82.

790.23 Felons and delinquents; possession of firearms, ammunition, or electric weapons or devices unlawful.--

(1) It is unlawful for any person to own or to have in his or her care, custody, possession, or control any firearm, ammunition, or electric weapon or device, or to carry a concealed weapon, including a tear gas gun or chemical weapon or device, if that person has been:

(a) Convicted of a felony in the courts of this state;

denial and informing the applicant of any right to a hearing pursuant to chapter 120.

3. In the event the department receives criminal history information with no final disposition on a crime which may disqualify the applicant, the time limitation prescribed by this paragraph may be suspended until receipt of the final disposition or proof of restoration of civil and firearm rights.

(d) In the event a legible set of fingerprints, as determined by the Department of Agriculture and Consumer Services or the Federal Bureau of Investigation, cannot be obtained after two attempts, the Department of Agriculture and Consumer Services shall determine eligibility based upon the name checks conducted by the Florida Department of Law Enforcement.

(e) A consular security official of a foreign government that maintains diplomatic relations and treaties of commerce, friendship, and navigation with the United States and is certified as such by the foreign government and by the appropriate embassy in this country must be issued a license within 20 days after the date of the receipt of a completed application, certification document, color photograph as specified in paragraph (5)(e), and a nonrefundable license fee of $300. Consular security official licenses shall be valid for 1 year and may be renewed upon completion of the application process as provided in this section.

(7) The Department of Agriculture and Consumer Services shall maintain an automated listing of licenseholders and pertinent information, and such information shall be available online, upon request, at all times to all law enforcement agencies through the Florida Crime Information Center.

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(8) Within 30 days after the changing of a permanent address, or within 30 days after having a license lost or destroyed, the licensee shall notify the Department of Agriculture and Consumer Services of such change. Failure to notify the Department of Agriculture and Consumer Services pursuant to the provisions of this subsection shall constitute a noncriminal violation with a penalty of $25.

(9) In the event that a concealed weapon or firearm license is lost or destroyed, the license shall be automatically invalid, and the person to whom the same was issued may, upon payment of $15 to the Department of Agriculture and Consumer Services, obtain a duplicate, or substitute thereof, upon furnishing a notarized statement to the Department of Agriculture and Consumer Services that such license has been lost or destroyed.

(10) A license issued under this section shall be suspended or revoked pursuant to chapter 120 if the licensee:

(a) Is found to be ineligible under the criteria set forth in subsection (2);

(b) Develops or sustains a physical infirmity which prevents the safe handling of a weapon or firearm;

(c) Is convicted of a felony which would make the licensee ineligible to possess a firearm pursuant to s. 790.23;

(d) Is found guilty of a crime under the provisions of chapter 893, or similar laws of any other state, relating to controlled substances;

(e) Is committed as a substance abuser under chapter 397, or is deemed a habitual offender under s. 856.011(3), or similar laws of any other state;

(f) Is convicted of a second violation of s. 316.193, or a similar law of another state, within 3 years of a previous conviction of such section, or similar law of another state, even though the first violation may have occurred prior to the date on which the application was submitted;

(g) Is adjudicated an incapacitated person under s. 744.331, or similar laws of any other state; or

(h) Is committed to a mental institution under chapter 394, or similar laws of any other state.

(11)(a) No less than 90 days before the expiration date of the license, the Department of Agriculture and Consumer Services shall mail to each licensee a written notice of the expiration and a renewal form prescribed by the Department of Agriculture and Consumer Services. The licensee must renew his or her license on or before the expiration date by filing with the Department of Agriculture and Consumer Services the renewal form containing a notarized affidavit stating that the licensee remains qualified pursuant to the criteria specified in subsections (2) and (3), a color photograph as specified in paragraph (5)(e), and the required renewal fee. Out-of-state residents must also submit a completed fingerprint card and fingerprint processing fee. The license shall be renewed upon receipt of the completed renewal form, color photograph, appropriate payment of fees, and, if applicable, a completed fingerprint card. Additionally, a licensee who fails to file a renewal application on or before its expiration date must renew his or her license by paying a late fee of $15. A license may not be renewed 180 days or more after its expiration date, and such a license is deemed to be permanently expired. A person whose license has been permanently expired may reapply for licensure; however, an application for licensure and fees under subsection (5) must be submitted, and a background investigation shall be conducted pursuant to this section. A person who knowingly files false information under this subsection is subject to criminal prosecution under s. 837.06.

(b) A license issued to a servicemember, as defined in s. 250.01, is subject to paragraph (a); however, such a license does not expire while the servicemember is serving on military orders that have taken him or her over 35 miles from his or her residence and shall be extended, as provided in this paragraph, for up to 180 days after his or her return to such residence. If the license renewal requirements in paragraph (a) are met within the 180-day extension period, the servicemember may not be charged any additional costs, such as, but not limited to, late fees or delinquency fees, above the normal license fees. The servicemember must present to the Department of Agriculture and Consumer Services a copy of his or her official military orders or a written verification from the member's commanding officer before the end of the 180-day period in order to qualify for the extension.

(12) No license issued pursuant to this section shall authorize any person to carry a concealed weapon or firearm into any place of nuisance as defined in s. 823.05; any police, sheriff, or highway patrol station; any detention facility, prison, or jail; any courthouse; any courtroom, except that nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in his or her courtroom; any polling place; any meeting of the governing body of a county, public school district, municipality, or special district; any meeting of the Legislature or a committee thereof; any school, college, or professional athletic event

not related to firearms; any school administration building; any portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to such purpose; any elementary or secondary school facility; any career center; any college or university facility unless the licensee is a registered student, employee, or faculty member of such college or university and the weapon is a stun gun or nonlethal electric weapon or device designed solely for defensive purposes and the weapon does not fire a dart or projectile; inside the passenger terminal and sterile area of any airport, provided that no person shall be prohibited from carrying any legal firearm into the terminal, which firearm is encased for shipment for purposes of checking such firearm as baggage to be lawfully transported on any aircraft; or any place where the carrying of firearms is prohibited by federal law. Any person who willfully violates any provision of this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(13) All moneys collected by the department pursuant to this section shall be deposited in the Division of Licensing Trust Fund, and the Legislature shall appropriate from the fund those amounts deemed necessary to administer the provisions of this section. All revenues collected, less those costs determined by the Department of Agriculture and Consumer Services to be nonrecurring or one-time costs, shall be deferred over the 7-year licensure period. Notwithstanding the provisions of s. 493.6117, all moneys collected pursuant to this section shall not revert to the General Revenue Fund; however, this shall not abrogate the requirement for payment of the service charge imposed pursuant to chapter 215.

(14) All funds received by the sheriff pursuant to the provisions of this section shall be deposited into the general revenue fund of the county and shall be budgeted to the sheriff.

(15) The Legislature finds as a matter of public policy and fact that it is necessary to provide statewide uniform standards for issuing licenses to carry concealed weapons and firearms for self-defense and finds it necessary to occupy the field of regulation of the bearing of concealed weapons or firearms for self-defense to ensure that no honest, law-abiding person who qualifies under the provisions of this section is subjectively or arbitrarily denied his or her rights. The Department of Agriculture and Consumer Services shall implement and administer the provisions of this section. The Legislature does not delegate to the Department of Agriculture and Consumer Services the authority to regulate or restrict the issuing of licenses provided for in this section, beyond those provisions contained in this section. Subjective or arbitrary actions or rules which encumber the issuing process by placing burdens on the applicant beyond those sworn statements and specified documents detailed in this section or which create restrictions beyond those specified in this section are in conflict with the intent of this section and are prohibited. This section shall be liberally construed to carry out the constitutional right to bear arms for self-defense. This section is supplemental and additional to existing rights to bear arms, and nothing in this section shall impair or diminish such rights.

(16) The Department of Agriculture and Consumer Services shall maintain statistical information on the number of licenses issued, revoked, suspended, and denied.

(17) As amended by chapter 87-24, Laws of Florida, this section shall be known and may be cited as the "Jack Hagler Self Defense Act."

History.--s. 2, ch. 4147, 1893; s. 1, ch. 5139, 1903; GS 3268; RGS 5101; CGL 7203; s. 2, ch. 76-165; s. 67, ch. 77-121; s. 1, ch. 77-302; s. 176, ch. 79-164; ss. 1, 2, ch. 87-24; s. 4, ch. 88-183; s. 2, ch. 89-60; s. 110, ch. 89-96; s. 3, ch. 90-311; s. 2, ch. 90-316; ss. 1, 7, ch. 90-364; s. 1, ch. 92-52; s. 1, ch. 92-183; s. 38, ch. 93-39; s. 52, ch. 95-196; s. 1, ch. 95-229; s. 10, ch. 95-430; s. 17, ch. 97-94; s. 1206, ch. 97-102; s. 5, ch. 98-284; s. 3, ch. 98-335; s. 228, ch. 99-245; s. 61, ch. 2000-258; s. 10, ch. 2002-295; s. 108, ch. 2003-1; s. 60, ch. 2004-357; s. 1, ch. 2006-90; s. 1, ch. 2008-105.

790.0601 Public records exemption for concealed weapons.--

(1) Personal identifying information of an individual who has applied for or received a license to carry a concealed weapon or firearm pursuant to s. 790.06 held by the Division of Licensing of the Department of Agriculture and Consumer Services is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to such information held by the division before, on, or after the effective date of this section.

(2) Information made confidential and exempt by this section shall be disclosed:

(a) With the express written consent of the applicant or licensee or his or her legally authorized representative.

(b) By court order upon a showing of good cause.

(c) Upon request by a law enforcement agency in connection with the performance of lawful duties, which shall include access to any automated database containing such information maintained by the Department of Agriculture and Consumer Services.

(3) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2011, unless reviewed and saved from repeal through reenactment by the Legislature.

History.--s. 1, ch. 2006-102.

790.061 Judges and justices; exceptions from licensure provisions.-- A county court judge, circuit court judge, district court of appeal judge, justice of the supreme court, federal district court judge, or federal court of appeals judge serving in this state is not required to comply with the provisions of s. 790.06 in order to receive a license to carry a concealed weapon or firearm, except that any such justice or judge must comply with the provisions of s. 790.06(2)(h). The Department of Agriculture and Consumer Services shall issue a license to carry a concealed weapon or firearm to any such justice or judge upon demonstration of competence of the justice or judge pursuant to s. 790.06(2)(h).

History.--s. 2, ch. 90-311; s. 2, ch. 95-229; s. 158, ch. 2004-5.

[1]790.065 Sale and delivery of firearms.--

(1) A licensed importer, licensed manufacturer, or licensed dealer may not sell or deliver from her or his inventory at her or his licensed premises any firearm to another person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, until she or he has:

(4)(a) Any parent or guardian of a minor, or other adult responsible for the welfare of a minor, who knowingly and willfully permits the minor to possess a firearm in violation of subsection (3) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Any natural parent or adoptive parent, whether custodial or noncustodial, or any legal guardian or legal custodian of a minor, if that minor possesses a firearm in violation of subsection (3) may, if the court finds it appropriate, be required to participate in classes on parenting education which are approved by the Department of Juvenile Justice, upon the first conviction of the minor. Upon any subsequent conviction of the minor, the court may, if the court finds it appropriate, require the parent to attend further parent education classes or render community service hours together with the child.

(c) The juvenile justice circuit boards or juvenile justice county councils or the Department of Juvenile Justice shall establish appropriate community service programs to be available to the alternative sanctions coordinators of the circuit courts in implementing this subsection. The boards or councils or department shall propose the implementation of a community service program in each circuit, and may submit a circuit plan, to be implemented upon approval of the circuit alternative sanctions coordinator.

(d) For the purposes of this section, community service may be provided on public property as well as on private property with the expressed permission of the property owner. Any community service provided on private property is limited to such things as removal of graffiti and restoration of vandalized property.

(5)(a) A minor who violates subsection (3) commits a misdemeanor of the first degree; for a first offense, may serve a period of detention of up to 3 days in a secure detention facility; and, in addition to any other penalty provided by law, shall be required to perform 100 hours of community service; and:

1. If the minor is eligible by reason of age for a driver license or driving privilege, the court shall direct the Department of Highway Safety and Motor Vehicles to revoke or to withhold issuance of the minor's driver license or driving privilege for up to 1 year.

2. If the minor's driver license or driving privilege is under suspension or revocation for any reason, the court shall direct the Department of Highway Safety and Motor Vehicles to extend the period of suspension or revocation by an additional period of up to 1 year.

3. If the minor is ineligible by reason of age for a driver license or driving privilege, the court shall direct the Department of Highway Safety and Motor Vehicles to withhold issuance of the minor's driver license or driving privilege for up to 1 year after the date on which the minor would otherwise have become eligible.

(b) For a second or subsequent offense, a minor who violates subsection (3) commits a felony of the third degree and shall serve a period of detention of up to 15 days in a secure detention facility and shall be required to perform not less than 100 nor more than 250 hours of community service, and:

1. If the minor is eligible by reason of age for a driver license or driving privilege, the court shall direct the Department of Highway Safety and Motor Vehicles to revoke or to withhold issuance of the minor's driver license or driving privilege for up to 2 years.

2. If the minor's driver license or driving privilege is under suspension or revocation for any reason, the court shall direct the Department of Highway Safety and Motor Vehicles to extend the period of suspension or revocation by an additional period of up to 2 years.

3. If the minor is ineligible by reason of age for a driver license or driving privilege, the court shall direct the Department of Highway Safety and Motor Vehicles to withhold issuance of the minor's driver license or driving privilege for up to 2 years after the date on which the minor would otherwise have become eligible.

For the purposes of this subsection, community service shall be performed, if possible, in a manner involving a hospital emergency room or other medical environment that deals on a regular basis with trauma patients and gunshot wounds.

(6) Any firearm that is possessed or used by a minor in violation of this section shall be promptly seized by a law enforcement officer and disposed of in accordance with s. 790.08(1)-(6).

(7) The provisions of this section are supplemental to all other provisions of law relating to the possession, use, or exhibition of a firearm.

(8) Notwithstanding s. 985.24 or s. 985.25(1), if a minor is charged with an offense that involves the use or possession of a firearm, including a violation of subsection (3), or is charged for any offense during the commission of which the minor possessed a firearm, the minor shall be detained in secure detention, unless the state attorney authorizes the release of the minor, and shall be given a hearing within 24 hours after being taken into custody. At the hearing, the court may order that the minor continue to be held in secure detention in accordance with the applicable time periods specified in s. 985.26(1)-(5), if the court finds that the minor meets the criteria specified in s. 985.255, or if the court finds by clear and convincing evidence that the minor is a clear and present danger to himself or herself or the community. The Department of Juvenile Justice shall prepare a form for all minors charged under this subsection which states the period of detention and the relevant demographic information, including, but not limited to, the gender, age, and race of the minor; whether or not the minor was represented by private counsel or a public defender; the current offense; and the minor's complete prior record, including any pending cases. The form shall be provided to the judge for determining whether the minor should be continued in secure detention under this subsection. An order placing a minor in secure detention because the minor is a clear and present danger to himself or herself or the community must be in writing, must specify the need for detention and the benefits derived by the minor or the community by placing the minor in secure detention, and must include a copy of the form provided by the department.

(9) Notwithstanding s. 985.245, if the minor is found to have committed an offense that involves the use or possession of a firearm, as defined in s. 790.001, other than a violation of subsection (3), or an offense during the commission of which the minor possessed a firearm, and the minor is not committed to a residential commitment program of the Department of Juvenile Justice, in addition to any other punishment provided by law, the court shall order:

firearm on his or her body or within such close proximity thereto that he or she can retrieve and use it as easily and quickly as if he or she carried it on his or her body.

(2) It is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, if a person violates subsection (1) by failing to store or leave a firearm in the required manner and as a result thereof a minor gains access to the firearm, without the lawful permission of the minor's parent or the person having charge of the minor, and possesses or exhibits it, without the supervision required by law:

(a) In a public place; or

(b) In a rude, careless, angry, or threatening manner in violation of s. 790.10.

This subsection does not apply if the minor obtains the firearm as a result of an unlawful entry by any person.

[1](3) As used in this act, the term "minor" means any person under the age of 16.

History.--ss. 2, 7, ch. 89-534; s. 1216, ch. 97-102.

[1]**Note.**--Also published at s. 784.05(4).

790.175 Transfer or sale of firearms; required warnings; penalties.--

(1) Upon the retail commercial sale or retail transfer of any firearm, the seller or transferor shall deliver a written warning to the purchaser or transferee, which warning states, in block letters not less than 1/4 inch in height:

"IT IS UNLAWFUL, AND PUNISHABLE BY IMPRISONMENT AND FINE, FOR ANY ADULT TO STORE OR LEAVE A FIREARM IN ANY PLACE WITHIN THE REACH OR EASY ACCESS OF A MINOR UNDER 18 YEARS OF AGE OR TO KNOWINGLY SELL OR OTHERWISE TRANSFER OWNERSHIP OR POSSESSION OF A FIREARM TO A MINOR OR A PERSON OF UNSOUND MIND."

(2) Any retail or wholesale store, shop, or sales outlet which sells firearms must conspicuously post at each purchase counter the following warning in block letters not less than 1 inch in height:

"IT IS UNLAWFUL TO STORE OR LEAVE A FIREARM IN ANY PLACE WITHIN THE REACH OR EASY ACCESS OF A MINOR UNDER 18 YEARS OF AGE OR TO KNOWINGLY SELL OR OTHERWISE TRANSFER OWNERSHIP OR POSSESSION OF A FIREARM TO A MINOR OR A PERSON OF UNSOUND MIND."

(3) Any person or business knowingly violating a requirement to provide warning under this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.--ss. 4, 7, ch. 89-534; s. 3, ch. 93-416.

790.18 Sale or transfer of arms to minors by dealers.--It is unlawful for any dealer in arms to sell or transfer to a minor any firearm, pistol, Springfield rifle or other repeating rifle, bowie knife or dirk knife, brass knuckles, slungshot, or electric weapon or device. A person who violates this section commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.--s. 11, ch. 6421, 1913; RGS 5559; CGL 7745; s. 751, ch. 71-136; s. 2, ch. 76-165; s. 176, ch. 91-224; s. 4, ch. 93-416.

790.19 Shooting into or throwing deadly missiles into dwellings, public or private buildings, occupied or not occupied; vessels, aircraft, buses, railroad cars, streetcars, or other vehicles.-- Whoever, wantonly or maliciously, shoots at, within, or into, or throws any missile or hurls or projects a stone or other hard substance which would produce death or great bodily harm, at, within, or in any public or private building, occupied or unoccupied, or public or private bus or any train, locomotive, railway car, caboose, cable railway car, street railway car, monorail car, or vehicle of any kind which is being used or occupied by any person, or any boat, vessel, ship, or barge lying in or plying the waters of this state, or aircraft flying through the airspace of this state shall be guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.--s. 2, ch. 3281, 1881; RS 2696; ss. 1, 2, ch. 4987, 1901; ss. 1, 2, ch. 4988, 1901; GS 3628; RGS 5560; CGL 7746; s. 1, ch. 59-458; s. 752, ch. 71-136; s. 1, ch. 74-67.

790.22 Use of BB guns, air or gas-operated guns, or electric weapons or devices by minor under 16; limitation; possession of firearms by minor under 18 prohibited; penalties.--

(1) The use for any purpose whatsoever of BB guns, air or gas-operated guns, or electric weapons or devices, by any minor under the age of 16 years is prohibited unless such use is under the supervision and in the presence of an adult who is acting with the consent of the minor's parent.

(2) Any adult responsible for the welfare of any child under the age of 16 years who knowingly permits such child to use or have in his or her possession any BB gun, air or gas-operated gun, electric weapon or device, or firearm in violation of the provisions of subsection (1) of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A minor under 18 years of age may not possess a firearm, other than an unloaded firearm at his or her home, unless:

(a) The minor is engaged in a lawful hunting activity and is:

1. At least 16 years of age; or

2. Under 16 years of age and supervised by an adult.

(b) The minor is engaged in a lawful marksmanship competition or practice or other lawful recreational shooting activity and is:

1. At least 16 years of age; or

2. Under 16 years of age and supervised by an adult who is acting with the consent of the minor's parent or guardian.

(c) The firearm is unloaded and is being transported by the minor directly to or from an event authorized in paragraph (a) or paragraph (b).

(a) Obtained a completed form from the potential buyer or transferee, which form shall have been promulgated by the Department of Law Enforcement and provided by the licensed importer, licensed manufacturer, or licensed dealer, which shall include the name, date of birth, gender, race, and social security number or other identification number of such potential buyer or transferee and has inspected proper identification including an identification containing a photograph of the potential buyer or transferee.

[2](b) Collected a fee from the potential buyer for processing the criminal history check of the potential buyer. The fee shall be established by the Department of Law Enforcement and may not exceed $8 per transaction. The Department of Law Enforcement may reduce, or suspend collection of, the fee to reflect payment received from the Federal Government applied to the cost of maintaining the criminal history check system established by this section as a means of facilitating or supplementing the National Instant Criminal Background Check System. The Department of Law Enforcement shall, by rule, establish procedures for the fees to be transmitted by the licensee to the Department of Law Enforcement. All such fees shall be deposited into the Department of Law Enforcement Operating Trust Fund, but shall be segregated from all other funds deposited into such trust fund and must be accounted for separately. Such segregated funds must not be used for any purpose other than the operation of the criminal history checks required by this section. The Department of Law Enforcement, each year prior to February 1, shall make a full accounting of all receipts and expenditures of such funds to the President of the Senate, the Speaker of the House of Representatives, the majority and minority leaders of each house of the Legislature, and the chairs of the appropriations committees of each house of the Legislature. In the event that the cumulative amount of funds collected exceeds the cumulative amount of expenditures by more than $2.5 million, excess funds may be used for the purpose of purchasing soft body armor for law enforcement officers.

(c) Requested, by means of a toll-free telephone call, the Department of Law Enforcement to conduct a check of the information as reported and reflected in the Florida Crime Information Center and National Crime Information Center systems as of the date of the request.

(d) Received a unique approval number for that inquiry from the Department of Law Enforcement, and recorded the date and such number on the consent form.

However, if the person purchasing, or receiving delivery of, the firearm is a holder of a valid concealed weapons or firearms license pursuant to the provisions of s. 790.06 or holds an active certification from the Criminal Justice Standards and Training Commission as a "law enforcement officer," a "correctional officer," or a "correctional probation officer" as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), the provisions of this subsection do not apply.

(2) Upon receipt of a request for a criminal history record check, the Department of Law Enforcement shall, during the licensee's call or by return call, forthwith:

(a) Review any records available to determine if the potential buyer or transferee:

1. Has been convicted of a felony and is prohibited from receipt or possession of a firearm pursuant to s. 790.23;

2. Has been convicted of a misdemeanor crime of domestic violence, and therefore is prohibited from purchasing a firearm;

3. Has had adjudication of guilt withheld or imposition of sentence suspended on any felony or misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled or expunction has occurred; or

4. Has been adjudicated mentally defective or has been committed to a mental institution by a court and as a result is prohibited by federal law from purchasing a firearm.

a. As used in this subparagraph, "adjudicated mentally defective" means a determination by a court that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease, is a danger to himself or herself or to others or lacks the mental capacity to contract or manage his or her own affairs. The phrase includes a judicial finding of incapacity under s. 744.331(6)(a), an acquittal by reason of insanity of a person charged with a criminal offense, and a judicial finding that a criminal defendant is not competent to stand trial.

b. As used in this subparagraph, "committed to a mental institution" means involuntary commitment, commitment for mental defectiveness or mental illness, and commitment for substance abuse. The phrase includes involuntary inpatient placement as defined in s. 394.467, involuntary outpatient placement as defined in s. 394.4655, involuntary assessment and stabilization under s. 397.6818, and involuntary substance abuse treatment under s. 397.6957, but does not include a person in a mental institution for observation or discharged from a mental institution based upon the initial review by the physician or a voluntary admission to a mental institution.

c. In order to check for these conditions, the department shall compile and maintain an automated database of persons who are prohibited from purchasing a firearm based on court records of adjudications of mental defectiveness or commitments to mental institutions. Clerks of court shall submit these records to the department within 1 month after the rendition of the adjudication or commitment. Reports shall be submitted in an automated format. The reports must, at a minimum, include the name, along with any known alias or former name, the sex, and the date of birth of the subject.

d. A person who has been adjudicated mentally defective or committed to a mental institution, as those terms are defined in this paragraph, may petition the circuit court that made the adjudication or commitment for relief from the firearm disabilities imposed by such adjudication or commitment. A copy of the petition shall be served on the state attorney for the county in which the person was adjudicated or committed. The state attorney may object to and present evidence relevant to the relief sought by the petition. The hearing on the petition may be open or closed as the petitioner may choose. The petitioner may present evidence and subpoena witnesses to appear at the hearing on the petition. The petitioner may confront and cross-examine witnesses called by the state attorney. A record of the hearing shall be made by a certified court reporter or by court-approved electronic means. The court shall make written findings of fact and conclusions of law on the issues before it and issue a final order. The court shall grant the relief requested in the petition if the court finds, based on the evidence presented with respect to the petitioner's reputation, the petitioner's mental health record and, if applicable, criminal history record, the circumstances surrounding the firearm disability, and any other evidence in the record, that the petitioner will not be likely to act in a manner that is dangerous to public safety and that granting the relief would not be contrary to the public interest. If the final order denies relief, the petitioner may not petition again for relief from firearm disabilities until 1 year after the date of the final order. The petitioner may seek judicial review of a final order denying relief in the district court of appeal having jurisdiction over the court that issued the order. The review shall be conducted de novo. Relief from a firearm disability granted under this sub-subparagraph has no effect on the loss of civil rights, including firearm rights, for any reason other than the particular adjudication of mental defectiveness or commitment to a mental institution from which relief is granted.

e. Upon receipt of proper notice of relief from firearm disabilities granted under sub-subparagraph d., the department shall delete any mental health record of the person granted relief from the automated database of persons who are prohibited from purchasing a firearm based on court records of adjudications of mental defectiveness or commitments to mental institutions.

f. The department is authorized to disclose the collected data to agencies of the Federal Government and other states for use exclusively in determining the lawfulness of a firearm sale or transfer. The department is also authorized to disclose any collected data to the Department of Agriculture and Consumer Services for purposes of determining eligibility for issuance of a concealed weapons or concealed firearms license and for determining whether a basis exists for revoking or suspending a previously issued license pursuant to s. 790.06(10). When a potential buyer or transferee appeals a nonapproval based on these records, the clerks of court and mental institutions shall, upon request by the department, provide information to help determine whether the potential buyer or transferee is the same person as the subject of the record. Photographs and any other data that could confirm or negate identity must be made available to the department for such purposes, notwithstanding any other provision of state law to the contrary. Any such information that is made confidential or exempt from disclosure by law shall retain such confidential or exempt status when transferred to the department.

(b) Inform the licensee making the inquiry either that records demonstrate that the buyer or transferee is so prohibited and provide the licensee a nonapproval number, or provide the licensee with a unique approval number.

(c)1. Review any records available to it to determine whether the potential buyer or transferee has been indicted or has had an information filed against her or him for an offense that is a felony under either state or federal law, or, as mandated by federal law, has had an injunction for protection against domestic violence entered against the potential buyer or transferee under s. 741.30, has had an injunction for protection against repeat violence entered against the potential buyer or transferee under s. 784.046, or has been arrested for a dangerous crime as specified in s. 907.041(4)(a) or for any of the following enumerated offenses:

a. Criminal anarchy under ss. 876.01 and 876.02.

b. Extortion under s. 836.05.

c. Explosives violations under s. 552.22(1) and (2).

d. Controlled substances violations under chapter 893.

e. Resisting an officer with violence under s. 843.01.

f. Weapons and firearms violations under this chapter.

g. Treason under s. 876.32.

h. Assisting self-murder under s. 782.08.

i. Sabotage under s. 876.38.

j. Stalking or aggravated stalking under s. 784.048.

If the review indicates any such indictment, information, or arrest, the department shall provide to the licensee a conditional nonapproval number.

2. Within 24 working hours, the department shall determine the disposition of the indictment, information, or arrest and inform the licensee as to whether the potential buyer is prohibited from receiving or possessing a firearm. For purposes of this paragraph, "working hours" means the hours from 8 a.m. to 5 p.m. Monday through Friday, excluding legal holidays.

3. The office of the clerk of court, at no charge to the department, shall respond to any department request for data on the disposition of the indictment, information, or arrest as soon as possible, but in no event later than 8 working hours.

4. The department shall determine as quickly as possible within the allotted time period whether the potential buyer is prohibited from receiving or possessing a firearm.

5. If the potential buyer is not so prohibited, or if the department cannot determine the disposition information within the allotted time period, the department shall provide the licensee with a conditional approval number.

6. If the buyer is so prohibited, the conditional nonapproval number shall become a nonapproval number.

7. The department shall continue its attempts to obtain the disposition information and may retain a record of all approval numbers granted without sufficient disposition information. If the department later obtains disposition information which indicates:

a. That the potential buyer is not prohibited from owning a firearm, it shall treat the record of the transaction in accordance with this section; or

b. That the potential buyer is prohibited from owning a firearm, it shall immediately revoke the conditional approval number and notify local law enforcement.

8. During the time that disposition of the indictment, information, or arrest is pending and until the department is notified by the potential buyer that there has been a final disposition of the indictment, information, or arrest, the conditional nonapproval number shall remain in effect.

(4) Any person who, while committing or attempting to commit any felony, possesses, displays, or threatens to use any hoax weapon of mass destruction commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Notwithstanding any other law, adjudication of guilt or imposition of sentence may not be suspended, deferred, or withheld for a violation of this section. However, the state attorney may move the sentencing court to reduce or suspend the sentence of any person who is convicted of a violation of this section and who provides substantial assistance in the identification, arrest, or conviction of any of his or her accomplices, accessories, coconspirators, or principals.

(6) Proof that a device or object described in subparagraph (1)(a)1. caused death or serious bodily injury to a human or animal through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors, is prima facie evidence that the device or object was designed or intended to cause such death or serious bodily injury. Proof that a device or object described in subparagraph (1)(a)3. released radiation or radioactivity at a level dangerous to human or animal life is prima facie evidence that the device or object was designed or intended for such release.

(7) This section does not apply to any member or employee of the Armed Forces of the United States, a federal or state governmental agency, or a private entity who is otherwise engaged in lawful activity within the scope of his or her employment, if such person is otherwise duly authorized or licensed to manufacture, possess, sell, deliver, display, or otherwise engage in activity relative to this section and if such person is in compliance with applicable federal and state law.

(8) For purposes of this section, the term "weapon of mass destruction" does not include:

(a) A device or instrument that emits or discharges smoke or an offensive, noxious, or irritant liquid, powder, gas, or chemical for the purpose of immobilizing, incapacitating, or thwarting an attack by a person or animal and that is lawfully possessed or used by a person for the purpose of self-protection or, as provided in subsection (7), is lawfully possessed or used by any member or employee of the Armed Forces of the United States, a federal or state governmental agency, or a private entity. A member or employee of a federal or state governmental agency includes, but is not limited to, a law enforcement officer, as defined in s. 784.07; a federal law enforcement officer, as defined in s. 901.1505; and an emergency service employee, as defined in s. 496.404.

(b) The liquid, powder, gas, chemical, or smoke that is emitted or discharged from a device or instrument as specified in paragraph (a).

(9) In addition to any other penalty provided by law with respect to any person who is convicted of a violation of this section that resulted in the mobilization or action of any law enforcement officer or any state or local agency, a person convicted of a violation of this section may be required by the court to pay restitution for all of the costs and damages arising from the criminal conduct.

History.--s. 2, ch. 2000-218; s. 4, ch. 2002-28.

790.169 Juvenile offenders; release of names and addresses.--A law enforcement agency may release for publication the name and address of a child who has been convicted of any offense involving possession or use of a firearm.

History.--s. 1, ch. 93-416.

own A firearm

790.17 Furnishing weapons to minors under 18 years of age or persons of unsound mind and furnishing firearms to minors under 18 years of age prohibited.--

(1) A person who sells, hires, barters, lends, transfers, or gives any minor under 18 years of age any dirk, electric weapon or device, or other weapon, other than an ordinary pocketknife, without permission of the minor's parent or guardian, or sells, hires, barters, lends, transfers, or gives to any person of unsound mind an electric weapon or device or any dangerous weapon, other than an ordinary pocketknife, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2)(a) A person may not knowingly or willfully sell or transfer a firearm to a minor under 18 years of age, except that a person may transfer ownership of a firearm to a minor with permission of the parent or guardian. A person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) The parent or guardian must maintain possession of the firearm except pursuant to s. 790.22.

History.--ss. 1, 2, ch. 3285, 1881; RS 2684; GS 3627; RGS 5558; CGL 7744; s. 1, ch. 65-187; s. 750, ch. 71-136; s. 2, ch. 76-165; s. 175, ch. 91-224; s. 2, ch. 93-416.

790.173 Legislative findings and intent.--

(1) The Legislature finds that a tragically large number of Florida children have been accidentally killed or seriously injured by negligently stored firearms; that placing firearms within the reach or easy access of children is irresponsible, encourages such accidents, and should be prohibited; and that legislative action is necessary to protect the safety of our children.

(2) It is the intent of the Legislature that adult citizens of the state retain their constitutional right to keep and bear firearms for hunting and sporting activities and for defense of self, family, home, and business and as collectibles. Nothing in this act shall be construed to reduce or limit any existing right to purchase and own firearms, or to provide authority to any state or local agency to infringe upon the privacy of any family, home, or business, except by lawful warrant.

History.--s. 1, ch. 89-534.

790.174 Safe storage of firearms required.--

(1) A person who stores or leaves, on a premise under his or her control, a loaded firearm, as defined in s. 790.001, and who knows or reasonably should know that a minor is likely to gain access to the firearm without the lawful permission of the minor's parent or the person having charge of the minor, or without the supervision required by law, shall keep the firearm in a securely locked box or container or in a location which a reasonable person would believe to be secure or shall secure it with a trigger lock, except when the person is carrying the

(2) Any person who, without lawful authority, manufactures, possesses, sells, delivers, sends, mails, displays, uses, threatens to use, attempts to use, or conspires to use, or who makes readily accessible to others, a hoax bomb commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any person who, while committing or attempting to commit any felony, possesses, displays, or threatens to use any hoax bomb commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Notwithstanding any other law, adjudication of guilt or imposition of sentence may not be suspended, deferred, or withheld. However, the state attorney may move the sentencing court to reduce or suspend the sentence of any person who is convicted of a violation of this section and who provides substantial assistance in the identification, arrest, or conviction of any of his or her accomplices, accessories, coconspirators, or principals.

(4) Subsection (2) does not apply to any law enforcement officer, firefighter, person, or corporation licensed pursuant to chapter 493, or member of the armed forces of the United States while engaged in training or other lawful activity within the scope of his or her employment, or to any person properly authorized to test a security system, or to any security personnel, while operating within the scope of their employment, including, but not limited to, security personnel in airports and other controlled access areas, or to any member of a theatrical company or production using a hoax bomb as property during the course of a rehearsal or performance.

(5) In addition to any other penalty provided by law with respect to any person who is convicted of a violation of this section that resulted in the mobilization or action of any law enforcement officer or any state or local agency, a person convicted of a violation of this section may be required by the court to pay restitution for all of the costs and damages arising from the criminal conduct.

History.--s. 39, ch. 87-243; s. 5, ch. 90-124; s. 5, ch. 90-176; s. 20, ch. 93-406; s. 1215, ch. 97-102; s. 3, ch. 2002-28.

790.166 Manufacture, possession, sale, delivery, display, use, or attempted or threatened use of a weapon of mass destruction or hoax weapon of mass destruction prohibited; definitions; penalties.--

(1) As used in this section, the term:

(a) "Weapon of mass destruction" means:

1. Any device or object that is designed or intended to cause death or serious bodily injury to any human or animal, or severe emotional or mental harm to any human, through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;

2. Any device or object involving a biological agent;

3. Any device or object that is designed or intended to release radiation or radioactivity at a level dangerous to human or animal life; or

4. Any biological agent, toxin, vector, or delivery system.

(b) "Hoax weapon of mass destruction" means any device or object that by its design, construction, content, or characteristics appears to be or to contain, or is represented to be, constitute, or contain, a weapon of mass destruction as defined in this section, but which is, in fact, an inoperative facsimile, imitation, counterfeit, or representation of a weapon of mass destruction which does not meet the definition of a weapon of mass destruction or which does not actually contain or constitute a weapon, biological agent, toxin, vector, or delivery system prohibited by this section.

(c) "Biological agent" means any microorganism, virus, infectious substance, or biological product that may be engineered through biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, capable of causing:

1. Death, disease, or other biological malfunction in a human, an animal, a plant, or other living organism;

2. Deterioration of food, water, equipment, supplies, or material of any kind; or

3. Deleterious alteration of the environment.

(d) "Toxin" means the toxic material of plants, animals, microorganisms, viruses, fungi, or infectious substances, or a recombinant molecule, whatever its origin or method of reproduction, including:

1. Any poisonous substance or biological product that may be engineered through biotechnology produced by a living organism; or

2. Any poisonous isomer or biological product, homolog, or derivative of such substance.

(e) "Delivery system" means:

1. Any apparatus, equipment, device, or means of delivery specifically designed to deliver or disseminate a biological agent, toxin, or vector; or

2. Any vector.

(f) "Vector" means a living organism or molecule, including a recombinant molecule or biological product that may be engineered through biotechnology, capable of carrying a biological agent or toxin to a host.

(2) A person who, without lawful authority, manufactures, possesses, sells, delivers, sends, mails, displays, uses, threatens to use, attempts to use, or conspires to use, or who makes readily accessible to others a weapon of mass destruction commits a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084, and if death results, commits a capital felony, punishable as provided in s. 775.082.

(3) Any person who, without lawful authority, manufactures, possesses, sells, delivers, mails, sends, displays, uses, threatens to use, attempts to use, or conspires to use, or who makes readily accessible to others, a hoax weapon of mass destruction commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) In the event of scheduled computer downtime, electronic failure, or similar emergency beyond the control of the Department of Law Enforcement, the department shall immediately notify the licensee of the reason for, and estimated length of, such delay. After such notification, the department shall forthwith, and in no event later than the end of the next business day of the licensee, either inform the requesting licensee if its records demonstrate that the buyer or transferee is prohibited from receipt or possession of a firearm pursuant to Florida and Federal law or provide the licensee with a unique approval number. Unless notified by the end of said next business day that the buyer or transferee is so prohibited, and without regard to whether she or he has received a unique approval number, the licensee may complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or transfer.

(4)(a) Any records containing any of the information set forth in subsection (1) pertaining to a buyer or transferee who is not found to be prohibited from receipt or transfer of a firearm by reason of Florida and federal law which records are created by the Department of Law Enforcement to conduct the criminal history record check shall be confidential and exempt from the provisions of s. 119.07(1) and may not be disclosed by the Department of Law Enforcement or any officer or employee thereof to any person or to another agency. The Department of Law Enforcement shall destroy any such records forthwith after it communicates the approval and nonapproval numbers to the licensee and, in any event, such records shall be destroyed within 48 hours after the day of the response to the licensee's request.

(b) Notwithstanding the provisions of this subsection, the Department of Law Enforcement may maintain records of NCIC transactions to the extent required by the Federal Government, and may maintain a log of dates of requests for criminal history records checks, unique approval and nonapproval numbers, license identification numbers, and transaction numbers corresponding to such dates for a period of not longer than 2 years or as otherwise required by law.

(c) Nothing in this chapter shall be construed to allow the State of Florida to maintain records containing the names of purchasers or transferees who receive unique approval numbers or to maintain records of firearm transactions.

(d) Any officer or employee, or former officer or employee of the Department of Law Enforcement or law enforcement agency who intentionally and maliciously violates the provisions of this subsection commits a felony of the third degree punishable as provided in s. 775.082 or s. 775.083.

(5) The Department of Law Enforcement shall establish a toll-free telephone number which shall be operational 7 days a week with the exception of Christmas Day and New Year's Day, for a period of 12 hours a day beginning at 9 a.m. and ending at 9 p.m., for purposes of responding to inquiries as described in this section from licensed manufacturers, licensed importers, and licensed dealers. The Department of Law Enforcement shall employ and train such personnel as are necessary expeditiously to administer the provisions of this section.

(6) Any person who is denied the right to receive or purchase a firearm as a result of the procedures established by this section may request a criminal history records review and correction in accordance with the rules promulgated by the Department of Law Enforcement.

(7) It shall be unlawful for any licensed dealer, licensed manufacturer, or licensed importer willfully and intentionally to request criminal history record information under false pretenses, or willfully and intentionally to disseminate criminal history record information to any person other than the subject of such information. Any person convicted of a violation of this subsection commits a felony of the third degree punishable as provided in s. 775.082 or s. 775.083.

(8) The Department of Law Enforcement shall promulgate regulations to ensure the identity, confidentiality, and security of all records and data provided pursuant to this section.

(9) This section shall become effective at such time as the Department of Law Enforcement has notified all licensed importers, licensed manufacturers, and licensed dealers in writing that the procedures and toll-free number described in this section are operational. This section shall remain in effect only during such times as the procedures described in subsection (2) remain operational.

(10) A licensed importer, licensed manufacturer, or licensed dealer is not required to comply with the requirements of this section in the event of:

(a) Unavailability of telephone service at the licensed premises due to the failure of the entity which provides telephone service in the state, region, or other geographical area in which the licensee is located to provide telephone service to the premises of the licensee due to the location of said premises; or the interruption of telephone service by reason of hurricane, tornado, flood, natural disaster, or other act of God, war, invasion, insurrection, riot, or other bona fide emergency, or other reason beyond the control of the licensee; or

(b) Failure of the Department of Law Enforcement to comply with the requirements of subsections (2) and (3).

(11) Compliance with the provisions of this chapter shall be a complete defense to any claim or cause of action under the laws of any state for liability for damages arising from the importation or manufacture, or the subsequent sale or transfer to any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year, of any firearm which has been shipped or transported in interstate or foreign commerce. The Department of Law Enforcement, its agents and employees shall not be liable for any claim or cause of action under the laws of any state for liability for damages arising from its actions in lawful compliance with this section.

(12)(a) Any potential buyer or transferee who willfully and knowingly provides false information or false or fraudulent identification commits a felony of the third degree punishable as provided in s. 775.082 or s. 775.083.

(b) Any licensed importer, licensed manufacturer, or licensed dealer who violates the provisions of subsection (1) commits a felony of the third degree punishable as provided in s. 775.082 or s. 775.083.

(c) Any employee or agency of a licensed importer, licensed manufacturer, or licensed dealer who violates the provisions of subsection (1) commits a felony of the third degree punishable as provided in s. 775.082 or s. 775.083.

(d) Any person who knowingly acquires a firearm through purchase or transfer intended for the use of a person who is prohibited by state or federal law from possessing or receiving a firearm commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(13) This section does not apply to employees of sheriff's offices, municipal police departments, correctional facilities or agencies, or other criminal justice or governmental agencies when the purchases or transfers are made on behalf of an employing agency for official law enforcement purposes.

History.--s. 1, ch. 89-191; s. 1, ch. 90-316; s. 4, ch. 92-183; s. 1, ch. 93-197; s. 1, ch. 94-256; s. 14, ch. 95-195; s. 8, ch. 95-430; s. 7, ch. 96-392; s. 429, ch. 96-406; s. 29, ch. 97-94; s. 1816, ch. 97-102; s. 6, ch. 98-284; ss. 8, 9, ch. 99-300; s. 1, ch. 2000-218; s. 12, ch. 2002-205; s. 3, ch. 2003-23; s. 1, ch. 2004-79; s. 1, ch. 2006-176; s. 1, ch. 2008-50; s. 1, ch. 2009-233; s. 1, ch. 2010-62.

[1]**Note.**--

A. Section 1, ch. 89-191, provides that "[t]his section expires on the effective date of federal law which provides access to national criminal history information and requires national criminal history checks on potential buyers or transferees on firearms."

B. Section 3, ch. 90-316, provides that "[t]his act shall not be construed to nullify the expiration of s. 790.065, Florida Statutes, provided for in chapter 89-191, Laws of Florida."

[2]**Note.**--Section 2, ch. 2009-233, provides that "[s]ection 790.065, Florida Statutes, must be reviewed by the Legislature and approved for continuation before the limit of $8 on the fee established by the Department of Law Enforcement under s. 790.065(1)(b), Florida Statutes, may be increased."

790.0655 Purchase and delivery of handguns; mandatory waiting period; exceptions; penalties.--

(1)(a) There shall be a mandatory 3-day waiting period, which shall be 3 days, excluding weekends and legal holidays, between the purchase and the delivery at retail of any handgun. "Purchase" means the transfer of money or other valuable consideration to the retailer. "Handgun" means a firearm capable of being carried and used by one hand, such as a pistol or revolver. "Retailer" means and includes every person engaged in the business of making sales at retail or for distribution, or use, or consumption, or storage to be used or consumed in this state, as defined in s. 212.02(13).

(b) Records of handgun sales must be available for inspection by any law enforcement agency, as defined in s. 934.02, during normal business hours.

(2) The 3-day waiting period shall not apply in the following circumstances:

(a) When a handgun is being purchased by a holder of a concealed weapons permit as defined in s. 790.06.

(b) To a trade-in of another handgun.

(3) It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) For any retailer, or any employee or agent of a retailer, to deliver a handgun before the expiration of the 3-day waiting period, subject to the exceptions provided in subsection (2).

(b) For a purchaser to obtain delivery of a handgun by fraud, false pretense, or false representation.

History.--s. 1, ch. 91-24; s. 3, ch. 92-183; s. 98, ch. 99-3.

790.07 Persons engaged in criminal offense, having weapons.--

(1) Whoever, while committing or attempting to commit any felony or while under indictment, displays, uses, threatens, or attempts to use any weapon or electric weapon or device or carries a concealed weapon is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Whoever, while committing or attempting to commit any felony, displays, uses, threatens, or attempts to use any firearm or carries a concealed firearm is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, and s. 775.084.

(3) The following crimes are excluded from application of this section: Antitrust violations, unfair trade practices, restraints of trade, nonsupport of dependents, bigamy, or other similar offenses.

(4) Whoever, having previously been convicted of a violation of subsection (1) or subsection (2) and, subsequent to such conviction, displays, uses, threatens, or attempts to use any weapon, firearm, or electric weapon or device, carries a concealed weapon, or carries a concealed firearm while committing or attempting to commit any felony or while under indictment is guilty of a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Sentence shall not be suspended or deferred under the provisions of this subsection.

History.--s. 10, ch. 1637, 1868; RS 2423; s. 2, ch. 4124, 1893; GS 3269; RGS 5102; CGL 7204; s. 4, ch. 69-306; s. 741, ch. 71-136; s. 2, ch. 76-165; s. 2, ch. 91-223.

790.08 Taking possession of weapons and arms; reports; disposition; custody.--

(1) Every officer making an arrest under s. 790.07, or under any other law or municipal ordinance within the state, shall take possession of any weapons, electric weapons or devices, or arms mentioned in s. 790.07 found upon the person arrested and deliver them to the sheriff of the county, or the chief of police of the municipality wherein the arrest is made, who shall retain the same until after the trial of the person arrested.

(2) If the person arrested as aforesaid is convicted of violating s. 790.07, or of a similar offense under any municipal ordinance, or any other offense involving the use or attempted use of such weapons, electric weapons or devices, or arms, such weapons, electric weapons or devices, or arms shall become forfeited to the state, without any order of forfeiture being necessary, although the making of such an order shall be deemed proper, and such weapons, electric weapons or devices, or arms shall be forthwith delivered to the sheriff by the chief of police or other person having custody thereof, and the sheriff is hereby made the custodian of such weapons, electric weapons or devices, and arms for the state.

or lack of intent to cause such harm, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A person who perpetrates any unlawful throwing, projecting, placing, or discharging of a destructive device or bomb that results in great bodily harm, permanent disability, or permanent disfigurement to a firefighter or any other person, regardless of intent or lack of intent to cause such harm, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Upon conviction and adjudication of guilt, a person may be sentenced separately, pursuant to s. 775.021(4), for any violation of this section and for any unlawful throwing, projecting, placing, or discharging of a destructive device or bomb committed during the same criminal episode. A conviction for any unlawful throwing, projecting, placing, or discharging of a destructive device or bomb, however, is not necessary for a conviction under this section.

History.--s. 1, ch. 84-23; s. 7, ch. 90-124; s. 7, ch. 90-176.

790.162 Threat to throw, project, place, or discharge any destructive device, felony; penalty.--It is unlawful for any person to threaten to throw, project, place, or discharge any destructive device with intent to do bodily harm to any person or with intent to do damage to any property of any person, and any person convicted thereof commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.--s. 2, ch. 59-29; s. 7, ch. 69-306; s. 748, ch. 71-136; s. 45, ch. 88-381; s. 4, ch. 90-124; s. 4, ch. 90-176.

790.163 False report about planting bomb, explosive, or weapon of mass destruction; penalty.--

(1) It is unlawful for any person to make a false report, with intent to deceive, mislead, or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite, other deadly explosive, or weapon of mass destruction as defined in s. 790.166; and any person convicted thereof commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Notwithstanding any other law, adjudication of guilt or imposition of sentence for a violation of this section may not be suspended, deferred, or withheld. However, the state attorney may move the sentencing court to reduce or suspend the sentence of any person who is convicted of a violation of this section and who provides substantial assistance in the identification, arrest, or conviction of any of his or her accomplices, accessories, coconspirators, or principals.

(3) Proof that a person accused of violating this section knowingly made a false report is prima facie evidence of the accused person's intent to deceive, mislead, or otherwise misinform any person.

(4) In addition to any other penalty provided by law with respect to any person who is convicted of a violation of this section that resulted in the mobilization or action of any law enforcement officer or any state or local agency, a person convicted of a violation of this section may be required by the court to pay restitution for all of the costs and damages arising from the criminal conduct.

History.--s. 3, ch. 59-29; s. 749, ch. 71-136; s. 1, ch. 2002-28.

790.164 False reports concerning planting a bomb, explosive, or weapon of mass destruction in, or committing arson against, state-owned property; penalty; reward.--

(1) It is unlawful for any person to make a false report, with intent to deceive, mislead, or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite, other deadly explosive, or weapon of mass destruction as defined in s. 790.166, or concerning any act of arson or other violence to property owned by the state or any political subdivision. Any person violating this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Notwithstanding any other law, adjudication of guilt or imposition of sentence for a violation of this section may not be suspended, deferred, or withheld. However, the state attorney may move the sentencing court to reduce or suspend the sentence of any person who is convicted of a violation of this section and who provides substantial assistance in the identification, arrest, or conviction of any of his or her accomplices, accessories, coconspirators, or principals.

(3) Proof that a person accused of violating this section knowingly made a false report is prima facie evidence of the accused person's intent to deceive, mislead, or otherwise misinform any person.

(4)(a) There shall be a $5,000 reward for the giving of information to any law enforcement agency in the state, which information leads to the arrest and conviction of any person violating the provisions of this section. Any person claiming such reward shall apply to the law enforcement agency developing the case and be paid by the Department of Law Enforcement from the deficiency fund.

(b) There shall be only one reward given for each case, regardless of how many persons are arrested and convicted in connection with the case and regardless of how many persons submit claims for the reward.

(c) The Department of Law Enforcement shall establish procedures to be used by all reward applicants, and the circuit judge in whose jurisdiction the action occurs shall review all such applications and make final determination as to those applicants entitled to receive an award.

(d) In addition to any other penalty provided by law with respect to any person who is convicted of a violation of this section that resulted in the mobilization or action of any law enforcement officer or any state or local agency, a person convicted of a violation of this section may be required by the court to pay restitution for all of the costs and damages arising from the criminal conduct.

History.--ss. 2, 2A, ch. 71-306; s. 1, ch. 76-146; s. 236, ch. 77-104; s. 25, ch. 79-8; s. 2, ch. 2002-28.

790.165 Planting of "hoax bomb" prohibited; penalties.--

(1) For the purposes of this section, "hoax bomb" means any device or object that by its design, construction, content, or characteristics appears to be, or to contain, or is represented to be or to contain, a destructive device or explosive as defined in this chapter, but is, in fact, an inoperative facsimile or imitation of such a destructive device or explosive, or contains no destructive device or explosive as was represented.

(a) If there was at that time 0.05 percent or less by weight of alcohol in the person's blood, it shall be presumed that the person was not under the influence of alcoholic beverages to the extent that his or her normal faculties were impaired.

(b) If there was at that time in excess of 0.05 percent but less than 0.10 percent by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of alcoholic beverages to the extent that his or her normal faculties were impaired, but such fact may be considered with other competent evidence in determining whether the person was under the influence of alcoholic beverages to the extent that his or her normal faculties were impaired.

(c) If there was at that time 0.10 percent or more by weight of alcohol in the person's blood, that fact shall be prima facie evidence that the person was under the influence of alcoholic beverages to the extent that his or her normal faculties were impaired.

The percent by weight of alcohol in the blood shall be based upon grams of alcohol per 100 milliliters of blood. The foregoing provisions of this subsection shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether the person was under the influence of alcoholic beverages to the extent that his or her normal faculties were impaired.

(3) A chemical analysis of a person's blood to determine its alcoholic content or a chemical or physical analysis of a person's breath, in order to be considered valid under the provisions of this section, must have been performed substantially in accordance with methods approved by the Florida Department of Law Enforcement and by an individual possessing a valid permit issued by the department for this purpose. Any insubstantial differences between approved techniques and actual testing procedures in an individual case shall not render the test or test results invalid. The Florida Department of Law Enforcement may approve satisfactory techniques or methods, ascertain the qualification and competence of individuals to conduct such analyses, and issue permits which shall be subject to termination or revocation in accordance with rules adopted by the department.

(4) Any person charged with using a firearm while under the influence of alcoholic beverages or controlled substances to the extent that his or her normal faculties were impaired, whether in a municipality or not, shall be entitled to trial by jury according to the Florida Rules of Criminal Procedure.

History.--s. 4, ch. 91-84; s. 1213, ch. 97-102; s. 294, ch. 99-8.

790.16 Discharging machine guns; penalty.--

(1) It is unlawful for any person to shoot or discharge any machine gun upon, across, or along any road, street, or highway in the state; upon or across any public park in the state; or in, upon, or across any public place where people are accustomed to assemble in the state. The discharge of such machine gun in, upon, or across such public street; in, upon, or across such public park; or in, upon, or across such public place, whether indoors or outdoors, including all theaters and athletic stadiums, with intent to do bodily harm to any person or with intent to do damage to property not resulting in the death of another person shall be a felony of the first degree, punishable as provided in s. 775.082. A sentence not exceeding life imprisonment is specifically authorized when great bodily harm to another or serious disruption of governmental operations results.

(2) This section shall not apply to the use of such machine guns by any United States or state militia or by any law enforcement officer while in the discharge of his or her lawful duty in suppressing riots and disorderly conduct and in preserving and protecting the public peace or in the preservation of public property, or when said use is authorized by law.

History.--s. 1, ch. 16111, 1933; CGL 1936 Supp. 7748(1); s. 746, ch. 71-136; s. 5, ch. 72-724; s. 1, ch. 76-38; s. 1214, ch. 97-102.

790.161 Making, possessing, throwing, projecting, placing, or discharging any destructive device or attempt so to do, felony; penalties.--A person who willfully and unlawfully makes, possesses, throws, projects, places, discharges, or attempts to make, possess, throw, project, place, or discharge any destructive device:

(1) Commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.084.

(2) If the act is perpetrated with the intent to do bodily harm to any person, or with the intent to do property damage, or if the act results in a disruption of governmental operations, commerce, or the private affairs of another person, commits a felony of the second degree, punishable as provided in s. 775.082 or s. 775.084.

(3) If the act results in bodily harm to another person or in property damage, commits a felony of the first degree, punishable as provided in s. 775.082 or s. 775.084.

(4) If the act results in the death of another person, commits a capital felony, punishable as provided in s. 775.082. In the event the death penalty in a capital felony is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, the court having jurisdiction over a person previously sentenced to death for a capital felony shall cause such person to be brought before the court, and the court shall sentence such person to life imprisonment if convicted of murder in the first degree or of a capital felony under this subsection, and such person shall be ineligible for parole. No sentence of death shall be reduced as a result of a determination that a method of execution is held to be unconstitutional under the State Constitution or the Constitution of the United States.

History.--s. 1, ch. 59-29; s. 6, ch. 69-306; s. 1, ch. 70-85; s. 747, ch. 71-136; s. 6, ch. 72-724; s. 2, ch. 76-38; s. 44, ch. 88-381; s. 3, ch. 90-124; s. 3, ch. 90-176; s. 19, ch. 93-406; s. 2, ch. 94-228; s. 3, ch. 98-3.

790.1612 Authorization for governmental manufacture, possession, and use of destructive devices.--The governing body of any municipality or county and the Division of State Fire Marshal of the Department of Financial Services have the power to authorize the manufacture, possession, and use of destructive devices as defined in s. 790.001(4).

History.--s. 6, ch. 90-124; s. 6, ch. 90-176; s. 1905, ch. 2003-261.

790.1615 Unlawful throwing, projecting, placing, or discharging of destructive device or bomb that results in injury to another; penalty.--

(1) A person who perpetrates any unlawful throwing, projecting, placing, or discharging of a destructive device or bomb that results in any bodily harm to a firefighter or any other person, regardless of intent

(3) If the person arrested as aforesaid is acquitted of the offenses mentioned in subsection (2), the said weapons, electric weapons or devices, or arms taken from the person as aforesaid shall be returned to him or her; however, if he or she fails to call for or receive the same within 60 days from and after his or her acquittal or the dismissal of the charges against him or her, the same shall be delivered to the sheriff as aforesaid to be held by the sheriff as hereinafter provided. This subsection shall likewise apply to persons and their weapons, electric weapons or devices, or arms who have heretofore been acquitted or the charges against them dismissed.

(4) All such weapons, electric weapons or devices, and arms now in, or hereafter coming into, the hands of any of the peace officers of this state or any of its political subdivisions, which have been found abandoned or otherwise discarded, or left in their hands and not reclaimed by the owners shall, within 60 days, be delivered by such peace officers to the sheriff of the county aforesaid.

(5) Weapons, electric weapons or devices, and arms coming into the hands of the sheriff pursuant to subsections (3) and (4) aforesaid shall, unless reclaimed by the owner thereof within 6 months from the date the same come into the hands of the said sheriff, become forfeited to the state, and no action or proceeding for their recovery shall thereafter be maintained in this state.

(6) Weapons, electric weapons or devices, and arms coming into the hands of the sheriff as aforesaid shall be listed, kept, and held by him or her as custodian for the state. Any or all such weapons, electric weapons or devices, and arms suitable for use by the sheriff may be so used. All such weapons, electric weapons or devices, and arms not needed by the said sheriff may be loaned to any other department of the state or to any county or municipality having use for such weapons, electric weapons or devices, and arms. The sheriff shall take the receipt of such other department, county, or municipality for such weapons, electric weapons or devices, and arms loaned to them. All weapons, electric weapons or devices, and arms which are not needed or which are useless or unfit for use shall be destroyed or otherwise disposed of by the sheriff as provided in chapter 705 or as provided in the Florida Contraband Forfeiture Act. All sums received from the sale or other disposition of the said weapons, electric weapons or devices, or arms disposed of by the sheriff under chapter 705 as aforesaid shall be paid into the State Treasury for the benefit of the State School Fund and shall become a part thereof. All sums received from the sale or other disposition of any such weapons, electric weapons or devices, or arms disposed of by the sheriff under the Florida Contraband Forfeiture Act shall be disbursed as provided therein.

(7) This section does not apply to any municipality in any county having home rule under the State Constitution.

History.--s. 3, ch. 3620, 1885; RS 2424; GS 3270; RGS 5103; CGL 7205; s. 1, ch. 22049, 1943; s. 1, ch. 65-189; ss. 1, 2, 3, 4, 5, 6, 7, 8, ch. 67-523; s. 3, ch. 67-2207; ss. 20, 35, ch. 69-106; s. 2, ch. 76-165; s. 24, ch. 79-8; s. 12, ch. 80-68; s. 1, ch. 83-21; s. 17, ch. 97-93; s. 1207, ch. 97-102.

790.09 Manufacturing or selling slungshot.--Whoever manufactures or causes to be manufactured, or sells or exposes for sale any instrument or weapon of the kind usually known as slungshot, or metallic knuckles, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.--s. 11, ch. 1637, 1868; RS 2425; s. 3, ch. 4124, 1893; GS 3271; RGS 5104; CGL 7206; s. 742, ch. 71-136.

790.10 Improper exhibition of dangerous weapons or firearms.--If any person having or carrying any dirk, sword, sword cane, firearm, electric weapon or device, or other weapon shall, in the presence of one or more persons, exhibit the same in a rude, careless, angry, or threatening manner, not in necessary self-defense, the person so offending shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.--s. 1, ch. 4532, 1897; GS 3272; RGS 5105; CGL 7207; s. 5, ch. 69-306; s. 743, ch. 71-136; s. 2, ch. 76-165; s. 174, ch. 91-224.

790.115 Possessing or discharging weapons or firearms at a school-sponsored event or on school property prohibited; penalties; exceptions.--

(1) A person who exhibits any sword, sword cane, firearm, electric weapon or device, destructive device, or other weapon as defined in s. 790.001(13), including a razor blade, box cutter, or common pocketknife, except as authorized in support of school-sanctioned activities, in the presence of one or more persons in a rude, careless, angry, or threatening manner and not in lawful self-defense, at a school-sponsored event or on the grounds or facilities of any school, school bus, or school bus stop, or within 1,000 feet of the real property that comprises a public or private elementary school, middle school, or secondary school, during school hours or during the time of a sanctioned school activity, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This subsection does not apply to the exhibition of a firearm or weapon on private real property within 1,000 feet of a school by the owner of such property or by a person whose presence on such property has been authorized, licensed, or invited by the owner.

(2)(a) A person shall not possess any firearm, electric weapon or device, destructive device, or other weapon as defined in s. 790.001(13), including a razor blade or box cutter, except as authorized in support of school-sanctioned activities, at a school-sponsored event or on the property of any school, school bus, or school bus stop; however, a person may carry a firearm:

1. In a case to a firearms program, class or function which has been approved in advance by the principal or chief administrative officer of the school as a program or class to which firearms could be carried;

2. In a case to a career center having a firearms training range; or

3. In a vehicle pursuant to s. 790.25(5); except that school districts may adopt written and published policies that waive the exception in this subparagraph for purposes of student and campus parking privileges.

For the purposes of this section, "school" means any preschool, elementary school, middle school, junior high school, secondary school, career center, or postsecondary school, whether public or nonpublic.

(b) A person who willfully and knowingly possesses any electric weapon or device, destructive device, or other weapon as defined in s. 790.001(13), including a razor blade or box cutter, except as authorized in support of school-sanctioned activities, in violation of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c)1. A person who willfully and knowingly possesses any firearm in violation of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A person who stores or leaves a loaded firearm within the reach or easy access of a minor who obtains the firearm and commits a violation of subparagraph 1. commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; except that this does not apply if the firearm was stored or left in a securely locked box or container or in a location which a reasonable person would have believed to be secure, or was securely locked with a firearm-mounted push-button combination lock or a trigger lock; if the minor obtains the firearm as a result of an unlawful entry by any person; or to members of the Armed Forces, National Guard, or State Militia, or to police or other law enforcement officers, with respect to firearm possession by a minor which occurs during or incidental to the performance of their official duties.

(d) A person who discharges any weapon or firearm while in violation of paragraph (a), unless discharged for lawful defense of himself or herself or another or for a lawful purpose, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(e) The penalties of this subsection shall not apply to persons licensed under s. 790.06. Persons licensed under s. 790.06 shall be punished as provided in s. 790.06(12), except that a licenseholder who unlawfully discharges a weapon or firearm on school property as prohibited by this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) This section does not apply to any law enforcement officer as defined in s. 943.10(1), (2), (3), (4), (6), (7), (8), (9), or (14).

(4) Notwithstanding s. 985.24, s. 985.245, or s. 985.25(1), any minor under 18 years of age who is charged under this section with possessing or discharging a firearm on school property shall be detained in secure detention, unless the state attorney authorizes the release of the minor, and shall be given a probable cause hearing within 24 hours after being taken into custody. At the hearing, the court may order that the minor continue to be held in secure detention for a period of 21 days, during which time the minor shall receive medical, psychiatric, psychological, or substance abuse examinations pursuant to s. 985.18, and a written report shall be completed.

History.--s. 4, ch. 92-130; s. 11, ch. 93-230; s. 1, ch. 94-289; s. 1209, ch. 97-102; s. 20, ch. 97-234; s. 3, ch. 99-284; s. 61, ch. 2004-357; s. 112, ch. 2006-120; s. 2, ch. 2006-186.

790.145 Crimes in pharmacies; possession of weapons; penalties.--

(1) Unless otherwise provided by law, any person who is in possession of a concealed "firearm," as defined in s. 790.001(6), or a "destructive device," as defined in s. 790.001(4), within the premises of a "pharmacy," as defined in chapter 465, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) The provisions of this section do not apply:

(a) To any law enforcement officer;

(b) To any person employed and authorized by the owner, operator, or manager of a pharmacy to carry a firearm or destructive device on such premises; or

(c) To any person licensed to carry a concealed weapon.

History.--s. 1, ch. 81-278; s. 2, ch. 90-124; s. 2, ch. 90-176.

790.15 Discharging firearm in public.--

(1) Except as provided in subsection (2) or subsection (3), any person who knowingly discharges a firearm in any public place or on the right-of-way of any paved public road, highway, or street or whosoever knowingly discharges any firearm over the right-of-way of any paved public road, highway, or street or over any occupied premises is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. This section does not apply to a person lawfully defending life or property or performing official duties requiring the discharge of a firearm or to a person discharging a firearm on public roads or properties expressly approved for hunting by the Fish and Wildlife Conservation Commission or Division of Forestry.

(2) Any occupant of any vehicle who knowingly and willfully discharges any firearm from the vehicle within 1,000 feet of any person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any driver or owner of any vehicle, whether or not the owner of the vehicle is occupying the vehicle, who knowingly directs any other person to discharge any firearm from the vehicle commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.--s. 1, ch. 3289, 1881; RS 2683; GS 3626; RGS 5557; CGL 7743; s. 1, ch. 61-334; s. 745, ch. 71-136; s. 1, ch. 78-17; s. 1, ch. 89-157; s. 229, ch. 99-245.

790.151 Using firearm while under the influence of alcoholic beverages, chemical substances, or controlled substances; penalties.--

(1) As used in ss. 790.151-790.157, to "use a firearm" means to discharge a firearm or to have a firearm readily accessible for immediate discharge.

(2) For the purposes of this section, "readily accessible for immediate discharge" means loaded and in a person's hand.

(3) It is unlawful and punishable as provided in subsection (4) for any person who is under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893, when affected to the extent that his or her normal faculties are impaired, to use a firearm in this state.

(4) Any person who violates subsection (3) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(5) This section does not apply to persons exercising lawful self-defense or defense of one's property.

History.--s. 1, ch. 91-84; s. 1210, ch. 97-102.

790.153 Tests for impairment or intoxication; right to refuse.--

(1)(a) Any person who uses a firearm within this state shall submit to an approved chemical or physical breath test to determine the alcoholic content of the blood and to a urine test to detect the presence of controlled substances, if there is probable cause to believe that the person was using a firearm while under the influence of alcoholic beverages or controlled substances or that the person is lawfully arrested for any offense allegedly committed while he or she was using a firearm while under the influence of alcoholic beverages or controlled substances. The breath test shall be incidental to a lawful arrest and administered at the request of a law enforcement officer who has probable cause to believe such person was using the firearm within this state while under the influence of alcoholic beverages. The urine test shall be incidental to a lawful arrest and administered at a detention facility, mobile or otherwise, which is equipped to administer such tests at the request of a law enforcement officer who has probable cause to believe such person was using a firearm within this state while under the influence of controlled substances. The urine test shall be administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests in a reasonable manner that will ensure the accuracy of the specimen and maintain the privacy of the individual involved. The administration of either test shall not preclude the administration of the other test. The refusal to submit to a chemical or physical breath or urine test upon the request of a law enforcement officer as provided in this section shall be admissible into evidence in any criminal proceeding. This section shall not hinder the taking of a mandatory blood test as outlined in s. 790.155.

(b) If the arresting officer does not request a chemical or physical test of the person arrested for any offense allegedly committed while the person was using a firearm while under the influence of alcoholic beverages or controlled substances, such person may request the arresting officer to have a chemical or physical test made of the arrested person's breath for the purpose of determining the alcoholic content of the person's blood or a chemical test of urine or blood for the purpose of determining the presence of controlled substances; and, if so requested, the arresting officer shall have the test performed.

(c) The provisions of s. 316.1932(1)(f), relating to administration of tests for determining the weight of alcohol in the defendant's blood, additional tests at the defendant's expense, availability of test information to the defendant or the defendant's attorney, and liability of medical institutions and persons administering such tests are incorporated into this act.

(2) The results of any test administered pursuant to this section for the purpose of detecting the presence of any controlled substance shall not be admissible as evidence in a criminal prosecution for the possession of a controlled substance.

(3) Notwithstanding any provision of law pertaining to the confidentiality of hospital records or other medical records, information obtained pursuant to this section shall be released to a court, prosecuting attorney, defense attorney, or law enforcement officer in connection with an alleged violation of s. 790.151 upon request for such information.

History.--s. 2, ch. 91-84; s. 1211, ch. 97-102.

790.155 Blood test for impairment or intoxication in cases of death or serious bodily injury; right to use reasonable force.--

(1)(a) Notwithstanding any recognized ability to refuse to submit to the tests provided in s. 790.153, if a law enforcement officer has probable cause to believe that a firearm used by a person under the influence of alcoholic beverages or controlled substances has caused the death or serious bodily injury of a human being, such person shall submit, upon the request of a law enforcement officer, to a test of his or her blood for the purpose of determining the alcoholic content thereof or the presence of controlled substances therein. The law enforcement officer may use reasonable force if necessary to require such person to submit to the administration of the blood test. The blood test shall be performed in a reasonable manner.

(b) The term "serious bodily injury" means a physical condition which creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(2) The provisions of s. 316.1933(2), relating to blood tests for impairment or intoxication, are incorporated into this act.

(3)(a) Any criminal charge resulting from the incident giving rise to the officer's demand for testing should be tried concurrently with a charge of any violation of s. 790.151. If such charges are tried separately, the fact that such person refused, resisted, obstructed, or opposed testing shall be admissible at the trial of the criminal offense which gave rise to the demand for testing.

(b) The results of any test administered pursuant to this section for the purpose of detecting the presence of any controlled substance shall not be admissible as evidence in a criminal prosecution for the possession of a controlled substance.

(4) Notwithstanding any provision of law pertaining to the confidentiality of hospital records or other medical records, information obtained pursuant to this section shall be released to a court, prosecuting attorney, defense attorney, or law enforcement officer in connection with an alleged violation of s. 790.151 upon request for such information.

History.--s. 3, ch. 91-84; s. 1212, ch. 97-102.

790.157 Presumption of impairment; testing methods.--

(1) It is unlawful and punishable as provided in s. 790.151 for any person who is under the influence of alcoholic beverages or controlled substances, when affected to the extent that his or her normal faculties are impaired, to use a firearm in this state.

(2) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while using a firearm while under the influence of alcoholic beverages or controlled substances, when affected to the extent that his or her normal faculties were impaired or to the extent that the person was deprived of full possession of his or her normal faculties, the results of any test administered in accordance with s. 790.153 or s. 790.155 and this section shall be admissible into evidence when otherwise admissible, and the amount of alcohol in the person's blood at the time alleged, as shown by chemical analysis of the person's blood or chemical or physical analysis of the person's breath, shall give rise to the following presumptions:

FLORIDA DEPARTMENT OF
AGRICULTURE AND CONSUMER SERVICES
DIVISION OF LICENSING

ADAM H. PUTNAM
COMMISSIONER

APPLICATION INSTRUCTIONS for CLASS "D" SECURITY OFFICER LICENSE

and

CHAPTER 493, FLORIDA STATUTES

12/09

NOTICE TO APPLICANTS FOR LICENSES
ISSUED PURSUANT TO CHAPTER 493, FLORIDA STATUTES

MANDATORY DISCLOSURE OF SOCIAL SECURITY NUMBERS

(The following notice supersedes all references to social security numbers contained in the enclosed application and instructions.)

Sections 493.6105, 493.6304, and 493.6406, Florida Statutes, in conjunction with section 119.071(5)(a) 2, Florida Statutes, mandates that the Department of Agriculture and Consumer Services, Division of Licensing obtain social security numbers from applicants. Applicant social security numbers are maintained and used by the Division of Licensing for identification purposes, to prevent misidentification, and to facilitate the approval process by the Division. The Department of Agriculture and Consumer Services, Division of Licensing will not disclose an applicant's social security number without consent of the applicant to anyone outside of the Department of Agriculture and Consumer Services, Division of Licensing, or as required by law. [See Chapter 119, Florida Statutes, 15 U.S.C. ss. 1681 et seq., 15 U.S.C. ss. 6801 et seq., 18 U.S.C. ss. 2721 et seq., Pub. L. No. 107-56 (USA Patriot Act of 2001), and Presidential Executive Order 13224.]

SECTION IX. EXEMPTION FROM PUBLIC RECORDS DISCLOSURE

See Section IX of the Application Instructions to determine if you qualify for exemption from Public Records Disclosure.
If you do not qualify for the exemption, proceed to Section X.
If you qualify for the exemption, do you wish to have the information kept confidential? ◯YES ◯NO

SECTION X. CITIZENSHIP

a) Are you a citizen of the United States? ◯YES ◯NO
If YES, proceed to Section XI of the application form.
If NO, you must answer question (b) below. See Section X of the APPLICATION INSTRUCTIONS for further details.

b) Are you deemed a lawful permanent resident alien by the Department of Homeland Security, United States Citizenship and Immigration Services (USCIS, formerly USINS) or have you been granted authority to work by the USCIS? ◯YES ◯NO
If YES, you must submit a clear and legible copy of the documentation issued to you by the USCIS.
If you are not a lawful permanent resident alien or do not possess valid work authorization, you are not eligible for licensure.

SECTION XI. PERSONAL INQUIRY WAIVER AND NOTARIZATION STATEMENT

I certify that I understand that the Division of Licensing will conduct any investigation deemed necessary to assure that I have met all statutory requirements for licensure. I understand that inquiry shall be made regarding my criminal history and that subsequent investigation may include my school records, employment history, financial records, any history of controlled substance or alcohol abuse, and my mental capacity.

I hereby waive any provision of law forbidding any school official, court, police agency, employer, firm or person from disclosing to the Division any knowledge or information concerning me, and I do certify that I give permission for such entity to disclose any information and to provide any record requested concerning me to the Division.

I also affirm that the information contained in this application and all attachments I have submitted to be true and correct to the best of my knowledge. I understand that falsification of any information or documentation submitted with this application may be grounds for denial or revocation of the license.

____________________ Signature of Applicant

____________________ Date Signed

STATE OF FLORIDA
COUNTY OF ____________________

The foregoing application was sworn to (or affirmed) and subscribed before me this ____ day of ________________, 20____, by:

____________________ Print Name of Applicant

____________________ NOTARY SIGNATURE

____________________ PRINT, TYPE, OR STAMP NAME OF NOTARY

☐ Personally Known ☐ Produced Identification Type of Identification Produced ____________________

SECTION XII. EMPLOYER STATEMENT (TO BE COMPLETED BY APPLICANT'S EMPLOYER)

We have reviewed this completed application and have approved the applicant for hiring.

Agency Name	Agency License #	Agency Phone #	Signature of Agency Head	Date
		( )		

SECTION XIII. "D" ACKNOWLEDGEMENT CARD ISSUED (TO BE COMPLETED BY D.O.L. PERSONNEL)

Regional Office________________ Date____/____/____ Division Employee Name________________

TO PREVENT UNNECESSARY DELAYS IN THE PROCESSING OF YOUR APPLICATION, ANSWER ALL QUESTIONS AND SUBMIT ANY NECESSARY DOCUMENTATION.

SECTION I APPLICANT INFORMATION

- Must be at least 18 years of age.
- Must be a citizen or legal resident alien of the United States or have been granted authority to work in this country by the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS).
- Must provide current RESIDENCE address. A P.O. Box is not considered a residence.

SECTION II PRIOR ADDRESS HISTORY

- Must provide RESIDENCE address(es) where you have lived for the past **5** years.

SECTION III PRIOR EMPLOYMENT HISTORY

- Must provide employment history for past **5** years. If you were a student or unemployed, include the associated time frames.

SECTION IV MILITARY HISTORY

- Complete this section to indicate whether you have ever been court-martialed, fined, or disciplined under UCMJ or service regulations. If the answer is yes, explain fully, giving dates and provide documentation on a separate sheet.

SECTION V CRIMINAL HISTORY

The Department will deny your application if you:

- have been convicted of a felony in any state or of a crime against the United States, which is designated as a felony, or convicted of an offense in any other state, territory, or country punishable by imprisonment for a term exceeding 1 year, unless and until Civil Rights have been restored and a period of 10 years has passed since final release from supervision [s.493.6118 (4), FS]. Proof of restoration of Civil Rights must be submitted with this application. Questions regarding the procedure for applying for restoration of Civil Rights or restoration of Firearm Rights should be addressed to the Florida Office of Executive Clemency, 2601 Blairstone Road, Building C, Room 229, Tallahassee, Florida 32399-2450, Telephone 850/488-2952.
- are currently serving a suspended sentence on a felony charge or on probation for a felony charge [s.493.6118(4), FS].

The Department may deny your application if you:

- have a history of being arrested for crimes of violence and/or found guilty of (or had adjudication withheld for) directly-related crimes. This includes, but is not limited to: Trespassing, Breaking and Entering, Burglary, Robbery, Forgery, Criminal Mischief or Theft, Assault, Battery, Stalking, Aggravated Battery, Aggravated Assault, Sexual Battery, Kidnapping, Armed Robbery, Murder, Aggravated Stalking, Resisting an Officer with Violence [s.493.6118(1)(c), 493.6118(1)(j), s.493.6118(3), FS].
- have demonstrated a lack of respect for the laws of this state and the nation [s.493.6118(3), FS].
- have an outstanding bench warrant or capias [s.493.6118(3), FS].
- are currently in a Pre-Trial Intervention or Deferred Prosecution Program [s.493.6118(3), FS].

You must provide complete information about your arrest(s) and include certified copies of court dispositions. A determination of your eligibility cannot be made until all documentation is received and a complete criminal history record check has been completed. This process takes 1-3 months.

SECTION VI ALIASES

- If you are known by any other name, be sure to include it in this section. This includes nicknames, married names, maiden names, a legal name change, alias names, fictitious names, etc.

SECTION VII PERSONAL HISTORY

a. If you have ever been adjudicated incapacitated (determined by the court to be incapable of taking care of yourself), you must provide a copy of the court document restoring your capacity.
b. If you have ever been involuntarily placed in a treatment facility for the mentally ill under Chapter 394, FS, or similar laws of another state, you must provide a copy of the court document restoring your competency.
c. If you have ever been diagnosed with a mental illness, you must provide a statement from a psychologist or psychiatrist licensed in Florida attesting that you are not currently suffering from a mental illness that precludes you from performing the duties of an unarmed security officer.
d. If you are currently abusing a controlled substance, you are not eligible for licensure.
e. If you have a history of controlled substance abuse, you must provide evidence of successful completion of a drug rehabilitation program and three letters of reference, one of which should be from your sponsor in the program.
f. If you have a history of alcohol abuse, you must provide evidence of successful completion of an alcohol rehabilitation program and three letters of reference, one of which should be from your sponsor in the program.

SECTION VIII TRAINING/EXPERIENCE

You must have successfully completed a minimum of 40 hours of professional training provided by a Security Officer School or Training Facility licensed by the Department of Agriculture and Consumer Services. The training may be obtained by one of the following methods:

- Successful completion of 40 hours of training before initial application.
- Successful completion of 24 hours of training before initial application and successful completion of 16 hours of training within 180 days of the date your application was submitted to the Division of Licensing.

Exceptions:

1. If you are a currently employed law enforcement officer, correctional officer or correctional probation officer certified by FDLE Criminal Justice Standards & Training Commission, a copy of your valid ID card issued by your employing law enforcement agency is sufficient to satisfy the training requirement.
2. If you have successfully completed a training program approved by the Florida Criminal Justice Standards and Training Commission for certification as a law enforcement officer, correctional officer or correctional probation officer, a copy of your certificate of completion is sufficient to satisfy the training requirement.
3. If you qualify for a Class "DI" Security Officer Instructor license under Rule 5N-1.138(1)(e) - (g), Florida Administrative Code, proof of such qualification is sufficient to satisfy the training requirement.

SECTION IX — EXEMPTION FROM PUBLIC RECORDS DISCLOSURE

Section 119.071(4)(d), FS, excludes from public disclosure the home addresses, telephone numbers, social security numbers, and photographs of certain individuals. This includes, but is not limited to: former and current law enforcement officers; district court of appeal judges, circuit court judges, and county court judges; personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect; personnel of the Department of Children and Family Services whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities; personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; firefighters certified in compliance with s.633.35; state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; and the spouses and children of these individuals. The complete text of the law is available on-line at http://www.leg.state.fl.us/statutes/.

SECTION X — CITIZENSHIP

If you are not a U.S. Citizen, you must submit proof of current employment authorization issued by the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS). A COPY OF the front and back of one of the following USCIS forms is sufficient: I-327, I-551, I-571, I-688; I-688A, I-688B, I-766.

SECTION XI — PERSONAL INQUIRY WAIVER AND NOTARIZATION STATEMENT

The application must be notarized. Do not sign the application until you are in the presence of a Notary Public.

FIREARMS AND AMMUNITION

- Unless otherwise approved by the Department, a Class "D" licensee who has been issued a Class "G" license may carry a .38 caliber revolver; or a .380 caliber or 9 millimeter semi-automatic pistol; or a .357 caliber revolver with .38 caliber ammunition only.
- No licensee may carry more than two firearms upon her or his person when performing her or his duties. A licensee may only carry a firearm of the specific type and caliber with which she or he is qualified pursuant to the firearms training referenced in s.493.6115 (8), FS.

GENERAL INFORMATION

- Type or print in black ink when completing the application. Place letters and numbers within the designated boxes.
- Submit your application to the Department of Agriculture and Consumer Services, Division of Licensing, Regional Office nearest you - or mail it to the Department of Agriculture and Consumer Services, Division of Licensing, Post Office Box 6687, Tallahassee, Florida 32314-6687.
- You may begin work as an unarmed Security Officer upon submission of your **complete** application. If your application is deemed incomplete, an Error or Omission letter will be sent to you and your employer. Your employment must be terminated until the problems outlined in the letter are resolved.
- A Class "D" licensee must own or work for a Class "B" Security Agency or Class "BB" or "AB" Branch Office. This does not include a person who is exempt under Section 493.6102, Florida Statutes, but who possesses a Class "D" license solely for the purpose of holding a Class "G" license as an armed Proprietary Security Officer.
- An applicant or licensee is ineligible to re-apply for the same class of license for a minimum period of 1 year following final agency action of denial or revocation of a license. However, this time restriction shall not apply to administrative denials where the basis was either of the following:
  1. an inadvertent error or omission on the application or failure to submit required fees; or,
  2. the Department was unable to complete the criminal background investigation due to insufficient information from the Department of Law Enforcement, the Federal Bureau of Investigation, or any other applicable law enforcement agency.

BE SURE TO INCLUDE THE FOLLOWING ITEMS WITH YOUR APPLICATION:

PROOF OF TRAINING – See Section VIII for details.

PROOF OF WORK AUTHORIZATION – *required if you are not a U.S. citizen.* See Section X for details.

If you are not a U.S. Citizen, you must submit A COPY OF your current employment authorization issued by the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS). One of the following USCIS forms is sufficient: I-327, I-551, I-571, I-688; I-688A, I-688B, I-766.

PHOTOGRAPH

A passport-type color photograph must be submitted. See next page for Photograph Specifications.

FINGERPRINT CARD

You must submit a legible set of fingerprints on a fingerprint card provided by the Department of Agriculture and Consumer Services. See next page for Fingerprint Card Instructions.

FEES

- $45 License Fee
- $42 Fingerprint card-processing fee. If you are applying for more than one class of license under Chapter 493, FS, at this time, submit only one fingerprint card and a single $42 fee.
  You do not need to submit a fingerprint card or processing fee if you have submitted a card and fees within the last six months.
- Fees must be paid by money order, cashier's check or company check made payable to the Florida Department of Agriculture and Consumer Services.
- License and Fingerprint card processing fees are nonrefundable and nontransferable.

SECTION IV. MILITARY HISTORY

Have you ever been court-martialed, fined, or disciplined under UCMJ or service regulations?
If answer is YES, explain fully, giving dates and provide documentation on a separate sheet. ○YES ○NO

SECTION V. CRIMINAL HISTORY

Have you ever been convicted or had adjudication withheld on any felony or misdemeanor in any jurisdiction?
(Do not include parking or speeding violations).
If YES, please provide accurate and complete information below AND submit certified copies of court dispositions. ○YES ○NO

Falsification of answers or failure to provide certified copies of court dispositions may result in the denial of your application.

DATE OF ARREST	COUNTY/STATE	CHARGES	DISPOSITION(S)

Are you currently on parole, probation, deferred prosecution, pre-trial intervention, or any other form of state or federal supervision? ○YES ○NO

SECTION VI. ALIASES

Have you ever been known by a name other than the one stated on the front page of this application?
(This includes married, maiden, professional, alias, or fictitious names.) If YES, please list those names below: ○YES ○NO

NAME	NAME
NAME	NAME

SECTION VII. PERSONAL HISTORY

a) Have you ever been adjudicated incapacitated* under Chapter 744, F. S., or similar laws of another state?
*["Adjudicated incapacitated" means the court has determined you are incapable of taking care of yourself].
If YES, please provide a certified copy of the court document restoring capacity. ○YES ○NO

b) Have you ever been involuntarily placed in a treatment facility for the mentally ill under Chapter 394, F. S., or under the authority of similar laws of another state?
If YES, please provide a certified copy of the court document restoring competency. ○YES ○NO

c) Have you ever been diagnosed with a mental illness?
If YES, please provide a statement from a psychiatrist or psychologist licensed in Florida attesting that you are not currently suffering from an incapacitating mental illness that precludes you from performing regulated duties of an unarmed security officer. ○YES ○NO

d) Do you currently abuse any controlled substance? ○YES ○NO

e) Do you have a history of controlled substance abuse?
If YES, please submit evidence of successful completion of a drug rehabilitation program and three letters of reference, one of which should be from your sponsor in the rehabilitation program. ○YES ○NO

f) Do you have a history of alcohol abuse?
If YES, please submit evidence of successful completion of an alcohol rehabilitation program and three letters of reference, one of which should be from your sponsor in the rehabilitation program. ○YES ○NO

SECTION VIII. TRAINING/EXPERIENCE

a) Have you successfully completed the training required for licensure as a security officer as required by Section 493.6303(4), F.S.?
PLEASE BE SURE TO ATTACH A COPY OF YOUR CERTIFICATE OF COMPLETION.
Failure to submit proof of training will result in unnecessary delay in the processing of your application. ○YES ○NO

b) Have you ever been licensed to perform security duties in Florida or in any other state?
If YES, please specify which state and the period of time during which you were licensed: ○YES ○NO

STATE:________________ **PERIOD OF LICENSURE:**________________

c) Have you ever had a security license or registration revoked, suspended, or otherwise acted against (including probation, fine, reprimand, or surrender of license) in a disciplinary proceeding in any state?
If YES, please provide in the space below complete details regarding this action, including the state in which the action occurred, relevant dates, and circumstances. ○YES ○NO

SECTION III. PRIOR EMPLOYMENT HISTORY

Provide your employer's name & address and your dates of employment for the past 5 YEARS. Begin with your current employer. If you were not employed at any time during the past 5 years, write "unemployed" under *Name of Employer* and provide the corresponding dates in *Dates of Employment*. If more space is required, you may use a separate sheet of paper.

NAME OF EMPLOYER	PHONE NUMBER ( )
STREET ADDRESS	CITY, STATE, ZIP CODE
JOB TITLE	DATES OF EMPLOYMENT FROM: ____ / ____ TO: ____ / ____ (MONTH / YEAR / MONTH / YEAR)
SUMMARY OF JOB DUTIES	

NAME OF EMPLOYER	PHONE NUMBER ( )
STREET ADDRESS	CITY, STATE, ZIP CODE
JOB TITLE	DATES OF EMPLOYMENT FROM: ____ / ____ TO: ____ / ____ (MONTH / YEAR / MONTH / YEAR)
SUMMARY OF JOB DUTIES	

NAME OF EMPLOYER	PHONE NUMBER ( )
STREET ADDRESS	CITY, STATE, ZIP CODE
JOB TITLE	DATES OF EMPLOYMENT FROM: ____ / ____ TO: ____ / ____ (MONTH / YEAR / MONTH / YEAR)
SUMMARY OF JOB DUTIES	

NAME OF EMPLOYER	PHONE NUMBER ( )
STREET ADDRESS	CITY, STATE, ZIP CODE
JOB TITLE	DATES OF EMPLOYMENT FROM: ____ / ____ TO: ____ / ____ (MONTH / YEAR / MONTH / YEAR)
SUMMARY OF JOB DUTIES	

NAME OF EMPLOYER	PHONE NUMBER ( )
STREET ADDRESS	CITY, STATE, ZIP CODE
JOB TITLE	DATES OF EMPLOYMENT FROM: ____ / ____ TO: ____ / ____ (MONTH / YEAR / MONTH / YEAR)
SUMMARY OF JOB DUTIES	

USE OF SOCIAL SECURITY NUMBERS

The submission of your social security number is voluntary and is requested pursuant to sections 119.071(5)(a)2, 493.6105(3)(d), 493.6304(2)(a) and 493.6406(2)(a), Florida Statutes, for identification purposes, to prevent misidentification, and to facilitate the approval process.

COLOR PHOTOGRAPH SPECIFICATIONS
(passport size)

SAMPLE PHOTOGRAPH

Failure to submit a photograph in compliance with these specifications will delay the processing of your application.

- Photograph must show the subject in a frontal portrait as shown above (NO HATS, NO SUNGLASSES).
- Photograph outer dimension must be larger than 1 1/4" X 1 3/8".
- Photograph must be color with a light-colored background. (NO FANCY BACKDROP, LETTERING, ETC.)
- Surface of the photograph must be glossy.
- Photograph must not be stained, cracked, or mutilated and must lie flat.
- Photographic image must be sharp and correctly exposed; photograph must be un-retouched.
- Photograph must not be pasted on cards or mounted in any way.
- One passport size photograph must be submitted.
- Photograph must be taken within days of the application date.
- Snapshots, group pictures, or full-length portraits will not be accepted.
- Using crayon or felt pen to avoid mutilation of the photograph, lightly print your name and date of birth on the back of the photograph.
- Do not use glue or staples.
- Do not attach photograph to application. Doing so may cause damage when mail is sorted by the U.S. Post Office.
- Do not cut the photograph.

FINGERPRINT CARD INSTRUCTIONS

Fingerprints submitted on a card not provided by the Florida Department of Agriculture and Consumer Services, Division of Licensing, will not be accepted.
The top portion of the fingerprint card must be completed in order for FDLE and FBI to process the card. If the law enforcement agency does not fill out the top portion of the card for you, you are responsible for filling it out with all information applicable to you.
The following specific instructions should be followed:

- Fingers should be washed and dried thoroughly prior to prints being taken.
- Do not sign the fingerprint card until you are in the presence of the person who will take your fingerprints.
- **The fingerprint card MUST be typed or filled out in BLACK INK.**
- Your name, at the top of the fingerprint card, and all other information should be typed or printed clearly.
- **THE SECTION ON THE FINGERPRINT CARD TITLED "EMPLOYER AND ADDRESS" MUST CONTAIN THE NAME AND ADDRESS OF THE LAW ENFORCEMENT AGENCY PERFORMING THE FINGERPRINTING SERVICE.**
- The sections titled Date of Birth DOB, Place of Birth POB, SEX, RACE, HGT (height), WGT (weight), EYES, and HAIR must all be filled out.
  RACE - use W for White, B for Black, A for Asian, I for Indian, U for other. DO NOT USE THE LETTER "C", "H", "O", etc...
  HGT - use feet and inches. Do not use total inches.
  EYES AND HAIR -To describe color of eyes and hair, use appropriate three letter code from the following list:

COLOR	CODE	WHEN TO USE
BALD	BAL	HAIR ONLY - subject has lost most of the hair on top of head.
BLACK	BLK	HAIR ONLY
BLONDE OR STRAWBERRY	BLN	HAIR ONLY
BLUE	BLU	EYES ONLY
BROWN	BRO	BOTH
GRAY or PARTIALLY GRAY	GRY	BOTH
GREEN	GRN	EYES ONLY
HAZEL	HAZ	EYES ONLY
RED or AUBURN	RED	HAIR ONLY
WHITE	WHI	HAIR ONLY

- The section titled Citizenship CTZ is for your citizenship – U.S., Cuba, Canada, etc., must be completed.
- The section titled Armed Forces No. MNU is for your military service number if you have one and should be completed.
- The section titled Social Security No. SOC is for your social security number if you have one and should be completed. Although this information is optional, it is very important.
- You are not required to fill out the sections titled: Your No. OCA, FBI No. FBI, Miscellaneous No. MNU, Reason Fingerprinted.

Do not fold or damage the fingerprint card in any way. The fingerprint card cannot be processed if it has been folded, creased or damaged.
The return envelope included in this package is to be used to return your fingerprint card and application, etc. You may include cardboard backing to protect the fingerprint card if you like.
NOTICE: Your fingerprint card must be typed or filled out in **BLACK INK.**

CHAPTER 493, FLORIDA STATUTES (2010)

PRIVATE INVESTIGATIVE, PRIVATE SECURITY, AND REPOSSESSION SERVICES

PART I

GENERAL PROVISIONS

493.6100 Legislative intent.--The Legislature recognizes that the private security, investigative, and recovery industries are rapidly expanding fields that require regulation to ensure that the interests of the public will be adequately served and protected. The Legislature recognizes that untrained persons, unlicensed persons or businesses, or persons who are not of good moral character engaged in the private security, investigative, and recovery industries are a threat to the welfare of the public if placed in positions of trust. Regulation of licensed and unlicensed persons and businesses engaged in these fields is therefore deemed necessary.

History.--ss. 2, 11, ch. 90-364; s. 4, ch. 91-429; s. 1, ch. 94-172.

493.6101 Definitions.--

(1) "Department" means the Department of Agriculture and Consumer Services.

(2) "Person" means any individual, firm, company, agency, organization, partnership, or corporation.

(3) "Licensee" means any person licensed under this chapter.

(4) The personal pronoun "he" or the personal pronoun "she" implies the impersonal pronoun "it."

(5) "Principal officer" means an individual who holds the office of president, vice president, secretary, or treasurer in a corporation.

(6) "Advertising" means the submission of bids, contracting, or making known by any public notice or solicitation of business, directly or indirectly, that services regulated under this chapter are available for consideration.

(7) "Good moral character" means a personal history of honesty, fairness, and respect for the rights and property of others and for the laws of this state and nation.

(8) "Conviction" means an adjudication of guilt by a federal or state court resulting from plea or trial, regardless of whether imposition of sentence was suspended.

(9) "Unarmed" means that no firearm shall be carried by the licensee while providing services regulated by this chapter.

SECTION II. PRIOR ADDRESS HISTORY

Please list all addresses where you have lived for the past 5 YEARS. Begin with your current address. If more space is required, you may use a separate sheet of paper.

STREET ADDRESS		
CITY	STATE	ZIP
LENGTH OF TIME AT THIS ADDRESS FROM: ____ / ____ TO: ____ / ____ (MONTH / YEAR; MONTH / YEAR)		

STREET ADDRESS		
CITY	STATE	ZIP
LENGTH OF TIME AT THIS ADDRESS FROM: ____ / ____ TO: ____ / ____ (MONTH / YEAR; MONTH / YEAR)		

STREET ADDRESS		
CITY	STATE	ZIP
LENGTH OF TIME AT THIS ADDRESS FROM: ____ / ____ TO: ____ / ____ (MONTH / YEAR; MONTH / YEAR)		

STREET ADDRESS		
CITY	STATE	ZIP
LENGTH OF TIME AT THIS ADDRESS FROM: ____ / ____ TO: ____ / ____ (MONTH / YEAR; MONTH / YEAR)		

STREET ADDRESS		
CITY	STATE	ZIP
LENGTH OF TIME AT THIS ADDRESS FROM: ____ / ____ TO: ____ / ____ (MONTH / YEAR; MONTH / YEAR)		

STREET ADDRESS		
CITY	STATE	ZIP
LENGTH OF TIME AT THIS ADDRESS FROM: ____ / ____ TO: ____ / ____ (MONTH / YEAR; MONTH / YEAR)		

STREET ADDRESS		
CITY	STATE	ZIP
LENGTH OF TIME AT THIS ADDRESS FROM: ____ / ____ TO: ____ / ____ (MONTH / YEAR; MONTH / YEAR)		

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(10) "Branch office" means each additional location of an agency where business is actively conducted which advertises as performing or is engaged in the business authorized by the license.

(11) "Sponsor" means any Class "C," Class "MA," or Class "M" licensee who supervises and maintains under his or her direction and control a Class "CC" intern; or any Class "E" or Class "MR" licensee who supervises and maintains under his or her direction and control a Class "EE" intern.

(12) "Intern" means an individual who studies as a trainee or apprentice under the direction and control of a designated sponsoring licensee.

(13) "Manager" means any licensee who directs the activities of licensees at any agency or branch office. The manager shall be assigned to and shall primarily operate from the agency or branch office location for which he or she has been designated as manager.

(14) "Firearm instructor" means any Class "K" licensee who provides classroom or range instruction to applicants for a Class "G" license.

(15) "Private investigative agency" means any person who, for consideration, advertises as providing or is engaged in the business of furnishing private investigations.

(16) "Private investigator" means any individual who, for consideration, advertises as providing or performs private investigation. This does not include an informant who, on a one-time or limited basis, as a result of a unique expertise, ability, vocation, or special access and who, under the direction and control of a Class "C" licensee or a Class "MA" licensee, provides information or services that would otherwise be included in the definition of private investigation.

(17) "Private investigation" means the investigation by a person or persons for the purpose of obtaining information with reference to any of the following matters:

(a) Crime or wrongs done or threatened against the United States or any state or territory of the United States, when operating under express written authority of the governmental official responsible for authorizing such investigation.

(b) The identity, habits, conduct, movements, whereabouts, affiliations, associations, transactions, reputation, or character of any society, person, or group of persons.

(c) The credibility of witnesses or other persons.

(d) The whereabouts of missing persons, owners of unclaimed property or escheated property, or heirs to estates.

(e) The location or recovery of lost or stolen property.

(f) The causes and origin of, or responsibility for, fires, libels, slanders, losses, accidents, damage, or injuries to real or personal property.

(g) The business of securing evidence to be used before investigating committees or boards of award or arbitration or in the trial of civil or criminal cases and the preparation therefor.

(18) "Security agency" means any person who, for consideration, advertises as providing or is engaged in the business of furnishing security services, armored car services, or transporting prisoners. This includes any person who utilizes dogs and individuals to provide security services.

(19) "Security officer" means any individual who, for consideration, advertises as providing or performs bodyguard services or otherwise guards persons or property; attempts to prevent theft or unlawful taking of goods, wares, and merchandise; or attempts to prevent the misappropriation or concealment of goods, wares or merchandise, money, bonds, stocks, choses in action, notes, or other documents, papers, and articles of value or procurement of the return thereof. The term also includes armored car personnel and those personnel engaged in the transportation of prisoners.

(20) "Recovery agency" means any person who, for consideration, advertises as providing or is engaged in the business of performing repossessions.

(21) "Recovery agent" means any individual who, for consideration, advertises as providing or performs repossessions.

(22) "Repossession" means the recovery of a motor vehicle as defined under s. 320.01(1), a mobile home as defined in s. 320.01(2), a motorboat as defined under s. 327.02, an aircraft as defined in s. 330.27(1), a personal watercraft as defined in s. 327.02, an all-terrain vehicle as defined in s. 316.2074, farm equipment as defined under s. 686.402, or industrial equipment, by an individual who is authorized by the legal owner, lienholder, or lessor to recover, or to collect money payment in lieu of recovery of, that which has been sold or leased under a security agreement that contains a repossession clause. As used in this subsection, the term "industrial equipment" includes, but is not limited to, tractors, road rollers, cranes, forklifts, backhoes, and bulldozers. The term "industrial equipment" also includes other vehicles that are propelled by power other than muscular power and that are used in the manufacture of goods or used in the provision of services. A repossession is complete when a licensed recovery agent is in control, custody, and possession of such repossessed property.

(23) "Felony" means a criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by death or imprisonment in the state penitentiary; a crime in any other state or a crime against the United States which is designated as a felony; or an offense in any other state, territory, or country punishable by imprisonment for a term exceeding 1 year.

History.--ss. 2, 11, ch. 90-364; s. 4, ch. 91-429; s. 10, ch. 94-241; s. 5, ch. 96-407; s. 1137, ch. 97-103; s. 1, ch. 97-248; s. 34, ch. 2001-36; s. 4, ch. 2002-295; s. 1, ch. 2005-143.

493.6102 Inapplicability of this chapter.--This chapter shall not apply to:

(1) Any individual who is an "officer" as defined in s. 943.10(14) or is a law enforcement officer of the United States Government, while such local, state, or federal officer is engaged in her or his official duties or when performing off-duty security activities approved by her or his superiors.

(2) Any insurance investigator or adjuster licensed by a state or federal licensing authority when such person is providing services or expert advice within the scope of her or his license.

(3) Any individual solely, exclusively, and regularly employed as an unarmed investigator in connection with the business of her or his employer, when there exists an employer-employee relationship.

(4) Any unarmed individual engaged in security services who is employed exclusively to work on the premises of her or his employer, or in connection with the business of her or his employer, when there exists an employer-employee relationship.

(5) Any person or bureau whose business is exclusively the furnishing of information concerning the business and financial standing and credit responsibility of persons or the financial habits and financial responsibility of applicants for insurance, indemnity bonds, or commercial credit.

(6) Any attorney in the regular practice of her or his profession.

(7) Any bank or bank holding company, credit union, or small loan company operating pursuant to chapters 516 and 520; any consumer credit reporting agency regulated under 15 U.S.C. ss. 1681 et seq.; or any collection agency not engaged in repossessions or to any permanent employee thereof.

(8) Any person who holds a professional license under the laws of this state when such person is providing services or expert advice in the profession or occupation in which that person is so licensed.

(9) Any security agency or private investigative agency, and employees thereof, performing contractual security or investigative services solely and exclusively for any agency of the United States.

(10) Any person duly authorized by the laws of this state to operate a central burglar or fire alarm business. However, such persons are not exempt to the extent they perform services requiring licensure or registration under this chapter.

(11) Any person or company retained by a food service establishment to independently evaluate the food service establishment including quality of food, service, and facility. However, such persons are not exempt to the extent they investigate or are retained to investigate criminal or suspected criminal behavior on the part of the food service establishment employees.

(12) Any person who is a school crossing guard employed by a third party hired by a city or county and trained in accordance with s. 316.75.

(13) Any individual employed as a security officer by a church or ecclesiastical or denominational organization having an established physical place of worship in this state at which nonprofit religious services and activities are regularly conducted or by a church cemetery to provide security on the property of the organization or cemetery, and who does not carry a firearm in the course of her or his duties.

(14) Any person or firm that solely and exclusively conducts genealogical research, or otherwise traces lineage or ancestry, by primarily utilizing public records and historical information and databases.

(15) Any licensed Florida-certified public accountant who is acting within the scope of the practice of public accounting as defined in chapter 473.

History.--ss. 2, 11, ch. 90-364; s. 16, ch. 91-248; s. 4, ch. 91-429; s. 2, ch. 94-172; s. 6, ch. 96-407; s. 1138, ch. 97-103; s. 69, ch. 97-190; s. 2, ch. 97-248; s. 35, ch. 2001-36; s. 2, ch. 2005-143; s. 23, ch. 2006-312.

493.6103 Authority to make rules.--The department shall adopt rules necessary to administer this chapter. However, no rule shall be adopted that unreasonably restricts competition or the availability of services requiring licensure pursuant to this chapter or that unnecessarily increases the cost of such services without a corresponding or equivalent public benefit.

History.--ss. 2, 11, ch. 90-364; s. 4, ch. 91-429.

493.6104 Advisory council.--

(1) The department shall designate an advisory council, known as the Private Investigation, Recovery, and Security Advisory Council, to be composed of 11 members. One member must be an active law enforcement officer, certified under the Florida Criminal Justice Standards and Training Commission, representing a statewide law enforcement agency or statewide association of law enforcement agencies. One member must be the owner or operator of a business that regularly contracts with Class "A," Class "B," or Class "R" agencies. Nine members must be geographically distributed, insofar as possible, and must be licensed pursuant to this chapter. Two members must be from the security profession, one of whom represents an agency that employs 20 security guards or fewer; two members must be from the private investigative profession, one of whom represents an agency that employs five investigators or fewer; one member shall be from the repossession profession; and the remaining four members may be drawn from any of the professions regulated under this chapter.

(2) Council members shall be appointed by the Commissioner of Agriculture for a 4-year term. In the event of an appointment to fill an unexpired term, the appointment shall be for no longer than the remainder of the unexpired term. No member may serve more than two full consecutive terms. Members may be removed by the Commissioner of Agriculture for cause. Cause shall include, but is not limited to, absences from two consecutive meetings.

(3) Members shall elect a chairperson annually. No member may serve as chairperson more than twice.

(4) The council shall meet at least 4 times yearly upon the call of the chairperson, at the request of a majority of the membership, or at the request of the department. Notice of council meetings and the agenda shall be published in the Florida Administrative Weekly at least 14 days prior to such meeting.

(5) The council shall advise the department and make recommendations relative to the regulation of the security, investigative, and recovery industries.

(6) Council members shall serve without pay; however, state per diem and travel allowances may be claimed for attendance at officially called meetings as provided by s. 112.061.

(7) A quorum of six members shall be necessary for a meeting to convene or continue. All official action taken by the council shall be by simple majority of those members present. Members may not participate or vote by proxy. Meetings shall be recorded, and minutes of the meetings shall be maintained by the department.

(8) The director of the Division of Licensing or the director's designee shall serve, in a nonvoting capacity, as secretary to the council. The Division of Licensing shall provide all administrative and legal support required by the council in the conduct of its official business.

ADAM H. PUTNAM
COMMISSIONER

Florida Department of Agriculture and Consumer Services
Division of Licensing

APPLICATION FOR SECURITY OFFICER LICENSE - CLASS "D"

Chapter 493, Florida Statutes

Post Office Box 6687 • Tallahassee, FL 32314-6687 • (850) 245-5691
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Please read all instructions carefully **BEFORE YOU BEGIN.**
To prevent unnecessary delays in the processing of your application, be sure to answer all questions and submit any necessary documentation.

PLACE NUMBERS & LETTERS INSIDE BOXES AS SHOWN.

| S | M | I | T | H | | 1 | 2 | 3 |

SECTION I. APPLICANT INFORMATION

SOCIAL SECURITY NO. VOLUNTARY See *Use of Social Security Number* in APPLICATION INSTRUCTIONS.

ALIEN REGISTRATION NO. If you are an alien, you **must** also provide your Alien Registration Number.

LAST NAME **FIRST NAME** **MI**

RESIDENCE ADDRESS

RESIDENCE ADDRESS CONTINUED (SUITE, BLDG., APT., ETC.)

CITY **STATE** **ZIP CODE** –

MAILING ADDRESS IF DIFFERENT FROM ABOVE

MAILING ADDRESS CONTINUED (SUITE, BLDG., APT., ETC.)

CITY **STATE** **ZIP CODE** –

SEX **RACE** **EYE COLOR** **HAIR COLOR** **DATE OF BIRTH** (MMDDYYYY) **WEIGHT** **HEIGHT** FT IN

PLACE OF BIRTH (CITY, STATE OR PROVINCE, AND COUNTRY)

HOME PHONE NUMBER **WORK PHONE NUMBER**

E-MAIL ADDRESS

D A P P 0 1

Formerly LC2E004

History.--ss. 2, 11, ch. 90-364; s. 4, ch. 91-429; s. 3, ch. 94-172; s. 526, ch. 97-103; s. 5, ch. 2002-295.

493.6105 Initial application for license.--

(1) Each individual, partner, or principal officer in a corporation, shall file with the department a complete application accompanied by an application fee not to exceed $60, except that the applicant for a Class "D" or Class "G" license shall not be required to submit an application fee. The application fee shall not be refundable.

(a) The application submitted by any individual, partner, or corporate officer shall be approved by the department prior to that individual, partner, or corporate officer assuming his or her duties.

(b) Individuals who invest in the ownership of a licensed agency, but do not participate in, direct, or control the operations of the agency shall not be required to file an application.

(2) Each application shall be signed by the individual under oath and shall be notarized.

(3) The application shall contain the following information concerning the individual signing same:

(a) Name and any aliases.

(b) Age and date of birth.

(c) Place of birth.

(d) Social security number or alien registration number, whichever is applicable.

(e) Present residence address and his or her residence addresses within the 5 years immediately preceding the submission of the application.

(f) Occupations held presently and within the 5 years immediately preceding the submission of the application.

(g) A statement of all convictions.

(h) A statement whether he or she has ever been adjudicated incompetent under chapter 744.

(i) A statement whether he or she has ever been committed to a mental institution under chapter 394.

(j) A full set of fingerprints on a card provided by the department and a fingerprint fee to be established by rule of the department based upon costs determined by state and federal agency charges and department processing costs. An applicant who has, within the immediately preceding 6 months, submitted a fingerprint card and fee for licensing purposes under this chapter shall not be required to submit another fingerprint card or fee.

(k) A personal inquiry waiver which allows the department to conduct necessary investigations to satisfy the requirements of this chapter.

(l) Such further facts as may be required by the department to show that the individual signing the application is of good moral character and qualified by experience and training to satisfy the requirements of this chapter.

(4) In addition to the application requirements outlined in subsection (3), the applicant for a Class "C," Class "CC," Class "E," Class "EE," or Class "G" license shall submit two color photographs taken within the 6 months immediately preceding the submission of the application, which meet specifications prescribed by rule of the department. All other applicants shall submit one photograph taken within the 6 months immediately preceding the submission of the application.

(5) In addition to the application requirements outlined under subsection (3), the applicant for a Class "C," Class "E," Class "M," Class "MA," Class "MB," or Class "MR" license shall include a statement on a form provided by the department of the experience which he or she believes will qualify him or her for such license.

(6) In addition to the requirements outlined in subsection (3), an applicant for a Class "G" license shall satisfy minimum training criteria for firearms established by rule of the department, which training criteria shall include, but is not limited to, 28 hours of range and classroom training taught and administered by a Class "K" licensee; however, no more than 8 hours of such training shall consist of range training. If the applicant can show proof that he or she is an active law enforcement officer currently certified under the Criminal Justice Standards and Training Commission or has completed the training required for that certification within the last 12 months, or if the applicant submits one of the certificates specified in paragraph (7)(a), the department may waive the foregoing firearms training requirement.

(7) In addition to the requirements under subsection (3), an applicant for a Class "K" license shall:

(a) Submit one of the following certificates:

1. The Florida Criminal Justice Standards and Training Commission Firearms Instructor's Certificate.

2. The National Rifle Association Police Firearms Instructor's Certificate.

3. The National Rifle Association Security Firearms Instructor's Certificate.

4. A Firearms Instructor's Certificate from a federal, state, county, or municipal police academy in this state recognized as such by the Criminal Justice Standards and Training Commission or by the Department of Education.

(b) Pay the fee for and pass an examination administered by the department which shall be based upon, but is not necessarily limited to, a firearms instruction manual provided by the department.

(8) In addition to the application requirements for individuals, partners, or officers outlined under subsection (3), the application for an agency license shall contain the following information:

(a) The proposed name under which the agency intends to operate.

(b) The street address, mailing address, and telephone numbers of the principal location at which business is to be conducted in this state.

(c) The street address, mailing address, and telephone numbers of all branch offices within this state.

(d) The names and titles of all partners or, in the case of a corporation, the names and titles of its principal officers.

(9) Upon submission of a complete application, a Class "CC," Class "C," Class "D," Class "EE," Class "E," Class "M," Class "MA," Class "MB," or Class "MR" applicant may commence employment or appropriate duties for a licensed agency or branch office. However, the Class "C" or Class "E" applicant must work under the direction and control of a sponsoring licensee while his or her application is being processed. If the department denies application for licensure, the employment of the applicant must be terminated immediately, unless he or she performs only unregulated duties.

History.--ss. 2, 11, ch. 90-364; s. 1, ch. 91-248; s. 4, ch. 91-429; s. 1, ch. 93-49; s. 527, ch. 97-103; s. 3, ch. 97-248.

493.6106 License requirements; posting.--

(1) Each individual licensed by the department must:

(a) Be at least 18 years of age.

(b) Be of good moral character.

(c) Not have been adjudicated incapacitated under s. 744.331 or a similar statute in another state, unless her or his capacity has been judicially restored; not have been involuntarily placed in a treatment facility for the mentally ill under chapter 394 or a similar statute in any other state, unless her or his competency has been judicially restored; and not have been diagnosed as having an incapacitating mental illness, unless a psychologist or psychiatrist licensed in this state certifies that she or he does not currently suffer from the mental illness.

(d) Not be a chronic and habitual user of alcoholic beverages to the extent that her or his normal faculties are impaired; not have been committed under chapter 397, former chapter 396, or a similar law in any other state; not have been found to be a habitual offender under s. 856.011(3) or a similar law in any other state; and not have had two or more convictions under s. 316.193 or a similar law in any other state within the 3-year period immediately preceding the date the application was filed, unless the individual establishes that she or he is not currently impaired and has successfully completed a rehabilitation course.

(e) Not have been committed for controlled substance abuse or have been found guilty of a crime under chapter 893 or a similar law relating to controlled substances in any other state within a 3-year period immediately preceding the date the application was filed, unless the individual establishes that she or he is not currently abusing any controlled substance and has successfully completed a rehabilitation course.

(f) Be a citizen or legal resident alien of the United States or have been granted authorization to seek employment in this country by the United States Bureau of Citizenship and Immigration Services.

(2) Each agency shall have a minimum of one physical location within this state from which the normal business of the agency is conducted, and this location shall be considered the primary office for that agency in this state.

(a) If an agency desires to change the physical location of the business, as it appears on the agency license, the department must be notified within 10 days of the change, and, except upon renewal, the fee prescribed in s. 493.6107 must be submitted for each license requiring revision. Each license requiring revision must be returned with such notification.

(b) The Class "A," Class "B," or Class "R" license and any branch office or school license shall at all times be posted in a conspicuous place at the licensed physical location in this state where the business is conducted.

(c) Each Class "A," Class "B," Class "R," branch office, or school licensee shall display, in a place that is in clear and unobstructed public view, a notice on a form prescribed by the department stating that the business operating at this location is licensed and regulated by the Department of Agriculture and Consumer Services and that any questions or complaints should be directed to the department.

(d) A minimum of one properly licensed manager shall be designated for each agency and branch office location.

(3) Each Class "C," Class "CC," Class "D," Class "DI," Class "E," Class "EE," Class "G," Class "K," Class "M," Class "MA," Class "MB," Class "MR," or Class "RI" licensee shall notify the division in writing within 10 days of a change in her or his residence or mailing address.

History.--ss. 2, 11, ch. 90-364; s. 2, ch. 91-248; s. 4, ch. 91-429; s. 2, ch. 93-49; s. 4, ch. 94-172; s. 528, ch. 97-103; s. 83, ch. 2004-5; s. 1, ch. 2006-165.

493.6107 Fees.--

(1) The department shall establish by rule examination and biennial license fees which shall not exceed the following:

(a) Class "M" license--manager Class "AB" agency: $75.

(b) Class "G" license--statewide firearm license: $150.

(c) Class "K" license--firearms instructor: $100.

(d) Fee for the examination for firearms instructor: $75.

(2) The department may establish by rule a fee for the replacement or revision of a license which fee shall not exceed $30.

(3) The fees set forth in this section must be paid by certified check or money order or, at the discretion of the department, by agency check at the time the application is approved, except that the applicant for a Class "G" or Class "M" license must pay the license fee at the time the application is made. If a license is revoked or denied or if the application is withdrawn, the license fee shall not be refunded.

(4) The department may prorate license fees.

(5) Payment of any license fee provided for under this chapter authorizes the licensee to practice his or her profession anywhere in this state without obtaining any additional license, permit, registration, or identification card, any municipal or county ordinance or resolution to the contrary notwithstanding. However, an agency may be required to obtain a city and

CHAPTER 493, FLORIDA STATUTES
PRIVATE INVESTIGATIVE, PRIVATE SECURITY, AND REPOSSESSION SERVICES

(2) Within 5 working days after the date of a repossession, the Class "E" or Class "EE" licensee shall give written notification to the debtor of the whereabouts of personal effects or other property inventoried pursuant to this section. At least 45 days prior to disposing of such personal effects or other property, the Class "E" or Class "EE" licensee shall, by United States Postal Service proof of mailing or certified mail, notify the debtor of the intent to dispose of said property. Should the debtor, or her or his lawful designee, appear to retrieve the personal property, prior to the date on which the Class "E" or Class "EE" licensee is allowed to dispose of the property, the licensee shall surrender the personal property to that individual upon payment of any reasonably incurred expenses for inventory and storage. If personal property is not claimed within 45 days of the notice of intent to dispose, the licensee may dispose of the personal property at her or his discretion, except that illegal items or contraband shall be surrendered to a law enforcement agency, and the licensee shall retain a receipt or other proof of surrender as part of the inventory and disposal records she or he maintains.

(3) Vehicles used for the purpose of repossession by a Class "E" or Class "EE" licensee must be identified during repossession by the license number of the Class "R" agency only, local ordinances to the contrary notwithstanding. These vehicles are not "wreckers" as defined in s. 713.78. The license number must be displayed on both sides of the vehicle and must appear in lettering no less than 4 inches tall and in a color contrasting from that of the background.

History.--ss. 5, 11, ch. 90-364; s. 4, ch. 91-429; s. 9, ch. 93-49; s. 539, ch. 97-103; s. 11, ch. 97-248; s. 6, ch. 2005-143.

493.6405 Sale of motor vehicle, mobile home, motorboat, aircraft, personal watercraft, all-terrain vehicles, farm equipment, or industrial equipment by a licensee; penalty.--

(1) A Class "E" or Class "EE" licensee shall obtain, prior to sale, written authorization and a negotiable title from the owner or lienholder to sell any repossessed motor vehicle, mobile home, motorboat, aircraft, personal watercraft, all-terrain vehicles, farm equipment, or industrial equipment.

(2) A Class "E" or Class "EE" licensee shall send the net proceeds from the sale of such repossessed motor vehicle, mobile home, motorboat, aircraft, personal watercraft, all-terrain vehicles, farm equipment, or industrial equipment to the owner or lienholder, within 20 working days after the licensee executes the documents which permit the transfer of legal ownership to the purchaser.

(3) A person who violates a provision of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.--ss. 5, 11, ch. 90-364; s. 4, ch. 91-429; s. 7, ch. 2005-143.

493.6406 Repossession services school or training facility.--

(1) Any school, training facility, or instructor who offers the training outlined in s. 493.6403(2) for Class "EE" applicants shall, before licensure of such school, training facility, or instructor, file with the department an application accompanied by an application fee in an amount to be determined by rule, not to exceed $60. The fee shall not be refundable. This training may be offered as face-to-face training, Internet-based training, or correspondence training.

(2) The application shall be signed and notarized and shall contain, at a minimum, the following information:

(a) The name and address of the school or training facility and, if the applicant is an individual, his or her name, address, and social security or alien registration number.

(b) The street address of the place at which the training is to be conducted or the street address of the Class "RS" school offering Internet-based or correspondence training.

(c) A copy of the training curriculum and final examination to be administered.

(3) The department shall adopt rules establishing the criteria for approval of schools, training facilities, and instructors.

History.--ss. 5, 11, ch. 90-364; s. 4, ch. 91-429; s. 540, ch. 97-103; s. 3, ch. 2007-232.

493.6401 Classes of licenses.--

(1) Any person, firm, company, partnership, or corporation which engages in business as a recovery agency shall have a Class "R" license. A Class "R" license is valid for only one location.

(2) Each branch office of a Class "R" agency shall have a Class "RR" license.

(3) Any individual who performs the services of a manager for a Class "R" recovery agency or a Class "RR" branch office must have a Class "MR" license. A Class "E" licensee may be designated as the manager, in which case the Class "MR" license is not required.

(4) Any individual who performs the services of a recovery agent must have a Class "E" license.

(5) Any individual who performs repossession as an intern under the direction and control of a designated, sponsoring Class "E" licensee or a designated, sponsoring Class "MR" licensee shall have a Class "EE" license.

(6) Class "E" or Class "EE" licensees shall own or be an employee of a Class "R" agency or branch office.

(7) Any person who operates a repossessor school or training facility or who conducts an Internet-based training course or a correspondence training course must have a Class "RS" license.

(8) Any individual who teaches or instructs at a Class "RS" repossessor school or training facility shall have a Class "RI" license.

History.--ss. 5, 11, ch. 90-364; s. 14, ch. 91-248; s. 4, ch. 91-429; s. 7, ch. 93-49; s. 2, ch. 2007-232.

493.6402 Fees.--

(1) The department shall establish by rule biennial license fees which shall not exceed the following:

(a) Class "R" license--recovery agency: $450.

(b) Class "RR" license--branch office: $125.

(c) Class "MR" license--recovery agency manager: $75.

(d) Class "E" license--recovery agent: $75.

(e) Class "EE" license--recovery agent intern: $60.

(f) Class "RS" license--repossessor school or training facility: $60.

(g) Class "RI" license--repossessor school or training facility instructor: $60.

(2) The department may establish by rule a fee for the replacement or revision of a license, which fee shall not exceed $30.

(3) The fees set forth in this section must be paid by certified check or money order, or, at the discretion of the department, by agency check at the time the application is approved, except that the applicant for a Class "E," Class "EE," or Class "MR" license must pay the license fee at the time the application is made. If a license is revoked or denied, or if an application is withdrawn, the license fee shall not be refunded.

History.--ss. 5, 11, ch. 90-364; s. 4, ch. 91-429; s. 17, ch. 94-172.

493.6403 License requirements.--

(1) In addition to the license requirements set forth in this chapter, each individual or agency shall comply with the following additional requirements:

(a) Each agency or branch office must designate a minimum of one appropriately licensed individual to act as manager, directing the activities of the Class "E" or Class "EE" employees. A Class "E" licensee may be designated to act as manager of a Class "R" agency or branch office in which case the Class "MR" license is not required.

(b) An applicant for Class "MR" license shall have at least 1 year of lawfully gained, verifiable, full-time experience as a Class "E" licensee performing repossessions of motor vehicles, mobile homes, motorboats, aircraft, personal watercraft, all-terrain vehicles, farm equipment, or industrial equipment.

(c) An applicant for a Class "E" license shall have at least 1 year of lawfully gained, verifiable, full-time experience in one, or a combination of more than one, of the following:

1. Repossession of motor vehicles as defined in s. 320.01(1), mobile homes as defined in s. 320.01(2), motorboats as defined in s. 327.02, aircraft as defined in s. 330.27(1), personal watercraft as defined in s. 327.02, all-terrain vehicles as defined in s. 316.2074, farm equipment as defined under s. 686.402, or industrial equipment as defined in s. 493.6101(22).

2. Work as a Class "EE" licensed intern.

(2) Beginning October 1, 1994, an applicant for a Class "E" or a Class "EE" license must have completed a minimum of 40 hours of professional training at a school or training facility licensed by the department. The department shall by rule establish the general content for the training.

History.--ss. 5, 11, ch. 90-364; s. 15, ch. 91-248; s. 4, ch. 91-429; s. 8, ch. 93-49; s. 18, ch. 94-172; s. 11, ch. 94-241; s. 5, ch. 2005-143.

493.6404 Property inventory; vehicle license identification numbers.--

(1) If personal effects or other property not covered by a security agreement are contained in or on a recovered vehicle, mobile home, motorboat, aircraft, personal watercraft, all-terrain vehicle, farm equipment, or industrial equipment at the time it is recovered, a complete and accurate inventory shall be made of such personal effects or property. The date and time the inventory is made shall be indicated, and it shall be signed by the Class "E" or Class "EE" licensee who obtained the personal property. The inventory of the personal property and the records regarding any disposal of personal property shall be maintained for a period of 2 years in the permanent records of the licensed agency and shall be made available, upon demand, to an authorized representative of the department engaged in an official investigation.

county occupational license in each city and county where the agency maintains a physical office.

History.--ss. 2, 11, ch. 90-364; s. 3, ch. 91-248; s. 4, ch. 91-429; s. 5, ch. 94-172; s. 529, ch. 97-103.

493.6108 Investigation of applicants by Department of Agriculture and Consumer Services.--

(1) Except as otherwise provided, prior to the issuance of a license under this chapter, the department shall make an investigation of the applicant for a license. The investigation shall include:

(a)1. An examination of fingerprint records and police records. When a criminal history analysis of any applicant under this chapter is performed by means of fingerprint card identification, the time limitations prescribed by s. 120.60(1) shall be tolled during the time the applicant's fingerprint card is under review by the Department of Law Enforcement or the United States Department of Justice, Federal Bureau of Investigation.

2. If a legible set of fingerprints, as determined by the Department of Law Enforcement or the Federal Bureau of Investigation, cannot be obtained after two attempts, the Department of Agriculture and Consumer Services may determine the applicant's eligibility based upon a criminal history record check under the applicant's name conducted by the Department of Law Enforcement and the Federal Bureau of Investigation. A set of fingerprints taken by a law enforcement agency and a written statement signed by the fingerprint technician or a licensed physician stating that there is a physical condition that precludes obtaining a legible set of fingerprints or that the fingerprints taken are the best that can be obtained is sufficient to meet this requirement.

(b) An inquiry to determine if the applicant has been adjudicated incompetent under chapter 744 or has been committed to a mental institution under chapter 394.

(c) Such other investigation of the individual as the department may deem necessary.

(2) In addition to subsection (1), the department shall make an investigation of the general physical fitness of the Class "G" applicant to bear a weapon or firearm. Determination of physical fitness shall be certified by a physician or physician assistant currently licensed pursuant to chapter 458, chapter 459, or any similar law of another state or authorized to act as a licensed physician by a federal agency or department or by an advanced registered nurse practitioner currently licensed pursuant to chapter 464. Such certification shall be submitted on a form provided by the department.

(3) The department shall also investigate the mental history and current mental and emotional fitness of any Class "G" applicant, and may deny a Class "G" license to anyone who has a history of mental illness or drug or alcohol abuse.

History.--ss. 2, 11, ch. 90-364; s. 4, ch. 91-429; s. 3, ch. 93-49; s. 6, ch. 94-172; s. 230, ch. 96-410; s. 4, ch. 97-248; s. 6, ch. 2002-295; s. 1, ch. 2005-76.

493.6109 Reciprocity.--

(1) The department may adopt rules for:

(a) Entering into reciprocal agreements with other states or territories of the United States for the purpose of licensing persons to perform activities regulated under this chapter who are currently licensed to perform similar services in the other states or territories; or

(b) Allowing a person who is licensed in another state or territory to perform similar services in this state, on a temporary and limited basis, without the need for licensure in state.

(2) The rules authorized in subsection (1) may be promulgated only if:

(a) The other state or territory has requirements which are substantially similar to or greater than those established in this chapter.

(b) The applicant has engaged in licensed activities for at least 1 year in the other state or territory with no disciplinary action against him or her.

(c) The Commissioner of Agriculture or other appropriate authority of the other state or territory agrees to accept service of process for those licensees who are operating in this state on a temporary basis.

History.--ss. 2, 11, ch. 90-364; s. 4, ch. 91-429; s. 530, ch. 97-103; s. 7, ch. 2002-295.

493.6110 Licensee's insurance.--A Class "B" agency license may not be issued unless the applicant first files with the department a certification of insurance evidencing commercial general liability coverage. The coverage shall provide the department as an additional insured for the purpose of receiving all notices of modification or cancellation of such insurance. Coverage shall be written by an insurance company which is lawfully engaged to provide insurance coverage in Florida. Coverage shall provide for a combined single-limit policy in the amount of at least $300,000 for death, bodily injury, property damage, and personal injury. Coverage shall insure for the liability of all employees licensed by the department while acting in the course of their employment.

(1) The licensed agency shall notify the department of any claim against such insurance.

(2) The licensed agency shall notify the department immediately upon cancellation of the insurance policy, whether such cancellation was initiated by the insurance company or the insured agency.

(3) The agency license shall be automatically suspended upon the date of cancellation unless evidence of insurance is provided to the department prior to the effective date of cancellation.

History.--ss. 2, 11, ch. 90-364; s. 4, ch. 91-248; s. 4, ch. 91-429; s. 3, ch. 2005-143.

493.6111 License; contents; identification card.--

(1) All licenses issued pursuant to this chapter shall be on a form prescribed by the department and shall include the licensee's name, license number, expiration date of the license, and any other information the department deems necessary. Class "C," Class "CC," Class "D," Class "E," Class "EE,"

Class "M," Class "MA," Class "MB," Class "MR," and Class "G" licenses shall be in the possession of individual licensees while on duty.

(2) Licenses shall be valid for a period of 2 years, except for Class "A," Class "B," Class "AB," Class "R," and branch agency licenses, which shall be valid for a period of 3 years.

(3) The department shall, upon complete application and payment of the appropriate fees, issue a separate license to each branch office for which application is made.

(4) Notwithstanding the existence of a valid Florida corporate registration, no agency licensee may conduct activities regulated under this chapter under any fictitious name without prior written authorization from the department to use that name in the conduct of activities regulated under this chapter. The department may not authorize the use of a name which is so similar to that of a public officer or agency, or of that used by another licensee, that the public may be confused or misled thereby. The authorization for the use of a fictitious name shall require, as a condition precedent to the use of such name, the filing of a certificate of engaging in business under a fictitious name under s. 865.09. No licensee shall be permitted to conduct business under more than one name except as separately licensed nor shall the license be valid to protect any licensee who is engaged in the business under any name other than that specified in the license. An agency desiring to change its licensed name shall notify the department and, except upon renewal, pay a fee not to exceed $30 for each license requiring revision including those of all licensed employees except Class "D" or Class "G" licensees. Upon the return of such licenses to the department, revised licenses shall be provided.

(5) It shall be the duty of every agency to furnish all of its partners, principal corporate officers, and all licensed employees an identification card. The card shall specify at least the name and license number, if appropriate, of the holder of the card and the name and license number of the agency and shall be signed by a representative of the agency and by the holder of the card.

(a) Each individual to whom a license and identification card have been issued shall be responsible for the safekeeping thereof and shall not loan, or let or allow any other individual to use or display, the license or card.

(b) The identification card shall be in the possession of each partner, principal corporate officer, or licensed employee while on duty.

(c) Upon denial, suspension, or revocation of a license, or upon termination of a business association with the licensed agency, it shall be the duty of each partner, principal corporate officer, manager, or licensed employee to return the identification card to the issuing agency.

(6) A licensed agency must include its agency license number in any advertisement in any print medium or directory, and must include its agency license number in any written bid or offer to provide services.

History.--ss. 2, 11, ch. 90-364; s. 5, ch. 91-248; s. 4, ch. 91-429; s. 4, ch. 93-49; s. 1, ch. 98-335.

493.6112 Notification to Department of Agriculture and Consumer Services of changes of partner or officer or employees.--

(1) After filing the application, unless the department declines to issue the license or revokes it after issuance, an agency or school shall, within 5 working days of the withdrawal, removal, replacement, or addition of any or all partners or officers, notify and file with the department complete applications for such individuals. The agency's or school's good standing under this chapter shall be contingent upon the department's approval of any new partner or officer.

(2) Each agency or school shall, upon the employment or termination of employment of a licensee, report such employment or termination immediately to the department and, in the case of a termination, report the reason or reasons therefor. The report shall be on a form prescribed by the department.

History.--ss. 2, 11, ch. 90-364; s. 4, ch. 91-429; s. 8, ch. 2002-295.

493.6113 Renewal application for licensure.--

(1) A license granted under the provisions of this chapter shall be renewed biennially by the department, except for Class "A," Class "B," Class "AB," Class "R," and branch agency licenses, which shall be renewed every 3 years.

(2) No less than 90 days prior to the expiration date of the license, the department shall mail a written notice to the last known residence address for individual licensees and to the last known agency address for agencies.

(3) Each licensee shall be responsible for renewing his or her license on or before its expiration by filing with the department an application for renewal accompanied by payment of the prescribed license fee.

(a) Each Class "A," Class "B," or Class "R" licensee shall additionally submit on a form prescribed by the department a certification of insurance which evidences that the licensee maintains coverage as required under s. 493.6110.

(b) Each Class "G" licensee shall additionally submit proof that he or she has received during each year of the license period a minimum of 4 hours of firearms recertification training taught by a Class "K" licensee and has complied with such other health and training requirements which the department may adopt by rule. If proof of a minimum of 4 hours of annual firearms recertification training cannot be provided, the renewal applicant shall complete the minimum number of hours of range and classroom training required at the time of initial licensure.

(c) Each Class "DS" or Class "RS" licensee shall additionally submit the current curriculum, examination, and list of instructors.

(4) A licensee who fails to file a renewal application on or before its expiration must renew his or her license by fulfilling the applicable requirements of subsection (3) and by paying a late fee equal to the amount of the license fee.

(5) No license shall be renewed 3 months or more after its expiration date. The applicant shall submit a new, complete application and the respective fees.

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(c) No more than 1 year using:

1. Either college coursework related to criminal justice, criminology, or law enforcement administration; or

2. Successfully completed law enforcement-related training received from any federal, state, county, or municipal agency; or

(d) Experience described in paragraph (a) for 1 year and work in a managerial or supervisory capacity for 1 year.

(3) An applicant for a Class "M" license shall qualify for licensure as a Class "MA" manager as outlined under s. 493.6203(2) and as a Class "MB" manager as outlined under subsection (2).

(4)(a) An applicant for a Class "D" license must complete a minimum of 40 hours of professional training at a school or training facility licensed by the department. The department shall by rule establish the general content and number of hours of each subject area to be taught.

(b) An applicant may fulfill the training requirement prescribed in paragraph (a) by submitting proof of:

1. Successful completion of the total number of required hours of training before initial application for a Class "D" license; or

2. Successful completion of 24 hours of training before initial application for a Class "D" license and successful completion of the remaining 16 hours of training within 180 days after the date that the application is submitted. If documentation of completion of the required training is not submitted within the specified timeframe, the individual's license is automatically suspended until such time as proof of the required training is provided to the department.

However, any person whose license has been revoked, suspended pursuant to subparagraph 2., or expired for 1 year or longer is considered, upon reapplication for a license, an initial applicant and must submit proof of successful completion of 40 hours of professional training at a school or training facility licensed by the department as prescribed in paragraph (a) before a license will be issued. Any person whose license was issued before January 1, 2007, and whose license has been expired for less than 1 year must, upon reapplication for a license, submit documentation of completion of the total number of hours of training prescribed by law at the time her or his initial license was issued before another license will be issued. This subsection does not require an individual licensed before January 1, 2007, to complete additional training hours in order to renew an active license, beyond the required total amount of training within the timeframe prescribed by law at the time she or he was licensed.

(5) An applicant for a Class "G" license shall satisfy the firearms training outlined in s. 493.6115.

History.--ss. 4, 11, ch. 90-364; s. 11, ch. 91-248; s. 4, ch. 91-429; s. 15, ch. 94-172; s. 3, ch. 2006-165.

493.6304 Security officer school or training facility.--

(1) Any school, training facility, or instructor who offers the training outlined in s. 493.6303(4) for Class "D" applicants shall, before licensure of such school, training facility, or instructor, file with the department an application accompanied by an application fee in an amount to be determined by rule, not to exceed $60. The fee shall not be refundable.

(2) The application shall be signed and notarized and shall contain, at a minimum, the following information:

(a) The name and address of the school or training facility and, if the applicant is an individual, her or his name, address, and social security or alien registration number.

(b) The street address of the place at which the training is to be conducted.

(c) A copy of the training curriculum and final examination to be administered.

(3) The department shall adopt rules establishing the criteria for approval of schools, training facilities, and instructors.

History.--ss. 4, 11, ch. 90-364; s. 4, ch. 91-429; s. 538, ch. 97-103.

493.6305 Uniforms, required wear; exceptions.--

(1) Class "D" licensees shall perform duties regulated under this chapter in a uniform which bears at least one patch or emblem visible at all times clearly identifying the employing agency. Upon resignation or termination of employment, a Class "D" licensee shall immediately return to the employer any uniform and any other equipment issued to her or him by the employer.

(2) Class "D" licensees may perform duties regulated under this chapter in nonuniform status on a limited special assignment basis, and only when duty circumstances or special requirements of the client necessitate such dress.

(3) Class "D" licensees who are also Class "G" licensees and who are performing limited, special assignment duties may carry their authorized firearm concealed in the conduct of such duties.

History.--ss. 4, 11, ch. 90-364; s. 12, ch. 91-248; s. 4, ch. 91-429; s. 10, ch. 97-248; s. 30, ch. 99-7.

PART IV

REPOSSESSION SERVICES

493.6401 Classes of licenses.

493.6402 Fees.

493.6403 License requirements.

493.6404 Property inventory; vehicle license identification numbers.

493.6405 Sale of motor vehicle, mobile home, motorboat, aircraft, personal watercraft, all-terrain vehicles, farm equipment, or industrial equipment by a licensee; penalty.

493.6406 Repossession services school or training facility.

applicant. The certificates must be on a form established by rule of the department.

2. The department shall establish by rule the general content of the training course and the examination criteria.

3. If the license of an applicant for relicensure has been invalid for more than 1 year, the applicant must complete the required training and pass any required examination.

(7) In addition to any other requirement, an applicant for a Class "G" license shall satisfy the firearms training set forth in s. 493.6115.

History.--ss. 3, 11, ch. 90-364; s. 9, ch. 91-248; s. 4, ch. 91-429; s. 1, ch. 2007-232.

PART III

PRIVATE SECURITY SERVICES

493.6301 Classes of licenses.--

(1) Any person, firm, company, partnership, or corporation which engages in business as a security agency shall have a Class "B" license. A Class "B" license is valid for only one location.

(2) Each branch office of a Class "B" agency shall have a Class "BB" license. Where a person, firm, company, partnership, or corporation holds both a Class "A" and Class "B" license, each branch office shall have a Class "AB" license.

(3) Any individual who performs the services of a manager for a:

(a) Class "B" security agency or Class "BB" branch office shall have a Class "MB" license. A Class "M" licensee, or a Class "D" licensee who has been so licensed for a minimum of 2 years, may be designated as the manager, in which case the Class "MB" license is not required.

(b) Class "A" and Class "B" agency or a Class "AB" branch office shall have a Class "M" license.

(4) A Class "D" licensee shall own or be an employee of a Class "B" security agency or branch office. This does not include those individuals who are exempt under s. 493.6102(4) but who possess a Class "D" license solely for the purpose of holding a Class "G" license.

(5) Any individual who performs the services of a security officer shall have a Class "D" license. However, a Class "C" licensee or a Class "CC" licensee may perform bodyguard services without a Class "D" license.

(6) Only Class "M," Class "MB," or Class "D" licensees are permitted to bear a firearm, and any such licensee who bears a firearm shall also have a Class "G" license.

(7) Any person who operates a security officer school or training facility must have a Class "DS" license.

(8) Any individual who teaches or instructs at a Class "DS" security officer school or training facility must have a Class "DI" license.

History.--ss. 4, 11, ch. 90-364; s. 10, ch. 91-248; s. 4, ch. 91-429; s. 13, ch. 94-172; s. 71, ch. 95-144; s. 7, ch. 96-407; s. 9, ch. 97-248.

493.6302 Fees.--

(1) The department shall establish by rule biennial license fees, which shall not exceed the following:

(a) Class "B" license--security agency: $450.

(b) Class "BB" or Class "AB" license--branch office: $125.

(c) Class "MB" license--security agency manager: $75.

(d) Class "D" license--security officer: $45.

(e) Class "DS" license--security officer school or training facility: $60.

(f) Class "DI" license--security officer school or training facility instructor: $60.

(2) The department may establish by rule a fee for the replacement or revision of a license, which fee shall not exceed $30.

(3) The fees set forth in this section must be paid by certified check or money order or, at the discretion of the department, by agency check at the time the application is approved, except that the applicant for a Class "D," Class "G," Class "M," or Class "MB" license must pay the license fee at the time the application is made. If a license is revoked or denied or if the application is withdrawn, the license fee shall not be refunded.

History.--ss. 4, 11, ch. 90-364; s. 4, ch. 91-429; s. 14, ch. 94-172.

493.6303 License requirements.--In addition to the license requirements set forth elsewhere in this chapter, each individual or agency shall comply with the following additional requirements:

(1) Each agency or branch office shall designate a minimum of one appropriately licensed individual to act as manager, directing the activities of the Class "D" employees.

(2) An applicant for a Class "MB" license shall have 2 years of lawfully gained, verifiable, full-time experience, or training in:

(a) Security work or related fields of work that provided equivalent experience or training;

(b) Experience described in paragraph (a) for 1 year and experience described in paragraph (c) for 1 year;

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(6) A renewal applicant shall not perform any activity regulated by this chapter between the date of expiration and the date of renewal of his or her license.

History.--ss. 2, 11, ch. 90-364; s. 6, ch. 91-248; s. 4, ch. 91-429; s. 43, ch. 95-144; s. 531, ch. 97-103; s. 2, ch. 98-335.

493.6114 Cancellation or inactivation of license.--

(1) In the event the licensee desires to cancel her or his license, she or he shall notify the department in writing and return the license to the department within 10 days of the date of cancellation.

(2) The department, at the written request of the licensee, may place her or his license in inactive status. A license may remain inactive for a period of 3 years, at the end of which time, if the license has not been renewed, it shall be automatically canceled. If the license expires during the inactive period, the licensee shall be required to pay license fees and, if applicable, show proof of insurance or proof of firearms training before the license can be made active. No late fees shall apply when a license is in inactive status.

History.--ss. 2, 11, ch. 90-364; s. 4, ch. 91-429; s. 532, ch. 97-103.

493.6115 Weapons and firearms.--

(1) The provisions of this section shall apply to all licensees in addition to the other provisions of this chapter.

(2) Only Class "C," Class "CC," Class "D," Class "M," Class "MA," or Class "MB" licensees are permitted to bear a firearm and any such licensee who bears a firearm shall also have a Class "G" license.

(3) No employee shall carry or be furnished a weapon or firearm unless the carrying of a weapon or firearm is required by her or his duties, nor shall an employee carry a weapon or firearm except in connection with those duties. When carried pursuant to this subsection, the weapon or firearm shall be encased in view at all times except as provided in subsection (4).

(4) A Class "C" or Class "CC" licensee 21 years of age or older who has also been issued a Class "G" license may carry, in the performance of her or his duties, a concealed firearm. A Class "D" licensee 21 years of age or older who has also been issued a Class "G" license may carry a concealed firearm in the performance of her or his duties under the conditions specified in s. 493.6305(2). The Class "G" license shall clearly indicate such authority. The authority of any such licensee to carry a concealed firearm shall be valid throughout the state, in any location, while performing services within the scope of the license.

(5) The Class "G" license shall remain in effect only during the period the applicant is employed as a Class "C," Class "CC," Class "D," Class "MA," Class "MB," or Class "M" licensee.

(6) In addition to any other firearm approved by the department, a licensee who has been issued a Class "G" license may carry a .38 caliber revolver; or a .380 caliber or 9 millimeter semiautomatic pistol; or a .357 caliber revolver with .38 caliber ammunition only while performing duties authorized under this chapter. No licensee may carry more than two firearms upon her or his person when performing her or his duties. A licensee may only carry a firearm of the specific type and caliber with which she or he is qualified pursuant to the firearms training referenced in subsection (8) or s. 493.6113(3)(b).

(7) Any person who provides classroom and range instruction to applicants for Class "G" licensure shall have a Class "K" license.

(8) A Class "G" applicant must satisfy the minimum training criteria as set forth in s. 493.6105(6) and as established by rule of the department.

(9) Whenever a Class "G" licensee discharges her or his firearm in the course of her or his duties, the Class "G" licensee and the agency by which she or he is employed shall, within 5 working days, submit to the department an explanation describing the nature of the incident, the necessity for using the firearm, and a copy of any report prepared by a law enforcement agency. The department may revoke or suspend the Class "G" licensee's license and the licensed agency's agency license if this requirement is not met.

(10) The department may promulgate rules to establish minimum standards to issue licenses for weapons other than firearms.

(11) The department may establish rules to require periodic classroom training for firearms instructors to provide updated information relative to curriculum or other training requirements provided by statute or rule.

(12) The department may issue a temporary Class "G" license, on a case-by-case basis, if:

(a) The agency or employer has certified that the applicant has been determined to be mentally and emotionally stable by either:

1. A validated written psychological test taken within the previous 12-month period.

2. An evaluation by a psychiatrist or psychologist licensed in this state or by the Federal Government made within the previous 12-month period.

3. Presentation of a DD form 214, issued within the previous 12-month period, which establishes the absence of emotional or mental instability at the time of discharge from military service.

(b) The applicant has submitted a complete application for a Class "G" license, with a notation that she or he is seeking a temporary Class "G" license.

(c) The applicant has completed all Class "G" minimum training requirements as specified in this section.

(d) The applicant has received approval from the department subsequent to its conduct of a criminal history record check as authorized in s. 493.6121(6).

(13) In addition to other fees, the department may charge a fee, not to exceed $25, for processing a Class "G" license application as a temporary Class "G" license request.

(14) Upon issuance of the temporary Class "G" license, the licensee is subject to all of the requirements imposed upon Class "G" licensees.

(15) The temporary Class "G" license is valid until the Class "G" license is issued or denied. If the department denies the Class "G" license, any

temporary Class "G" license issued to that individual is void, and the individual shall be removed from armed duties immediately.

(16) If the criminal history record check program referenced in s. 493.6121(6) is inoperable, the department may issue a temporary "G" license on a case-by-case basis, provided that the applicant has met all statutory requirements for the issuance of a temporary "G" license as specified in subsection (12), excepting the criminal history record check stipulated there; provided, that the department requires that the licensed employer of the applicant conduct a criminal history record check of the applicant pursuant to standards set forth in rule by the department, and provide to the department an affidavit containing such information and statements as required by the department, including a statement that the criminal history record check did not indicate the existence of any criminal history that would prohibit licensure. Failure to properly conduct such a check, or knowingly providing incorrect or misleading information or statements in the affidavit shall constitute grounds for disciplinary action against the licensed agency, including revocation of license.

(17) No person is exempt from the requirements of this section by virtue of holding a concealed weapon or concealed firearm license issued pursuant to s. 790.06.

History.--ss. 2, 11, ch. 90-364; s. 7, ch. 91-248; s. 4, ch. 91-429; s. 7, ch. 94-172; s. 533, ch. 97-103; s. 5, ch. 97-248; s. 1, ch. 2005-69.

493.6116 Sponsorship of interns.--

(1) Only licensees may sponsor interns. A Class "C," Class "M," or Class "MA" licensee may sponsor a Class "CC" private investigator intern; a Class "E" or Class "MR" licensee may sponsor a Class "EE" recovery agent intern.

(2) An internship may not commence until the sponsor has submitted to the department the notice of intent to sponsor. Such notice shall be on a form provided by the department.

(3) Internship is intended to serve as a learning process. Sponsors shall assume a training status by providing direction and control of interns. Sponsors shall only sponsor interns whose place of business is within a 50-mile distance of the sponsor's place of business and shall not allow interns to operate independently of such direction and control, or require interns to perform activities which do not enhance the intern's qualification for licensure.

(4) No sponsor may sponsor more than six interns at the same time.

(5) A sponsor shall certify a biannual progress report on each intern and shall certify completion or termination of an internship to the department within 15 days after such completion or termination. The report must be made on a form provided by the department and must include at a minimum:

(a) The inclusive dates of the internship.

(b) A narrative part explaining the primary duties, types of experiences gained, and the scope of training received.

(c) An evaluation of the performance of the intern and a recommendation regarding future licensure.

History.--ss. 2, 11, ch. 90-364; s. 4, ch. 91-429; s. 8, ch. 94-172; s. 68, ch. 95-144.

493.6117 Division of Licensing Trust Fund.--There is created within the Division of Licensing of the department a Division of Licensing Trust Fund. All moneys required to be paid under this chapter shall be collected by the department and deposited in the trust fund. The Division of Licensing Trust Fund shall be subject to the service charge imposed pursuant to chapter 215. The Legislature shall appropriate from the fund such amounts as it deems necessary for the purpose of administering the provisions of this chapter. The unencumbered balance in the trust fund at the beginning of the year shall not exceed $100,000, and any excess shall be transferred to the General Revenue Fund unallocated.

History.--ss. 2, 11, ch. 90-364; s. 4, ch. 91-429.

493.6118 Grounds for disciplinary action.--

(1) The following constitute grounds for which disciplinary action specified in subsection (2) may be taken by the department against any licensee, agency, or applicant regulated by this chapter, or any unlicensed person engaged in activities regulated under this chapter.

(a) Fraud or willful misrepresentation in applying for or obtaining a license.

(b) Use of any fictitious or assumed name by an agency unless the agency has department approval and qualifies under s. 865.09.

(c) Being found guilty of or entering a plea of guilty or nolo contendere to, regardless of adjudication, or being convicted of a crime that directly relates to the business for which the license is held or sought. A plea of nolo contendere shall create a rebuttable presumption of guilt to the underlying criminal charges, and the department shall allow the individual being disciplined or denied an application for a license to present any mitigating circumstances surrounding his or her plea.

(d) A false statement by the licensee that any individual is or has been in his or her employ.

(e) A finding that the licensee or any employee is guilty of willful betrayal of a professional secret or any unauthorized release of information acquired as a result of activities regulated under this chapter.

(f) Proof that the applicant or licensee is guilty of fraud or deceit, or of negligence, incompetency, or misconduct, in the practice of the activities regulated under this chapter.

(g) Conducting activities regulated under this chapter without a license or with a revoked or suspended license.

(h) Failure of the licensee to maintain in full force and effect the commercial general liability insurance coverage required by s. 493.6110.

(i) Impersonating, or permitting or aiding and abetting an employee to impersonate, a law enforcement officer or an employee of the state, the United States, or any political subdivision thereof by identifying himself or herself as a federal, state, county, or municipal law enforcement officer or official representative, by wearing a uniform or presenting or displaying a badge or credentials that would cause a reasonable person to believe that he or she is a law enforcement officer or that he or she has official authority, by displaying any flashing or warning vehicular lights other than amber

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(a) Class "A" license--private investigative agency: $450.

(b) Class "AA" or "AB" license--branch office: $125.

(c) Class "MA" license--private investigative agency manager: $75.

(d) Class "C" license--private investigator: $75.

(e) Class "CC" license--private investigator intern: $60.

(2) The department may establish by rule a fee for the replacement or revision of a license, which fee shall not exceed $30.

(3) The fees set forth in this section must be paid by certified check or money order or, at the discretion of the department, by agency check at the time the application is approved, except that the applicant for a Class "G," Class "C," Class "CC," Class "M," or Class "MA" license must pay the license fee at the time the application is made. If a license is revoked or denied or if the application is withdrawn, the license fee shall not be refunded.

History.--ss. 3, 11, ch. 90-364; s. 4, ch. 91-429; s. 12, ch. 94-172.

493.6203 License requirements.--In addition to the license requirements set forth elsewhere in this chapter, each individual or agency shall comply with the following additional requirements:

(1) Each agency or branch office shall designate a minimum of one appropriately licensed individual to act as manager, directing the activities of the Class "C" or Class "CC" employees.

(2) An applicant for a Class "MA" license shall have 2 years of lawfully gained, verifiable, full-time experience, or training in:

(a) Private investigative work or related fields of work that provided equivalent experience or training;

(b) Work as a Class "CC" licensed intern;

(c) Any combination of paragraphs (a) and (b);

(d) Experience described in paragraph (a) for 1 year and experience described in paragraph (e) for 1 year;

(e) No more than 1 year using:

1. College coursework related to criminal justice, criminology, or law enforcement administration; or

2. Successfully completed law enforcement-related training received from any federal, state, county, or municipal agency; or

(f) Experience described in paragraph (a) for 1 year and work in a managerial or supervisory capacity for 1 year.

(3) An applicant for a Class "M" license shall qualify for licensure as a Class "MA" manager as outlined under subsection (2) and as a Class "MB" manager as outlined under s. 493.6303(2).

(4) An applicant for a Class "C" license shall have 2 years of lawfully gained, verifiable, full-time experience, or training in one, or a combination of more than one, of the following:

(a) Private investigative work or related fields of work that provided equivalent experience or training.

(b) College coursework related to criminal justice, criminology, or law enforcement administration, or successful completion of any law enforcement-related training received from any federal, state, county, or municipal agency, except that no more than 1 year may be used from this category.

(c) Work as a Class "CC" licensed intern.

(5) Effective January 1, 2008, an applicant for a Class "MA," Class "M," or Class "C" license must pass an examination that covers the provisions of this chapter and is administered by the department or by a provider approved by the department. The applicant must pass the examination before applying for licensure and must submit proof with the license application on a form approved by rule of the department that he or she has passed the examination. The administrator of the examination shall verify the identity of each applicant taking the examination.

(a) The examination requirement in this subsection does not apply to an individual who holds a valid Class "CC," Class "C," Class "MA," or Class "M" license.

(b) Notwithstanding the exemption provided in paragraph (a), if the license of an applicant for relicensure has been invalid for more than 1 year, the applicant must take and pass the examination.

(c) The department shall establish by rule the content of the examination, the manner and procedure of its administration, and an examination fee that may not exceed $100.

(6)(a) A Class "CC" licensee shall serve an internship under the direction and control of a designated sponsor, who is a Class "C," Class "MA," or Class "M" licensee.

(b) Effective September 1, 2008, an applicant for a Class "CC" license must have completed at least 24 hours of a 40-hour course pertaining to general investigative techniques and this chapter, which course is offered by a state university or by a school, community college, college, or university under the purview of the Department of Education, and the applicant must pass an examination. The certificate evidencing satisfactory completion of at least 24 hours of a 40-hour course must be submitted with the application for a Class "CC" license. The remaining 16 hours must be completed and an examination passed within 180 days. If documentation of completion of the required training is not submitted within the specified timeframe, the individual's license is automatically suspended or his or her authority to work as a Class "CC" pursuant to s. 493.6105(9) is rescinded until such time as proof of certificate of completion is provided to the department. The training course specified in this paragraph may be provided by face-to-face presentation, online technology, or a home study course in accordance with rules and procedures of the Department of Education. The administrator of the examination must verify the identity of each applicant taking the examination.

1. Upon an applicant's successful completion of each part of the approved course and passage of any required examination, the school, community college, college, or university shall issue a certificate of completion to the

in the course of doing business pursuant to his or her specific license, and provide to the licensee information on his or her legal options, authority, limits to authority, and obligations. The department shall supplement this with citations to statutes and legal decisions, as well as a selected bibliography that would direct the licensee to materials the study of which would enhance his or her professionalism. The department shall provide a single copy of the appropriate pamphlet without charge to each individual to whom a license is issued, but may charge for additional copies to recover its publication costs. The pamphlet shall be updated every 2 years as necessary to reflect rule or statutory changes, or court decisions. Intervening changes to the regulatory situation shall be noticed in the industry newsletter issued pursuant to subsection (1).

History.--ss. 2, 11, ch. 90-364; s. 4, ch. 91-429; s. 537, ch. 97-103.

493.6124 Use of state seal; prohibited.--No person or licensee shall use any facsimile reproduction or pictorial portion of the Great Seal of the State of Florida on any badge, credentials, identification card, or other means of identification used in connection with any activities regulated under this chapter.

History.--ss. 2, 11, ch. 90-364; s. 4, ch. 91-429.

493.6125 Maintenance of information concerning administrative complaints and disciplinary actions.--The department shall maintain statistics and relevant information, by profession, for private investigators, recovery agents, and private security officers which details:

(1) The number of complaints received and investigated.

(2) The number of complaints initiated and investigated by the department.

(3) The disposition of each complaint.

(4) The number of administrative complaints filed by the department.

(5) The disposition of all administrative complaints.

(6) A description of all disciplinary actions taken by profession.

History.--ss. 2, 11, ch. 90-364; s. 4, ch. 91-429; s. 19, ch. 94-172; s. 49, ch. 95-196.

493.6126 Saving clauses.--

(1) No judicial or administrative proceeding pending on October 1, 1990, shall be abated as a result of the repeal and reenactment of this chapter.

(2) All licenses valid on October 1, 1990, shall remain in full force and effect until expiration or revocation by the department. Henceforth, all licenses shall be applied for and renewed in accordance with this chapter.

History.--ss. 2, 11, ch. 90-364; s. 4, ch. 91-429.

PART II

PRIVATE INVESTIGATIVE SERVICES

493.6201 Classes of licenses.--

(1) Any person, firm, company, partnership, or corporation which engages in business as a private investigative agency shall have a Class "A" license. A Class "A" license is valid for only one location.

(2) Each branch office of a Class "A" agency shall have a Class "AA" license. Where a person, firm, company, partnership, or corporation holds both a Class "A" and Class "B" license, each additional or branch office shall have a Class "AB" license.

(3) Any individual who performs the services of a manager for a:

(a) Class "A" private investigative agency or Class "AA" branch office shall have a Class "MA" license. A Class "C" or Class "M" licensee may be designated as the manager, in which case the Class "MA" license is not required.

(b) Class "A" and "B" agency or a Class "AB" branch office shall have a Class "M" license.

(4) Class "C" or Class "CC" licensees shall own or be an employee of a Class "A" agency, a Class "A" and Class "B" agency, or a branch office. This does not include those who are exempt under s. 493.6102, but who possess a Class "C" license solely for the purpose of holding a Class "G" license.

(5) Any individual who performs the services of a private investigator shall have a Class "C" license.

(6) Any individual who performs private investigative work as an intern under the direction and control of a designated, sponsoring Class "C" licensee or a designated, sponsoring Class "MA" or Class "M" licensee must have a Class "CC" license.

(7) Only Class "M," Class "MA," Class "C," or Class "CC" licensees are permitted to bear a firearm, and any such licensee who bears a firearm shall also have a Class "G" license.

(8) A Class "C" or Class "CC" licensee may perform bodyguard services without obtaining a Class "D" license.

History.--ss. 3, 11, ch. 90-364; s. 4, ch. 91-429; s. 11, ch. 94-172; s. 70, ch. 95-144; s. 8, ch. 97-248.

493.6202 Fees.--

(1) The department shall establish by rule examination and biennial license fees, which shall not exceed the following:

colored, or by committing any act that is intended to falsely convey official status.

(j) Commission of an act of violence or the use of force on any person except in the lawful protection of one's self or another from physical harm.

(k) Knowingly violating, advising, encouraging, or assisting the violation of any statute, court order, capias, warrant, injunction, or cease and desist order, in the course of business regulated under this chapter.

(l) Soliciting business for an attorney in return for compensation.

(m) Transferring or attempting to transfer a license issued pursuant to this chapter.

(n) Employing or contracting with any unlicensed or improperly licensed person or agency to conduct activities regulated under this chapter, or performing any act that assists, aids, or abets a person or business entity in engaging in unlicensed activity, when the licensure status was known or could have been ascertained by reasonable inquiry.

(o) Failure or refusal to cooperate with or refusal of access to an authorized representative of the department engaged in an official investigation pursuant to this chapter.

(p) Failure of any partner, principal corporate officer, or licensee to have his or her identification card in his or her possession while on duty.

(q) Failure of any licensee to have his or her license in his or her possession while on duty, as specified in s. 493.6111(1).

(r) Failure or refusal by a sponsor to certify a biannual written report on an intern or to certify completion or termination of an internship to the department within 15 working days.

(s) Failure to report to the department any person whom the licensee knows to be in violation of this chapter or the rules of the department.

(t) Violating any provision of this chapter.

(u) In addition to the grounds for disciplinary action prescribed in paragraphs (a)-(t), Class "R" recovery agencies, Class "E" recovery agents, and Class "EE" recovery agent interns are prohibited from committing the following acts:

1. Recovering a motor vehicle, mobile home, motorboat, aircraft, personal watercraft, all-terrain vehicle, farm equipment, or industrial equipment that has been sold under a conditional sales agreement or under the terms of a chattel mortgage before authorization has been received from the legal owner or mortgagee.

2. Charging for expenses not actually incurred in connection with the recovery, transportation, storage, or disposal of repossessed property or personal property obtained in a repossession.

3. Using any repossessed property or personal property obtained in a repossession for the personal benefit of a licensee or an officer, director, partner, manager, or employee of a licensee.

4. Selling property recovered under the provisions of this chapter, except with written authorization from the legal owner or the mortgagee thereof.

5. Failing to notify the police or sheriff's department of the jurisdiction in which the repossessed property is recovered within 2 hours after recovery.

6. Failing to remit moneys collected in lieu of recovery of a motor vehicle, mobile home, motorboat, aircraft, personal watercraft, all-terrain vehicle, farm equipment, or industrial equipment to the client within 10 working days.

7. Failing to deliver to the client a negotiable instrument that is payable to the client, within 10 working days after receipt of such instrument.

8. Falsifying, altering, or failing to maintain any required inventory or records regarding disposal of personal property contained in or on repossessed property pursuant to s. 493.6404(1).

9. Carrying any weapon or firearm when he or she is on private property and performing duties under his or her license whether or not he or she is licensed pursuant to s. 790.06.

10. Soliciting from the legal owner the recovery of property subject to repossession after such property has been seen or located on public or private property if the amount charged or requested for such recovery is more than the amount normally charged for such a recovery.

11. Wearing, presenting, or displaying a badge in the course of performing a repossession regulated by this chapter.

(2) When the department finds any violation of subsection (1), it may do one or more of the following:

(a) Deny an application for the issuance or renewal of a license.

(b) Issue a reprimand.

(c) Impose an administrative fine not to exceed $1,000 for every count or separate offense.

(d) Place the licensee on probation for a period of time and subject to such conditions as the department may specify.

(e) Suspend or revoke a license.

(3) The department may deny an application for licensure citing lack of good moral character only if the finding by the department of lack of good moral character is supported by clear and convincing evidence. In such cases, the department shall furnish the applicant a statement containing the findings of the department, a complete record of the evidence upon which the determination was based, and a notice of the rights of the applicant to an administrative hearing and subsequent appeal.

(4) Notwithstanding the provisions of paragraph (1)(c) and subsection (2):

(a) If the applicant or licensee has been convicted of a felony, the department shall deny the application or revoke the license unless and until civil rights have been restored by the State of Florida or by a state acceptable to Florida and a period of 10 years has expired since final release from supervision.

(b) A Class "G" applicant who has been convicted of a felony shall also have had the specific right to possess, carry, or use a firearm restored by the State of Florida.

(c) If the applicant or licensee has been found guilty of, entered a plea of guilty to, or entered a plea of nolo contendere to a felony and adjudication of guilt is withheld, the department shall deny the application or revoke the license until a period of 3 years has expired since final release from supervision.

(d) A plea of nolo contendere shall create a rebuttable presumption of guilt to the underlying criminal charges, and the department shall allow the person being disciplined or denied an application for a license to present any mitigating circumstances surrounding his or her plea.

(e) The grounds for discipline or denial cited in this subsection shall be applied to any disqualifying criminal history regardless of the date of commission of the underlying criminal charge. Such provisions shall be applied retroactively and prospectively.

(5) Upon revocation or suspension of a license, the licensee shall forthwith return the license which was suspended or revoked.

(6) The agency license and the approval or license of each officer, partner, or owner of the agency are automatically suspended upon entry of a final order imposing an administrative fine against the agency, until the fine is paid, if 30 calendar days have elapsed since the entry of the final order. All owners and corporate or agency officers or partners are jointly and severally liable for agency fines. Neither the agency license or the approval or license of any officer, partner, or owner of the agency may be renewed, nor may an application be approved if the owner, licensee, or applicant is liable for an outstanding administrative fine imposed under this chapter. An individual's approval or license becomes automatically suspended if a fine imposed against the individual or his or her agency is not paid within 30 days after the date of the final order, and remains suspended until the fine is paid. Notwithstanding the provisions of this subsection, an individual's approval or license may not be suspended nor may an application be denied when the licensee or the applicant has an appeal from a final order pending in any appellate court.

(7) An applicant or licensee shall be ineligible to reapply for the same class of license for a period of 1 year following final agency action resulting in the denial or revocation of a license applied for or issued under this chapter. This time restriction shall not apply to administrative denials wherein the basis for denial was:

(a) An inadvertent error or omission on the application;

(b) The experience documented by the department was insufficient at the time of application;

(c) The department was unable to complete the criminal background investigation due to insufficient information from the Department of Law Enforcement, the Federal Bureau of Investigation, or any other applicable law enforcement agency; or

(d) Failure to submit required fees.

History.--ss. 2, 11, ch. 90-364; s. 8, ch. 91-248; s. 4, ch. 91-429; s. 5, ch. 93-49; s. 9, ch. 94-172; s. 534, ch. 97-103; s. 6, ch. 97-248; s. 4, ch. 2005-143.

493.6119 Divulging investigative information; false reports prohibited.-

(1) Except as otherwise provided by this chapter or other law, no licensee, or any employee of a licensee or licensed agency shall divulge or release to anyone other than her or his client or employer the contents of an investigative file acquired in the course of licensed investigative activity. However, the prohibition of this section shall not apply when the client for whom the information was acquired, or the client's lawful representative, has alleged a violation of this chapter by the licensee, licensed agency, or any employee, or when the prior written consent of the client to divulge or release such information has been obtained.

(2) Nothing in this section shall be construed to deny access to any business or operational records, except as specified in subsection (1), by an authorized representative of the department engaged in an official investigation, inspection, or inquiry pursuant to the regulatory duty and investigative authority of this chapter.

(3) Any licensee or employee of a licensee or licensed agency who, in reliance on subsection (1), denies access to an investigative file to an authorized representative of the department shall state such denial in writing within 2 working days of the request for access. Such statement of denial shall include the following:

(a) That the information requested was obtained by a licensed private investigator on behalf of a client; and

(b) That the client has been advised of the request and has denied permission to grant access; or

(c) That the present whereabouts of the client is unknown or attempts to contact the client have been unsuccessful but, in the opinion of the person denying access, review of the investigative file under conditions specified by the department would be contrary to the interests of the client; or

(d) That the requested investigative file will be provided pursuant to a subpoena issued by the department.

(4) No licensee or any employer or employee of a licensee or licensed agency shall willfully make a false statement or report to her or his client or employer or an authorized representative of the department concerning information acquired in the course of activities regulated by this chapter.

History.--ss. 2, 11, ch. 90-364; s. 4, ch. 91-429; s. 535, ch. 97-103.

493.6120 Violations; penalty.--

(1) Any person who violates any provision of this chapter except s. 493.6405 commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who is convicted of any violation of this chapter shall not be eligible for licensure for a period of 5 years.

(3) Any person who violates or disregards any cease and desist order issued by the department commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. In addition, the department may seek the imposition of a civil penalty not to exceed $5,000.

(4) Any person who was an owner, officer, partner, or manager of a licensed agency at the time of any activity that is the basis for revocation of

CHAPTER 493, FLORIDA STATUTES
PRIVATE INVESTIGATIVE, PRIVATE SECURITY, AND REPOSSESSION SERVICES

the agency or branch office license and who knew or should have known of the activity, shall have his or her personal licenses or approval suspended for 3 years and may not have any financial interest in or be employed in any capacity by a licensed agency during the period of suspension.

History.--ss. 2, 11, ch. 90-364; s. 4, ch. 91-429; s. 6, ch. 93-49; s. 536, ch. 97-103.

493.6121 Enforcement; investigation.--

(1) The department shall have the power to enforce the provisions of this chapter, irrespective of the place or location in which the violation occurred, and, upon the complaint of any person or on its own initiative, to cause to be investigated any suspected violation thereof or to cause to be investigated the business and business methods of any licensed or unlicensed person, agency or employee thereof, or applicant for licensure under this chapter.

(2) In any investigation undertaken by the department, each licensed or unlicensed person, applicant, agency, or employee shall, upon request of the department provide records and shall truthfully respond to questions concerning activities regulated under this chapter. Such records shall be maintained in this state for a period of 2 years at the principal place of business of the licensee, or at any other location within the state for a person whose license has been terminated, canceled, or revoked. Upon request by the department the records must be made available immediately to the department unless the department determines that an extension may be granted.

(3) The department shall have the authority to investigate any licensed or unlicensed person, firm, company, partnership, or corporation when such person, firm, company, partnership, or corporation is advertising as providing or is engaged in performing services which require licensure under this chapter or when a licensee is engaged in activities which do not comply with or are prohibited by this chapter; and the department shall have the authority to issue an order to cease and desist the further conduct of such activities, or seek an injunction, or take other appropriate action pursuant to s. 493.6118(2)(a) or (c).

(4) In the exercise of its enforcement responsibility and in the conduct of any investigation authorized by this chapter, the department shall have the power to subpoena and bring before it any person in the state, require the production of any papers it deems necessary, administer oaths, and take depositions of any persons so subpoenaed. If any person fails or refuses to comply with a proper subpoena to be examined or fails or refuses to answer any question about her or his qualifications or the business methods or business practices under investigation or refuses access to agency records in accordance with s. 493.6119, the circuit court of Leon County or of the county wherein such person resides may issue an order on the application of the department requiring such person to comply with the subpoena and to testify. Such failure or refusal shall also be grounds for revocation, suspension, or other disciplinary action. The testimony of witnesses in any such proceeding shall be under oath before the department or its agents.

(5) In order to carry out the duties of the department prescribed in this chapter, designated employees of the Division of Licensing of the Department of Agriculture and Consumer Services may obtain access to the information in criminal justice information systems and to criminal justice information as defined in s. 943.045, on such terms and conditions as are reasonably calculated to provide necessary information and protect the confidentiality of the information. Such criminal justice information submitted to the division is confidential and exempt from the provisions of s. 119.07(1).

(6) The department shall be provided access to the program that is operated by the Department of Law Enforcement, pursuant to s. 790.065, for providing criminal history record information to licensed gun dealers, manufacturers, and exporters. The department may make inquiries, and shall receive responses in the same fashion as provided under s. 790.065. The department shall be responsible for payment to the Department of Law Enforcement of the same fees as charged to others afforded access to the program.

(7) The department may institute judicial proceedings in the appropriate circuit court seeking enforcement of this chapter or any rule or order of the department.

(8) Any investigation conducted by the department pursuant to this chapter is exempt from s. 119.07(1) until:

(a) The investigation of the complaint has been concluded and determination has been made by the department as to whether probable cause exists;

(b) The case is closed prior to a determination by the department as to whether probable cause exists; or

(c) The subject of the investigation waives her or his privilege of confidentiality.

History.--ss. 2, 11, ch. 90-364; s. 17, ch. 91-248; s. 4, ch. 91-429; s. 5, ch. 92-183; s. 2, ch. 93-197; s. 10, ch. 94-172; s. 69, ch. 95-144; s. 326, ch. 96-406; s. 1139, ch. 97-103; s. 7, ch. 97-248; s. 9, ch. 2002-295; s. 2, ch. 2006-165.

493.6122 Information about licensees; confidentiality.--The residence telephone number and residence address of any Class "C," Class "CC," Class "E," or Class "EE" licensee maintained by the department is confidential and exempt from the provisions of s. 119.07(1), except that the department may provide this information to local, state, or federal law enforcement agencies. When the residence telephone number or residence address of such licensee is, or appears to be, the business telephone number or business address, this information shall be public record.

History.--ss. 2, 11, ch. 90-364; s. 18, ch. 91-248; s. 4, ch. 91-429; s. 327, ch. 96-406.

493.6123 Publication to industry.--

(1) The department shall have the authority to periodically, through the publication of a newsletter, advise its licensees of information that the department or the advisory council determines is of interest to the industry. Additionally, this newsletter shall contain the name and locality of any licensed or unlicensed person or agency against which the department has filed a final order relative to an administrative complaint and shall contain the final disposition. This newsletter shall be published not less than two or more than four times annually.

(2) The department shall develop and make available to each Class "C," Class "D," and Class "E" licensee and all interns a pamphlet detailing in plain language the legal authority, rights, and obligations of his or her class of licensure. Within the pamphlet, the department should endeavor to present situations that the licensee may be expected to commonly encounter

FD-340 (Rev. 4-11-03)

File Number 44A-TP-74471-1A 14

Field Office Acquiring Evidence Tampa

Serial # of Originating Document 36

Date Received 4/4/2012

From [redacted] ributor/Interviewee) b6 b7C

(Address)

[redacted] d State)

By SA [redacted] SA [redacted]

To Be Returned ☐ Yes ☒ No

Receipt Given ☐ Yes ☒ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6 (e)
Federal Rules of Criminal Procedure

☐ Yes ☒ No

Federal Taxpayer Information (FTI)

☐ Yes ☒ No

Title: TRAYVON MARTIN- VICTIM

Reference: FD-302
(Communication Enclosing Material)

Description: ☒ Original notes re interview of

[redacted] b6 b7C

[redacted]

FD-340 (Rev. 4-11-03)

File Number 44A-TP-74471-~~[illegible]~~-1A15

Field Office Acquiring Evidence TP

Serial # of Originating Document 37

Date Received 4-4-12

From [redacted] b6 b7C

(Name of Contributor/Interviewee)

(Address)

(City and State)

By [redacted]

To Be Returned ☐ Yes ☒ No

Receipt Given ☐ Yes ☒ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6 (e)
Federal Rules of Criminal Procedure

☐ Yes ☒ No

Federal Taxpayer Information (FTI)

☐ Yes ☒ No

Title: Trayvon Martin – Victim

[redacted] – Subject b6 b7C

Reference:

(Communication Enclosing Material)

Description: ☒ Original notes re interview of

[redacted]

[redacted]

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1511804-000

Total Deleted Page(s) = 25
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Page 9 ~ b5; b6; b7C;
Page 10 ~ b5; b6; b7C;
Page 19 ~ Duplicate;
Page 21 ~ Duplicate;
Page 23 ~ b6; b7C;
Page 24 ~ b6; b7C;
Page 25 ~ b6; b7C;
Page 26 ~ b6; b7C;
Page 27 ~ b6; b7C;
Page 28 ~ b6; b7C;
Page 29 ~ Duplicate;
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Page 44 ~ b5; b6; b7C;
Page 45 ~ b5; b6; b7C;
Page 46 ~ b5;
Page 48 ~ b5; b6; b7C;
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Page 54 ~ b5; b6; b7C;
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Page 56 ~ b5; b6; b7C;
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FD-340 (Rev. 4-11-03)

File Number 44A-TP-74471-1A16

Field Office Acquiring Evidence TP

Serial # of Originating Document 22

Date Received 3/30/2012

From Sanford Police Dept.
(Name of Contributor/Interviewee)

(Address)

(City and State)

By SA [redacted] b6 b7C

To Be Returned ☐ Yes ☒ No

Receipt Given ☐ Yes ☐ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6 (e)
Federal Rules of Criminal Procedure

☐ Yes ☐ No

Federal Taxpayer Information (FTI)

☐ Yes ☐ No

Title:

Reference:
(Communication Enclosing Material)

Description: ☐ Original notes re interview of

1-DVD "[redacted] Walk Through"

1-DVD "[redacted] SPD Salleyport Video"

b6
b7C

[redacted]

FD-340 (Rev. 4-11-03)

File Number 44A-TP-74471-1A17

Field Office Acquiring Evidence TAMPA / Orlando RA

Serial # of Originating Document 23

Date Received 4/2/2012

From SA [redacted]
(Name of Contributor/Interviewee)

(Address)

b6
b7C

(City and State)

By SA [redacted]

To Be Returned ☐ Yes ☑ No

Receipt Given ☐ Yes ☑ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6 (e)
Federal Rules of Criminal Procedure

☐ Yes ☑ No

Federal Taxpayer Information (FTI)

☐ Yes ☑ No

Title: Trayvon Martin - Victim
[redacted] - Subject
Racial Discrimination - Force & Violence

Reference: FD 302
(Communication Enclosing Material)

b6
b7C

Description: ☑ Original notes re interview of
[redacted]

[redacted]

FD-340 (Rev. 4-11-03)

File Number 44A-TP-74471-1A 8

Field Office Acquiring Evidence ______

Serial # of Originating Document 25

Date Received 3/26/2012 and 3/30/2012

From ______
(Name of Contributor/Interviewee)

______
(Address)

______
(City and State)

By SSA [redacted] b6 b7C

To Be Returned ☐ Yes ☐ No

Receipt Given ☐ Yes ☐ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6 (e)
Federal Rules of Criminal Procedure

☐ Yes ☐ No

Federal Taxpayer Information (FTI)

☐ Yes ☐ No

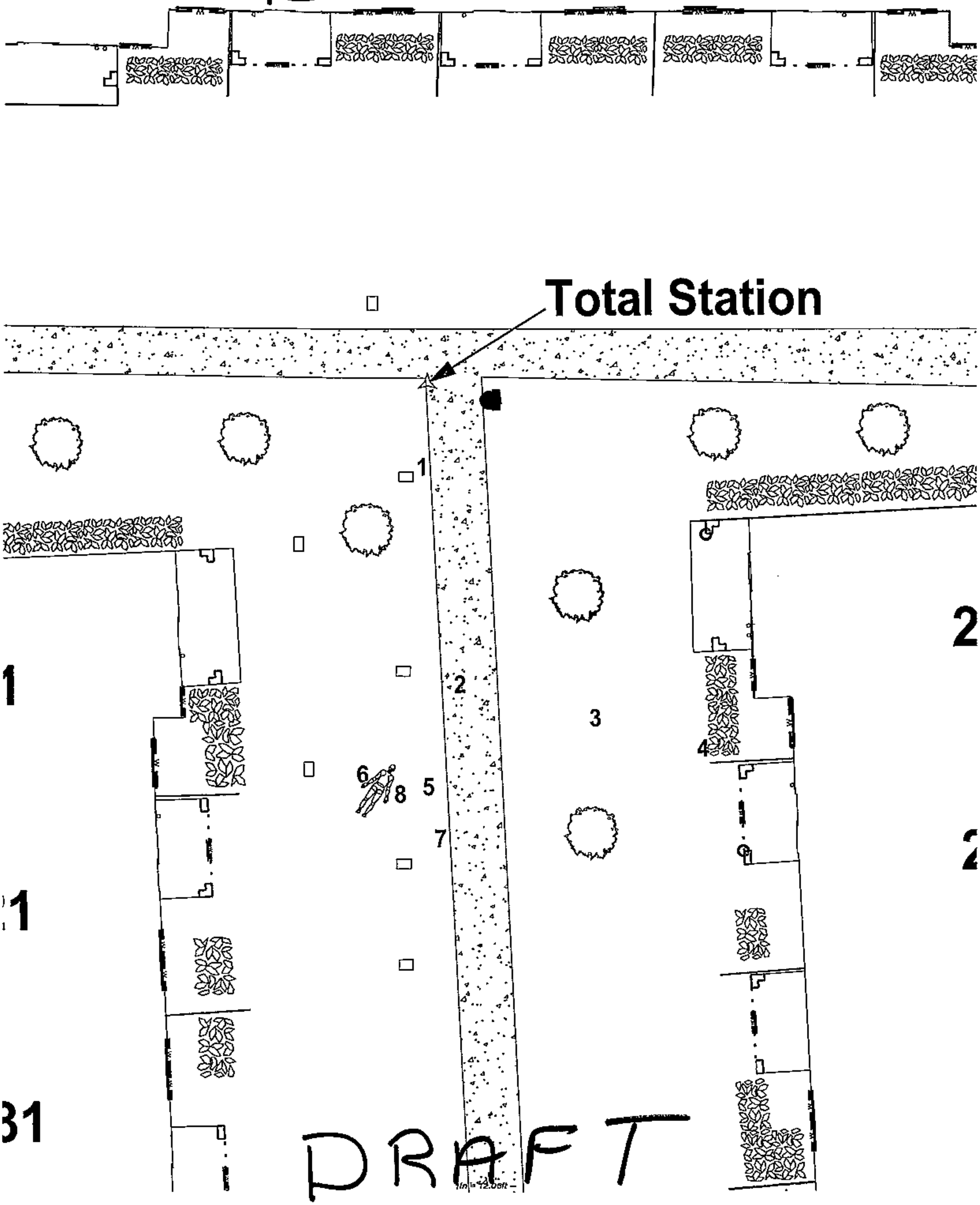
Title:

Reference: ______
(Communication Enclosing Material)

Description: ☐ Original notes re interview of

1) Sketch of crime scene 2) Copy of concealed weapons permit 3) 1-CD of Photo from [redacted] cell phone 4) Sanford PD crime scene photos - one CD b6 b7C
5) one CD - martin cell phone toll records. [redacted]

DRAFT

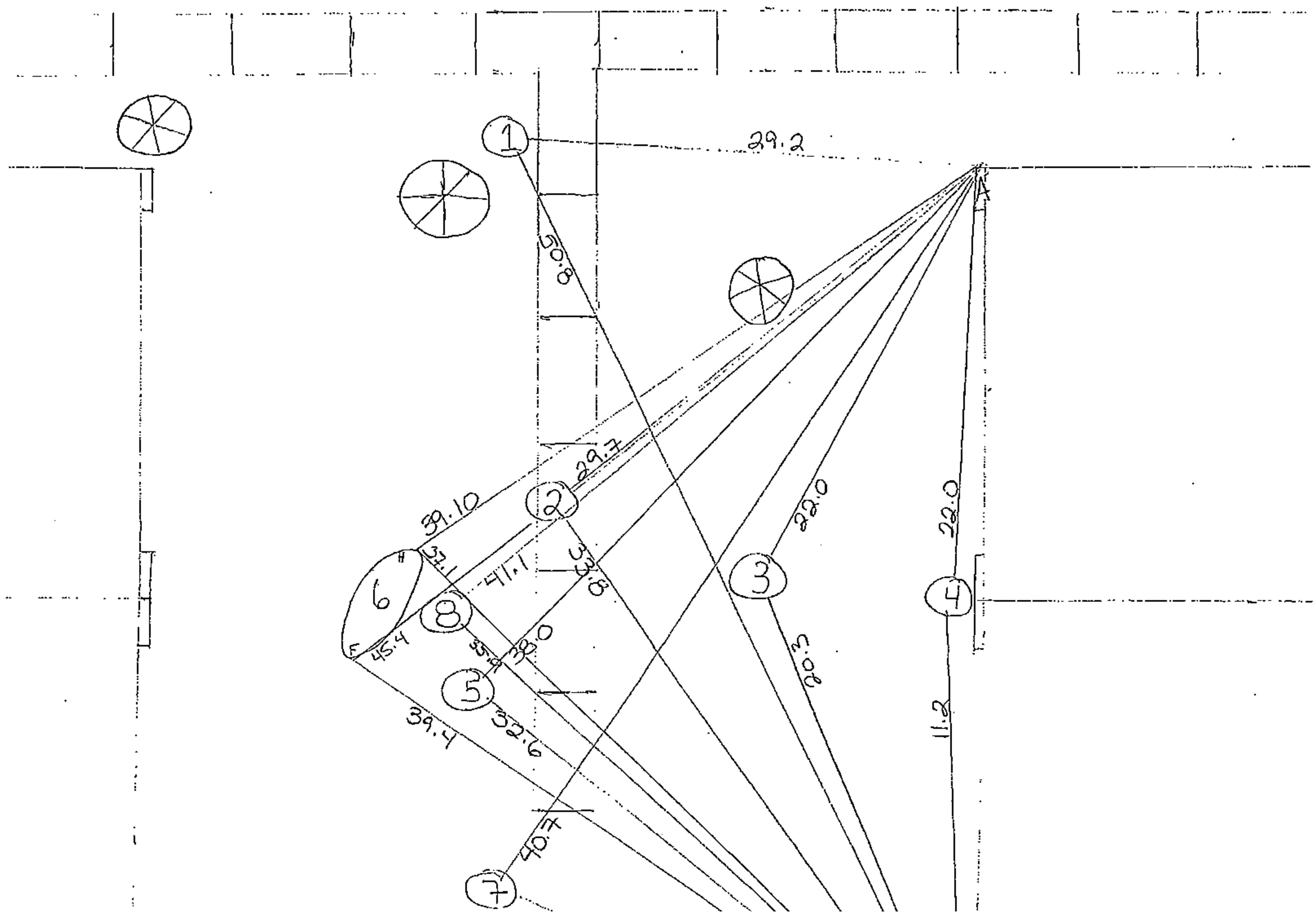


DRAFT

44A-TP-74471-1418

Sketch Key

Pillar A	Pillar B
29.2	50.8
29.7	33.8
22.0	20.3
22.0	11.2
38.0	32.6
(H) 39.10 (F) 45.4	(H) 37.1 (F) 39.4
40.7	30.6
41.1	35.9


1
29.2
50.8
A
39.10
29.7
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37.1
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3
4
8
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45.4
38.0
20.3
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39.4
32.6
11.2
40.7
7

Division of Licensing
(850) 245-5500
(850) 245-5505 Fax

Post Office Box 3927
Tallahassee, Florida 32315-3927

2520 North Monroe Street
Tallahassee, Florida 32303-4052

Florida Department of Agriculture and Consumer Services
Commissioner Adam H. Putnam

March 1, 2012

[redacted] b6
Sanford Police Deparment b7C
815 West 13th Street
Sanford, Florida 32771

VIA FACSIMILE: [redacted]

Dear [redacted]

In response to your request, a search of our records indicates that [redacted] date of birth [redacted] was issued Concealed Weapon or Firearm License [redacted] pursuant to Section 790.06, Florida Statutes, on December 17, 2009. This license will expire, unless renewed, on December 17, 2016. As you requested, a copy of the application is attached. Our system does not capture an image of the license; therefore, I am unable to comply with this portion of your request.

Pursuant to Section 790.0601, Florida Statutes, the personal identifying information of an individual who has applied for or received a license to carry a concealed weapon or firearm is exempt from Section 119.07(1) and Section 24(a) Article 1 of the State Constitution (the Public Records Law). Accordingly, the information contained in this correspondence is being provided to you for law enforcement use only.

If the subject of this public records request is arrested, if charges are filed, if a pending case is disposed or adjudicated, or if the subject of this request is issued an injunction that restrains him from committing acts of domestic violence or acts of repeat violence, please notify [redacted] Attorney Supervisor, via FAX at [redacted]

If you have any questions or need further assistance, please contact me at [redacted] b6
b7C

Sincerely

[redacted]

Government [redacted] alyst I

Brantly & Associates, inc.

Contact us Today!!!

Office and Training Facility are located at:

4745 S. Orange Ave.
Orlando, Florida 32806-6942
Phone: (407) 850-2131
Fax: (407) 812-5878
or E-mail us at:
training@brantlyandassociates.com

Google directions to the office provide here.

Outdoor firing range:

670 Brantly Rd.
Osteen, Florida 32764

Google directions to the range provided here

The outdoor firing range is private and for students of the school and scheduled training classes only and is NOT open to the public. The range is monitored 24/7 for trespassers.

44A-TP-74471— 18

FD-340c (4-11-03)

File Number 44A-TP-74471-1A19

Field Office Acquiring Evidence FBI-TP

Serial # of Originating Document 27

Date Received 04/02/2012

From

(Name of Contributor/Interviewee)

RETREAT AT TWIN LAKES

(Address)

b6
b7C

SANFORD, FL

(City and State)

By IA [redacted] (ERT)

To Be Returned ☐ Yes ☑ No

Receipt Given ☐ Yes ☑ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6 (e)
Federal Rules of Criminal Procedure

☐ Yes ☑ No

Federal Taxpayer Information (FTI)

☐ Yes ☑ No

Title: TRAYVON MARTIN - VICTIM
[redacted] - SUBJECT
RACIAL DISCRIMINATION - FORCE AND VIOLENCE

b6
b7C

Reference: FD 302 DATED 04/02/2012

(Communication Enclosing Material)

Description: ☐ Original notes re interview of

Photographic LOG; TWO x DVDs (ORIGINAL AND BACK UP TO ORIGINAL OF PHOTOGRAPHS TAKEN AT RETREAT AT TWIN LAKES)

b6
b7C

FBI

DATE 04 / 02 / 2012
MONTH DAY YEAR

CASE ID 44A-TP-74471

PHOTOGRAPHER IA [redacted] (ERT) b6 b7C

LOCATION RETREAT AT TWIN LAKES

SANFORD FL

PHOTOGRAPHIC LOG

GENERAL INFORMATION

DATE 04/02/2012
CASE ID 44A-TP-74471
LOCATION Retreat At Twin Lakes
PREPARER/ASSISTANT IA [redacted] (ERT)
REMARKS

b6
b7C

PHOTO#	DESCRIPTION OF PHOTOGRAPHIC SUBJECT / MISCELLANEOUS COMMENTS
1	Photo Log
2	FRONT OF [redacted]
3	OVERVIEW OF [redacted] TWARD LONG OAK WAY
4	OVERVIEW OF [redacted] TOWARD BACK GATE
5	STREET VIEW OUTSIDE [redacted]
6	CUT THROUGH ACROSS FROM [redacted] towards BACK GATE
7	Street view outside [redacted]
8	INTERSECTION OF RETREAT VIEW CIR & LONG OAK WAY
9	STREET SIGNS " " "
10	CUT THROUGH AT INTERSECTION / TOWARDS RETENTION POND
11	Street South toward [redacted]
12	[redacted] ~~SOUTH~~ NORTH IN FRONT OF [redacted]
13	GRASSY AREA EAST OF [redacted]
14	[redacted] toward North
15	" " toward South
16	[redacted] GRASSY AREA to the EAST
17	[redacted] toward the South
18	OPEN GRASSY AREA W/ FENCE BETWEEN [redacted]
19	[redacted] BETWEEN [redacted] Long view shot
20	" " " Medium shot
21	" " "
22	" " "
23	" " " toward SW BEHIND BLDGS
24	" " " NE BEHIND BLDGS
25	" " " toward RVC
26	" " " " "
27	" " " outside 1460 from Speed Limit Sign
28	[redacted]
29	[redacted] STREET VIEW TOWARD NE
30	CUT THROUGH ACROSS FROM [redacted]
31	[redacted] STREET VIEW TOWARD SW
32	GRASSY AREA BETWEEN [redacted]
33	STREET VIEW FROM [redacted] TOWARD CLUBHOUSE
34	GRASSY AREA BETWEEN [redacted]
35	STREET VIEW FROM [redacted] TOWARD CLUBHOUSE
36	[redacted] TOWARD SOUTH

b6
b7C

b6
b7C

b6
b7C

PHOTOGRAPHIC LOG

GENERAL INFORMATION

DATE 04/02/2012
CASE ID 44A-TP-74471
LOCATION RETREAT AT TWIN LAKES
PREPARER/ASSISTANT [redacted] (ERT) b6 b7C
REMARKS

PHOTO#	DESCRIPTION OF PHOTOGRAPHIC SUBJECT / MISCELLANEOUS COMMENTS
37	STREET VIEW WEST FROM [redacted]
38	GRASSY AREA BETWEEN [redacted]
39	STONE PATH BEHIND CLUBHOUSE
40	" " " "
41	RETENTION AREA BEHIND CLUBHOUSE
42	" " " "
43	ClubHouse
44	ClubHouse
45	[redacted] WEST FROM CLUBHOUSE
46	STREET SIGNS [redacted] b6 b7C
47	CLUBHOUSE (LEFT SIDE NEAR MAIL BOXES)
48	STONE WALKWAY BEHIND CLUBHOUSE FROM MAIL BOXES
49	PATHWAY ALONGSIDE LEFT OF CLUBHOUSE TOWARD FRONT GATE
50	FRONT GATE
51-78	360° turn from FRONT GATE INTERSECTION OF [redacted]
79	FIRST PARKING SPACE OF CLUBHOUSE
80	[redacted] from FIRST PARKING SPACE
81	FIRST PARKING SPOT VIEW OF TREES
82	" " " " " MAILBOXES
83	" " " " " CLUBHOUSE
84	[redacted] towards FRONT GATE
85	" " RETENTION POND
86	BEHIND CLUBHOUSE TOWARDS THE WEST
87	PATHWAY BEHIND [redacted]
88	" " " "
89	[redacted] STREETVIEW IN FRONT OF [redacted]
90	" " " " " TOWARDS CLUBHOUSE
91	[redacted] " " " [redacted] TOWARDS SCENE b6 b7C
92	towards CUT THROUGH TO LEFT OF [redacted]
93	grassy AREA behind [redacted]
94	behind [redacted] toward SCENE
95	" " " toward CLUBHOUSE
96-124	360° AT CROSSWALK toward SCENE
124	CUT THROUGH TO LEFT OF [redacted]
128	GRASSY AREA BETWEEN [redacted]
129	CUT THROUGH TO LEFT OF [redacted] (REAR)

PHOTOGRAPHIC LOG

GENERAL INFORMATION

DATE 04/02/2012
CASE ID 44A-TP-74441
LOCATION RETREAT AT TWIN LAKES
PREPARER/ASSISTANT IA [redacted] (ERT) b6 b7C
REMARKS

PHOTO#	DESCRIPTION OF PHOTOGRAPHIC SUBJECT / MISCELLANEOUS COMMENTS
130	CUT THROUGH, FACING [redacted]
131	STREET VIEW FACING SOUTH FROM [redacted]
132	" " " NORTH FROM
133	" " " WEST TOWARD CUT THROUGH & SCENE
134 –	INTERSECTION OF CUT THROUGH SIDEWALKS BETWEEN HOMES
162	360° TOWARDS THE SCENE
163-190	360° NORTH FROM APPROX. LOCATION OF BODY
191	SOUTH FROM " " "
192	NORTH TOWARD " " "
193	GRASSY AREA BETWEEN [redacted] b6 b7C
194	" " "
195 –	360° NORTH TOWARD APPROX. LOCATION OF BODY
224	FROM CUT THROUGH BETWEEN [redacted] (REAR)
225	GRASSY AREA BETWEEN [redacted]
226	" " TOWARD APPROX LOC. OF BODY
227	" " BETWEEN [redacted]
228	" " " " " TOWARD Body
229	END OF SIDEWALK NORTH TOWARDS APPROX LOC. OF BODY
230	" " TOWARD BACK GATE
231	" " TOWARD WEST
232	[redacted] b6 b7C
233	[redacted] VIEW FROM REAR PATIO CENTER OF DOORWAY
234	FRONT
235	[redacted] VIEW FROM REAR PATIO TOWARD BODY
236	" " TOWARD SIDEWALK INTERSECTION
237	" " " " TOWARD SCENE
238	VIEW FROM APPROX LOC. OF BODY TOWARD [redacted] REAR
239	" " " " " " " " " & BALCONY
240	" " " " " " " " " & WINDOWS
241	" " " " " " " [redacted] REAR
242	[redacted] FRONT
243	" " REAR VIEW TOWARD SCENE b6 b7C
244	[redacted] FRONT
245	" " REAR FROM CUT THROUGH SIDEWALK
246	[redacted] FRONT
247	REAR TOWARD SCENE

PHOTOGRAPHIC LOG

GENERAL INFORMATION

DATE 04/02/2012
CASE ID 44A-TP-74471
LOCATION RETREAT AT TWIN LAKES
PREPARER/ASSISTANT IA [redacted] (ERT) b6 b7C
REMARKS

PHOTO#	DESCRIPTION OF PHOTOGRAPHIC SUBJECT / MISCELLANEOUS COMMENTS	
248	[redacted]	FRONT
249		FRONT
250		REAR TOWARD SCENE
251		REAR TOWARD SCENE
252	" "	" " "
253	[redacted]	FRONT
254		FRONT
255		FRONT
256		REAR TOWARD SCENE
257		REAR TOWARD SCENE
258		" " "
259		" " DOG RECEPTACLE
260		REAR TOWARD SCENE
261		REAR " "
262		AS SEEN FROM APPROX BODY LOC.
263		" " " " " "
264		" " " " " "
265		" " " " " "
266		" " " " " "
267		BALCONY " " " "
268		AS SEEN " " " "
269		~~BAL~~ UPSTAIRS WINDOWS AS SEEN " " "

b6 b7C

44A-TP-74471-1A19

FD-340 (Rev. 4-11-03)

File Number 44A-TP-74471 1A-20

Field Office Acquiring Evidence Tampa

Serial # of Originating Document 39

Date Received 4/02/2012

From SA [redacted] & SA [redacted]

(Name of Contributor/Interviewee)

~~850 Trafalgar Court, Suite 400~~ EER

(Address)

~~Maitland, FL~~ EER Sanford, FL

(City and State)

b6
b7C

By SA [redacted]

To Be Returned ☐ Yes ☑ No

Receipt Given ☐ Yes ☑ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6 (e)
Federal Rules of Criminal Procedure

☐ Yes ☑ No

Federal Taxpayer Information (FTI)

☐ Yes ☑ No

Title: TRAYVON MARTIN - VICTIM
[redacted] - SUBJECT
RACIAL DISCRIMINATION - FORCE & VIOLENCE

Reference: FD-302

(Communication Enclosing Material)

b6
b7C

Description: ☑ Original notes re interview of

[redacted], Sanford Police Investigator

[redacted]

FD-340 (Rev. 4-11-03)

File Number 44A-TP-74471 1A-21

Field Office Acquiring Evidence TP

Serial # of Originating Document 41

Date Received 03/30/12

From ____________________
(Name of Contributor/Interviewee)

____
(Address)

____
(City and State)

By [redacted]

To Be Returned ☐ Yes ☒ No

Receipt Given ☐ Yes ☒ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6 (e)
Federal Rules of Criminal Procedure

☐ Yes ☒ No

Federal Taxpayer Information (FTI)

☐ Yes ☒ No

Title: Trayvon Martin - Victim
[redacted] - Subject b6 b7C

Reference: ____________________
(Communication Enclosing Material)

Description: ☒ Original notes re interview of
[redacted]

FD-340a (Rev. 5-9-05)

(Title) Vol. 4

(File No.) 44A-TP-74471-1A

Item	Date Filed	To be returned Yes	No		Disposition
44A-TP-74471					
16				SERIAL.22; 1 DVD [redacted] WALK THROUGH"; 1 DVD [redacted] SPD SALLEYPORT VIDEO";	
17				SERIAL.23; O/N [redacted]	
18				SERIAL.25; SKETCH OF CRIME SCENE; COPY OF CONCEALED WEAPONS PERMIT; 1 CD OF PHOTO FROM [redacted] CELL PHONE; 1 CD SANFORD PD CRIME SCENE PHOTOS; ONE CD MARTIN CELL PHONE TOLL RECORDS	
19				SERIAL.27; PHOTOGRAPHIC LOGS; TWO DVD'S (ORIGINAL AND BACKUP TO ORIGINAL OF PHOTOGRAPHS TAKEN AT RETREAT AT TWIN LAKES;	b6 b7C
20				ORIGINAL NOTES RE INTERVIEW OF: [redacted] SANFORD POLICE INVESTIGATOR	
21				ORIGINAL NOTES RE INTERVIEW OF: [redacted]	
22				INTERVIEW NOTES OF [redacted]	
	* See Next Volume *				

FD-340 (Rev. 4-11-03)

File Number 44A-TP-74471 1A-22

Field Office Acquiring Evidence Tampa-ORA2

Serial # of Originating Document 42

Date Received 4-4-2012

From FBI Tampa
(Name of Contributor/Interviewee)

(Address)

(City and State)

By SA [redacted]

To Be Returned ☐ Yes ☑ No

Receipt Given ☐ Yes ☑ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6 (e)
Federal Rules of Criminal Procedure

☐ Yes ☑ No

Federal Taxpayer Information (FTI)

☐ Yes ☐ No

Title: TRAYVON MARTIN - VICTIM
[redacted] - SUBJECT

b6
b7C

Reference:
(Communication Enclosing Material)

Description: ☐ Original notes re interview of

- Interview notes of [redacted]