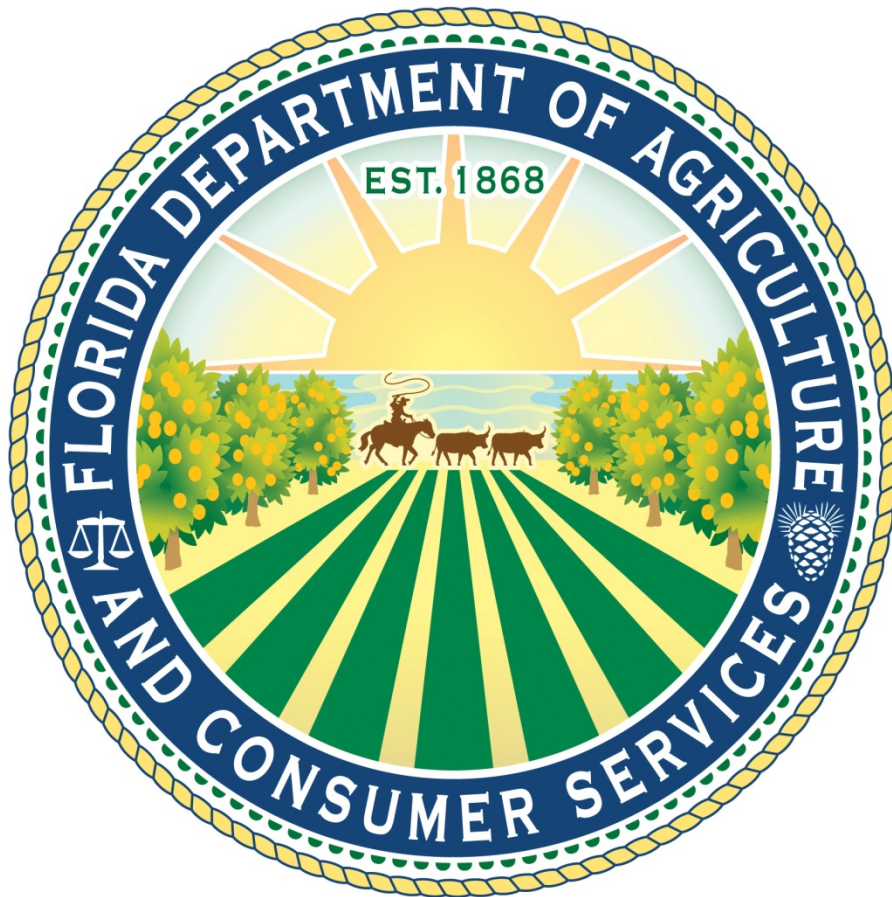


FIREARMS INSTRUCTOR'S TRAINING MANUAL



FDACS P-01850, revised 01/14
(Incorporated by reference in Rule 5N-1.134, Florida Administrative Code)



Florida Department of Agriculture and Consumer Services
Adam H. Putnam, Commissioner

TABLE OF CONTENTS

| | |
|--|----------|
| Foreword..... | Page 2 |
| Section I Legal Aspects of the Use of Firearms | Page 3 |
| • Chapter 493 | Page 4 |
| • Chapter 775 | Page 12 |
| • Chapter 776 | Page 19 |
| • Chapter 790 | Page 21 |
| • Civil and Criminal Liability | Page 69 |
| Section II Operational Firearms Safety..... | Page 81 |
| Section III Firearms Mechanical Training | |
| • Part I Revolvers | Page 88 |
| • Part II Semi-Automatic Pistols..... | Page 95 |
| Section IV Firearms Qualification | Page 111 |
| Section V Annual Firearms Qualification and Requalification Training | Page 142 |
| Section VI Annual Shotgun Requalification..... | Page 145 |
| Section VII Appendices | |
| • Appendix A Curriculum and Training Schedule..... | Page 159 |
| • Appendix B Sample Lesson Plan..... | Page 168 |
| • Appendix C Record-Keeping Requirements for Class K Firearms Instructors..... | Page 169 |
| • Appendix D Firearms Waivers..... | Page 170 |
| • Appendix E Division of Licensing Contact Information | Page 173 |

The division made extensive use of material in the following two publications in developing the training components of this manual, especially those materials pertaining to operational safety, mechanical training, and range qualification:

- the Police Reference Notebook published by the International Association of Chiefs of Police (IACP, 1970); and,
- the Police Firearms Instructor's Manual published by the National Rifle Association (NRA, 1968).

Additional materials from the Federal Bureau of Investigation (FBI) and the Lively Law Enforcement Academy were also incorporated into this manual.

FOREWORD: A Brief Word to All Class “K” Firearm Instructors

Security officers and private investigators that carry firearms while performing duties that are regulated by law bear a tremendous responsibility. They must not only be technically proficient in the use of the firearm they are carrying; they must also be intimately familiar with the rights and responsibilities that apply in connection with the carrying and use of a firearm by a licensed professional. Perhaps even most importantly, they must have thorough understanding of the restrictions concerning the use of a firearm in lawful self-defense.

This Firearm Instructor's Training Manual will serve as the basis for the firearms training you will administer to your students. The classroom material and range exercises contained in this manual are specifically designed to assist you in providing your students with the technical proficiency and knowledge to ensure that those students will be fully competent to carry a firearm while conducting regulated duties.

The manual includes several important features to which you should direct your attention in developing your training curriculum and materials and in conducting your training courses.

- Appendix A includes a detailed listing of the topics to be covered as part of the initial 28-hour training course and the 4-hour annual re-qualification course. This listing specifies the amount of time that you should devote to each of these topics during your training classes.
- Appendix B includes a sample lesson plan outline for administering firearms training. You can use this plan outline to develop your own lesson plans,
- Appendix C explains the record-keeping requirements by which you must abide as a firearms instructor in order comply with the law.
- Appendix D discusses the conditions that must be established in order for an agency to be granted a firearms waiver for one or more of its employees.
- Appendix E contains contact information for the division's main office and for the regional offices located throughout the state.

The Division of Licensing pledges to work with firearms instructors throughout the state to ensure that armed personnel working in the security and private investigative industries meet the highest standards of competency and professionalism. If you have any questions or if you need additional assistance, please contact the regional office nearest you.

SECTION I

LEGAL ASPECTS OF THE USE OF FIREARMS

LEGAL ASPECTS OF THE USE OF FIREARMS

The objective of this section of the curriculum is to provide each student with a basic familiarity and working knowledge of the various laws pertaining to the carrying and use of firearms by licensees. It is important that students develop a clear understanding of the use of force, including the use of deadly force.

- I. INSTRUCTIONAL METHOD:** Lecture
- II. RECOMMENDED TRAINING AIDS:** Handouts/Videos/Etc.

NOTE: The following sections of this manual include the parts of the law that should be the focal point of your training.¹

A. CHAPTER 493, FLORIDA STATUTES

PART I GENERAL PROVISIONS

NOTE: Only applicable sections of Chapter 493, Florida Statutes, have been included in this manual for instruction purposes.

493.6105 Initial application for license.—

(5) In addition to the requirements outlined in **subsection (3)**, an applicant for a Class “G” license must satisfy minimum training criteria for firearms established by rule of the department, which training criteria includes, 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. The department may waive the foregoing firearms training requirement if:

(a) The applicant provides proof that he or she is currently certified as a law enforcement officer or correctional officer pursuant to the requirements of the Criminal Justice Standards and Training Commission or has successfully completed the training required for certification within the last 12 months.

(b) The applicant provides proof that he or she is currently certified as a federal law enforcement officer and has received law enforcement firearms training administered by a federal law enforcement agency.

(c) The applicant submits a valid firearm certificate among those specified in paragraph (6)(a).

¹ NOTE: Statutes in this manual are effective as of 2013. The complete Florida Statutes can be viewed at: <http://www.leg.state.fl.us/statutes/>.

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.

493.6113 Renewal application for licensure.—

(3) (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 shall adopt by rule. Proof of completion of firearms recertification training shall be submitted to the department upon completion of the training. If documentation of completion of the required training is not submitted by the end of the first year of the 2-year term of the license, the individual's license shall be automatically suspended until proof of the required training is submitted to the department. If documentation of completion of the required training is not submitted by the end of the second year of the 2-year term of the license, the license shall not be renewed unless the renewal applicant completes the minimum number of hours of range and classroom training required at the time of initial licensure.

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(5) 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. 493.6108(1).

(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. 493.6108(1) 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 constitutes 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.

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.

(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.

(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.

(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.

(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.

(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).

(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 or Class "DS" or "RS" license and the approval or license of each officer, partner, or owner of the agency, school, or training facility are automatically suspended upon entry of a final order imposing an administrative fine against the agency, school, or training facility, 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 fines levied against the agency, school, or training facility. The agency or Class "DS" or "RS" license or the approval or license of any officer, partner, or owner of the agency, school, or training facility may not be renewed, and an application may not 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 and an application may not be denied if 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.

493.6120 Violations; penalty.—

(1)(a) Except as provided in paragraph (b), a person who engages in any activity for which this chapter requires a license and who does not hold the required license commits:

1. For a first violation, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
2. For a second or subsequent violation, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and the department may seek the imposition of a civil penalty not to exceed \$10,000.

(b) Paragraph (a) does not apply if the person engages in unlicensed activity within 90 days after the date of the expiration of his or her license.

(2)(a) A person who, while impersonating a security officer, private investigator, recovery agent, or other person required to have a license under this chapter, knowingly and intentionally forces another person to assist the impersonator in an activity within the scope of duty of a professional licensed under this chapter commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A person who violates paragraph (a) during the course of committing a felony commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) A person who violates paragraph (a) during the course of committing a felony resulting in death or serious bodily injury to another human being commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Except as otherwise provided in this chapter, a person who violates any provision of this chapter except subsection (7) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) A person who is convicted of any violation of this chapter is not eligible for licensure for a period of 5 years.

(5) A person who violates or disregards a 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.

(6) A person who was an owner, officer, partner, or manager of a licensed agency or a Class “DS” or “RS” school or training facility at the time of any activity that is the basis for revocation of the agency or branch office license or the school or training facility 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 or a school or training facility during the period of suspension.

(7) A person may not knowingly possess, issue, cause to be issued, sell, submit, or offer a fraudulent training certificate, proficiency form, or other official document that declares an applicant to have successfully completed any course of training required for licensure under this chapter when that person either knew or reasonably should have known that the certificate, form, or document was fraudulent. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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.

(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).

**PART II
PRIVATE INVESTIGATIVE SERVICES**

493.6201 Classes of licenses.—

(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.

**PART III
PRIVATE SECURITY SERVICES**

493.6301 Classes of licenses.—

(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.

493.6303 License requirements.—

(4)(a) Effective January 1, 2012, an applicant for a Class “D” license must submit proof of successful completion of a minimum of 40 hours of professional training at a school or training facility licensed by the department. The training must be provided in two parts, one 24-hour course and one 16-hour course. The department shall by rule establish the general content and number of hours of each subject area to be taught.

(b) An individual who submits an application for a Class “D” license on or after January 1, 2007, through December 31, 2011, who has not completed the 16-hour course must submit proof of successful completion of the course within 180 days after the date the application is submitted. If documentation of completion of the required training is not submitted by that date, the individual’s license shall be automatically suspended until proof of the required training is submitted to the department. A person licensed before January 1, 2007, is not required to complete additional training hours in order to renew an active license beyond the total required hours, and the timeframe for completion in effect at the time he or she was licensed applies.

(c) An individual whose license is suspended or revoked pursuant to paragraph (b), or is expired for at least 1 year, 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 provided in paragraph (a) before a license is issued.

(5) An applicant for a Class “G” license shall satisfy the firearms training outlined in s. 493.6115.

493.6305 Uniforms, required wear; exceptions.—

(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.

**CHAPTER 775, FLORIDA STATUTES
DEFINITIONS; GENERAL PENALTIES; REGISTRATION OF CRIMINALS**

775.01 Common law of England.—

The common law of England in relation to crimes, except so far as the same relates to the modes and degrees of punishment, shall be of full force in this state where there is no existing provision by statute on the subject.

775.011 Short title; applicability to antecedent offenses.—

(1) This act shall be known and may be cited as the “Florida Criminal Code.”

(2) Except as provided in subsection (3), the code does not apply to offenses committed prior to October 1, 1975, and prosecutions for such offenses shall be governed by the prior law. For the purposes of this section, an offense was committed prior to October 1, 1975, if any of the material elements of the offense occurred prior thereto.

(3) In any case pending on or after October 1, 1975, involving an offense committed prior to such date, the provisions of the code involving any quasi-procedural matter shall govern, insofar as they are justly applicable, and the provisions of the code according a defense or mitigation or establishing a penalty shall apply only with the consent of the defendant.

775.012 General purposes.—

The general purposes of the provisions of the code are:

(1) To proscribe conduct that improperly causes or threatens substantial harm to individual or public interest.

(2) To give fair warning to the people of the state in understandable language of the nature of the conduct proscribed and of the sentences authorized upon conviction.

(3) To define clearly the material elements constituting an offense and the accompanying state of mind or criminal intent required for that offense.

(4) To differentiate on reasonable grounds between serious and minor offenses and to establish appropriate disposition for each.

(5) To safeguard conduct that is without fault or legitimate state interest from being condemned as criminal.

(6) To ensure the public safety by deterring the commission of offenses and providing for the opportunity for rehabilitation of those convicted and for their confinement when required in the interests of public protection.

775.02 Punishment of common-law offenses.—

When there exists no such provision by statute, the court shall proceed to punish such offense by fine or imprisonment, but the fine shall not exceed \$500, nor the imprisonment 12 months.

775.021 Rules of construction.—

(1) The provisions of this code and offenses defined by other statutes shall be strictly construed; when the language is susceptible of differing constructions, it shall be construed most favorably to the accused.

(2) The provisions of this chapter are applicable to offenses defined by other statutes, unless the code otherwise provides.

(3) This section does not affect the power of a court to punish for contempt or to employ any sanction authorized by law for the enforcement of an order or a civil judgment or decree.

(4)(a) Whoever, in the course of one criminal transaction or episode, commits an act or acts which constitute one or more separate criminal offenses, upon conviction and adjudication of guilt, shall be sentenced separately for each criminal offense; and the sentencing judge may order the sentences to be served concurrently or consecutively. For the purposes of this subsection, offenses are separate if each offense requires proof of an element that the other does not, without regard to the accusatory pleading or the proof adduced at trial.

(b) The intent of the Legislature is to convict and sentence for each criminal offense committed in the course of one criminal episode or transaction and not to allow the principle of lenity as set forth in subsection (1) to determine legislative intent. Exceptions to this rule of construction are:

1. Offenses which require identical elements of proof.
2. Offenses which are degrees of the same offense as provided by statute.
3. Offenses which are lesser offenses the statutory elements of which are subsumed by the greater offense.

775.04 What penal acts or omissions not public offenses.—

Acts or omissions to which a pecuniary penalty is attached, recoverable by action by a person for his or her own use or for the use, in whole or in part, of the state or of a county or a public body, or of a corporation, are not public offenses within the meaning of these statutes.

775.08 Classes and definitions of offenses.—

When used in the laws of this state:

(1) The term “felony” shall mean any 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 a state

penitentiary. "State penitentiary" shall include state correctional facilities. A person shall be imprisoned in the state penitentiary for each sentence which, except an extended term, exceeds 1 year.

(2) The term "misdemeanor" shall mean any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by a term of imprisonment in a county correctional facility, except an extended term, not in excess of 1 year. The term "misdemeanor" shall not mean a conviction for any noncriminal traffic violation of any provision of chapter 316 or any municipal or county ordinance.

(3) The term "noncriminal violation" shall mean any offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by no other penalty than a fine, forfeiture, or other civil penalty. A noncriminal violation does not constitute a crime, and conviction for a noncriminal violation shall not give rise to any legal disability based on a criminal offense. The term "noncriminal violation" shall not mean any conviction for any violation of any municipal or county ordinance. Nothing contained in this code shall repeal or change the penalty for a violation of any municipal or county ordinance.

(4) The term "crime" shall mean a felony or misdemeanor.

775.081 Classifications of felonies and misdemeanors.—

(1) Felonies are classified, for the purpose of sentence and for any other purpose specifically provided by statute, into the following categories:

- (a) Capital felony;
- (b) Life felony;
- (c) Felony of the first degree;
- (d) Felony of the second degree; and
- (e) Felony of the third degree.

A capital felony and a life felony must be so designated by statute. Other felonies are of the particular degree designated by statute. Any crime declared by statute to be a felony without specification of degree is of the third degree, except that this provision shall not affect felonies punishable by life imprisonment for the first offense.

(2) Misdemeanors are classified, for the purpose of sentence and for any other purpose specifically provided by statute, into the following categories:

- (a) Misdemeanor of the first degree; and
- (b) Misdemeanor of the second degree.

A misdemeanor is of the particular degree designated by statute. Any crime declared by statute to be a misdemeanor without specification of degree is of the second degree.

(3) This section is supplemental to, and is not to be construed to alter, the law of this state establishing and governing criminal offenses that are divided into degrees by virtue of distinctive elements comprising such offenses, regardless of whether such law is established by constitutional provision, statute, court rule, or court decision.

775.082 Penalties; applicability of sentencing structures; mandatory minimum sentences for certain reoffenders previously released from prison.—

(1) A person who has been convicted of a capital felony shall be punished by death if the proceeding held to determine sentence according to the procedure set forth in s. 921.141 results in findings by the court that such person shall be punished by death, otherwise such person shall be punished by life imprisonment and shall be ineligible for parole.

(2) 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 as provided in subsection (1). 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.

(3) A person who has been convicted of any other designated felony may be punished as follows:

(a)1. For a life felony committed prior to October 1, 1983, by a term of imprisonment for life or for a term of years not less than 30.

2. For a life felony committed on or after October 1, 1983, by a term of imprisonment for life or by a term of imprisonment not exceeding 40 years.

3. Except as provided in subparagraph 4., for a life felony committed on or after July 1, 1995, by a term of imprisonment for life or by imprisonment for a term of years not exceeding life imprisonment.

4.a. Except as provided in sub-subparagraph b., for a life felony committed on or after September 1, 2005, which is a violation of s. 800.04(5)(b), by:

(I) A term of imprisonment for life; or

(II) A split sentence that is a term of not less than 25 years' imprisonment and not exceeding life imprisonment, followed by probation or community control for the remainder of the person's natural life, as provided in s. 948.012(4).

b. For a life felony committed on or after July 1, 2008, which is a person's second or subsequent violation of s. 800.04(5)(b), by a term of imprisonment for life.

(b) For a felony of the first degree, by a term of imprisonment not exceeding 30 years or, when specifically provided by statute, by imprisonment for a term of years not exceeding life imprisonment.

(c) For a felony of the second degree, by a term of imprisonment not exceeding 15 years.

(d) For a felony of the third degree, by a term of imprisonment not exceeding 5 years.

(4) A person who has been convicted of a designated misdemeanor may be sentenced as follows:

(a) For a misdemeanor of the first degree, by a definite term of imprisonment not exceeding 1 year;

(b) For a misdemeanor of the second degree, by a definite term of imprisonment not exceeding 60 days.

(5) Any person who has been convicted of a noncriminal violation may not be sentenced to a term of imprisonment nor to any other punishment more severe than a fine, forfeiture, or other civil penalty, except as provided in chapter 316 or by ordinance of any city or county.

(6) Nothing in this section shall be construed to alter the operation of any statute of this state authorizing a trial court, in its discretion, to impose a sentence of imprisonment for an indeterminate period within minimum and maximum limits as provided by law, except as provided in subsection (1).

(7) This section does not deprive the court of any authority conferred by law to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty. Such a judgment or order may be included in the sentence.

(8)(a) The sentencing guidelines that were effective October 1, 1983, and any revisions thereto, apply to all felonies, except capital felonies, committed on or after October 1, 1983, and before January 1, 1994, and to all felonies, except capital felonies and life felonies, committed before October 1, 1983, when the defendant affirmatively selects to be sentenced pursuant to such provisions.

(b) The 1994 sentencing guidelines, that were effective January 1, 1994, and any revisions thereto, apply to all felonies, except capital felonies, committed on or after January 1, 1994, and before October 1, 1995.

(c) The 1995 sentencing guidelines that were effective October 1, 1995, and any revisions thereto, apply to all felonies, except capital felonies, committed on or after October 1, 1995, and before October 1, 1998.

(d) The Criminal Punishment Code applies to all felonies, except capital felonies, committed on or after October 1, 1998. Any revision to the Criminal Punishment Code applies to sentencing for all felonies, except capital felonies, committed on or after the effective date of the revision.

(e) Felonies, except capital felonies, with continuing dates of enterprise shall be sentenced under the sentencing guidelines or the Criminal Punishment Code in effect on the beginning date of the criminal activity.

(9)(a)1. "Prison releasee reoffender" means any defendant who commits, or attempts to commit:

- a. Treason;
- b. Murder;
- c. Manslaughter;
- d. Sexual battery;
- e. Carjacking;
- f. Home-invasion robbery;
- g. Robbery;
- h. Arson;
- i. Kidnapping;
- j. Aggravated assault with a deadly weapon;
- k. Aggravated battery;
- l. Aggravated stalking;
- m. Aircraft piracy;
- n. Unlawful throwing, placing, or discharging of a destructive device or bomb;
- o. Any felony that involves the use or threat of physical force or violence against an individual;
- p. Armed burglary;
- q. Burglary of a dwelling or burglary of an occupied structure; or

r. Any felony violation of s. 790.07, s. 800.04, s. 827.03, s. 827.071, or s. 847.0135(5);

within 3 years after being released from a state correctional facility operated by the Department of Corrections or a private vendor or within 3 years after being released from a correctional institution of another state, the District of Columbia, the United States, any possession or territory of the United States, or any foreign jurisdiction, following incarceration for an offense for which the sentence is punishable by more than 1 year in this state.

2. "Prison releasee reoffender" also means any defendant who commits or attempts to commit any offense listed in sub-subparagraphs (a)1.a.-r. while the defendant was serving a prison sentence or on escape status from a state correctional facility operated by the Department of Corrections or a private vendor or while the defendant was on escape status from a correctional institution of another state, the District of Columbia, the United States, any possession or territory of the United States, or any foreign jurisdiction, following incarceration for an offense for which the sentence is punishable by more than 1 year in this state.

3. If the state attorney determines that a defendant is a prison releasee reoffender as defined in subparagraph 1., the state attorney may seek to have the court sentence the defendant as a prison releasee reoffender. Upon proof from the state attorney that establishes by a preponderance of the evidence that a defendant is a prison releasee reoffender as defined in this section, such defendant is not eligible for sentencing under the sentencing guidelines and must be sentenced as follows:

- a. For a felony punishable by life, by a term of imprisonment for life;
- b. For a felony of the first degree, by a term of imprisonment of 30 years;
- c. For a felony of the second degree, by a term of imprisonment of 15 years; and
- d. For a felony of the third degree, by a term of imprisonment of 5 years.

(b) A person sentenced under paragraph (a) shall be released only by expiration of sentence and shall not be eligible for parole, control release, or any form of early release. Any person sentenced under paragraph (a) must serve 100 percent of the court-imposed sentence.

(c) Nothing in this subsection shall prevent a court from imposing a greater sentence of incarceration as authorized by law, pursuant to s. 775.084 or any other provision of law.

(d)1. It is the intent of the Legislature that offenders previously released from prison who meet the criteria in paragraph (a) be punished to the fullest extent of the law and as provided in this subsection, unless the state attorney determines that extenuating circumstances exist which preclude the just prosecution of the offender, including whether the victim recommends that the offender not be sentenced as provided in this subsection.

2. For every case in which the offender meets the criteria in paragraph (a) and does not receive the mandatory minimum prison sentence, the state attorney must explain the sentencing deviation in writing and place such explanation in the case file maintained by the state attorney.

(10) If a defendant is sentenced for an offense committed on or after July 1, 2009, which is a third degree felony but not a forcible felony as defined in s. 776.08, and excluding any third degree felony violation under chapter 810, and if the total sentence points pursuant to s. 921.0024 are 22 points or fewer, the court must sentence the offender to a nonstate prison sanction. However, if the court makes written findings that a nonstate prison sanction could present a danger to the public, the court may sentence the offender to a state correctional facility pursuant to this section.

(11) The purpose of this section is to provide uniform punishment for those crimes made punishable under this section and, to this end, a reference to this section constitutes a general reference under the doctrine of incorporation by reference.

775.083 Fines.—

(1) A person who has been convicted of an offense other than a capital felony may be sentenced to pay a fine in addition to any punishment described in s. 775.082; when specifically authorized by statute, he or she may be sentenced to pay a fine in lieu of any punishment described in s. 775.082. A person who has been convicted of a noncriminal violation may be sentenced to pay a fine. Fines for designated crimes and for noncriminal violations shall not exceed:

- (a) \$15,000, when the conviction is of a life felony.
- (b) \$10,000, when the conviction is of a felony of the first or second degree.
- (c) \$5,000, when the conviction is of a felony of the third degree.
- (d) \$1,000, when the conviction is of a misdemeanor of the first degree.
- (e) \$500, when the conviction is of a misdemeanor of the second degree or a noncriminal violation.
- (f) Any higher amount equal to double the pecuniary gain derived from the offense by the offender or double the pecuniary loss suffered by the victim.
- (g) Any higher amount specifically authorized by statute.

Fines imposed in this subsection shall be deposited by the clerk of the court in the fine and forfeiture fund established pursuant to s. 142.01, except that the clerk shall remit fines imposed when adjudication is withheld to the Department of Revenue for deposit in the General Revenue Fund. If a defendant is unable to pay a fine, the court may defer payment of the fine to a date certain. As used in this subsection, the term “convicted” or “conviction” means a determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld.

(2) In addition to the fines set forth in subsection (1), court costs shall be assessed and collected in each instance a defendant pleads nolo contendere to, or is convicted of, or adjudicated delinquent for, a felony, a misdemeanor, or a criminal traffic offense under state law, or a violation of any municipal or county ordinance if the violation constitutes a misdemeanor under state law. The court costs imposed by this section shall be \$50 for a felony and \$20 for any other offense and shall be deposited by the clerk of the court into an appropriate county account for disbursement for the purposes provided in this subsection. A county shall account for the funds separately from other county funds as crime prevention funds. The county, in consultation with the sheriff, must expend such funds for crime prevention programs in the county, including safe neighborhood programs under ss. 163.501-163.523.

(3) The purpose of this section is to provide uniform penalty authorization for criminal offenses and, to this end, a reference to this section constitutes a general reference under the doctrine of incorporation by reference.

**CHAPTER 776, FLORIDA STATUTES
JUSTIFIABLE USE OF FORCE**

The use of force by licensees shall be guided by the Laws of the State of Florida as set forth below.

Licensees should not assume that a license issued by the Division of Licensing gives them anymore authority to use force than any other citizen of the State. The improper use of force while performing regulated activity can result not only in administrative action by the division but also in criminal charges by the criminal justice system.

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.

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.

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.

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.

NOTE:

IT IS THE POLICY OF THE DIVISION OF LICENSING THAT THE DISCHARGE OF THE FIREARM FOR WARNING PURPOSES IS NOT JUSTIFIABLE UNDER ANY CIRCUMSTANCE.

LICENSEES DISCHARGING THEIR FIREARMS WHILE ON DUTY IN VIOLATION OF THE LAWS OF THE STATE AND THE POLICIES OF THE DIVISION WILL BE DISCIPLINED PURSUANT TO THE DIVISION’S DISCIPLINARY GUIDELINES IN RULE 5N-1.113, F.A.C.

**CHAPTER 790, FLORIDA STATUTES
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:

- (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.

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.

790.015 Nonresidents who are United States citizens and hold a concealed weapons license in another state; reciprocity.—

(1) Notwithstanding s. 790.01, 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.
- (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.
- (c) Is a resident of the United States.

(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:

- (a) Registering to vote;
- (b) Making a statement of domicile pursuant to s. 222.17; or
- (c) 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.

(4) This section applies only to nonresident concealed weapon or concealed firearm licenseholders from states that honor Florida concealed weapon or concealed firearm licenses.

(5) The requirement of paragraph (1)(a) does not apply to a person who:

- (a) Is a servicemember, as defined in s. 250.01; or
- (b) Is a veteran of the United States Armed Forces who was discharged under honorable conditions.

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.

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.

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.

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. It is not a violation of this section for a person licensed to carry a concealed firearm as provided in s. 790.06(1), and who is lawfully carrying a firearm in a concealed manner, to briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense.

(2) A person may openly carry, for purposes of lawful self-defense:

(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.

(3) Any person violating this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

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.

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 \$70, if he or she has not previously been issued a statewide license, or a nonrefundable license fee not to exceed \$60 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 or the Division of Licensing of the Department of Agriculture and Consumer Services.
- (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 7/8 of an inch wide and 1 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 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.

(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 complete set of fingerprints 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, fingerprints. 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)(a) A license issued under this section does not authorize any person to openly carry a handgun or carry a concealed weapon or firearm into:

1. Any place of nuisance as defined in s. 823.05;
2. Any police, sheriff, or highway patrol station;
3. Any detention facility, prison, or jail;
4. Any courthouse;
5. 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;
6. Any polling place;
7. Any meeting of the governing body of a county, public school district, municipality, or special district;
8. Any meeting of the Legislature or a committee thereof;
9. Any school, college, or professional athletic event not related to firearms;
10. Any elementary or secondary school facility or administration building;
11. Any career center;
12. 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;

13. 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;

14. The inside of 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

15. Any place where the carrying of firearms is prohibited by federal law.

(b) A person licensed under this section shall not be prohibited from carrying or storing a firearm in a vehicle for lawful purposes.

(c) This section does not modify the terms or conditions of s. 790.251(7).

(d) Any person who knowingly and 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."

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).

790.065 Sale and delivery of firearms.—

(1)(a) 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:

1. 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. 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.

3. 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.

4. 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.

(b) 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), this subsection does not apply.

(c) This subsection does not apply to the purchase, trade, or transfer of a rifle or shotgun by a resident of this state when the resident makes such purchase, trade, or transfer from a licensed importer, licensed manufacturer, or licensed dealer in another state.

(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 or as provided in sub-sub-subparagraph b.(II), and as a result is prohibited by state or 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:

(I) 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; or

(II) Notwithstanding sub-sub-subparagraph (I), voluntary admission to a mental institution for outpatient or inpatient treatment of a person who had an involuntary examination under s. 394.463, where each of the following conditions have been met:

(A) An examining physician found that the person is an imminent danger to himself or herself or others.

(B) The examining physician certified that if the person did not agree to voluntary treatment, a petition for involuntary outpatient or inpatient treatment would have been filed under s. 394.463(2)(i)4., or the examining physician certified that a petition was filed and the person subsequently agreed to voluntary treatment prior to a court hearing on the petition.

(C) Before agreeing to voluntary treatment, the person received written notice of that finding and certification, and written notice that as a result of such finding, he or she may be prohibited from purchasing a firearm, and may not be eligible to apply for or retain a concealed weapon or firearms license under s. 790.06 and the person acknowledged such notice in writing, in substantially the following form:

“I understand that the doctor who examined me believes I am a danger to myself or to others. I understand that if I do not agree to voluntary treatment, a petition will be filed in court to require me to receive involuntary treatment. I understand that if that petition is filed, I have the right to contest it. In the event a petition has been filed, I understand that I can subsequently agree to voluntary treatment prior to a court hearing. I understand that by agreeing to voluntary treatment in either of these situations, I may be prohibited from buying firearms and from applying for or retaining a concealed weapons or firearms license until I apply for and receive relief from that restriction under Florida law.”

(D) A judge or a magistrate has, pursuant to sub-sub-subparagraph c.(II), reviewed the record of the finding, certification, notice, and written acknowledgment classifying the person as an imminent danger to himself or herself or others, and ordered that such record be submitted to the department.

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.

(I) Except as provided in sub-sub-subparagraph (II), 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.

(II) For persons committed to a mental institution pursuant to sub-sub-subparagraph b.(II), within 24 hours after the person’s agreement to voluntary admission, a record of the finding, certification, notice, and written acknowledgment must be filed by the administrator of the receiving or treatment facility, as defined in s. 394.455, with the clerk of the court for the county in which the involuntary examination under s. 394.463 occurred. No fee shall be charged for the filing under this sub-sub-subparagraph. The clerk must present the records to a judge or magistrate within 24 hours after receipt of the records. A judge or magistrate is required and has the lawful authority to review the records ex parte and, if the judge or magistrate determines that the record supports the classifying of the person as an imminent danger to himself or herself or others, to order that the record be submitted to the department. If a judge or magistrate orders the submittal of the record to the department, the record must be submitted to the department within 24 hours.

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, or the court that ordered that the record be submitted to the department pursuant to sub-sub-subparagraph c.(II), 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 data collected pursuant to this subparagraph 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 this 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.

(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.

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.

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.

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.

(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.

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.

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.

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.

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.

790.15 Discharging firearm in public or on residential property.—

(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, who knowingly discharges any firearm over the right-of-way of any paved public road, highway, or street or over any occupied premises, or who recklessly or negligently discharges a firearm outdoors on any property used primarily as the site of a dwelling as defined in s. 776.013 or zoned exclusively for residential use commits 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 Florida Forest Service.

(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.

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.

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.

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.

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:

(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.

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.

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.

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).

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 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.

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.

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.

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.

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.

(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.

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.

(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.

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.

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, barter, 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, barter, 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.

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.

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 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.

- (3) As used in this act, the term “minor” means any person under the age of 16.

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.

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.

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.

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).

(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 advisory boards 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 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:

(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.

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.

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.

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;
- (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.

790.233 Possession of firearm or ammunition prohibited when person is subject to an injunction against committing acts of domestic violence, stalking, or cyberstalking; 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, as issued under s. 741.30 or from committing acts of stalking or cyberstalking, as issued under s. 784.0485.

(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 does 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.

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.

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.

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.

(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 ¹s. 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.

(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.

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 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.

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.

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.

790.29 Paramilitary training; teaching or participation prohibited.—

(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.

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

790.33 Field of regulation of firearms and ammunition preempted.—

(1) PREEMPTION.—Except as expressly provided by the State Constitution or 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, storage, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or any administrative regulations or rules adopted by local or state government relating thereto. Any such existing ordinances, rules, or regulations are hereby declared null and void.

(2) 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) It is further the intent of this section to deter and prevent the violation of this section and the violation of rights protected under the constitution and laws of this state related to firearms, ammunition, or components thereof, by the abuse of official authority that occurs when enactments are passed in violation of state law or under color of local or state authority.

(3) PROHIBITIONS; PENALTIES.—

(a) Any person, county, agency, municipality, district, or other entity that violates the Legislature's occupation of the whole field of regulation of firearms and ammunition, as declared in subsection (1), by enacting or causing to be enforced any local ordinance or administrative rule or regulation impinging upon such exclusive occupation of the field shall be liable as set forth herein.

(b) If any county, city, town, or other local government violates this section, the court shall declare the improper ordinance, regulation, or rule invalid and issue a permanent injunction against the local government prohibiting it from enforcing such ordinance, regulation, or rule. It is no defense that in enacting the ordinance, regulation, or rule the local government was acting in good faith or upon advice of counsel.

(c) If the court determines that a violation was knowing and willful, the court shall assess a civil fine of up to \$5,000 against the elected or appointed local government official or officials or administrative agency head under whose jurisdiction the violation occurred.

(d) Except as required by applicable law, public funds may not be used to defend or reimburse the unlawful conduct of any person found to have knowingly and willfully violated this section.

(e) A knowing and willful violation of any provision of this section by a person acting in an official capacity for any entity enacting or causing to be enforced a local ordinance or administrative rule

or regulation prohibited under paragraph (a) or otherwise under color of law shall be cause for termination of employment or contract or removal from office by the Governor.

(f) A person or an organization whose membership is adversely affected by any ordinance, regulation, measure, directive, rule, enactment, order, or policy promulgated or caused to be enforced in violation of this section may file suit against any county, agency, municipality, district, or other entity in any court of this state having jurisdiction over any defendant to the suit for declaratory and injunctive relief and for actual damages, as limited herein, caused by the violation. A court shall award the prevailing plaintiff in any such suit:

1. Reasonable attorney's fees and costs in accordance with the laws of this state, including a contingency fee multiplier, as authorized by law; and
2. The actual damages incurred, but not more than \$100,000.

Interest on the sums awarded pursuant to this subsection shall accrue at the legal rate from the date on which suit was filed.

(4) EXCEPTIONS.—This section does not prohibit:

(a) Zoning ordinances that encompass firearms businesses along with other businesses, except that zoning ordinances that 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;

(b) A duly organized law enforcement agency from enacting and enforcing regulations pertaining to firearms, ammunition, or firearm accessories issued to or used by peace officers in the course of their official duties;

(c) Except as provided in s. 790.251, any entity subject to the prohibitions of this section from regulating or prohibiting the carrying of firearms and ammunition by an employee of the entity during and in the course of the employee's official duties;

(d) A court or administrative law judge from hearing and resolving any case or controversy or issuing any opinion or order on a matter within the jurisdiction of that court or judge; or

(e) The Florida Fish and Wildlife Conservation Commission from regulating the use of firearms or ammunition as a method of taking wildlife and regulating the shooting ranges managed by the commission.

(5) SHORT TITLE.—As created by chapter 87-23, Laws of Florida, this section may be cited as the "Joe Carlucci Uniform Firearms Act."

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.

(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.

CIVIL AND CRIMINAL LIABILITY

1. Definitions:

(a) **Criminal Liability:**

A legal obligation one incurs for commission or omission of an act. That obligation may include an arrest and booking; trial in court; and sentencing to pay a fine, or serving time in jail or prison. An entry is also made on the subject's criminal history record, maintained by the Department of Justice.

The parties in a criminal process include the defendant (the accused) and the prosecution (the People of the State of Florida).

(b) **Civil Liability:**

A legal obligation one incurs for commission or omission of an act. That obligation does not necessarily require one to spend time in jail or prison. However, it may require one to pay money to another party for "damages." That process generally involves one party filing a civil suit against another party in civil court. This process does not involve arrests.

The parties to a civil process are the "Plaintiff or Petitioner" and the "Defendant or Respondent."

Example: A licensee fatally shoots a fleeing suspect in the back. The licensee now becomes criminally liable for the bad shooting, which means that the state attorney may file a manslaughter charge against him. He will be arrested and booked and may be tried and sentenced to jail or prison. See s.782.07, Florida Statutes.

The licensee, his employer, and any other person named in a civil suit may also be civilly liable for the bad shooting. This means, for example, that the courts will find that he has deprived a family of the love, comfort, and financial support of the deceased. If the plaintiff wins his suit, the security officer, his employer, or both, may be required to pay money damages to the family of the deceased.

(c) **Negligence:**

Based upon accepted doctrine that a licensee owes to citizens a certain standard of care in his or her performance of duty, negligence occurs when, through an act or omission, the employee failed to conform his or her behavior to that reasonable standard.

(d) **Standard of Care:**

Recognized and accepted operating procedure, principle, or practice for the occupation or profession.

(e) **Liability:**

When a licensee's failure to conduct him or herself within that standard was the direct and proximate cause of an injury suffered.

(f) **Vicarious Liability:**

The attachment of liability to another person (supervisor of licensee) for the wrongful acts of a subordinate whom he orders or directs, or when he participates in or approves of such acts. Can also be through act (directing) or an omission (failure to act thus giving tacit approval).

2. **Use of Deadly Force:**

(a) **Purpose:**

The value of human life is immeasurable in our society. Licensees have been delegated the responsibility of protecting life and property. The value of life must, at all times, be of greater importance than the protection of property. The use of deadly force to protect or prevent the loss of property is never acceptable.

(b) **Definition:**

"Deadly force" as used in this manual is defined as that force that is intended to cause death or grave injury or that creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or grave injury.

(c) **Improper Use of Deadly Force:**

Criminal and civil consequences may result from circumstances when there is an improper use of deadly force. Any impropriety or misinformation in the licensing process could be used to impact either or both criminal or civil cases, and may also lead to administrative action against a licensee.

(d) **Excessive Use:**

In terms of the legal consequences of improperly using deadly force, the claim of excessive force is most common. Stated simply, if the licensee was not justified under state law in using a firearm, his use of deadly force may subject him to a number of sanctions including:

1. A civil action in a local or state court.
2. A civil rights action for money damages under Title 42 of the U.S. Code, Section 1983 in U.S. District Court.
3. A state criminal prosecution in local or state court.
4. A civil rights criminal prosecution under Title 18 of the U.S. Code, Section 242 in U.S. District Court.

The significant point in connection with these areas of liability is that each is a separate source of punishment for a single act of misconduct. A decision of no liability or not guilty from one source does not automatically discharge the licensee's liability in any of the remaining areas. Because of the legal status of each action, the differing standards of proving guilt, and the different courts in which they are heard, it is entirely possible that a licensee may be found liable, guilty, and culpable in four areas, or any combination thereof, as a result of a single incident involving deadly force. Defenses of double jeopardy or equitable estoppel, it has been held, do not apply to prevent multiple liability.

To provide the essential elements of the actions and clarify the differences among them, a brief outline of each follows:

1. Civil Action in State Court - Traditionally, the most common action in response to the perceived improper use of force was a lawsuit against the licensee for the harmful or offensive intentional, unpermitted, and unjustified bodily contact. Under a given set of facts, a licensee may be justified in using an amount of force short of deadly force. If he exceeds this permitted level of force, he may be liable in damages for whatever injury was inflicted.

If a licensee, through the improper use of deadly or non-deadly force, kills someone, he may be liable to the deceased's survivors under another civil action known as Wrongful Death. Since courts have held that an assault and battery action terminates only with the death of the victim, a Wrongful Death action provides a vehicle by which survivors may recover damages for the deceased's pain and suffering, medical expenses, and loss of earnings potential.

2. Civil Rights Action for Money Damages Under 42 USC 1983 -- The cited portion of the federal statute provides;

"Every person, who under color of any statute, ordinance, regulation, custom or usage of any state or territory, subjects or causes to be subjected any citizen of the United States or other persons within the jurisdiction thereof, to the deprivation of any rights, privileges or immunities secured by the Constitution and laws shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

Through a succession of decisions, federal courts have constructed the term "deprivation of ... a right ... secured by the Constitution" to include the improper or excessive use of force by a security officer. Injured plaintiffs under this cause of action may recover both compensatory and punitive damages.

3. State Criminal Prosecution - A licensee, merely because he is licensed, is not immune to prosecution for criminal conduct. The improper use or unjustified use of deadly force by a licensee may, therefore, give rise to prosecution for the crimes of assault and battery, assault with a deadly weapon, manslaughter, or murder.

4. Civil Rights Criminal Prosecution Under 18 USC 242 -- The criminal equivalent to 42 USC 1983, is 18 USC 242, violation of this statute may result in the assessment of criminal penalties ranging from a fine to incarceration in a federal penal institution. A prosecution under this statute is with the prior approval of the U.S. Department of Justice and is initiated by the United States Attorney for the jurisdiction in which the act occurred.

As amended in 1968, Title 18 United States Code, Section 242, now provides:

“Whoever, under color of any law, statute, ordinance, regulation or custom, willfully subjects an inhabitant of any State, Territory or District to the deprivation of any rights, privileges or immunities secured or protected by the Constitution or Law of The United States, or to different punishments, pains or penalties on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both; and if death results, shall be subject to imprisonment for any terms of years or for life.”

The United States Supreme Court has defined several offenses which would be punishable under the portion of the statute dealing with deprivation of constitutionally protected rights including:

- Arrests made without probable cause or arrest warrant;
- Illegal searches or seizures;
- Unlawful assaults and batteries; and
- Wrongful homicides.

Clearly, under this schedule of offenses, licensees may be the subject of criminal prosecution for misuse of a firearm in some intentional manner whether or not death occurs.

(e) **Negligence:**

In the areas of civil litigation, licensees are highly vulnerable in two areas: negligent use of deadly force, and intentional use of excessive force. With respect to negligence, the law requires that licensees conduct their activities in a fashion that does not expose others to an unreasonable risk of harm. A licensee is, therefore, called upon to weigh the consequences of his actions carefully and ascertain whether the utility or benefit of his conduct will be overshadowed by the risk of harm to other persons.

A risk is unreasonable and an act is negligent if a reasonable and prudent man would recognize the act as involving a risk and determine that risk to be of such a magnitude as to outweigh the possible benefit of the act.

The courts, in attempting to assess liability, will balance the immediate necessity of the shooting against the potential danger created by the use of the weapon.

Incidents which present clearer examples of negligence involve the reckless, indiscriminate, and random use of a firearm, shooting at fleeing misdemeanants, and **firing warning shots**.

When a licensee discharges his firearm, he has no control over where the bullet goes once it leaves the muzzle. This is especially true when firing warning shots. The laws of gravity apply to bullets as well as apples; what goes up, must come down, and the licensee has no control over where that bullet will land. Warning shots are also subject to ricochets which can cause unintended property damage and personal injury or death. For these reasons, licensees are never authorized, nor justified, in the use of warning shots and are subject to civil liability.

NOTE:

**IT IS THE POLICY OF THE DIVISION OF LICENSING THAT THE DISCHARGE OF THE FIREARM FOR WARNING PURPOSES IS NOT JUSTIFIABLE UNDER ANY CIRCUMSTANCE. LICENSEES DISCHARGING THEIR FIREARMS WHILE ON DUTY IN VIOLATION OF THE LAWS OF THE STATE AND THE POLICIES OF THE DIVISION WILL BE DISCIPLINED PURSUANT TO THE DISCIPLINARY GUIDELINES OF THE DIVISION.
(Rule 5N-1.113(2)(j), F.A.C.)**

The intentional use of a firearm under mistaken or misperceived facts is perhaps the most treacherous area of liability for licensees. Licensees are clearly not legally or morally required to wait until a suspect actually shoots at either the licensee or someone else in order to use deadly force. However, the highest degree of care and diligence must be exercised by the licensee to ensure that his perceptions are indeed valid. A typical situation involves the suspect making a sudden suspicious move toward a potential hiding place for a weapon, or the sudden display of a suspicious object which under the circumstances appears to be a weapon. In some of these instances, licensees have employed deadly force and have been exonerated by the subsequent discovery of a weapon. In others, however, the “weapon” has turned out to be a harmless object such as a wallet or identification papers. Licensees in these cases, when acting under a reasonable belief that they are facing potentially deadly force and when using their weapons with this belief as a last resort, should incur no liability.

Finally, the “accidental” discharge of a firearm may produce a negligence suit in one of two ways: accidental discharge of a firearm pointed at a suspect, or improper handling of a firearm. In the first situation, a licensee may be liable if he improperly draws his firearm and it subsequently discharges, accidentally striking either a suspect or a bystander. An example would be an instance in which a licensee improperly draws his firearm at the scene of a “disorderly person” complaint when no deadly force has been used or threatened, then trips, causing the firearm to fire wounding a bystander.

(f) **Vicarious Liability:**

The final area of liability deals not with that of the individual licensee who employs deadly force, but that of an agency owner or supervisor. The law of vicarious liability may result in negligence being assessed against a supervisor, or agency owner for insufficient, improper or inadequate training or supervision of the licensee.

(g) **Negligent Entrustment:**

An agency head or supervisor charged with the responsibility of equipping licensees with firearms might be liable under this legal theory if they knew, or should have known, that a particular licensee was incompetent and, nevertheless, provided him with a dangerous instrument, specifically, a firearm. If, as a result of providing the incompetent licensee with the firearm, some innocent third party is injured, liability will attach.

This action addresses those situations in which a licensee who fails to meet proficiency standards is allowed to carry a firearm and subsequently negligently injures someone with that firearm. Clearly under these circumstances, liability will attach to an employer who allows the licensee to retain his firearm and possibly to a supervisor who fails to take appropriate action regarding the licensee's continued use of that firearm.

(h) **Negligent Assignment:**

Negligent assignment may be charged in instances in which a licensee, under investigation for misuse of a firearm, is allowed to remain on duty during which time he again uses deadly force in an improper manner. An employer who has been put on notice of the possibility of incompetency by a first instance of firearm misuse, and who fails to temporarily remove the errant licensee from a position in which he may again act negligently, may be liable for that failure to act. The prudent employer must, under such conditions, reassign a licensee who has used deadly force to an unarmed position until it has been conclusively established that he/she did so in a justifiable and proper manner.

3. **Hazardous Situations and Discussion of Case Examples:**

Note to Instructor:

This section describes a series of situations in which licensees must make a decision whether to use a firearm or other means of defense. Some of the situations have been taken from real cases and some are hypothetical. Each of the circumstances involves a legal or moral premise that should have, at this point, been covered in the course. In every case, the decision to use the firearm will have a practical element that must be correlated with moral and legal considerations.

The concept of the licensee becoming involved in a potential shooting situation should be explored from the beginning of each case. Was it necessary for the licensee to get involved? Could the licensee have called the police to take the necessary action? Other alternatives should be discussed, such as:

- Personal use of physical restraint;
- Recruitment of help from bystanders, in addition to the police;
- Use of tear gas if properly instructed and licensed;
- Use of a baton if properly instructed and credentialed; and finally,
- The use of a firearm.

Licensees should examine their options, including, but not limited to: their physical strength and abilities, the type of resistance or violent situation they face, examine the situation to evaluate the circumstances and choose the proper and necessary defense to protect their lives and/or the lives of others.

In some cases, the improper handling of the firearm aggravates a situation beyond its original level. The prospect of using the firearm results in an emotional buildup that can cloud judgment and overcome common sense. One of the goals of these discussions is to supply licensees with the knowledge that they do have options and regardless of the stressful situation, should try to exercise the least explosive option by using the least force necessary to achieve the desired result.

At the end of each situation discussion, the decision must be made as to what action should have been taken. The firearms instructor is cautioned to avoid resolving the question in a simplistic manner. Before making the decision, each situation should be approached as a basis for class discussion with full involvement by each student to explore:

1. How the licensee became involved, and should he/she have been involved?
2. Did the licensee use a correct approach to the incident and the suspect?
3. What are the laws governing the situation?
4. What are the moral considerations?
5. What are the alternate ways the incident could have been handled?
6. What are the liabilities of the licensee and the employer?

The cases were selected or devised to represent a cross-section of actual situations. A common pitfall to discussion is allowing a licensee to make up a set of impossible circumstances that would be remote from reality. The discussion should be conducted at a level that is believable and probable.

Proper discussion of these situations will place the circumstances in perspective and cause the licensee to think before taking action.

Remember - If in doubt of absolute necessity - Don't Shoot.

Use as many examples as time will allow, encouraging class discussion. These situations are a true test and evaluation of the students' knowledge of the previously covered moral and legal lecture.

Situation #1:

You are guarding a liquor store and are advised by a customer that there is an armed robbery in progress. You look around the corner and see a man rushing out the front door with a firearm in his hand.

Instructor Discussion:

Instead of immediately looking around the corner, call the police first. The suspect could turn around and see you as you look around the corner, thus increasing the probability of armed conflict. The man is running away from you and there is no threat of death or great bodily injury. Don't shoot.

Situation #2:

You have been advised that a burglary has occurred at a warehouse you are guarding. The suspects were observed leaving the scene in a blue 2013 Ford Mustang. Later that night, while patrolling the grounds in a well-marked security vehicle, you observe the suspects' vehicle traveling through the parking lot at a high rate of speed with the headlights off. You see a flash come from the driver's side of the suspect's vehicle and almost simultaneously the front windshield of your patrol car cracks. The suspect vehicle continues through the parking lot at a high rate of speed.

Instructor Discussion:

Don't shoot. Record license number and description of vehicle and suspects if it is possible to do so from a covered position. Pursuit could result in serious injury to you or to innocent bystanders who may get in the way. Call for police as soon as possible.

Situation #3:

You see someone shoot and kill a clerk in the store you have been hired to guard and then run outside where he randomly shoots at people and cars in the parking lot. He does not see you or shoot at you.

Instructor Discussion:

Always remember your line of fire and the distance between you and the suspect. Are you within range? If you shoot are you likely to hit the suspect or people around him?

Situation #4:

You are on foot patrol at a used-car lot at night. While checking a dark corner of the lot you observe a man forcing entry into a car. You cannot determine if the man is armed. You're standing approximately 15 feet behind him and order him to "hold it right there." He spins around and throws an antenna at you, which misses. He then attempts to climb over the fence.

Instructor Discussion:

Do not shoot. Pursue, observe, report.

Situation #5:

You are a security officer in a bank. You see a man at one of the teller's windows with a firearm aimed at the teller. You are standing next to a pillar in the middle of the room. There are people behind you, on either side of you, and behind the teller. The suspect turns, sees you and starts firing at you while he is backing out of the bank.

Instructor Discussion:

Note to instructor: This would be an ideal point at which to begin a discussion about what might have happened if the guard had not been seen by the robber.

You should first consider your line of fire while you take a defensive position or find cover (as you should at all times). You should then consider the safety and possible imminent danger to the people in the area.

Situation #6:

You are a security officer working at a bank. You have just gone to the lunchroom for your break when a teller informs you that an armed robbery is in progress.

Instructor Discussion:

You do not know that the shining object in his hand is a weapon; however, you should assume a defensive position as if it were. Progress with a verbal contact while being prepared to defend yourself.

Situation #7:

You are working at a manufacturing plant doing clock rounds at night when you find a back window open. You look through the window and observe a man crouched by the safe with the safe door open. You call to the man and he breaks into a run for the front door.

Instructor Discussion:

Do not shoot. Determine if the suspect is armed if possible. Observe, pursue or take up a position to observe and report. Call law enforcement.

Situation #8:

You receive a call at night that someone is shooting in the hills behind the lumber mill where you work. You are checking the area when you hear a bullet go over your head. You turn around and see a man in the brush taking aim in your direction with a rifle.

Instructor Discussion:

Take cover if possible. The suspect may not be shooting at you, he may not have seen you, or may be just shooting randomly in the hills. Make an effort to get out of his range of fire and call for law enforcement support. Watch for further activity by the subject and remember the pistol vs. rifle. Depending on how far away the suspect is, returning fire may be useless.

Situation #9:

You and a fellow security officer are assigned to a waterfront warehouse and you become aware that a burglary may be in progress. You have notified the local police department. As you begin to enter the warehouse to observe, you hear police cars pulling into the area.

Instructor Discussion:

When police arrive, turn the search over to them and stand by.

Situation #10:

You are assigned to a grocery store on this evening. You are in the middle of the store where several customers are shopping. Suddenly you observe a man at the counter where the clerk is taking money from the register and putting it into a paper bag. You see another man by the entrance of the store with his hands in his pockets.

Instructor Discussion:

Any sudden movement on your part is likely to provoke the robber into using his weapon if he has one. You must assume that the man at the front door with his hands in his pocket has a weapon and may be a lookout.

Since you have an opportunity to get a detailed description of the robbers, do so. Always remember your line of fire and distance between you and the subject. Are you within range? If you shoot, are you likely to hit the suspect or people around him?

Situation #11:

You are in the kitchen of the restaurant you have been assigned to guard when a waitress informs you that an individual is frightening a group of people in the restaurant.

Instructor Discussion:

The first thing to do is to have the waitress or someone call the police. Then have the waitress describe the situation fully. Is the man armed? Where is he? Could you manage to view the incident without being seen? Could your sudden presence cause a more serious situation? Has the man hurt anyone? Think and act accordingly.

Situation #12:

It is noon and you are on your way to work as a security officer at the bank. As you arrive you observe two men running out of the bank and down the street.

Instructor Discussion:

Are the men armed? If they are armed, do not pursue. Observe these further actions from a covered position. If the men are entering a vehicle, get a description of the vehicle and the vehicle's license number and, if moving, the vehicle's direction. If you see the men enter a building, get the address. If possible, call police and continue to observe, until receiving further instructions.

LEGAL ASPECTS OF THE USE OF FIREARMS

Notes:

SECTION II

OPERATIONAL FIREARMS SAFETY

OPERATIONAL FIREARMS SAFETY

This section covers the general safety rules to be used by licensees in the handling, storing, and wearing of the service handgun. The licensee who is armed with a handgun is depending on it as an instrument that may assure safety and protect life. It is expected that a licensee must be properly trained and knowledgeable of the principles of safe handling and care of the handgun.

I. Instruction Method - Lecture

II. Training Aids

- A. One (1) .38 or .357 caliber revolver
- B. One (1) Semi-automatic Pistol
- C. Audio/Visual equipment as required
- D. One (1) Schematic of .38 or .357 caliber revolver
- E. One diagram of the Semi-automatic pistol

III. Outline of Lesson

- A. The General Safety Rules in Handling Firearms
- B. The Proper Wearing and Storage of the Handgun
- C. Safety Rules for Firing Handguns
- D. Semi-automatic Safety Standards
- E. Semi-automatic Operational Standards
- F. General Storage of the Semi-automatic Pistol
- G. Holsters

A. THE GENERAL SAFETY RULES IN HANDLING FIREARMS

- 1. General Safety Precautions
 - (a) Treat every firearm as if it is loaded. This applies to your service revolver as well as other service weapons. It applies to weapons which come into your custody under any circumstances. It applies, even, to firearms which you KNOW to be unloaded. This should be an absolute rule.
 - (b) Open the action. In the revolver, this involves swinging the cylinder out of the frame. Don't pass a "closed" weapon to another person. It isn't good gun manners and it isn't safe.

- (c) Unload. When you take the revolver from its holster for any purpose other than to fire it ... unload! Unloading the revolver involves three steps: 1) eject the cartridges into the hand; 2) check the chambers in the cylinder to be sure they are all empty; 3) count the number of rounds in the hand to be sure they are all there. This last check is to prevent losing one and, perhaps, avoid trouble later on. Remember ... YOU are the one who is responsible. Don't take anyone's word as to whether it is loaded. Check it yourself.
- (d) Never point a firearm, loaded or unloaded, at anyone you do not intend to shoot, nor in a direction where unintentional discharge could cause injury or damage. This rule is especially important in connection with dry firing. Most instructors have students dry fire when training. The person doing the dry firing may be tempted, because he knows the gun to be unloaded, to point it at another person. Don't use a window as a dry firing target. Don't use an inside wall. Dry firing is a range practice that must only be used on a range under the instruction of a firearms instructor.
- (e) Keep the finger out of the trigger guard until you are ready to fire. Develop the habit of handling the revolver without getting the fingers in contact with the trigger. This will be a valuable habit when you draw for combat shooting or when you are carrying the weapon ready for use. Even stumbling may cause an involuntary grip which could cause an accidental discharge. Remember ... the trigger is for firing ... the handle is for handling.
- (f) Don't pull the hammer back to the cocked position unless you intend to fire. When it is necessary to lower the hammer on a live round, however, use this procedure: Remove finger from trigger and point weapon in safe direction. Place the left thumb between the hammer and the frame. Place right thumb securely on cocking spur to control fall of hammer. Press trigger with right index finger and allow thumb and hammer to move forward slightly. Remove finger from trigger and keep it clear. With right thumb, let hammer down slowly until it is in contact with left thumb. Remove left thumb from path of hammer and control remaining fall of hammer. If this procedure is necessary with one hand: Remove finger from trigger and point weapon in a safe direction. Place right thumb securely on cocking spur. Place right index finger on the trigger, squeeze it and remove it immediately. Guide the hammer down very carefully.
- (g) Don't allow yourself to acquire nervous habits related to your revolver. Wherever you may be, don't remove it from the holster for idle purposes such as flexing the trigger, spinning the cylinder, swinging the cylinder in and out of the frame. In short, don't "play" with it. Don't use your holstered revolver as a hanger for the nightstick or a hand or elbow rest.

B. THE PROPER WEARING AND STORAGE OF THE HANDGUN

We are creatures of habit. Many of our behavioral patterns are unconsciously learned, while others must be behaviorally acquired and willfully repeated until they become an integral part of

our makeup. One such habit that should be developed concerns the wearing of the firearm and its off-duty storage. There must be a conscious effort to regard the weapon not only as an instrument that may protect life but also as a potential deadly threat to the safety of innocent persons. The officer must then adopt and consistently follow the practice of properly storing his weapon and keeping it out of the reach of the curious and the immature.

Proper storage is especially important when off duty and storing firearms at home. The most important rule is **NEVER STORE A LOADED FIREARM**. Also of critical importance is to keep all stored firearms under lock and key and use other safety devices where possible. Trigger locks and devices to lock cylinders in the open position and storing firearms separate from ammunitions are just some safety precautions that may help avoid tragedy. When possible, it is advisable to store the firearm and ammunition separately.

The Class "G" license is only valid while on duty and when actually performing regulated activity. Licensees are only permitted to wear a firearm in accordance with Section 493.6115(3), Florida Statutes, and Rule 5N-1.130, Florida Administrative Code.

While on duty, your weapon should be worn in a manner that will permit easy access. It is with this thought in mind that you should develop the habit of wearing your holstered weapon where the hand touches the side on the same side as your gun hand. The daily ritual of placing your service revolver at the same position and location will reduce the reflex time required to draw the weapon in time of an emergency.

NOTE: SECTION 493.6115, FLORIDA STATUTES, STATES THAT FIREARMS SHALL BE ENCASED IN VIEW AT ALL TIMES (WITH THE EXCEPTION OF CLASS "C" AND "CC" LICENSEES WHO POSSESS A CLASS "G" STATEWIDE FIREARMS LICENSE); AND

SECTION 493.6305(3), FLORIDA STATUTES, STATES THAT 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.

C. SAFETY RULES FOR FIRING HANDGUNS

Safety rules, in themselves, have never prevented an accident. It is the practice of safety rules to a point where they become automatic that prevents accidents. Even that is not enough! The mind of the shooter must also be devoted to his actions. The person with a firearm in his possession has a full-time job. You cannot guess, you cannot forget, you must know!

YOU MUST KNOW:

- How the handgun works;
- Whether it's loaded;
- Where the barrel is directed;
- Where and what the target is;
- Where and how far the bullet will go and what it will penetrate;
- Where the bullet will stop.

D. SEMI-AUTOMATIC SAFETY STANDARDS

There is no safe direction in which to direct a firearm due to ricochet, penetration, etc. Therefore, the barrel must be aimed in a direction that would not cause injury if discharged.

The finger is to be kept off the trigger except when preparing to fire an intentional shot. Unintentional discharge results from negligence which may result in liability for a wrongful act.

The firearm must be unloaded with the action open until ready for use. A firearm should remain unloaded when not in use and kept in custodial control of a responsible person who has the skills to ensure its safe care.

E. OPERATIONAL STANDARDS

1. Standards

- (a) Always remove the magazine;
- (b) Lock the slide back;
- (c) Inspect the chamber to be positive there is no round in the chamber. Also check the magazine.

2. On the range the firearm should be in one of the following positions:

- (d) Snapped in the holster;
- (e) At low gun ready toward the target with the finger off the trigger;
- (f) Down range in preparation of firing an intentional shot.

F. GENERAL STORAGE OF SEMI-AUTOMATIC PISTOLS

Anytime a licensee is not in the "CUSTODIAL CONTROL" of a firearm, the following standards must be met:

- 1. The firearm must be unloaded, locked and secured to prevent use by unauthorized persons.
- 2. All magazines stored in a separate area away from all firearms.
- 3. At no time will a loaded or unloaded firearm be left out and in the custodial control of an untrained person.

All persons owning firearms acquire the responsibility to ensure public safety. All possible steps must be taken to maintain this goal.

G. HOLSTERS

Holsters are designed to function safely and fit factory equipped handguns. Your holster should only be used with the specific gun with which it was designed to be used. Guns and holsters should never be modified in any way as they may increase the chance for accidental discharge. Discontinue use of your holster if it does not fit correctly or it becomes worn, loose, or defective.

Duty holsters are required to have a snap that will remain securely fastened until it is necessary to draw the handgun.

To determine where the holster should be worn on the belt, the shooter should stand still with eyes closed and attempt to draw the imaginary firearm. The firearm should be worn where the hand touches the side to see that the height and angle of the grip is proper.

It is extremely important for the firearm to be worn in the same place. This is especially important during firearms training to ensure safe and efficient handling.

Selecting a holster

Select a holster that is designed for the type firearm you will carrying on duty and one that is designed for the type duty you have been assigned (uniform/plain clothes).

Select a holster that best meets your requirements with regard to safety, security and availability of the weapon. Keep in mind that safety and security features may make the weapon less available. The more availability built into the holster, the less safe and secure the weapon is from accidentally falling from the holster or being removed by unauthorized persons. Read the safety information that comes with the holster. The holster must properly fit the firearm. Check for defects in material and workmanship.

The retaining strap and other devices must function properly. The student must demonstrate proficiency in safely and purposefully extracting the firearm.

Storing and caring of your holster

Normal daily cleaning of your equipment will ensure that it retains the qualities that caused you to purchase it in the first place. However, the following procedures will only enhance the appearance and longevity of your holster.

You may, if you feel it necessary, treat the interior of your holster with a spray silicone to help protect against excess moisture.

If you leave your handgun in the holster, check it daily for moisture condensation or corrosion.

Store your holster in a cool, dry place. Avoid high humidity to prevent mildew and dry heat which can cause drying or cracking.

If your holster becomes water soaked, reshape it as best you can and allow it to dry at room temperature. Avoid the use of excessive heat caused by hot ovens or other devices as it will shrink, harden or crack the leather.

If your holster becomes dry or scratched, treat the exterior with a commercial leather dressing that does not contain lacquer. Also be careful when using Neatsfoot oil since large amounts will cause excessive softening of the leather.

Types of holsters

Belt holster - most commonly used holster.

Shoulder holster - Similar to cross draw. Causes the shooter to sweep the barrel toward individuals other than the suspect which is unsafe.

Ankle holster - Unique and requires special training. However, is effective in hot weather.

Pancake or belt holster - Very effective. Affords the most control of the firearm.

Inside pants holster - Similar to belt holster. Is uncomfortable.

The major factor when students choose a holster is not necessarily which type of holster they choose, but how to best train in the rapid use of the holster, regardless of its position in relationship to the body. Once a holster is purchased, ensure that students train with the same holster until drawing their weapon becomes a conditioned reflex. As holster "consumers," students should obtain the best holster that will meet their individual needs. They should consider the following questions before purchasing a holster:

1. Does it meet their company or agency requirements?
2. Is it constructed of quality materials?
3. Does it fit correctly?
4. Does it meet their needs and can they use it proficiently?

There may be other specific questions or concerns depending on their requirements. If they have a choice, they should examine their options and make their decision as if they were making a multimillion dollar investment. No decision should be based on incomplete or biased information. Remember, the decision they make concerning their holster, or any other piece of equipment, may ultimately have an impact on their life and that of others.

SECTION III

FIREARMS MECHANICAL TRAINING

PART 1 REVOLVERS

FIREARMS MECHANICAL TRAINING: PART 1 REVOLVERS

This section covers the physical aspects of the revolver along with the care and appropriate handling of the weapon.

Section 463.6115(6), Florida Statutes, provides that, in addition to any other firearm approved by the department, Class "G" licensees may carry a .38 caliber revolver; or a .380 caliber or 9 millimeter semiautomatic pistol; or a .357 caliber revolver with .38 caliber ammunition, while performing duties authorized under this chapter of Florida Statutes.

This part need be taught only if the student will be carrying a revolver in the performance of his or her duties. However, if the student will carry both the revolver and semi-automatic pistol on duty, both Parts 1 and 2 shall be taught.

For those students who will carry only a revolver on duty, the instructor, at his discretion, may wish to teach Part 2 to those students as an addition to the revolver training.

- I. Instruction Method - Lecture and demonstration**
- II. Training Aids**
 - A. One (1) .38 or .357 caliber revolver
 - B. Six (6) rounds of "dummy" .38 or .357 caliber ammunition
 - C. One (1) .38 or .357 caliber pistol cleaning kit
- III. Outline of Lesson**
 - A. Types of Revolvers
 - B. Nomenclature (.38 or .357 caliber revolver)
 - C. Functioning of the .38 or .357 caliber revolver
 - D. Stoppages
 - E. Immediate Action
 - F. Care and Cleaning of the Revolver
 - G. Loading and Unloading the Revolver

A. TYPES OF REVOLVERS

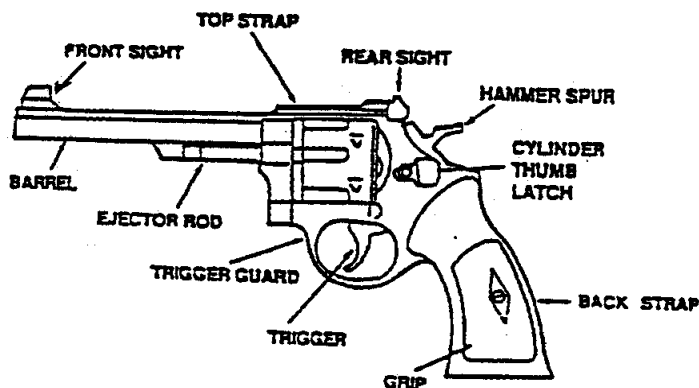
There are two basic types of revolvers. They are single-action and double-action. A single-action revolver is fired by pulling the hammer back to the fully cocked position and squeezing the trigger. Single-action revolvers cannot be fired double-action. The double-action revolver can be fired in the same manner but it can also be fired by controlling the trigger through its complete cycle. The hammer will rise and fall as a result of the trigger action alone. Whichever means of firing is used, the cylinder rotates as the hammer raises and another cartridge is brought into place for firing.

B. FUNCTIONING OF THE .38 OR .357 CALIBER REVOLVER

To swing the cylinder out, place the gun in the palm of the left hand, and actuate the cylinder latch with the right thumb. The cylinder is pressed out of the frame with the two middle fingers of the left hand. It can be rotated, for loading, with those fingers and the left thumb. Cartridge cases are ejected by alleviating the muzzle and pushing the ejector rod with the left thumb. Speedloaders may be used according to the instructions provided by the manufacturer. Generally speaking, operating a revolver is a two-handed matter. In opening the cylinder, it should be pushed out of the frame with the middle fingers of the left hand. This is very important in a case when the officer may only be able to load one or two rounds and must lock the cylinder with the rounds in the proper location. It should be pressed back into the frame with the left thumb.

1. Built-in safety factors in the revolver.
 - (a) For single-action firing, it must be cocked by hand. Single action firing is not permitted during the qualifying course or while on duty.
 - (b) Heavy double-action trigger pull reduces possibility of accidental firing.
 - (c) Double-action firing requires complete pull through the cycle.

REVOLVER



POSITION OF PARTS MAY VARY DEPENDING ON MAKE AND MODEL OF WEAPON

C. STOPPAGES

Inadequate maintenance and excessively rough treatment can cause many types of malfunctions, but items listed below occur occasionally in spite of good care.

1. Cylinder fails to turn. There are several reasons why this may happen: 1) Trigger not completely released from previous shot - most likely to happen in double-action; 2) High primer; 3) Cartridge not fully seated; 4) Protruding bullet from squib load which fails to enter barrel completely.
2. Gun fails to fire: 1) Broken firing pin; 2) Worn firing pin; 3) Firing pin hole in recoil plate plugged; 4) Accumulation of lint and dirt particles in working mechanism.
3. Lead and powder particles thrown to side: 1) Cylinder out of "time" does not line up properly with barrel; 2) Leading at forcing cone.

D. IMMEDIATE ACTION

1. Misfires and hangfires

A "misfire" is defined as the failure of a primer to ignite the powder charge. A "hangfire" is described as the temporary failure of the primer to ignite the powder charge. The problem lies in not knowing, at the outset, which is which. When what appears to be a misfire occurs, the weapon should be kept pointed in a safe direction (on the range it is pointed toward the target.) Hangfires rarely take more than five seconds to ignite. The standard range rule (except as related to fully automatic weapons) is to allow ten seconds and then unload. The unloading should be done with the gun pointed in a safe direction. Most range regulations specify that a Range Officer must be called when a misfire occurs.

2. Reloads

Once sufficient used cartridge cases are available, ammunition can be reloaded for a considerably smaller amount of money than the cost of factory ammunition. Since many departments are faced with the necessity of saving even pennies when they can, this difference in price can mean the difference between an adequate and an inadequate training program. The best of reloading equipment and the most conscientious personnel however, cannot give the results that are achieved in a factory which is geared to do nothing but make ammunition. The occasional high primer and the occasional squib load (which occur with considerably greater frequency in a reloading operation), only cause a momentary inconvenience in a training exercise. The same "little" difficulties in the street, however, could take on a much different light. For training and practice ... reloads, yes! For service ammunition ... reloads, no!

3. "Squib" loads

This term is used to describe a cartridge in which no powder charge has been loaded. Although it happens on rare occasions in commercial ammunition, it happens with some frequency in reloaded ammunition. When the primer is struck in such a cartridge, there is enough energy released to start the bullet into the barrel. If it lodges partially in the barrel and the chamber of the cylinder, the cylinder will not rotate to bring the next round

into firing position. However, the bullet most often goes into the barrel. When this happens, the cylinder will rotate and another bullet can be fired into the one already lodged in the barrel. This can damage the revolver. Trainees should be alerted to this possibility. It is better, even, to prepare some "squib" loads and allow each shooter to hear the subdued "pop" which occurs when one is fired. Whether he hears such a sound in practice or in an actual combat situation, he should recognize it and know that his revolver is no longer of any use to him until the bullet is dislodged. A cleaning rod or other similar item can be used to remove the bullet. Brass or wood should be used to avoid damaging the barrel.

E. CARE AND CLEANING OF THE REVOLVER

Although sturdily constructed and not prone to get out of order, the modern revolver must be maintained properly if it is to give longtime satisfactory service. Good maintenance calls for periodic inspection and the adoption of a thorough and systematic cleaning procedure.

Aside from the minor adjustments outlined in this article, repairs and a periodic internal cleaning and inspection of the revolver should be entrusted to a competent gunsmith.

All revolvers should be fired and given a thorough cleaning at least once a year.

Revolvers carried on the person should be checked daily for cylinder rotation, firing pin protrusion, ejector rod operation, bore cleanliness, cylinder locking and alignment, and hammer fall. This inspection can be methodically done in less than a minute.

Before any inspection or cleaning is done, the revolver should be unloaded.

1. Bore should be thoroughly scrubbed with proper caliber bristle or nylon brush (use bronze bristle brush if leading is present) dipped in bore solvent. Brush should clear bore at end of each stroke as attempt to reverse brush within bore will only bind it.
2. Barrel throat or bore leading which resists the ordinary bronze brush can be removed with a special wire gauze-head cleaning tool. Fine steel wool wound on jag tip of cleaning rod is also effective in removing lead.
3. A thorough cleaning with bronze bristle brush dipped in bore solvent will remove ordinary fouling from individual chambers. A chisel shaped piece of wood is used to clean collected grease, etc., from locking notches in the cylinder. Stubborn chamber residue is best removed by scrubbing with tightly fitting bob of fine steel wool wrapped around roughened end of wooden dowel or jag tip of cleaning rod.
4. Use a solvent-moistened cloth or cleaning patch on jag tip to impart final polish to bore. After final inspection apply very light coat of protective oil to bore if gun is to be maintained in "ready to use" status. Clean and wipe each chamber of the cylinder with patch or bob.
5. Use bristle brush or clean toothbrush with solvent to clean interior surfaces of frame and crane assembly indicated by arrows. Accumulated powder fouling, gummed lubricant,

lead particles, or lint induced formation of corrosion and lock-work can lead to malfunctions.

6. Push ejector mechanism back and forth vigorously. It should operate freely. Clean entire assembly with brush and place drop of oil on ejector rod and spline shaft. Push back and forth again, then wipe off all excess oil. Check to see that ejector head is aligned properly to bottom fully in cylinder recess.

A daily check is considered advisable for a revolver carried on the person. There are several general points of view which apply.

- (a) Special emphasis points in operation and use.
 - (1) The revolver is not a club or hammer. Don't use it as one.
 - (2) Don't flip the cylinder open.
 - (3) Don't slam the cylinder shut.
 - (4) Don't toss the gun around, even in a holster.
 - (5) Don't attempt any internal repair. Take it to a competent gunsmith.
 - (6) Don't loosen mainspring strain screw.
 - (7) Remember that this weapon is your life-preserver. Rough treatment may cause misalignment, improper timing, malfunction or inaccurate fire.
- (b) Built-in mechanical safeties in the revolver. Modern double-action revolvers (Colt, and Smith & Wesson) contain a built-in hammer block which is automatically interposed between the hammer and frame, except when the trigger is to the rear. It is designed to prevent the firing pin from hitting the cartridge primer if the hammer is struck or if the hammer slips during manual cocking.

To test the safety on the Colt, open the cylinder and remove any cartridges without touching the trigger, pull back the hammer until almost cocked and release it. The firing pin should not project through the hole in the breech face. If it does, the revolver should be repaired. The Smith & Wesson can be tested in the same way; however, it is necessary to hold the cylinder thumb latch to the rear while pulling back the hammer.

- (1) Where the revolver is carried daily, the chance of having it bumped, dropped, or fouled with some substance is greatly increased. The one minute check as suggested in the illustrated "Care and Cleaning of the Revolver" is good insurance.
- (2) The revolver should be wiped externally after each handling.
- (3) The revolver should be cleaned thoroughly after each firing.
- (4) The revolver should be checked by the firearms instructor or supervisor each time the officer fires for qualification.

The objective of this regular maintenance is to have the weapon in efficient operating condition at all times.

F. LOADING AND UNLOADING THE REVOLVER

1. Loading the revolver (The following example is for the right-handed shooter.)

The revolver is drawn with the forefinger lying alongside the frame. The other three fingers are curled around the grip. The thumb is straight along the cylinder latch side of the gun with the tip close to the latch. As the gun is drawn, the left hand is brought up about belt-buckled high in front of the body. The gun is placed in the left hand at a point where the cylinder will cover the two middle fingers. As soon as the gun touches the left hand, the cylinder latch should be actuated. The cylinder is forced out of the frame by the two middle fingers of the left hand and into contact with the thumb while the right hand is still in contact with the grip. The gun is held against the base of the palm by pressure of the left forefinger and little finger on the top strap. The thumb and middle fingers are then free to rotate the cylinder as it is loaded. The right hand secures ammunition from the carrying device or pocket and feeds the cartridges into the cylinder chambers. The muzzle of the gun must be tilted toward the ground in order to give better access to the chambers and to keep the cartridges from sliding out by gravity. In most cases, gravity also causes the rounds to drop into the chambers. While both hands are still on the gun, the cylinder is closed gently and rotated slightly to be sure it is loaded.

2. Unloading the revolver

The loading position is taken. While the body is turning, the gun is brought from firing position into the left hand just as it was for loading. The barrel is tilted upward, however, it is opened in the same way except that, in unloading, the thumb goes to the end of the ejector rod. The thumb actually exerts some pressure toward the frame of the revolver while it depresses the rod. This maintains the contact of the cylinder with the two middle fingers of the left hand. The thumb is pressed smartly toward the cylinder to create sudden pressure on the empty cartridge cases. This unseats them, despite the fact that they have swelled during firing, more readily than slow steady pressure. At the same time the ejector rod is being depressed the left hand is rotated through a small arc much as it would be if the shooter were trying to shake water from the hand.

Meantime, the ejector rod may need to be actuated several times, very quickly. The whole idea is to get the empty cases out of the cylinder without the help of the right hand. The right hand has its function during the unloading procedure. As soon as the cylinder is opened (assuming another string is to be fired immediately) reach for more ammunition so that the firearm may be loaded the instant the cylinder is empty.

SECTION III

FIREARMS MECHANICAL TRAINING

PART 2 SEMI-AUTOMATIC PISTOLS

FIREARMS MECHANICAL TRAINING: PART 2 SEMI-AUTOMATIC PISTOLS

This section covers the physical aspects of the semi-automatic pistol along with the care and proper handling.

Section 463.6115(6), Florida Statutes, provides that, in addition to any other firearm approved by the department, Class "G" licensees may carry a .38 caliber revolver; or a .380 caliber or 9 millimeter semiautomatic pistol; or a .357 caliber revolver with .38 caliber ammunition, while performing duties authorized under this chapter of Florida Statutes.

Use of these firearms is limited to those who have proper training. This section need be taught only if the student will carry a semi-automatic pistol in the performance of his or her duties. The instructor, at his or her own discretion, may wish to teach this part to all students as an addition to the revolver training.

I. Instructional Methods:

- A. Lecture
- B. Demonstration
- C. Student Involvement

II. Training Aids:

- A. Semi-automatic pistol
- B. 5 dummy rounds
- C. Cleaning kit of proper caliber

III. Outline of Lesson:

- A. Types of semi-automatic pistols
- B. Nomenclature
- C. Safety Features
- D. Rendering the Pistol Safe
- C. Field Stripping & Inspection
- D. Functioning of the Semi-automatic
- E. Semi-automatic Pistol Stoppages
- F. Immediate Action to Clear Stoppages and Malfunctions
- G. Loading and Unloading of the Semi-automatic Pistol
- H. Care and Cleaning of the Semi-automatic Pistol

A. TYPES OF SEMI-AUTOMATIC PISTOLS

There are many different types of semi-automatic pistols on the market today. Each represents a different level of training in order to become proficient in safe handling and use.

Single action Semi-Automatic – The Colt 1911 and Browning Hi-Power are examples of the single action Semi-auto pistol. They are the most difficult with which to train non-experienced personnel.

Double action Semi-Automatic – The Smith & Wesson 5906 and Sig Sauer P-226 are examples of the double action semi-automatic pistol. These pistols offer a more complicated manual of arms in order to handle safely. They are double action only on the first shot, and then they become single action on the second and additional shots. Most shooters forget to de-cock their pistols and could holster a cocked and loaded semi-automatic.

The all double action Semi-Automatic – The Smith & Wesson 5943 and Sig and Beretta offer all double action models. They require a long consistent trigger pull of the same weight for each and every shot. Also, these pistols, unlike other semi-automatic pistols, ARE NEVER COCKED.

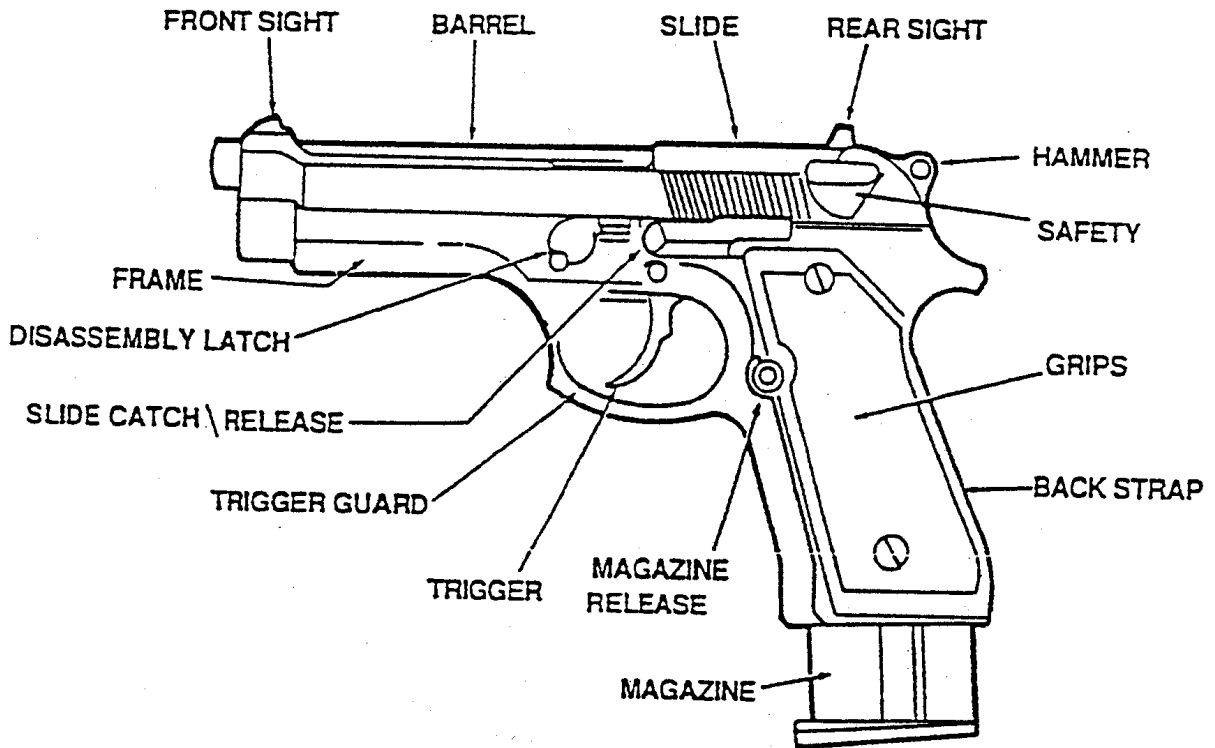
The firearms indicated above are used only as examples and do not include all types available on the market.

Training an unskilled person with a semi-automatic pistol requires more time and attention than a revolver. To train a person with a single action semi-automatic is a very demanding undertaking.

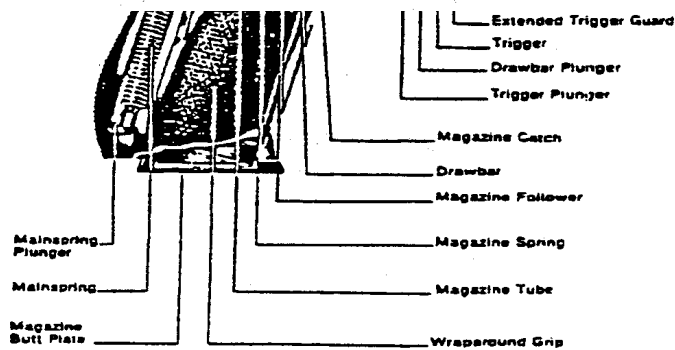
B. NOMENCLATURE

- Receiver
- Slide
- Barrel
- Recoil spring and spring guide
- Ambidextrous manual safety lever
- Slide stop lever
- Front sight
- Rear sight
- Magazine catch nut
- Extractor
- Hammer (There is no half-cock notch as in previous models)
- Magazine
- Magazine follower
- Extended trigger guard
- Trigger
- Wraparound grip

AUTO PISTOL



POSITION OF PARTS MAY VARY DEPENDING ON MAKE AND MODEL OF WEAPON



C. SAFETY FEATURES

Ambidextrous Safety Lever - Uncocks the weapon by safely lowering the hammer, and returning the trigger to the forward position. The ambidextrous safety lever is not a de-cocking lever.

Firing Pin Safety Lever - The trigger must be pulled and held to the rear for the weapon to fire. This prevents an accidental discharge from the weapon being dropped or stuck.

Magazine Disconnect - Designed to prevent the weapon from being fired without the magazine being locked into place. However, with a magazine inserted if the trigger is depressed slightly and held, the magazine can be removed, and the weapon can fire the chambered round as long as tension is maintained on the trigger.

Disconnecter - Prevents the weapon from firing unless the action is fully locked. It also prevents the weapon from firing fully automatic.

D. RENDERING THE PISTOL SAFE

Point the muzzle in a safe direction.
Keep the finger off of the trigger.
Engage ambidextrous manual safety (rotate downward).

Check ambidextrous manual safety lever for proper action

With safety in the OFF position, release the slide by depressing the slide stop lever. The hammer should remain in the full cock position with or without a magazine in the pistol.

With the slide forward, magazine removed, safety in the OFF position, cock the hammer and pull the trigger. The hammer should remain in the cocked position.

Replace the magazine, pull the trigger and the hammer should fall as if firing.

Check disconnecter safety

With the magazine inserted, safety OFF, slide forward, and the hammer in the cocked position, pull the slide rearward approximately 1/2" and then pull the trigger. The hammer should not fall.

Check firing pin safety lock

Remove the magazine, place the safety OFF, and cock the hammer.

Push forward on the firing pin with a small instrument. You should have very little forward travel of the firing pin.

Next, pull and hold the trigger to the rear with constant tension, and cock the hammer. Push forward on the firing pin, with a small instrument and the firing pin should travel its full depth.

Check the ambidextrous manual safety

With the magazine inserted, place the safety ON and pull the trigger. The trigger should be disengaged.

Place the safety in the OFF position and cock the hammer. While viewing the firing pin from the rear, slowly engage the safety. The safety assembly should come in front of the firing pin, prohibiting the hammer from striking it upon falling.

Inspect the magazine for any of the following

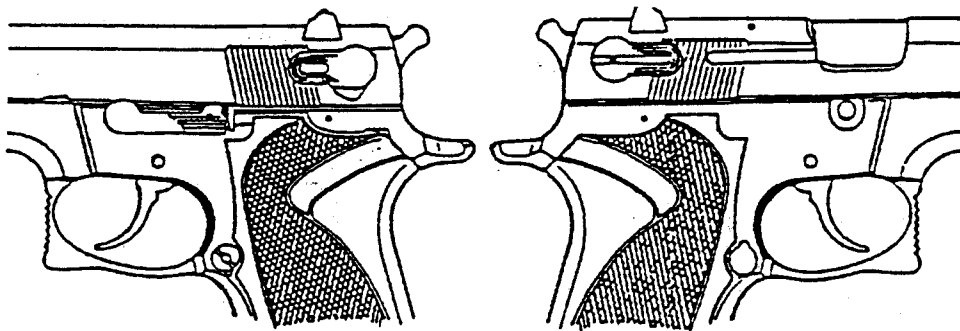
- Rust
- Dents
- Bent feed lips
- Hairline cracks or fractures on the spine
- Magazine spring failing to push rounds up sufficiently due to spring compression

The magazine(s) should be cleaned each time the pistol is cleaned. Remember: **DO NOT ATTEMPT TO REMOVE THE WRAP AROUND GRIPS BY PRYING.** The grip pin must be removed from the frame before the grips can be removed.

Cycle of operation

- Feeding
- Chambering
- Locking
- Firing
- Unlocking
- Extracting
- Ejecting
- Cocking

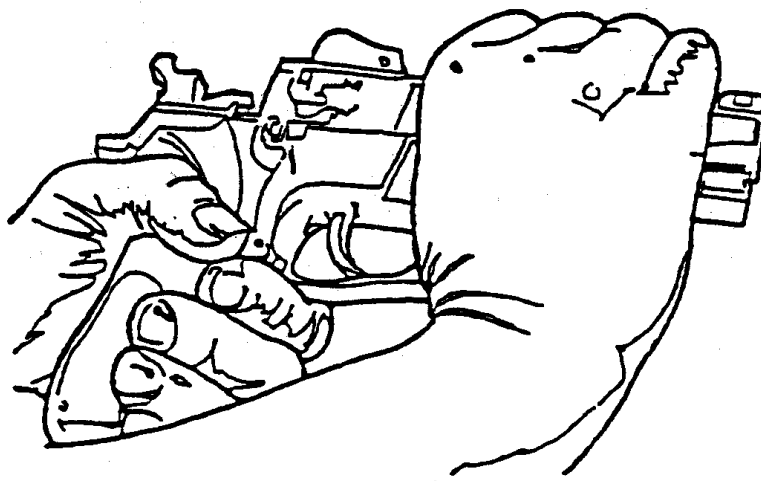
Rotate the manual safety upward to the firing position and pull the slide forward off of the receiver.



Fire Position - Left Side Safety

Fire Position - Right Side Safety

For safety reasons, grasp the recoil spring guide and release the tension by detaching it from the barrel.



Visually inspect the extractor hook for cracks and chips.

Check the barrel visually for obstruction, bulge, muzzle damage, and for general cleanliness.

Check chamber and feed ramp for lead build up, jacket material, unburned powder, rust and metal pitting **(HOWEVER SLIGHT)**:

A fouled ramp, e.g. pitted or lead buildup, will cause a failure to feed malfunction.

A fouled or rusted chamber will cause a failure to chamber, a failure to lock, a failure to fire, failure to unlock, failure to extract, or a failure to eject.

The most common is the failure to extract.

Remember, the chamber is slightly larger than the bore. If the chamber shoulders accumulate lead or other fouling, the round will not fully seat in the chamber and will result in a failure to lock.

To clean, begin with a bore brush. Push and twist the bore brush in a clockwise motion from the chamber toward the muzzle. This twisting motion of the bore brush will clean the chamber shoulders. A push-tip on a cleaning rod with several cotton patches saturated with bore cleaner will clean the chamber sufficiently.

Apply a very light coat of oil after use of any bore cleaner. Wipe the weapon and magazines dry. They should not feel oily to the touch.

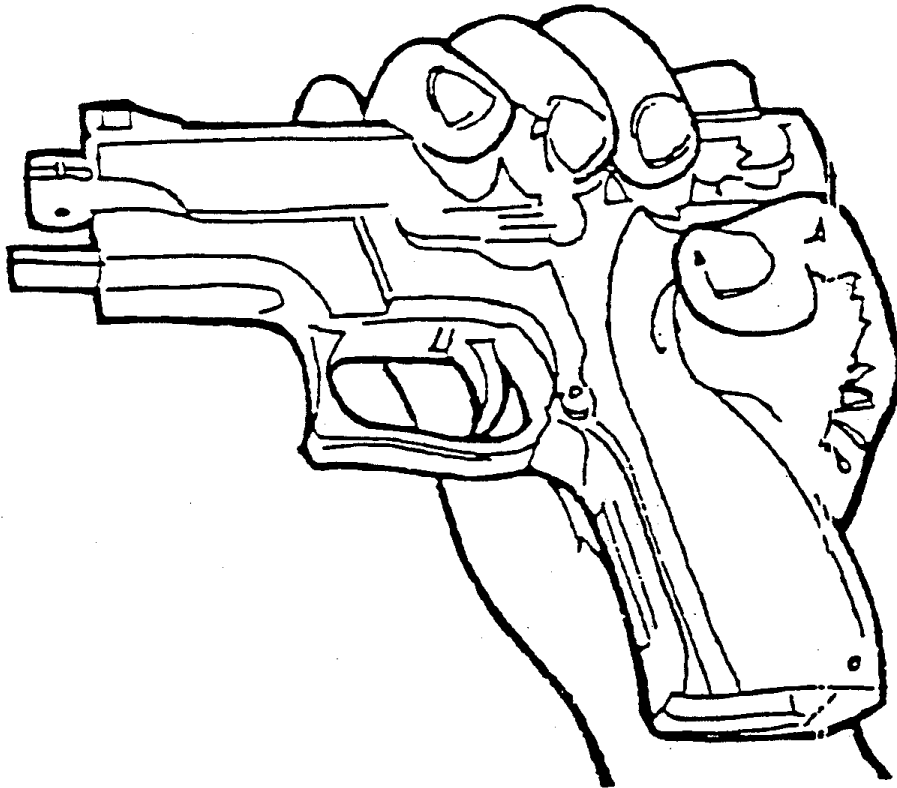
Check for metal fatigue fractures along slide rails and around pin holes.

Check slide stop lever for proper functioning.

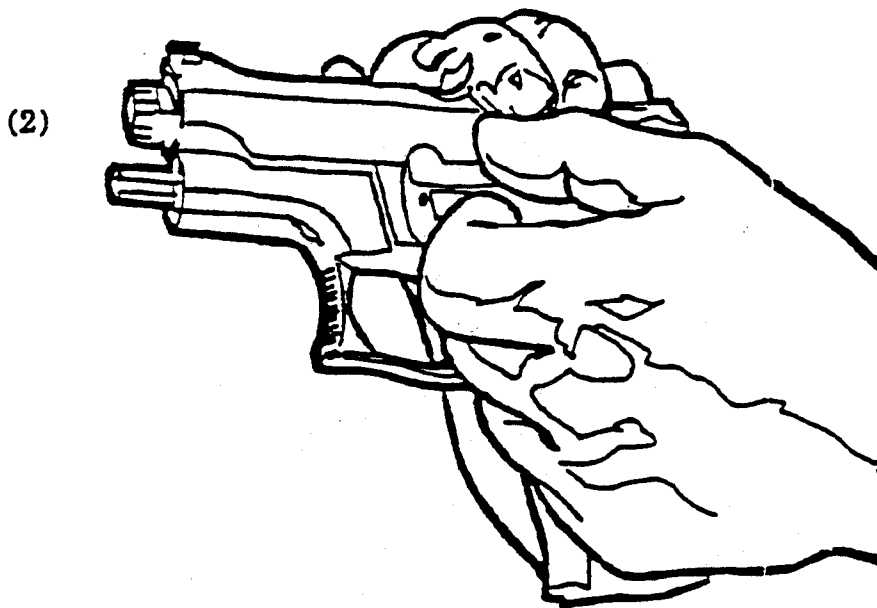
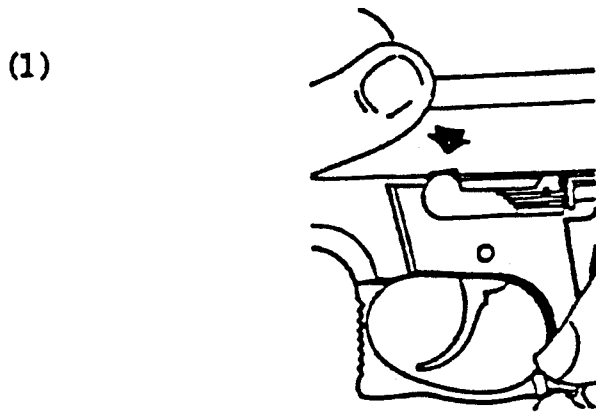
Check front and rear sights for damage.

E. FIELD STRIPPING & INSPECTION

Render the pistol safe as described above. Depress the slide stop lever and allow the slide to return forward. Firmly grasp the pistol in the right hand. Move the slide to the rear with the right hand until the slide stop notch, in the left side of the slide, is aligned with the forward, rounded portion of the slide stop.



(1) Press inward on the slide stop pin from the opposite (right) side of the frame and (2) remove the slide stop.



Allow the slide to move forward until it is aligned with the frame in its normal locked position. The hammer will follow the slide as it moves forward.

F. FUNCTIONING OF THE SEMI-AUTOMATIC

Semi-automatic sequence of firing

Rearward pressure on the trigger causes the disengagement of the sear which releases the hammer.

The hammer falls striking the firing pin which in turn strikes the primer.

The primer detonates, which burns the powder and creates instant pressure forcing the bullet down and out the barrel.

The pressure of firing the cartridge, recoil impulse, forces the slide back which results in extracting and ejecting the fired cartridge.

The slide is now at its rearward most travel point and under full recoil spring pressure.

Under full recoil spring pressure, the slide is now forced forward with the bottom section of the slide striking the rim of the next cartridge in the magazine and feeding it forward into the chamber as the rim of the cartridge slides up the bolt face and under the extractor into full battery.

The student must understand and demonstrate knowledge of the following:

Firing;
Extraction;
Ejection;
Feeding;
Chambering;
Locking.

G. SEMI-AUTOMATIC PISTOL STOPPAGES

| | |
|--------------------|--|
| Fail to fire -- | The semi-automatic pistol failed to discharge. |
| Fail to extract -- | The fired casing was not extracted from the chamber resulting in a jam. |
| Fail to eject -- | The fired casing was extracted from the chamber but was not fully ejected resulting in a jam. |
| Fail to cock -- | The slide failed to cock the hammer of the pistol. |
| Fail to feed -- | An interruption of the feeding cycle. The cartridge failed to be fed into the chamber resulting in a jam. |
| Fail to chamber -- | The fresh cartridge was fed from the magazine but failed to fully enter the chamber of the barrel resulting in a jam. |
| Fail to lock -- | The fresh cartridge was fed and chambered but the pistol failed to properly lock its action and did not allow the trigger to properly fire the pistol resulting in a stoppage. |

H. IMMEDIATE ACTION TO CLEAR STOPPAGES AND MALFUNCTIONS

Stage "1"

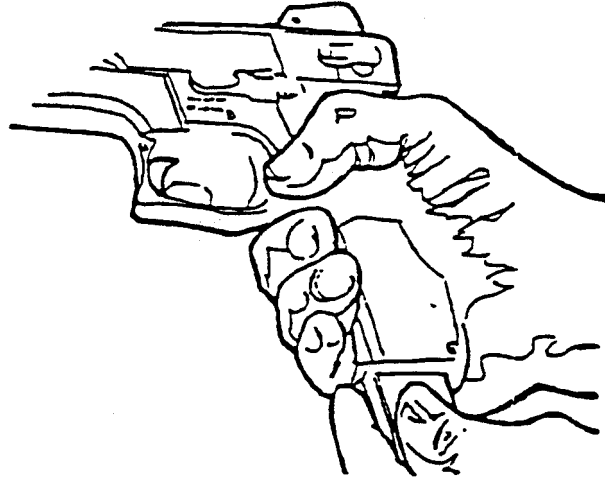
- TAP -- Tap the bottom of the magazine to insure that it is in place.
- RACK -- Grasp the slide and fully draw it to the rear and allow it to go home forcefully...just let it go.
- BANG -- Attempt to fire the pistol by squeezing the trigger.

Stage "2"

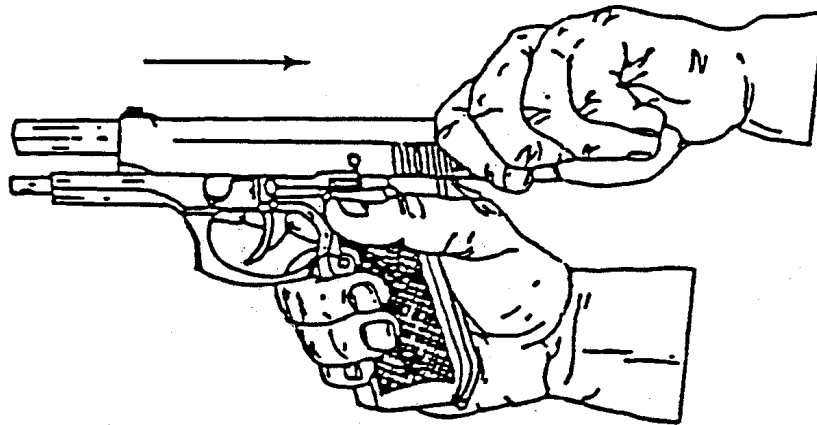
- LOCK -- Lock the slide back by drawing the slide all the way back and setting the slide stop catch.
- RIP -- Rip out the magazine and discard it. Replace it with a fresh magazine that is fully loaded.
- WORK -- Work the slide back and forth as to clear any jammed cartridge.
- TAP -- Tap the bottom of the freshly inserted magazine to insure positive lock.
- RACK -- Grasp the slide and fully draw in to the rear and allow it to go home forcefully...just let it go.
- BANG -- Attempt to fire the pistol by squeezing the trigger.

I. LOADING AND UNLOADING OF THE SEMI-AUTOMATIC PISTOL

Locate and depress the magazine catch, located on the left side of the frame to the rear of the trigger guard, and withdraw the magazine.



Locate the slide stop lever on the left side of the frame. Pull the slide to the rear while pushing up on the slide stop lever locking the action open.



Physically and visually inspect the chamber and magazine well for live rounds.

J. CARE AND CLEANING OF THE SEMI-AUTOMATIC PISTOL

- I. Field stripping procedure - The following is an example and applies to some semi-automatic pistols.
 - A. Remove magazine from weapon.
 - B. Lock slide to rear and inspect weapon to make sure it is empty.
 - C. Allow slide to go forward.
 - D. Pull the slide to the rear until the slide stop notch is aligned with the forward end of the slide stop. Holding the weapon in this position, depress the right side of the slide stop with your finger and withdraw the slide stop from the receiver on the left side.
 - E. Pull slide forward off receiver, gripping recoil spring to prevent loss.
 - F. With slide upside down, compress recoil spring and lift out recoil spring and guide assembly.
 - G. Remove barrel bushing (if present) by rotating bushing counter clockwise as viewed from the muzzle and drawing forward out of the slide.
 - H. Remove the barrel by lifting the rear end up and out.
- II. Cleaning
 - A. Brush barrel bore with brass or stainless steel brush. Using a cloth patch, swab bore with solvent and oil lightly. Work from chamber end.
 - B. Clean bolt face with fiber brush and solvent.
 - C. Brush rails on slide with solvent and wipe.
 - D. Brush rails on receiver with solvent and wipe off entire unit.
- III. Reassembly
 - A. Install barrel in slide.
 - B. Install recoil spring guide assembly, making certain that the guide bushing of the assembly is engaged in the small radius cut in the barrel lug and is properly centered.
 - C. With hammer forward, replace slide on receiver, depressing ejector, sear release lever and firing pin safety lever in turn so that the slide will travel over them to the rear. When slide stop notch on slide is aligned with slide stop hole in receiver, insert slide stop and allow slide to move to its forward position.
- IV. Lubrication
 - A. One drop of oil on barrel hood.
 - B. One drop of oil near end of barrel (pull slide to rear).
 - C. One drop of oil at each rail position on receiver assembly.
 - D. Work slide back and forth to spread oil and wipe off excess.
 - E. De-cock weapon.
 - F. Wipe off magazines with lightly oiled rag.

**FIREARMS DIVISION
ADVANTAGES AND DISADVANTAGES OF
REVOLVERS VS SEMI-AUTOMATIC PISTOLS**

REVOLVERS

Easy to teach loading, unloading, and safety.

Can be difficult to learn to shoot because of long, double action trigger. More difficult to learn efficient reloading.

Less maintenance-sensitive in domestic (police) use. Less critical of various ammunition types and ammunition quality.

Less durable for long-term use, especially with heavy loads.

Smaller ammunition capacity and slower to reload.

Less expensive gun, ammunition and training time.

Can be cleaned without disassembly.

Gun is bulky for ammunition capacity and power.

Less vulnerable to ammunition failure, but malfunctions which do occur are generally harder to solve in the field.

SEMI-AUTOMATIC PISTOLS

Requires more training time for unloading, safe handling and disassembly. Also requires more frequent in-service training.

Less training time required to teach accurate shooting because of short single action trigger. Easier to teach effective reloading.

Critical of proper ammunition and perfect magazines. Practice ammunition must be roughly service-strength to function properly.

More durable for long-term use.

Greater ammunition capacity and faster to reload. Better continuity of fire. Reloading speed, easier in the dark or while moving.

Generally more expensive.

Can be user-disassembled (field stripped) for cleaning.

Gun can be more concealable/compact with equivalent power and capacity.

Vulnerable to ammunition failure, however malfunctions can be quickly cleared in the field.

REVOLVERS

More forgiving of careless handling. More “foolproof” for issue to large numbers of officers of varying ability, training and carefulness.

Back-up ammunition can be bulky and cumbersome to carry. (Speedloaders)

Recoil is transmitted upon small areas of hand thus decreasing control of weapon.

More initial training required. Slower recoil recovery and less controllability results in slower progress in the learning cycle.

Less reliable in training because improper unloading techniques could cause malfunctions.

Slow, less accurate shooting because of long trigger travel and increased perceived and felt recoil.

Less chance of “unintentional discharge” because of heavy double action trigger pull.

Easier for beginners or weak shooters to handle because there is no slide, slide stop, magazine release or safeties to operate.

Mechanical functioning is safer because safety prevents multiple rounds from firing, unless trigger is pulled back.

More functional reliability if abnormal round is lodged.

SEMI-AUTOMATIC PISTOLS

A more efficient weapon, but requiring more thorough and frequent training and perhaps not quite as safe for large numbers of officers to use.

More ammunition can be kept for backup and is less bulky and cumbersome.

Transmits recoil better in hand because of cushioning effect of slide, thus increasing control of weapon.

The ease involved increases confidence, effectiveness and defensibility in less training time.

Functions more reliable in training situations, however more prone to shooter induced malfunctions.

Fast accurate shooting because of short trigger travel and less perceived and felt recoil.

Greater chance of “unintentional discharge” because of short single action trigger and operator error.

More strength involved in order to pull back slide and operate slide stop.

Mechanical functioning is less safe because of weapon doubling.

Less functional reliability if abnormal round is loaded.

SECTION IV

FIREARMS QUALIFICATION

FIREARMS QUALIFICATION

This section covers the qualification of students with the .38 or .357 caliber revolver and the semi-automatic pistol.

I. Instruction Methods - Lecture, demonstration and practical exercises

II. Training Aids

- A. One .38 or .357 caliber revolver or semi-automatic pistol per student. Firearm must be the same type as used on the post of duty.
- B. A MINIMUM OF 144 ROUNDS OF AMMUNITION MUST BE FIRED BY EACH STUDENT - NO EXCEPTIONS. 48 ROUNDS MUST BE FIRED AS PRACTICE - NO EXCEPTIONS, AND 2 STRINGS OF 48 ROUNDS MUST BE FIRED FOR QUALIFICATION. The string of 48 rounds with the highest score will be used to qualify.
- C. One holster with appropriate belt per student.
- D. Silhouette targets B-27 with B-27C repair center or equivalent.
- E. For indoor ranges, silhouette targets (B-34 or B-29). NOTE: These reduced-distance targets can be used on any reduced-distance range.

III. Measure of Competencies

The student's proficiency with a .38 or .357 caliber revolver or semi-automatic pistol will be determined by a scoring process. The minimum acceptable score on the range course will be 168 points or 70% of a possible 240 points, using a B-27 target.

IV. Scoring Process for B-27 Target

All rounds striking the 8th ring or within, count five points. All rounds striking the 7th ring but not touching the 8th ring count four points. All rounds striking the target in the black area outside the 7th ring but not touching the 7th ring count three points.

Students must score a minimum of 70% with the handgun in order to qualify.

V. Outline of Lesson

- A. Stances
- B. Proper grip and draw
- C. Sight alignment, sight picture and trigger control
- D. Minimum range facility standards
- E. Firearms range safety
- F. Range procedures and rules of conduct
- G. Range commands - .38 or .357 caliber revolvers
- H. Range commands - semi-automatic pistols
- I. Course of fire

VI. Certificate of Firearms Proficiency

The Certificate of Firearms Proficiency for Statewide Firearm License, DACS Form 16005, effective 01/14, is the official record that the student has successfully completed the required course in firearm training to receive a Class "G" License from the Division of Licensing. The Class "K" Instructor must complete the form in accordance with the instructions on pages 140-141 of this Manual.

FIREARMS QUALIFICATION – ON-RANGE INSTRUCTION

In developing proficiency in the area of firearms training, there is no substitute for on-the-range instruction. Here, the students are exposed to a situation that reinforces the information they have received in the classroom.

THE INSTRUCTOR MUST ENSURE THAT EACH STUDENT CAN DEMONSTRATE SKILLS IN SAFELY HANDLING A FIREARM BEFORE THE PERSON IS ALLOWED TO HANDLE OR BE IN CONTROL OF A LOADED FIREARM FOR ANY REASON.

A. STANCES:

The type of stance used by students is left to the discretion of the firearms instructor.

An optimum stance will provide:

A wide range of motion and peripheral vision, especially when engaging multiple targets.

A decrease in the amount of target area offered by the licensee to the armed adversary.

Protection because it will not needlessly expose the sides of the licensee's upper torso to the armed adversary.

A stance that is natural, uncomplicated and versatile enough to be used in firing most all firearms. The individual will be able to focus his/her mental energy on firing fast and accurate shots. This will eliminate the distraction of trying to remember the exact positioning of feet, body, head, and arms of a complicated stance.

The following outlines good and poor qualities of different type stances:

Isosceles Stance

Good qualities:

It offers maximum use of peripheral vision.

It is a natural and uncomplicated position that does not cause any stress on the skeletal-muscular structure of the body.

Poor qualities:

It is tactically unsound because the holstered weapon is exposed to the adversary.

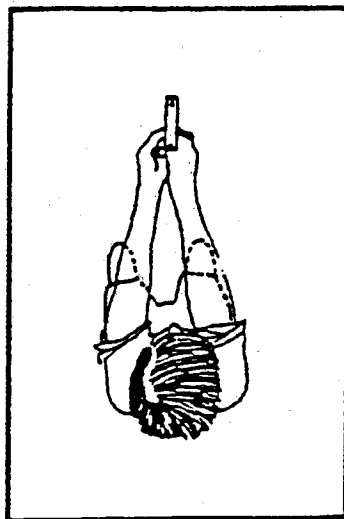
The body area from the armpits and below is exposed and presents the largest target to the armed offender.

The licensee will be caught "flat-footed." The isosceles foot placement and equal weight distribution does not lend itself to offensive or defensive action required in an emergency situation.

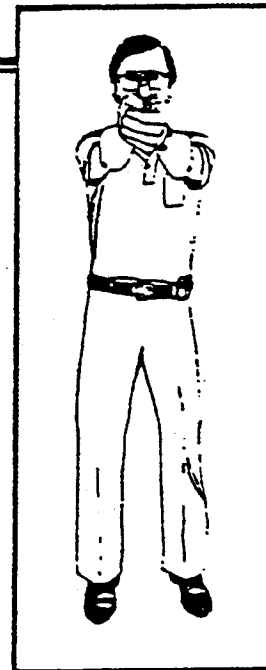
After drawing the weapon, it must be moved toward the strong eye. The shooting hand wrist must stay at an angle in order to bring the sights in line with the strong eye and the target.

It offers poor recoil control resulting in an increased target and sight recovery time.

ISOSCELES STANCE



Overhead View



Front View

Weaver Stance

Description:

The body is in an upright position.

The strong side foot (for a right-handed shooter, the right foot) and shoulder are moved to the rear so that they are approximately forty-five degrees to the target.

Note: Most Weaver Position shooters advocate a stance on which the strong side foot and shoulder is between a forty-five to ninety degree angle from the perpendicular plane of the target. The greater the angle, the greater the tension placed on the shoulder joint of the shooting arm. The side of the upper body is more exposed.

The feet are spread shoulder width apart with the body weight equally distributed.

The weapon is drawn, raised, and pointed toward the target with the strong arm in a pushing motion. This brings the strong arm, wrist, and hand to a position to cover a portion of the upper body.

The support arm is bent with the elbow facing downwards while applying a slight pulling motion against the shooting arm. This "push-pull" effect creates an isometric tension which reduces recoil and recovery time. The farther the strong foot is moved to the rear, the greater the bend in the support elbow. This bend of the support arm also provides cover to the upper body.

Note: The position of the strong and the weak arm should not be exaggerated. The extension of the strong arm to the point of creating tension or pulling the weapon too close to the body or face can cause a loss of muscle control.

Good qualities:

While in the holster, the weapon is not exposed to the adversary, an unguarded position.

The position provides greater mobility during emergency situations.

It provides optimum recoil control.

It reduces target and sight recovery time.

The shooting arm wrist remains straight and can be "locked."

The bent support arm that faces downward provides protection to the upper body.

Poor Qualities:

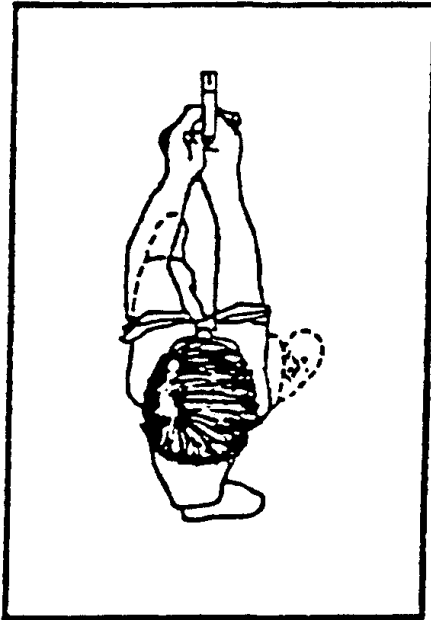
Exaggerated body and foot position will reduce the licensee's range of motion in order to engage multiple targets and will also reduce the range of peripheral vision. A right-handed shooter pulling his foot back would prevent him from being able to cover any threat to his left foot.

Exaggerated body and foot position will expose the side of the upper torso. The underarm and side area is not protected by most body armor or the side panels (which may be the weakest points of any body armor).

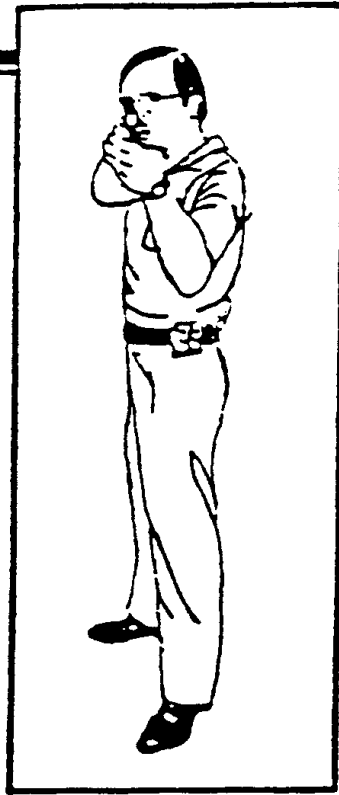
Exaggerated body and foot position results in the upper body's being twisted from the waist, in order to bring the strong arm in line with the target. This results in pulling muscles in the back, shoulders and neck, thereby causing needless skeletal and muscular tension that may affect accuracy.

Due to the angled stance of the shooter, the weapon must be drawn and moved slightly around the upper torso toward the target in a sweeping motion which will increase the holster to target time. This sweeping movement of the draw and the time required to bring the weapon on target is proportionate with the angle that the shooter is to the target. This is especially true when utilizing a front break holster.

WEAVER STANCE



Overhead View



Front View

Field Interrogation Stance

Description:

The body is in the upright position.

The feet are approximately shoulder width apart with the body weight equally distributed.

The strong side foot is dropped to the rear until the toe of the strong foot is in line with the instep of the opposite foot. The toe of the strong side foot is pointed slightly out from the body.

The shoulders are slightly angled from the perpendicular plane of the target, but remain in a position directly over the feet.

The weapon is drawn, pointed and pushed toward the target in a straight line. The strong arm is bent but not extended and locked.

The support arm is bent with the elbow facing downward while assuming a grip in which there is an equal amount of pressure being applied with both hands. This is best described as side-to-side grip pressure.

Note: This is a modified Weaver Stance. The basic differences are in the placement of the strong foot and shoulder, and the use of the side-to-side versus the push-pull grip.

Good qualities:

It offers maximum range of motion to engage multiple targets.

It offers maximum use of peripheral vision.

While in the holster, the weapon is turned slightly away from any potential adversary.

The position offers greater mobility during emergency situations.

It provides optimum recoil control.

It reduces target and sight recovery time.

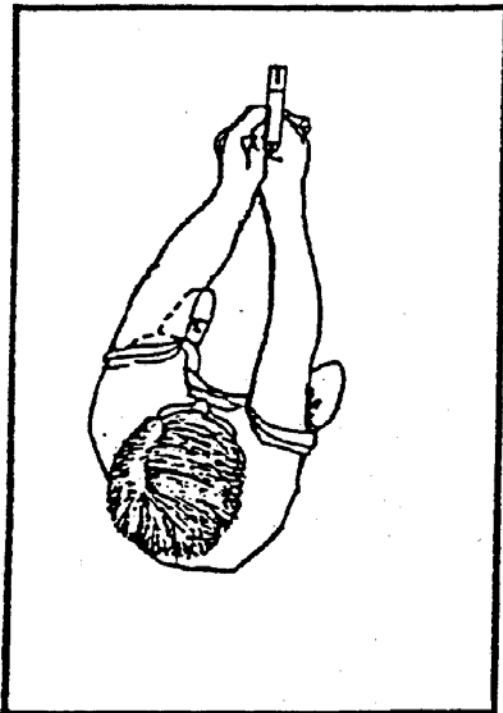
The shooting arm wrist remains straight and can be "locked."

The bent support arm that faces downward provides some protection to the upper torso.

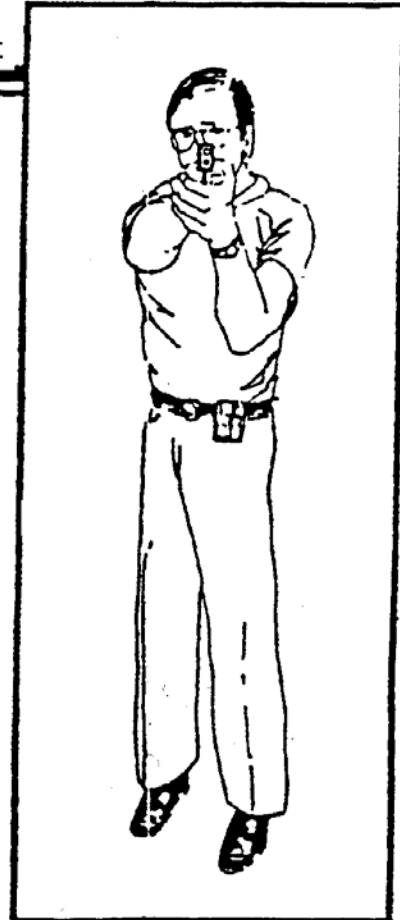
Poor qualities:

When firing with the strong hand only, the upper body will tend to be twisted when pointing the weapon.

FIELD INTERROGATION STANCE



Overhead View



Front View

CONCLUSION:

AN OPTIMUM STANCE WILL PROVIDE:

A wide range of motion and peripheral vision, especially when engaging multiple targets;

A decrease in the amount of target area offered by the agency or officer to the armed adversary; and

Protection, because the sides of the officer's upper torso will not needlessly be exposed to the armed adversary.

A stance that is natural, uncomplicated and versatile enough to be used in firing most all law enforcement weapons. The licensee will be able to focus his/her mental energy on firing fast and accurate shots. This will eliminate the distraction of trying to remember the exact positioning of feet, body, head, and arms of a complicated stance.

B. PROPER GRIP AND DRAW

Grip

The grip of a weapon is the means for controlling the weapon. Students only capture a small percentage of what is taught. Thus, the instructor must explain that controllability contributes to speed in sequential shot recovery, which therefore contributes to enhanced survival. The correct grip enhances a licensee's probability of surviving a deadly force confrontation. Therefore, the student can understand the importance of grip. Grip becomes more than just a means of holding the gun up.

For most shooters, a proper defensive grip must be built and does not come naturally. Only the middle and ring finger significantly control the weapon. Any deficiencies in the shooting hand must be made up by the proper placement of the support hand. The shooting hand should be as high on the weapon as design will allow in order to absorb the recoil in a straight back line. This shooting hand placement reduces muzzle flip, providing faster recovery from recoil. From the shooting hand grip, proper finger placement on the trigger is paramount. Enough finger must be on the trigger to control trigger movement. The shooting hand placement becomes secondary. The support hand should compliment the shooting hand grip.

The support hand must take up the deficiencies of the shooting hand grip. After the shooting hand is in place, those areas of the grip that are exposed are not being controlled. The support hand comes in and controls those exposed areas, thereby locking down the shooting hand. The support hand fingers (all four) grip the shooting hand around the front, then the support hand palm clamps to the backstrap, molding it with the shooting palm. The support hand thumb locks down the shooting hand thumb. Many shooters incorrectly have the support hand over the back of the shooting hand. With a semi-automatic pistol, this can result in a painful experience. With any handgun, a "thumb over" grip opens up the support hand palm contact, reducing the effectiveness of the support hand. Thus, the best place for the support hand thumb is locking down the shooting hand thumb. With the exception of pressure, the complete grip is now formed. All exposed areas are wrapped and under control.

Grip pressure is often overlooked. Most students are told to maintain a firm and even pressure with both hands. Seldom is the term "firm" defined. Students are often told that the pressure of a "gentleman handshake" is sufficient. The pressure of a handshake varies tremendously. Few people have a sufficiently firm grip to provide the optimum control of recoil necessary for rapid subsequent shot recovery in defensive shooting. A useful description of the term "firm" is to have the student obtain the proper grip, then tighten the grip with both hands until the sights tremble, then ease the grip just enough to eliminate the tremble seen in the sight alignment. With this explanation, shooters can find, by feel and sight, the grip pressure that works to the best of their physical strength.

Proper grip with firm pressure is critical to ensure the proper functioning of the semi-automatic pistol. The frame must be held firmly enough to permit the slide to move fully rearward. Without the firm grip on the frame, to include locking the wrist, the semi-automatic pistol will jam repeatedly.

Firm grip is beneficial in reducing the disturbance of the sights that may be caused by deficiencies in trigger control. Where a fast and smooth trigger movement is not accompanied by anticipation, a firm grip can keep the sights in alignment well enough to provide defensive acceptable accuracy at close or moderate distances.

Through proper grip placement, development and pressure, the individual can achieve a greater probability of survival. Each individual must work diligently to develop that hand placement and pressure which provides the maximum degree of controllability. Instructors can provide the inspiration to students by understanding and demonstrating the rationale for each element in the fundamentals of defensive weapons-craft.

TECHNIQUE OF PROPER GRIP AND DRAW

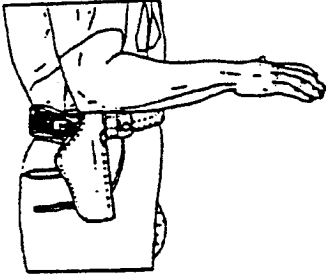


Diagram #1

The initial draw is designed to familiarize the student with the location of the holstered firearm and proper grip technique. The student begins with the hand extended, palm down and elbow bent, locating the holster or stock with the elbow.

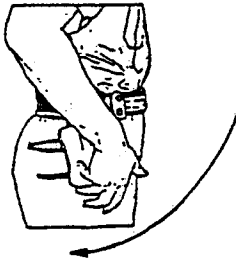


Diagram #2

The student then swings the hand straight down to the bottom of the holster, and begins to curl the last three fingers in preparation of establishing a grip.

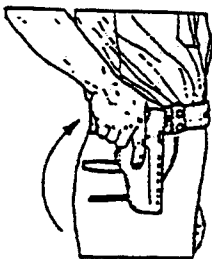


Diagram #3

The student slides the palm of the hand up along the side of the holster, allowing three fingers to establish a proper grip on the exposed portion of the firearm stock. The thumb is located on the retaining snap, and is prepared to unsnap the firearm for the draw. The hand should now be properly positioned for the draw.



Diagram #4

The student breaks the safety snap, and draws the firearm up and forward. As soon as the firearm clears the holster, the student "Rocks" the muzzle forward and "Locks" the wrist. The finger is out of the trigger guard at this point. Notice the support hand is already starting toward the beltline to meet the strong hand.



Diagram #5

The student establishes a good two-handed grip close to the body, at the belt line, before raising the pistol to the target.



Diagram #6

The student brings the firearm **DIRECTLY TO THE TARGET**, and establishes contact with the trigger as the firearm bears on the target. (This movement is not a sweeping movement but a straight line punching movement).



Diagram #7

The student must bring the firearm up to eye level, the head should move as little as possible. (Held erect, not bent down to the sights).



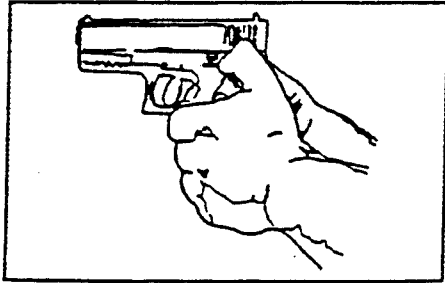
Diagram #8

This diagram shows the smooth transitional movement of the draw, grip, and raising the firearm to eye Level.

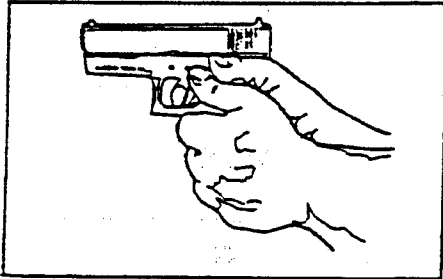
Semi-Automatic Pistol Program SAPP

Proper Grip

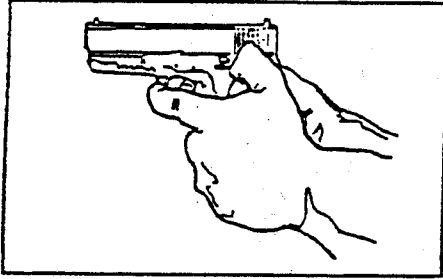
1



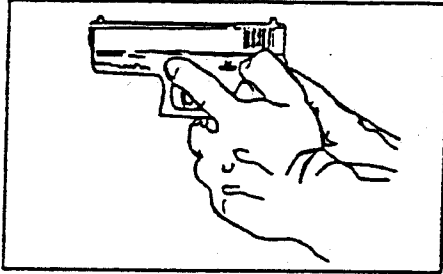
2



3

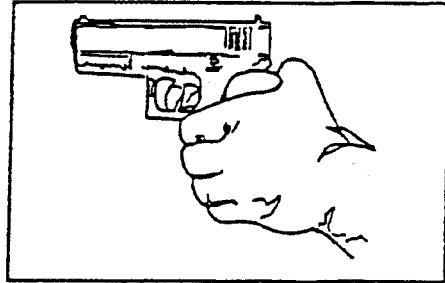


4

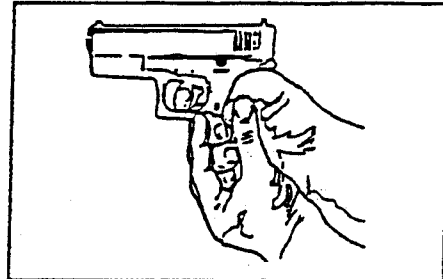


Improper Grip

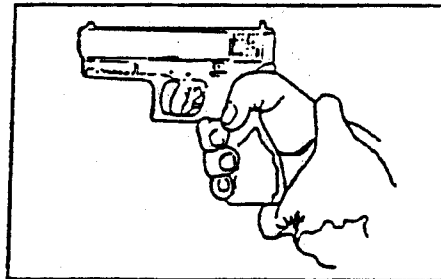
1



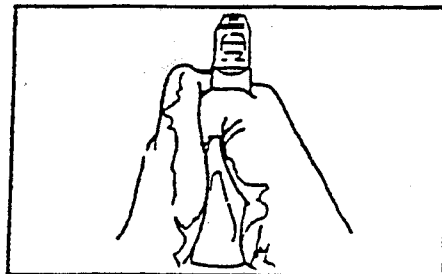
2



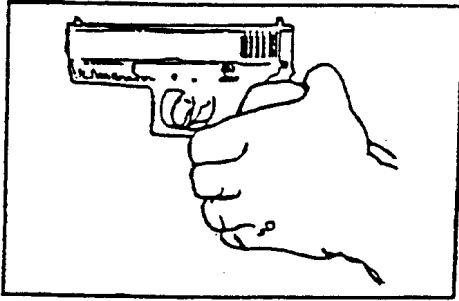
3



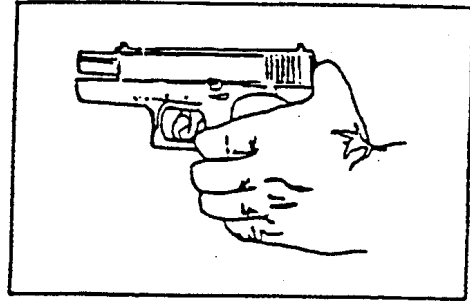
4



Dangerous Grip



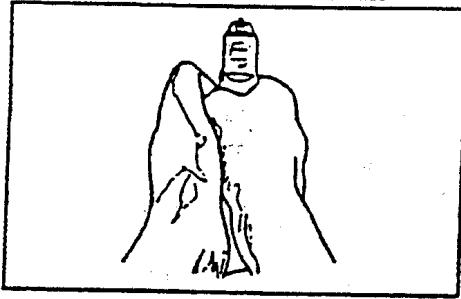
Thumb behind slide



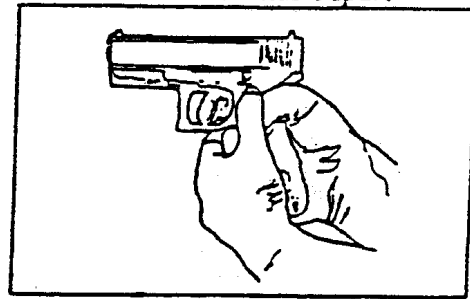
Injury results when
slide hits thumb

Hand Placement

Acceptable
Back of Hands Touch



Not Acceptable
Back of Hands Apart



C. SIGHT ALIGNMENT, SIGHT PICTURE AND TRIGGER CONTROL

There are three areas that require a great deal of concentration and practice that, if executed properly, will ensure an accurate shot:

1. Sight alignment
2. Sight picture
3. Trigger control

Sight alignment

The following illustrates proper and improper sight alignment. When sights are aligned properly, the top of the front site is perfectly level with the rear site notch. There must also be an equal line of light on either side of the front sight in the rear sight notch.

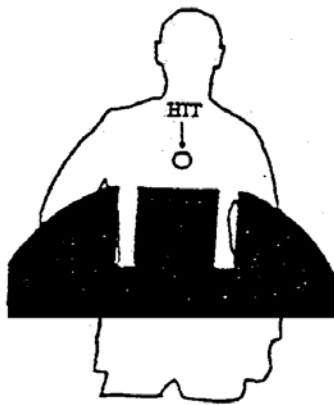
Sight Picture

Students must concentrate their sight completely in the sights without looking at the target. The target should be only a blur in the line of vision beyond the sights.

Trigger control

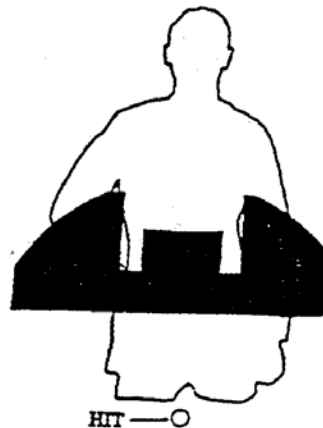
Proper sight alignment and sight picture may be performed properly. But without trigger control, the shot will not be executed successfully. Students must concentrate and practice on smooth, deliberate and continuous pulling on the trigger. Fast and jerky trigger action will cause movement of the firearm resulting in a poor shot.

Sight Alignment Chart No. 1



Perfect alignment. Top of front sight level with top of rear. Equal line of sight on either side of front sight in rear sight notch. Perfect shot.

Sight Alignment Chart No. 2



Front sight lower than top of rear. Equal line either side of front sight in rear sight notch. Shot too low.

D. MINIMUM RANGE FACILITY STANDARDS

All ranges are expected to be as safe as possible. They should have a minimum of one first aid kit and a telephone in the proximity of the range for safety purposes.

Indoor ranges with reduced size targets are acceptable.

ANY SAFETY VIOLATIONS COULD RESULT IN ADMINISTRATIVE ACTION AGAINST THE CLASS "K" INSTRUCTOR.

E. FIREARMS RANGE SAFETY

The following range safety requirements shall be met during all aspects of firearms training. Any student who consistently violates firearms safety standards will be removed from the range:

The demonstration of firearm skills must include a verbal understanding of the three basics of firearms safety and a practical demonstration of actually handling the firearm to ensure that the communication is received and understood:

Always direct the barrel in a direction that will not cause any injury to any living person or animal. Note: there is no such thing as a "SAFE DIRECTION," one MUST be ACCOUNTABLE for proper firearms handling.

The finger must be kept off the trigger unless the person is prepared to fire an intentional shot. The barrel of the firearm must be pointed in a direction in which the shooter will be accountable.

The action must be kept open and firearm unloaded until ready for use. LOADED FIREARMS must not be left lying around. All loaded firearms must be in the CUSTODIAL CONTROL OF A PROPERLY TRAINED PERSON.

1. All firearms are to be handled as though they are loaded.
2. A firearm is never to be pointed at a person.
3. Only three pistol positions may be used on the range:
 - a. Pointed down range at an intended target with no one in front of the firing line.
 - b. Snapped in an approved holster, hammer down.
 - c. At the LOW GUN READY with finger off the trigger only when on the firing line with no one down range.
4. No one is allowed in front of the firing line unless all firearms are holstered and it is approved by the firearms instructor.
5. Strictest discipline will be maintained. Carelessness and thoughtlessness will not be tolerated during firearms training.

6. Immediately on picking up a firearm, open the cylinder or action and check to see that it is unloaded -- check again.
7. Never give a firearm to, or accept a firearm from, anyone unless the cylinder is open, or the magazine is removed and action is open.
8. Never anticipate a command.
9. Be sure there is no obstruction in the bore of a firearm before loading.
10. Load only after position is taken at the firing point and the command to load has been given unless otherwise instructed by the firearms instructor.
11. Unload when and as instructed by the firearms instructor.
12. Never draw a handgun from the holster or re-holster with the finger in the trigger guard.
13. No smoking on the firing line.
14. No talking on the firing line or to shooters on the firing line, except by instructors.
15. Never permit the muzzle of a firearm to touch the ground.
16. Never cock the hammer on any handgun.
17. In case of a misfire, keep the firearm pointed down range at least ten seconds before opening the cylinder or action.
18. Never fire a succeeding shot after a squib load (little or no powder charge) without first unloading and checking for obstructions.
19. Never leave the firing point without first unloading your firearm.
20. Never carry a loaded firearm on the range except when on the firing line.
21. Never dry fire on the range except under the supervision of an instructor.
22. Pay strict attention to the instructor. He will instruct you as to exactly what you are to do.
23. Any student under the effect of alcohol or drugs will be removed from the range immediately.

F. RANGE PROCEDURES AND RULES OF CONDUCT

Be sure each person unloads his firearm on arrival at the range. This is potentially a very dangerous time. A certain area should be designated where the firearms instructor will receive and greet trainees. A set procedure for presenting the weapon to the instructor will reduce confusion which results from an unplanned situation. This is the time and place to establish range discipline. There should be no unnecessary handling of firearms. The instructor unloads the weapon, returns the ammunition to the student then inspects the firearm.

The instructor can now visually examine the student's firearms and related equipment. The holster, belt, and cartridge holder should be clean. The cartridges should be clean and meet the requirements of rule 5N-1.129, Florida Administrative Code.

Be sure firearms stay holstered except when the shooter is on the line.

Classes should be instructed that there will be no dry firing except on command unless a special place is provided for it.

- a. When a firing sequence is to take place, complete instructions should be given. Discuss only the immediate sequence, not the plan for the day.
- b. Establish rules for cleanliness and order. Suitable trash receptacles will be needed and must be used.
- c. There should be no idle conversation between shooters on the line.
- d. "Command" the range. The person actually giving the range commands should do so in a clear, commanding voice that gives no hint of indecision or lack of authority.
- e. Establish the fact that the firing line is for just that one purpose. Establish the fact that those not on the firing line must conduct themselves in such a way that they do not detract in any way from what is being done there.
- f. Clean up cartridge cases or other firing debris at the end of each stage of firing. (NOTE: train shooters to dump cartridge cases on the ground when they empty the cylinder. Many shooters develop the habit of catching empty cartridge cases in their free hand and looking for a place to put them so they will not need to pick them up later. This is a bad habit.)
- g. Inspect the range thoroughly at the completion of firing. It is recommended that the range be kept clean.
- h. Give commands the same way every time. This procedure will make for a safer line and will give confidence to the shooters, especially when they are new and shooting under a time restriction.

G. RANGE COMMANDS - .38 OR .357 CALIBER REVOLVERS

The standard firing line commands quoted from NRA pistol Rules follow:

The firearms instructor having made sure that the range is clear (in time and rapid fire when turning targets are used, targets must also be turned out of firing position) then commands, "WITH - ROUNDS LOAD."

The firearms instructor then asks, "IS THE LINE READY?" Any student who is not ready or whose target is not in order will immediately raise his arm and call, "Not ready on target..." The firearms instructor will immediately state, "THE LINE IS NOT READY," and immediately investigate the difficulty and assist in correcting it. When the difficulty has been corrected, the instructor calls, "THE LINE IS READY."

The instructor will then command, "READY ON THE FIRING LINE." The target will be exposed, or the signal to commence firing will be given in approximately three seconds.

The instructor then commands, "COMMENCE FIRING" which means to start firing without delay as timing of the string is started with this command. "COMMENCE FIRING" may be signaled verbally, by a short sharp blast on a whistle or by moving the targets into view.

"CEASE FIRING" is the command given by the instructor at the end of time limit for each string or at any other time he wishes all firing to cease. "CEASE FIRING" may be signaled verbally, by a short blast on a whistle or by moving the target out of view. Firing must cease immediately. Even if a student is about to let off a carefully aimed shot he must hold his fire. Any shots fired after the "CEASE FIRE" command will be deducted from the shooter's score. After the final string of fire for the course, the command to "UNLOAD AND MAKE YOUR WEAPON SAFE" will be given. On this command cylinders shall be opened and the firearms pointed down range. The shooter will then make a visual firearms inspection to insure the handgun is safe.

The firearm must be holstered and not handled until the next command of the firearms instructor.

H. RANGE COMMANDS - SEMI-AUTOMATIC PISTOLS

Instructors will advise all students that at no time will any firearms be loaded or handled out of the holster without prior approval of the range officer. All loading and unloading will occur only on the firing line upon command.

NOTE: AT THE COMPLETION OF EACH STAGE OF FIRE THE INSTRUCTOR WILL ENSURE THAT ALL STUDENTS WILL HOLSTER AN UNLOADED AND DE-COCKED PISTOL IN A SAFE MANNER.

First line command: "IS THE LINE SAFE" - To ensure no person is down range, and to make sure that no shooter is forward of the firing line. All shooters will not have a magazine in their firearm. All magazines will be out of the firearms.

"ALL SHOOTERS DRAW AND LOCK YOUR SLIDES TO THE REAR" - Upon this command, shooters will draw their firearms with special emphasis on keeping their fingers out of the trigger guard, off the trigger, pointing their firearms downrange, and locking their slides to the rear.

"LOAD AND HOLSTER" - Upon this command, students will insert a loaded magazine into the magazine well of the pistol. They will then press the slide release allowing the slide to travel forward chambering a fresh

cartridge and loading the pistol into battery. The instructor must take special precautions here to ensure that all shooters have de-cocked their pistols and not holstered a pistol with a cocked hammer. This condition is very dangerous and can lead to injuries in the leg or other areas.

“IS THE LINE READY” - Upon this command, if any shooter is not ready to fire the prescribed course of fire, he/she should speak in a loud voice "NOT READY." If no shooter states that he/she is not ready, the course of fire will continue.

“THE LINE IS READY” - Upon this command, all shooters will know that the course of fire is ready to commence.

“FIRE” - Upon this command, all shooters will make a safe draw with fingers off the trigger until they have target acclimation and are prepared to fire an intentional shot at the intended target. They then fire their pistols in the designated course of fire.

“CEASE FIRING” - Upon this command, all shooters will immediately stop firing, remove the magazine, and lock their slides back. The barrel of the pistol WILL BE DIRECTED DOWN RANGE at all times.

INSTRUCTORS NOTE - Some shooters have a tendency to allow the barrel of the pistol to be pointed at their feet when removing and inserting the magazine. Insure that safety standards are maintained.

The instructor shall insure that all students know what is expected of them on the firing line and can function in a safe manner. If there is any doubt, or any shooter demonstrates that they cannot or will not function within the safety behavioral standards, they shall be removed from the range. Written documentation surrounding the event will then be prepared and maintained by the instructor.

I. COURSE OF FIRE

Students can use a .38 or .357 caliber revolver with ONLY .38 ammunition for firearms training. Persons must qualify with the barrel length that will be used on duty.

A student may use a revolver or semi-automatic pistol to meet the requirements of this course. It should be noted however that a licensee may only carry a firearm of **the specific type and caliber with which she or he is qualified.** (F.S. 493.6115(6)).

ALL SHOOTING WITH REVOLVERS WILL BE DOUBLE ACTION ONLY. UNDER NO CIRCUMSTANCES WILL A STUDENT COCK THE HAMMER OF ANY HANDGUN WHILE ON THE FIRING RANGE OR ON DUTY.

The only targets utilized in this course will be silhouette B-27 with B-27C repair center or equivalent.

The instructor-to-student ratio for actual shooting training cannot exceed 6 students for each instructor.

The initial 28-hour course **shall** provide 8 hours of firearms range training/qualification.

This course of fire requires quick, accurate weapon alignment from the on-duty, snapped holster position. It is based on close encounters (within 21 feet) for the majority of rounds fired and allows for multiple targets. Those students, who qualify with the semi-automatic pistol, should load with a full magazine. This will help the student to keep count of his rounds and know when the weapon is empty and time to reload. One exception will be when firing stage VI. Students may load the magazine with any desired number of rounds. However, this is a mandatory reload under time constraints/conditions and the weapon must be fired after reloading during the allotted time frame.

QUALIFICATION COURSE FOR .38 OR .357 CALIBER REVOLVER AND SEMI-AUTOMATIC - TOTAL OF 144 ROUNDS

The following describes the qualification course in detail. A summary of the qualification course is also included which follows this section.

A MINIMUM OF 144 ROUNDS MUST BE FIRED - NO EXCEPTIONS. 48 ROUNDS MUST BE FIRED AS PRACTICE - NO EXCEPTIONS. Then 2 strings of 48 rounds must be fired for qualification as outlined.

Each shooter will be assigned two targets as specified above.

STAGE I: HIP SHOOTING (ONE TARGET - LEFT)

NOTE: **Class "K" Firearms Instructors will not teach close hip shooting. Hip shooting will be taught with the muzzle and cylinder of the weapon in front of the entire torso.**

1 yard line to 3 yard line, (6) rounds, 4.0 seconds per string.

OBJECTIVE: To develop techniques to be used in critical/close range situations.

PROCEDURE: Pistol loaded, holstered and snapped, on command, draw and assume the one hand HIP position and fire (2) rounds in 4.0 seconds. Continue to cover target. On command, return to holster. Repeat for a total of (6) rounds. Reload, continue to cover target. On command, holster weapon.

(Students must be informed on non-shooting hand position to maintain maximum safety.)

STAGE II: TWO-HAND HIGH POINT - FROM LOW READY (ONE TARGET-RIGHT)

3 yard line, (6) rounds, 2.0 second per string.

OBJECTIVE: To develop the technique of quick weapon alignment.

PROCEDURE: On command, draw and assume the LOW READY position. On command, assume the TWO HAND HIGH POINT position and fire (2) rounds in 2.0 second. Continue to cover target. On command, return to LOW READY position. Repeat for a total of (6) rounds. Reload, continue to cover target. On command, holster weapon.

STAGE III: SMOOTH DRAW (ONE TARGET - LEFT)

7 yard line, (6) rounds, 5.0 seconds per string.

OBJECTIVE: To develop the technique of drawing the handgun from the holster with maximum safety, speed and accuracy.

PROCEDURE: On command, smooth draw and assume the TWO HAND HIGH POINT position and fire (2) rounds in 5.0 seconds. Continue to cover target. On command, return to holster, repeat for a total of (6) rounds. Reload, continue to cover target. On command, holster weapon.

STAGE IV: MULTIPLE TARGETS - SMOOTH DRAW

7 yard line, (6) rounds, 6.0 seconds per string.

OBJECTIVE: To develop techniques of engaging multiple targets with maximum safety, speed, and accuracy.

PROCEDURE: On command, smooth draw and assume the TWO HAND HIGH POINT position, and fire (1) round on both targets, in 6.0 seconds. Continue to cover target. On command return to holster. Repeat for a total of (6) rounds. Reload, continue to cover target. On command, holster weapon.

STAGE V: MULTIPLE TARGET - TWO-HAND HIGH POINT FROM LOW READY (TWO TARGETS)

7 yard line, (6) rounds, 6.0 seconds per string.

OBJECTIVE: To develop the techniques of quick and accurate weapon alignment.

PROCEDURE: On command, draw and assume the LOW READY position. On command assume the TWO HAND HIGH POINT position and fire (3) rounds on first target, in 6.0 sections. Continue to cover target. On command, return to LOW READY position. Repeat step for second target, for a total of (6) rounds. Reload, continue to cover target. On command, holster weapon.

STAGE VI: MULTIPLE TARGETS - TWO-HAND HIGH POINT FROM COVER - MANDATORY RELOAD (TWO TARGETS AND BARRICADE)

15 yard line, (12) rounds in 45.0 seconds.

OBJECTIVE: To develop smooth drawing and quick and accurate weapon alignment and rapid reloading behind cover.

PROCEDURE: On command, move to cover, smooth draw, assume the TWO HAND HIGH POINT position and fire (3) rounds in first target, (3) rounds in second target, reload, fire (3) rounds in first target, (3) in second target in 45 seconds. Reload, continue to cover target.

On command, holster weapon. (Position behind cover will be optional to shooter - kneeling or standing.)

STAGE VII: SMOOTH DRAW FROM COVER, MULTIPLE TARGETS, LONG RANGE (TWO TARGETS AND BARRICADE)

25 yard line, (6) rounds in 20.0 seconds.

OBJECTIVE: To develop techniques to be used for long range engaging multiple targets, while using cover.

PROCEDURE: On command, move to cover, smooth draw and assume the TWO HAND HIGH POINT position and fire (3) rounds at first target, then fire (3) rounds on second target, for a total of (6) rounds in 20.0 seconds. On command, safety check weapon and return to holster. (Position will be optional to the shooter - kneeling or standing.)

SCORE TARGETS

1. All rounds striking the 8th ring or within counts five points. All rounds striking the 7th ring but not touching the 8th ring counts four points. All rounds striking the target in the black area outside the 7th ring but not touching the 7th ring counts three points. (Total hits on both targets.)

Students must score a minimum of 70%, or 168 points of a possible 240 points, with the handgun in order to qualify.

Additional rounds can be fired as practice if the student fails to qualify.

2. Students must attain a minimum of 70% of the possible hits to successfully complete handgun proficiency.
3. Failure to comply with any of the requirements, to include: not using cover, improper drawing of the weapons, or firing too many rounds in each target, etc., will result in student not qualifying for that stage(s) in which the infraction occurs (not the entire course).
4. **ONLY LICENSED CLASS "K" FIREARM INSTRUCTORS ARE PERMITTED TO SCORE TARGETS.**

QUALIFICATION COURSE SUMMARY

.38 OR .357 CALIBER REVOLVER AND SEMI-AUTOMATIC - TOTAL 144 ROUNDS

The following is a summary of the qualification course which may be used as a quick reference when instructing on the firing range.

After 48 practice rounds, this course must be fired twice (2 strings of 48) as qualifying rounds, of which the highest score will be used.

| <u>DISTANCE</u> | | <u># ROUNDS</u> |
|-----------------|---|-----------------|
| 1-3 Yards | Smooth draw to one hand hip shooting position. Fire 2 rounds in 4 seconds. Stay on target. Upon command, holster weapon. (One target - left) | 6 |
| REPEAT 2X | | |
| 3 Yards | Assume 2 hand low ready position. Upon command, assume 2 hand high-point position and fire 2 rounds in 2 seconds. Stay on target. On command, return to low ready position. (One target - right) | 6 |
| REPEAT 2X | | |
| 7 Yards | Smooth draw to 2 hand high-point position. Fire 2 rounds in 5 seconds. Stay on target. On command, holster weapon. (One target - left) | 6 |
| REPEAT 2X | | |
| 7 Yards | Smooth draw to 2 hand high-point position. Fire 1 round on first target, and second target, in 6 seconds. Stay on target. On command, holster weapon. | 6 |
| REPEAT 2X | | |
| 7 Yards | Assume a low ready position. On command, assume 2 hand high-point position. Fire 3 rounds in first target in 6 seconds. On command, return to low ready. Repeat step second target. On command, holster weapon. | 6 On |
| REPEAT 2X | | |
| 15 Yards | On command, move to cover, smooth draw to 2 hand high-point and fire 3 rounds in first target, 3 rounds in second target, | 12 |

reload, fire 3 rounds in first target, 3 in second target in 45 seconds. Reload and cover target, on command, holster weapon.

25 Yards

On command, move to cover, smooth draw to 2 hand high-point position and fire 3 rounds at first target, then fire 3 rounds at second target in 20 seconds. On command, safety check and return to holster.

6

CERTIFICATE OF FIREARMS PROFICIENCY FOR STATEWIDE FIREARM LICENSE
DACS Form 16005, effective 1/14
Incorporated by reference into Rule 5N-1.134, Florida Administrative Code

INSTRUCTIONS FOR COMPLETING FORM

The Certificate of Firearms Proficiency (CFP) must be used by all Class K instructors when certifying that a student seeking qualification or requalification for Class G licensure meets the minimum training criteria established in the Division's Firearms Instructor's Training Manual to carry a firearm in connection with his or her duties. The CFP is the only form accepted in this regard by the Division.

Firearms Instructors can order CFPs as well as examinations for their classes on the division's webpage at <https://licensing.freshfromflorida.com/forms/FormsRequest493.aspx>; by calling the division's telephone helpline at (850) 245-5691; or by calling the nearest regional office. Instructors can also pick up a supply of CFPs by stopping by any regional office. Regional office address and contact information is available in Appendix of the division's eight regional offices, or from any Division regional office listed in Appendix E of this manual (see page 173).

The CFP form is printed in triplicate copy: white, yellow, and pink. Except in cases where the student fails to pass the firearms proficiency course, the original white copy is to be submitted to the Division by the student. The yellow copy is for the instructor's records, while the pink copy is for the student's records.

- **Student:** For initial qualification, the original white copy of the Certificate of Firearms Proficiency must be submitted to the Division by the student along with his or her initial application for a Class "G" license. For requalification, the original white copy of the Certificate of Firearms Proficiency shall be submitted to the Division by the student upon completion of the four (4) hour annual requalification course.
- **Class K Instructor:** On the date a student completes the firearms proficiency course, the instructor must complete the CFP and have the student sign and date the Certificate. The instructor shall retain the yellow copy of the Certificate of Firearms Proficiency in his or her records for two (2) years in accordance with Section 493.6121, Florida Statutes, and Rule 5N-1.140(5), Florida Administrative Code. In all cases when a student fails the firearms proficiency course, the instructor must submit the original white copy of the Certificate of Firearms Proficiency to the Division with the reason for the student's failure to qualify provided in the Certificate's comment section. Should an instructor need to issue a duplicate Certificate of Firearms Proficiency to a student, the instructor must write "Duplicate" in the Certificate's comment section. The yellow copy of the duplicate Certificate must be retained in the instructor's official files along with the yellow copy of the student's original Certificate.

Below are instructions for the firearms instructor to complete the Certificate of Firearms Proficiency. The categories below correspond to the sections on the "Sample" DACS Form 16005, immediately after these instructions. Every section of the Certificate of Firearms Proficiency must be completed.

1. **Student Name:** Name of student for a Class “G” Statewide Firearm License.
2. **Student Date of Birth: (mm/dd/yyyy)**
3. **Type of Training:** Select either initial qualifying course (28 hours, including a minimum of 8 hours of range training) or annual requalification (4 hours). If requalifying, the “G” license number must also be provided.
4. **Name of Range**
5. **Range Street Address and City**
6. **Range Score**
7. **Written Examination Score:** Written examination score for firearms training.
8. **Firearm Model/Caliber:** Model and caliber of firearm with which the student qualified.
9. **Type (Revolver, Pistol, Shotgun):** Type of firearm (revolver, semi-automatic and/or shotgun)
10. **Date Training Completed:** Date firearms training completed.
11. **Student Signature:** Student signature and date of signature.
12. **Comments:** The instructor may include comments, if any, related to the student’s training in this section. If the student fails to qualify, the instructor must include the reason for failure in this section, and must submit the student’s certificate to the Division
13. **Instructor’s Certification: This section bears great significance because it requires, among other things, that the instructor certify that he/she has provided the legally required training. Note that Section 493.6120(7), Florida Statutes, makes it a third degree felony to knowingly issue or caused to be issued a Certificate of Firearms Proficiency that certifies that the required training was provided, when in fact it was not.²**
14. **Instructor Name:** Class “K” Firearms Instructor’s name and telephone number **must be clearly printed or typed.**
15. **Instructor License Number:** Class “K” Firearms Instructor’s license number.
16. **Instructor Signature:** Signature of Instructor, which certifies information in number 12 above.
17. **Date:** Date that training is completed and the form is signed by Class “K” Instructor.

² Section 493.6120(7), Florida Statutes, in entirety reads: (7) A person may not knowingly possess, issue, cause to be issued, sell, submit, or offer a fraudulent training certificate, proficiency form, or other official document that declares an applicant to have successfully completed any course of training required for licensure under this chapter when that person either knew or reasonably should have known that the certificate, form, or document was fraudulent. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.



ADAM H. PUTNAM
COMMISSIONER

Florida Department of Agriculture and Consumer Services
Division of Licensing

CERTIFICATE OF FIREARMS PROFICIENCY FOR STATEWIDE FIREARM LICENSE

Chapter 493, Florida Statutes
Rule 5N-1.134, Florida Administrative Code
Post Office Box 5767 ♦ Tallahassee, FL 32314-5767 ♦ (850) 245-5691
www.mylicensesite.com

To be completed by Class "K" Firearm's Instructor. This form must be completed in its entirety. Type or use black ink.
See Publication FDACS-P-01850, *Firearms Instructor's Training Manual Rev. 01/14*, for detailed instructions.

| | |
|--------------|------------------------------------|
| Student Name | Student Date of Birth (mm/dd/yyyy) |
|--------------|------------------------------------|

| | | |
|---------------------------------|---|---|
| Type of Training (select ONE) | <input type="checkbox"/> Initial (28 hours) | <input type="checkbox"/> Annual Requalification (4 hours) |
| Class "G" license number: _____ | | |

| | |
|---------------|-------------------------------|
| Name of Range | Range Street Address and City |
|---------------|-------------------------------|

| | | | |
|-------------|--------------------|----------------------------------|-----------------|
| Range Score | Written Exam Score | Type (Revolver, Pistol, Shotgun) | Firearm Caliber |
|-------------|--------------------|----------------------------------|-----------------|

| | | |
|-------------------------|-------------------|-------------|
| Date Training Completed | Student Signature | Date Signed |
|-------------------------|-------------------|-------------|

IF THE STUDENT FAILED TO QUALIFY FOR ANY REASON, THE REASON MUST BE STATED IN THE COMMENTS SECTION BELOW.

Comments

INSTRUCTOR'S CERTIFICATION

Select ONE:

I certify, for the reasons stated above, the above named student has not satisfactorily completed the prescribed training as set forth in the Department of Agriculture and Consumer Services Firearms Instructor's Training Manual; that all information contained herein is true and correct; and to the best of my knowledge, the above named student is not qualified to carry a firearm in connection with his or her duties.

I certify the above named student has satisfactorily completed the prescribed training as set forth in the Department of Agriculture and Consumer Services Firearms Instructor's Training Manual; that all information contained herein is true and correct; and to the best of my knowledge, the above named student is qualified to carry a firearm in connection with his or her duties.

| | | |
|---------------------------------|---------------------------|------------------------|
| Instructor Name (type or print) | Instructor License Number | |
| Instructor Signature | Date Signed | Phone Number () |

| | | |
|---|--|--|
| ORIGINAL WHITE Copy: Mail to DIVISION OF LICENSING P. O. BOX 5767 TALLAHASSEE, FL 32314-5767 | YELLOW Copy: Instructor copy. Must be retained by instructor for two years from date training completed, regardless of whether the student passed the course. | PINK Copy: Student copy. Given to student upon completion of course, regardless of whether the student passed the course. |
|---|--|--|

SECTION V

ANNUAL FIREARMS REQUALIFICATION

ANNUAL FIREARMS REQUALIFICATION

This section covers the annual requalification of students with the standard police .38 or .357 caliber revolver and/or other firearms approved by the Department.

I. References

- A. Section I, Legal limitations, Legal Aspects of the Use of Firearms and when to Use a Gun, Section II, Operational Firearms Safety, and Section III, Firearms Mechanical Training.
- B. Section IV, Firearms Qualification.

II. Instructional Methods - Lecture, demonstration and practical exercises.

III. Training Aids

- A. One .38 or .357 caliber revolver or semi-automatic pistol per student. The firearm must be the same type used on the post of duty.
- B. **As part of the annual firearms requalification requirements, the Class "G" licensee is allowed to make three (3) attempts at achieving a passing score of 70% or greater. Each of the three courses of fire shall consist of 48 rounds.**
However, if a licensee achieves a passing score on **EITHER** the first **OR** the second course of fire, the licensee does not have to complete the remaining courses of fire. The Class "K" Firearms Instructor can record the passing score on the Certificate of Proficiency Form and indicate that the licensee met the requalification requirement. If the licensee **FAILS** to achieve a passing score after the three courses of fire, the instructor shall end the requalification training and complete the Certificate of Proficiency Form indicating on the form that the licensee **"FAILED TO QUALIFY AFTER THREE ATTEMPTS."** The Class "K" Instructor shall submit the Certificate of Firearms Proficiency to the nearest Regional Office within 5 business days. The Class "G" licensee should be instructed to seek additional remedial firearms training prior to scheduling a second requalification attempt. All scores shall be maintained by the instructor or school for a period of two years.
- C. One holster with appropriate belt per student.
- D. Silhouette targets B-27 with B-27C repair center or equivalent.

IV. Measure of Competencies

The student's proficiency with a .38 or .357 caliber revolver or semi-automatic pistol will be determined by a scoring process. The minimum acceptable score on the range course will be 168 points or 70% of a possible 240 points using a B-27 target. Reduced-distance targets (B-34, B-29) can be used on any reduced-distance range.

V. Scoring Process for B-27 Target

All rounds striking the 8th ring or within counts five points. All rounds striking the 7th ring but not touching the 8th ring counts four points. All rounds striking the target in the black area outside the 7th ring but not touching the 7th ring counts three points.

VI. Outline of Lesson:

- A. Section I, Review of Legal Aspects of the Use of Firearms and When to Use a Gun
- B. Section II, Review of Operational Firearm Safety
- C. Section III, Review of Firearms Mechanical Training
- D. Section IV, Review of Firearms Qualification
- E. Firearms Requalification - Same course of fire outlined in Section IV, Firearms Qualification

FIREARMS REQUALIFICATION - (4 hours required each year)

The same course of fire as outlined in Section IV. G., Firearms Qualification, is to be used for requalification.

NOTE: The first 4 hours of requalification must be obtained during the first year of the licensure period, and second 4 hours during the second year of the licensure period. A licensee who fails to submit 4 hours the first year and 4 hours the second year must submit proof of 28 hours training upon renewal of the "G" license.

Licensees armed with a handgun depend on it to assure safety and protect life. The licensee should be properly trained and knowledgeable of the principles of safe handling and care of the handgun.

IT IS INCUMBENT UPON THE FIREARMS INSTRUCTOR TO ENSURE THAT FIREARMS USED IN RANGE TRAINING ARE SAFE AND OPERATIONAL. IF AN INSTRUCTOR ENCOUNTERS FIREARMS HE FEELS ARE UNSAFE, HE IS NOT TO ALLOW THE USE OF THESE FIREARMS IN ORDER TO ENSURE SAFETY ON THE RANGE.

CLASS "K" FIREARMS INSTRUCTORS APPLYING FOR A CLASS "G" FIREARMS LICENSE CANNOT QUALIFY THEMSELVES FOR THE INITIAL 28 HOURS OF TRAINING OR RECERTIFY THEMSELVES AT THE TIME OF RENEWAL.

SECTION VI

ANNUAL SHOTGUN FAMILIARIZATION, QUALIFICATION, AND REQUALIFICATION

ANNUAL SHOTGUN FAMILIARIZATION, QUALIFICATION, AND REQUALIFICATION

This section covers the physical aspects of the shotgun; its ammunition, safety, shooting positions and qualification.

I. Instruction Method - Lecture and Demonstration

II. Training Aids

- A. One (1) 12 gauge shotgun of legal length per student
- B. Eight (8) rounds, standard factory load 00 buckshot ammunition per student
- C. Two (2) standard B-27 silhouette targets, or the equivalent size per student

III. Scoring

A passing score will be 70% of those shots fired based on pellet load for the purpose of qualification.

IV. Outline of Lesson:

- A. General description of the shotgun
- B. Nomenclature
- C. Shotgun ammunition
- D. Safety
- E. Shooting positions
- F. Mounting the gun
- G. Qualification and Requalification for Shotgun

ANNUAL SHOTGUN FAMILIARIZATION, QUALIFICATION, AND REQUALIFICATION

A. GENERAL DESCRIPTION of the shotgun

1. The single barrel shotgun (Hinge Action)

The single barrel is a simple, strong, comparatively inexpensive gun. It is capable of firing only one shot. The advantages of this weapon are its light weight, simple mechanism, and relatively trouble-free operation. This type is generally thought of as a beginner's shotgun.

2. The double or side-by-side shotgun (hinge action)

The double is perhaps the best known of American hunting guns. Restricted to two shots it allows the hunter an instant choice of two different chokes. In better grades the double barrel offers ease of handling and excellent pointing qualities. Because of the hard work involved and the high cost of manufacturing double barrels, many guns available in this country are imported.

3. The over-under (superposed) (hinge action)

This type shotgun is almost identical to the side-by-side double, except one barrel is positioned above the other. It is also restricted to two shots. In recent years, this gun has gained widespread acceptance by sportsmen. It is usually found as a high-grade gun and is generally more expensive than the single-barrel or side-by-side double-barrel shotguns.

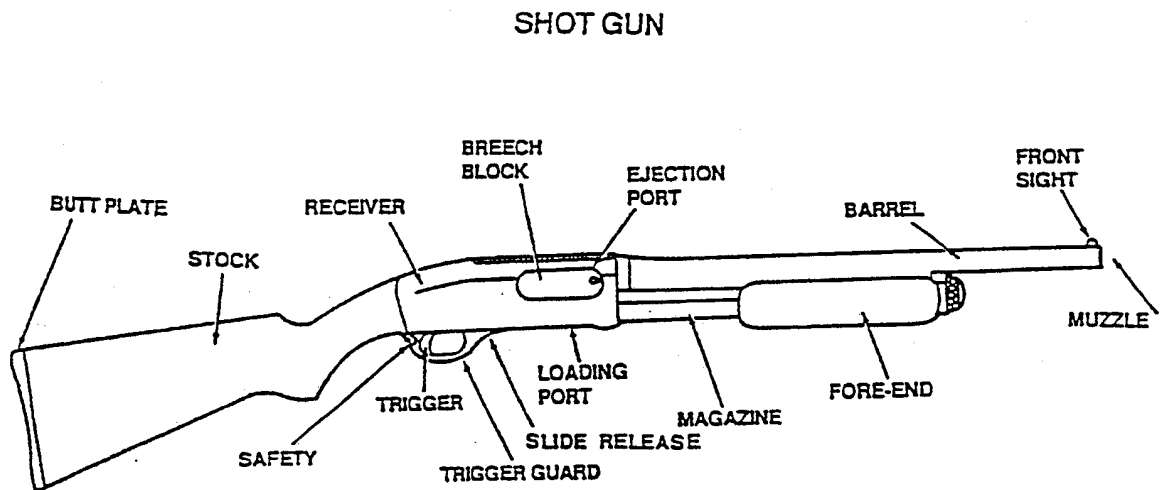
4. The pump (slide action)

Repeating shotguns operated by working a slide are called slide-action or pump shotguns. Long development has resulted in general similarity between makes and models. The pump has the distinct advantage of offering the shooter between two and six shots. With practice, great proficiency can be developed and the pump gun can be fired almost as rapidly as the semiautomatic.

5. The "automatic" (self-loader)

This semiautomatic type offers several advantages. It holds from two to six rounds. The action lessens recoil. It can be fired rapidly without the development of dexterity on the part of the shooter. The semiautomatic is usually referred to as the automatic shotgun.

B. NOMENCLATURE



POSITION OF PARTS MAY VARY DEPENDING ON MAKE AND MODEL OF WEAPON

C. SHOTGUN AMMUNITION

1. Components - shotshell

The center-fire shotgun shell has the same basic components as rifle and pistol ammunition. That is, it includes the case, or the shell, the primer, powder, and shot. The added component in the shotshell is the wad.

- (a) Wadding is necessary to confine and seal the powder gases behind the shot. There are two kinds of wadding in the shell-over powder wads and filler wads.

Over powder wads provide positive and uniform confinement of the powder, necessary to regular shooting.

They are made of a special hard cardboard called nitro card or of molded plastic.

Greased filler wads seal the shell body and the gun bore, cushion the blow of the suddenly ignited powder and leave the gun bore lightly lubricated to prevent barrel erosion.

- (b) The standard 12-gauge shell is 2-3/4 inches in length and ordinarily carries from 1 to 1-5/8 ounces of shot. The pellets range from light bird shot to heavy buckshot. Firearms instructors may use number 7-1/2 or 8 shot for training on skeet ranges. For the purposes of this manual, we will discuss only service loads.

THE USE OF THE RIFLE SLUG IS PROHIBITED.

2. Shot sizes

- (a) **Description**

The most common size shot generally used in the security industry is #00 Buck. This shotshell contains 9 separate lead spheres, each approximately .33 caliber in size. When used as an antipersonnel weapon, the shotgun with #00 Buck is an effective weapon compared with other firearms. At close ranges no other defense weapon matches its shocking power. The shotgun has a distinct advantage over other weapons.

It need only be pointed and not be precisely aimed. In situations, such as a rapidly moving target, or when there is no time to sight nor sufficient lighting to sight properly, the shotgun with its multiple projectiles and high shocking potential shows its superiority. Its fire power (discharge of projectiles) when fully loaded compares favorably with seven .32 caliber revolver bullets.

- (b) **Penetration**

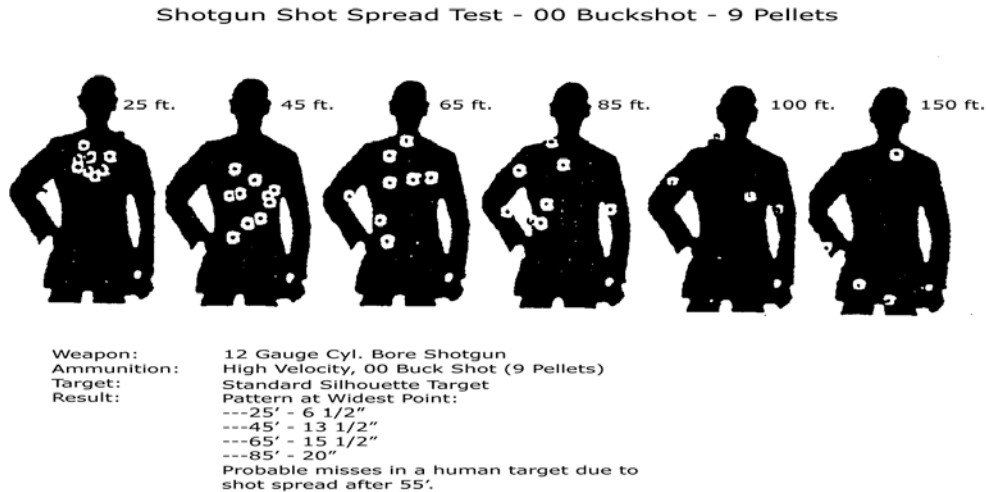
At close range (25 feet) the shot charge of #00 Buck will smash through the side of a car door and penetrate a silhouette inside the car. It will penetrate a metal apartment house door. It will also penetrate the rear trunk door of an

automobile. At 6 feet the shot charge can tear a lock off a heavy apartment house steel door, and, with two more well-placed shots at the same distance, carry away the hinges and the door itself.

(c) **Spread**

When using #00 Buck the shot pattern (spread of pellets) becomes greater as the distance to the target increases. With #00 Buck, all pellets will remain within a 4-inch circle when the weapon is fired from 7 yards. At 15 yards the pattern extends to all shot within a 10-inch circle, at 25 yards all shot remains within a 15-inch group, and at 40 yards (the recommended maximum range for security use) 8 of the 9 pellets will be confined in a 30-inch circle.

Number #4 Buckshot is similar in construction to the #00 Buck but differs in the size of the lead spheres and the number of pellets in each charge. In #4 Buck there are 27 lead spheres approximately 24 caliber in size. At equivalent ranges, the shot spread of #4 Buck is greater than the more widely used #00 Buck. At 7 yards all 27 pellets remain within 6 inches; at 15 yards the pattern expands to all within 12 inches; at 40 yards 21 of the 27 pellets remained within a 40-inch circle.

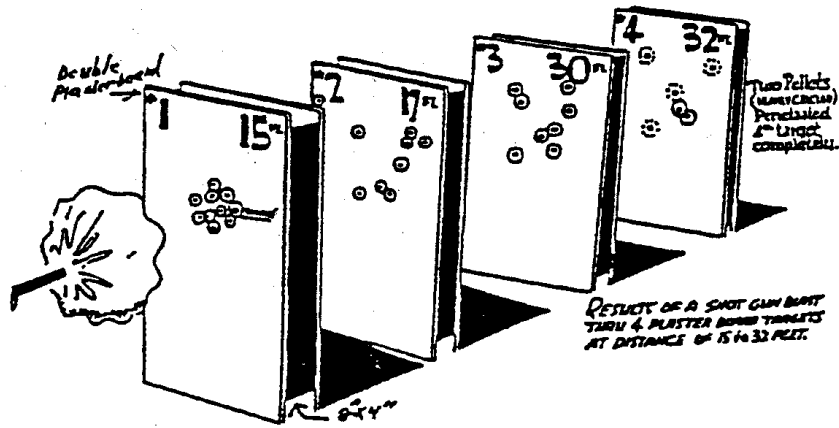


Shotgun shot spread

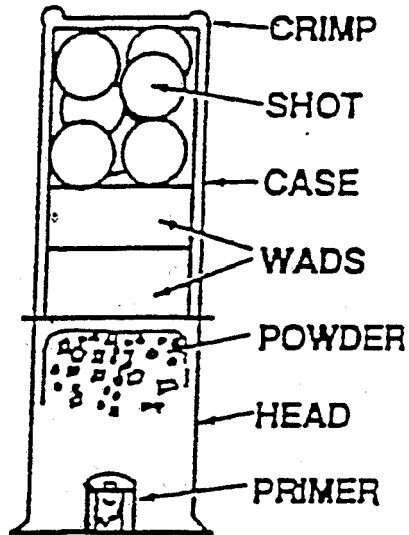
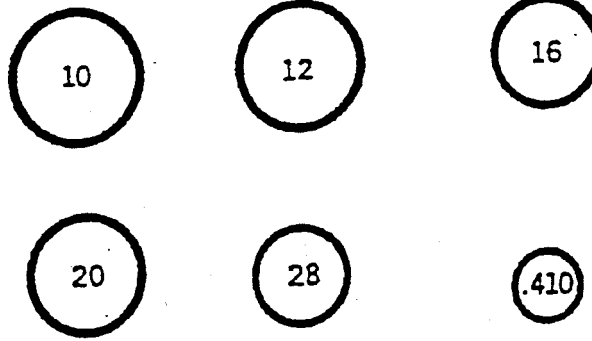
The maximum range at which a person may be killed if struck by one or more pellets from the shotgun is approximately 200 yards; however, the maximum effective range is 100 yards. Most combat firing occurs under 20 yards. Test results indicate that if the weapon is fired accurately all of the nine pellets of 00 Buck Shot will strike a human target which is less than 20 yards away. Beyond 20 yards the area of shot spread increases. When firing from a greater distance, the officer must consider the proximity of innocent

persons and the shot spread. Before firing a shotgun while on duty, the individual should consider the following factors: Distance, probable shot spread, proximity of innocent persons, and the type of construction and possible occupancy of building beyond the suspect.

Shotgun Penetration - 00 Buckshot - 9 Pellets



GAUGES



BUCKSHOT

STANDARD SHOT CHART

| | | | | | | | | |
|-----------------|-----|------|-----|------|-----|-----|-----|-----|
| | ● | ● | ● | ● | ● | ● | ● | ● |
| Shot Size | 9 | 8½ | 8 | 7½ | 6 | 4 | 2 | BB |
| Diameter (") | .08 | .085 | .09 | .095 | .11 | .13 | .15 | .18 |
| Approx. No./Oz. | 585 | 500 | 410 | 350 | 225 | 135 | 90 | 50 |
| | ● | ● | ● | ● | ● | ● | ● | |
| Buck Shot | 4 | 3 | 1 | 0 | 00 | 000 | | |
| Diameter (") | .24 | .25 | .30 | .37 | .33 | .36 | | |
| Approx. No./Lb. | 340 | 300 | 175 | 145 | 130 | 100 | | |

D. SAFETY

1. Carrying, or holding, the shotgun offers a problem. In use, the shotgun is a less familiar weapon than the revolver and will require special attention on the part of the officer. Care must be exercised about pointing it and about keeping the finger outside the trigger guard. In action, the best combination of safety and availability is probably the high-port position. As the gun begins to get heavier, however, this position has the potential of letting the muzzle sag until it is pointing at someone's head. An alternative rest position points the muzzle straight up, with the heel of the buttplate tucked into the belt against the hip. The pistol grip part of the stock is grasped firmly. Care must be taken to keep the fingers away from the trigger. The safety should be in the "safe" position but the safeness of the carrying or handling should not depend on the mechanical safety.

The gun may also be carried on the shoulder, trigger guard up. This position forces the muzzle to point up, and it cannot point at a person. At a stumble or misstep, the muzzle is only thrown higher still, and, therefore, kept harmless. If it is carried on the shoulder with the trigger guard down, the muzzle is often low enough to point at anyone behind the shooter. Versatility can be added to the handling of the shotgun by the addition of a detachable sling. While the sling would not be needed for some actions, it is a welcome accessory for the officer facing a long and arduous tour when the shotgun must be carried. There is no one safe way to carry the shotgun. The officer must know where the muzzle is and alter the carry to suit the situation.

2. **Chamber loaded or not loaded?**

Safety dictates that there should be no shell in the chamber of a shotgun until just before it is to be fired or when some situation dictates that it should be. When the magazine will carry as many as 3 rounds or more, the chamber should be empty. Getting a shell into the chamber can be accomplished in a split second with either pump or self-loading actions. Tubular magazines offer a special safety problem. When they get dirty inside or acquire a dent, there is a possibility that they will not feed all the shells out in spite of operating the action a number of times. Part of the safety check to determine whether a shotgun is really safe should include both visual and tactile checks of both the chamber and the end of the magazine tube. If the magazine is empty the magazine follower will be in full view.

3. **Safety in the automobile.**

Some agencies feel that they should not carry shotguns in full view in vehicles because of the adverse effect on the public. If the shotgun is carried in view, it should be in a rack designed for it. It should be secure from movement and should be locked so it cannot be removed by anyone other than authorized personnel. When shotguns are "racked" within reach of a driver or his partner, they should refrain from manipulating it in any way. Continuing pressure on the trigger, even with the safety on, may cause the safety to malfunction. Continual playing with the gun is an invitation to an accidental discharge. When the shotgun is carried in the trunk, it should be encased or secure in a rack. Handling guns by the muzzle is an extremely unsafe practice. Special care must also be taken of the muzzle in removing shotguns from today's low roofline cars.

E. SHOOTING POSITIONS

The licensee engaged in a combat situation must take advantage of any available cover and present the smallest target to his adversary. Therefore, he should familiarize himself with the different shooting positions. The following positions are somewhat "classic" but can be adapted to this type shooting.

1. The standing position

The shooter's weight should be forward on the leading foot. The feet are spread approximately 12 to 15 inches on a line somewhat to the left of the target. It is important that the feet are properly placed for best results. The shooter should be coached into the boxer's stance. Simply by turning his palms up and lifting the right elbow, he will be in the proper standing position. No exaggerated leaning into the weapon should be allowed as this places the shooter off balance and in certain actions the shooter must be able to move quickly after firing.

When the feet are correctly placed, shots at a considerable angle to either side can be easily taken. The leg away from the target is bent at the knee a little and its weight taken on the ball of the foot which provides the power for the turn. This movement is made smoothly and carried through the shot without the least check.

When a shot is expected, the gun should be held muzzle forward and up. The gun should be under control and pointed in the general direction of fire.

The gun should be grasped comfortably with both hands - the stock against the inside of the forearm. The forefinger covers the guard and is not placed on the trigger until the gun is raised to fire. The beginner should make a point of reaching well out with his forward hand.

In firing, both eyes look ahead, the gun is brought up to the cheek, and the butt is then firmly placed in the hollow of the shoulder. The head is thrust slightly forward.

2. The kneeling position

There are two major variations in this position. The kneeling position is reached by half facing to the right and dropping to the right knee. In the LOW position, the left foot is extended as far forward as is comfortable, and the right leg is placed flat on the floor or ground with the foot flat also and rotated inward. The shooter sits on the right side of the right foot. In the HIGH position, the shooter sits on the right heel.

In each case, the left knee supports the left arm two or three inches below the elbow. The right elbow is not supported, and may be allowed to relax into the most comfortable position.

F. 1. Mounting the gun

This expression means bringing the gun to the shoulder preparatory to firing. The security officer will most likely be holding the shotgun in the port arms position when the decision to fire is made. The first step is to position the feet as the gun is brought up. The gun stock should always be brought to the cheek first, then back to the shoulder. As the gun is being mounted the barrel is being pointed in the direction of the target. Thus, when the shotgun is properly positioned at the shoulder, the licensee is in a position to commence firing.

2. Looking not aiming

In taking a moving target under fire with a shotgun the classical aiming act is not required. If a shooter closes or partially closes one eye when sighting at a target he is said to be aiming the shotgun. If he keeps both eyes open then he is said to be looking down the barrel. One advantage of the looking technique in combat shooting is that the shooter who keeps both eyes open has no need of either front or rear sights since he sees none of them deliberately, but instead, sees only the mass of the muzzle with relation to the movement of the target. The looking technique is especially advantageous at night or in low visibility.

3. Trigger action

The most desirable trigger reaction is the fastest possible and the most descriptive term is "slap." The trigger is controlled as in fast double-action revolver shooting.

4. Swing through

In shooting at a moving target, the problems of target movement and speed, human reaction time delay, mechanical delay, and shot travel are automatically solved through the process of "swing through." There are only four things to do to make a hit with swing through shooting: 1) Sight on the target. 2) Swing with it. 3) Swing past it and fire. 4) Keep swinging.

G. QUALIFICATION AND REQUALIFICATION FOR SHOTGUN - 8 Rounds

1. Final Safety Instruction
2. Instructor's demonstration and live-fire on course
 - a. Each shooter will be assigned two B-27 targets.
 - b. Students must score 70% with the shotgun in order to qualify and requalify. Any shot hitting the colored portion of the target can be counted as an actual hit, and the student must achieve a minimum of 50 hits to qualify.
 - c. The instructor-to-student ratio for actual shooting training cannot exceed 6 students for each instructor.
 - d. The only targets utilized on this course will be silhouette B-27 with B-27C repair center or equivalent.

- e. The minimum time to be spent on shotgun qualification and requalification is 4 hours.

The following describes the qualification course in detail. A summary of the qualification course is also included which follows this section.

STAGE I: SHOULDER SHOOTING

15 yard line, (4) rounds, 3 strings, varying times.

OBJECTIVE: To develop techniques to be used in going from standing READY position to the SHOULDER position, with proper target alignment consistent with maximum safety and proficiency at medium range.

PROCEDURE: Shotgun magazine loaded with (4) rounds, slide action forward, safety on.

STRING 1. On command, from the STANDING READY position, depress the action bar release, chamber (1) round, assume the SHOULDER position. Move safety to "OFF", fire (1) round on first target in 5.0 seconds, eject spent shell and chamber live round. Continue to cover target. Upon command, return to STANDING READY position.

STRING 2. On command, assume SHOULDER position, fire (1) round on second target in 3 seconds, eject spent shell and chamber live round. Continue to cover target. Upon command, return to STANDING READY POSITION.

STRING 3. On command, assume SHOULDER position, fire (1) round on first target and (1) round on second target for total of (2) rounds in 5.0 seconds. Upon command, safety check shotgun.

STAGE II: SHOULDER SHOOTING BEHIND COVER

15 Yard line, (4) rounds, 3 strings, varying times.

OBJECTIVE: To develop techniques to be used in going from the standing READY position to the SHOULDER position, with proper target alignment consistent with maximum safety with the use of cover at medium range.

PROCEDURE: Shotgun magazine loaded with (4) rounds, slide action forward, safety on.

STRING 1. On command, from the STANDING READY position, move to cover, depress the action bar release, chamber (1) round, assume the SHOULDER position. Move safety to "OFF", fire (1) round on first target in

7.0 seconds, eject spent shell and chamber live round. Continue to cover target. Upon command, return to STANDING READY position.

STRING 2. On command, move to cover, assume SHOULDER position, fire (1) round on second target in 4.0 seconds, eject spent shell and chamber live round. Continue to cover target. Upon command, return to STANDING READY position.

STRING 3. On command, move to cover, assume SHOULDER position, fire (1) round on first target and (1) round on second target for total of (2) rounds in 7.0 seconds. Upon command, safety check shotgun.

SCORE TARGETS

Total of (8) rounds:

1. Any hit on the approved target (27 color optional) shall be scored when shooting buckshot.
2. Only licensed Class "K" Firearms Instructors shall score targets.
3. Students must attain a minimum of 70% (50 hits of 72) of the total hits using buckshot.
4. To qualify with the shotgun, each student shall successfully fire the course once out of two attempts.

QUALIFICATION COURSE SUMMARY

SHOTGUN - 8 ROUNDS

The following is a summary of the qualification course which may be used as a quick reference when instructing on the FIRING range.

| <u>DISTANCE</u> | <u>DESCRIPTION OF STAGES</u> | <u># ROUNDS</u> |
|-----------------|---|-----------------|
| STAGE I | | |
| 15 Yards | On command, from the standing ready position, depress action bar release, chamber 1 round, assume shoulder position move safety to "OFF." Fire 1 round on first target in 5 seconds, eject spent shell, chamber live round. On command, return to standing ready position. | 1 |
| 15 Yards | On command, from the standing ready position, assume the shoulder position, fire 1 round on second target in 3 seconds. Eject spent shell, chamber live round, cover target. | 1 |
| 15 Yards | On command, from the standing ready position, assume the shoulder position, fire 1 round on first target, then fire 1 round on second target in 5 seconds. | 2 |
| STAGE II | | |
| 15 Yards | On command, from the standing ready position, move to cover, depress action bar release, chamber 1 round, assume shoulder position, move safety to "OFF." Fire 1 round on second target in 7 seconds, eject spent shell, chamber live round. On command, return to standing ready position. | 1 |
| 15 Yards | On command, from the standing ready position, move to cover, assume the shoulder position, and fire 1 round on second target in 4 seconds. Eject spent shell, chamber live round, cover target. | 1 |
| 15 Yards | On command, from the standing ready position, move to cover, assume the shoulder position, and fire 1 round on first target, then fire 1 round on second target in 7 seconds. | 2 |

SECTION VII

APPENDICES

APPENDIX A CURRICULUM AND TRAINING SCHEDULE

PURPOSE

To establish a procedure for firearms training required by Chapter 493, Florida Statutes. The procedure will assure consistency and adherence to Department policy.

OBJECTIVE

To establish a curriculum to ensure uniformity of training provided by licensed Class "K" Firearm Instructors to ensure that all licensees carrying firearms receive proficiency training in a consistent manner. The curriculum will include 28 hours of firearms training to include no more than 8 hours of range instruction in accordance with Chapter 493, Florida Statutes.

The following outlines the topics and number of hours of instruction:

FIREARMS TRAINING CURRICULUM³

I. LEGAL ASPECTS OF THE USE OF FIREARMS – TOTAL 12 HOURS

A. CHAPTER 493, FLORIDA STATUTES - 5 Hours

Part I - General Provisions

- 1. Section 493.6105, F.S. - Initial application for license**
 - (5) Minimum firearms training criteria –
- 2. Section 493.6111, F.S. - License; contents; identification card**
 - (1) Requirement to carry license when on duty –
- 3. Section 493.6113, F.S. - Renewal application for licensure**
 - (3)(b) Annual requalification
- 4. Section 493.6115, F.S. - Weapons and firearms**
 - (1) Provisions apply to all licenses
 - (2) Licensees permitted to bear a firearm
 - (3) Carrying a weapon only in connection with duties
 - (4) Carrying weapons concealed
 - (5) Effective period of license
 - (6) Firearms waiver
 - (7) Firearms instructors must have Class "K" license
 - (8) Firearms training requirements
 - (9) Discharge of firearms
 - (10) Authority to promulgate rules to issue licenses for weapons other than firearms
 - (11) Authority to establish rules for periodic training for Class "K" Firearms Instructors

³ NOTE: Statutes in this manual are effective as of 2013. The complete Florida Statutes can be viewed at: <http://www.leg.state.fl.us/statutes/>.

- (12) Temporary Class "G" Statewide Firearms License
- (13) Class "G" processing fee
- (14) Temporary Class "G" licensee subject to all requirements of Class "G"
- (15) Period temporary Class "G" is valid; denial of temporary Class "G"
- (16) Criminal history check for Class "G" if FDLE record check program is inoperable
- (17) No exemption from this section by holding a s. 790.06 license

5. Section 493.6118, F.S. - Grounds for disciplinary action

- (1) (a) Fraud and willful misrepresentation
- (c) Conviction of directly related crime
- (f) Fraud, deceit, negligence, incompetency or misconduct
- (g) Conducting activities without a license
- (i) Impersonating a law enforcement officer or state official
- (j) Commission of an act of violence
- (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 regulated business
- (o) Failure or refusal to cooperate
- (q) Failure to carry license when on duty
- (2) Authority to take administrative action
- (3) Grounds for denial of license
- (4) Felony convictions
- (5) Return of license upon revocation or suspension
- (6) Automatic suspension of license
- (7) Ineligibility to reapply

6. Section 493.6120, F.S. - Violations; penalty

- (1) Penalties for unlicensed practice
- (2) Penalties for impersonation of licensee
- (3) Penalty for violation of this chapter
- (4) Five year licensure ineligibility for violation of chapter
- (5) Violation of a cease and desist order
- (6) License suspension for owner, partner, or manager, of license agency
- (7) Penalty for issuance of fraudulent training certificate

7. Section 493.6121, F.S. - Enforcement; investigation

- (1) Authority to enforce
- (3) Authority to investigate

Part II - Private Investigative Services

1. Section 493.6201, F.S. – Classes of licenses

- (7) Classes of licenses permitted to bear firearms

Part III - Private Security Services

1. Section 493.6301, F.S. - Classes of licenses

- (6) Classes of licensees permitted to bear firearms
 - 2. **Section 493.6303, F.S. - License requirements**
 - (4) Proof of completion of professional training for class “D” license
 - (5) Minimum firearms training
 - 3. **Section 493.6305, F.S. - Uniforms, required wear; exceptions**
 - (3) Use of concealed firearms in limited special assignments
- B. CHAPTER 775, FLORIDA STATUTES - 1 Hour**
- 1. **Section 775.01, F.S. - Common law of England**
 - 2. **Section 775.011, F.S. - Short title**
 - 3. **Section 775.012, F.S. - General purposes**
 - 4. **Section 775.02, F.S. – Punishment of common-law offenses**
 - 5. **Section 775.021, F.S. - Rules of construction**
 - 6. **Section 775.04, F.S. - What penal acts or omissions not public offenses**
 - 7. **Section 775.08, F.S. – Definitions**
 - 8. **Section 775.081, F.S. - Classification of felonies and misdemeanors**
 - 9. **Section 775.082, F.S. – Penalties**
 - 10. **Section 775.0823, F.S. - Attempted murder of law enforcement officer**
 - 11. **Section 775.083, F.S. – Fines**
- C. CHAPTER 776, FLORIDA STATUTES - 1 Hour**
- 1. **Section 775.012, F.S. - Use of force in defense of person**
 - 2. **Section 776.031, F.S. - Use of force in defense of others**
 - 3. **Section 776.041, F.S. - Use of force by aggressor**
 - 4. **Section 776.06, F.S. - Deadly force**

- D. CHAPTER 790, FLORIDA STATUTES - 2 Hours**
- 1. Section 790.001, F.S. - Definitions**
 - 2. Section 790.01, F.S. - Carrying concealed weapons**
 - 3. Section 790.015, F.S. - Nonresidents who are United States citizens and hold a concealed weapons license in another state; reciprocity.**
 - 4. Section 790.02, F.S. - Officer to arrest without warrant and upon probable cause**
 - 5. Section 790.051, F.S. - Exemption from licensing requirements; law enforcement officers**
 - 6. Section 790.052, F.S. - Carrying concealed firearms; off-duty law enforcement officers**
 - 7. Section 790.053, F.S. - Open carrying of weapons**
 - 8. Section 790.054, F.S. - Prohibited use of self-defense weapon or device against law enforcement officer; penalties**
 - 9. Section 790.06, F.S. - License to carry concealed weapon or firearm**
 - 10. Section 790.061, F.S. - Judges and justices; exceptions from licensure provisions**
 - 11. Section 790.065, F.S. - Sale and delivery of firearms**
 - 12. Section 790.0655, F.S. - Purchase and delivery of handguns; mandatory waiting period; exceptions; penalties**
 - 13. Section 790.07, F.S. - Persons engaged in criminal offense, having weapons**
 - 14. Section 790.08, F.S. - Taking possession of weapons and arms; reports; disposition; custody**
 - 15. Section 790.09, F.S. - Manufacturing or selling slungshot**
 - 16. Section 790.10, F.S. - Improper exhibition of dangerous weapons or firearms**
 - 17. Section 790.115, F.S. - Possessing or discharging weapons or firearms at a school-sponsored event or on school property prohibited; penalties; exceptions**
 - 18. Section 790.145, F.S. - Crimes in pharmacies; possession of weapons; penalties**
 - 19. Section 790.15, F.S. - Discharging firearm in public or on residential property**
 - 20. Section 790.151, F.S. - Using firearm while under the influence of alcoholic beverages, chemical substances, or controlled substances; penalties**

21. Section 790.153, F.S. - Tests for impairment or intoxication; right to refuse
22. Section 790.155, F.S. - Blood test for impairment or intoxication in cases of death or serious bodily injury; right to use reasonable force
23. Section 790.157, F.S. - Presumption of impairment; testing methods
24. Section 790.16, F.S. - Discharging machine guns; penalty
25. Section 790.161, F.S. - Making, possessing, throwing, projecting, placing, or discharging any destructive device or attempt so to do, felony; penalties
26. Section 790.1612, F.S., Authorization for governmental manufacture, possession, and use of destructive devices
27. Section 790.1615, F.S. - Unlawful throwing, projecting, placing, or discharging of destructive device or bomb that results in injury to another; penalty
28. Section 790.162, F.S. - Threat to throw, project, place, or discharge any destructive device, felony; penalty
29. Section 790.163, F.S. - False report about planting bomb, explosive, or weapon of mass destruction; penalty
30. Section 790.164, F.S. - False reports concerning planting a bomb, explosive, or weapon of mass destruction in, or committing arson against, state-owned property; penalty; reward
31. Section 790.165, F.S. - Planting of "hoax bomb" prohibited; penalties
32. Section 790.166, F.S. - 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
33. Section 790.169, F.S. - Juvenile offenders; release of names and addresses
34. Section 790.17, F.S. - 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
35. Section 790.173, F.S. - Legislative findings and intent
35. Section 790.174, F.S. - Safe storage of firearms required
36. Section 790.175, F.S. - Transfer or sale of firearms; required warnings; penalties
37. Section 790.18, F.S. - Selling arms to minors by dealers

38. Section 790.19, F.S. - 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
39. Section 790.22, F.S. - 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.
40. Section 790.221, F.S. - Possession of short-barreled rifle, short-barreled shotgun, or machine gun; penalty
41. Section 790.225, F.S. - Ballistic self-propelled knives; unlawful to manufacture, sell, or possess; forfeiture; penalty
42. Section 790.23, F.S. - Felons and delinquents; possession of firearms, ammunition, or electric weapons or devices unlawful
43. Section 790.233, F.S. - Possession of firearm or ammunition prohibited when person is subject to an injunction against committing acts of domestic violence, stalking, or cyberstalking; penalties
44. Section 790.235 Possession of firearm or ammunition by violent career criminal unlawful; penalty
45. Section 790.24, F.S. - Report of medical treatment of certain wounds; penalty for failure to report
46. Section 790.25, F.S. - Lawful ownership, possession and use of firearms and other weapons
47. Section 790.251, F.S. - 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
48. Section 790.256, F.S. - Public service announcements
49. Section 790.27, F.S. - Alteration or removal of firearm serial number or possession, sale, or delivery of firearm with serial number altered or removed prohibited; penalties
50. Section 790.29, F.S. - Paramilitary training; teaching or participation prohibited
51. Section 790.31, F.S. - Armor-piercing or exploding ammunition or dragon's breath shotgun shells, bolo shells, or flechette shells prohibited
52. Section 790.33, F.S. - Field of regulation of firearms and ammunition preempted
53. Section 790.331, F.S. - Prohibition of civil actions against firearms or ammunition manufacturers, firearms trade associations, firearms or ammunition distributors, or firearms or ammunition dealers

E. CIVIL AND CRIMINAL LIABILITY - 3 Hours

1. Definitions

- (a) Criminal Liability
- (b) Civil Liability
- (c) Negligence
- (d) Standard of Care
- (e) Liability
- (f) Vicarious Liability

2. Use of Deadly Force

- (a) Purpose
- (b) Definition
- (c) Improper Use of Deadly Force
- (d) Excessive Force
- (e) Negligence
- (f) Vicarious Liability
- (g) Negligent Entrustment
- (h) Negligent Assignment

3. Hazardous Situations and Discussion of Case Examples

II. OPERATIONAL FIREARMS SAFETY - 4 HOURS

- A. General Safety Rules in Handling Firearms
- B. Proper Wearing and Storage of Firearms
- C. Safety Rules for Firing Handguns
- D. Semi-automatic Safety Standards
- E. Semi-automatic Operational Standards
- F. General Storage of Semi-automatic Pistols
- G. Holsters

III. FIREARMS MECHANICAL TRAINING - 3 HOURS

PART 1 REVOLVERS

- A. The Types of Revolvers
- B. Nomenclature
- C. Functioning of the .38 or .357 Caliber Revolver
- D. Stoppages
- E. Immediate Action
- F. Care and Cleaning of the Revolver
- G. Loading and Unloading the Revolver

PART 2 SEMI-AUTOMATIC PISTOLS

- A. Types of Semi-automatic Pistols
 - B. Nomenclature
 - C. Safety Features
 - D. Rendering the Pistol Safe
 - E. Field Stripping and Inspection
 - F. Functioning of the Semi-automatic
 - G. Semi-automatic Pistol Stoppages
 - H. Immediate Action to Clear Stoppages and Malfunctions
 - I. Loading and Unloading of the Semi-automatic Pistol
 - J. Care and Cleaning of the Semi-automatic Pistol
-

IV. FIREARMS RANGE QUALIFICATION HANDGUNS – 5 to 8 HOURS (see note below)

- A. Stance
- B. Proper Grip and Draw
- C. Sight Alignment, Sight Picture and Trigger Control
- D. Minimum Range Facility Standards
- E. Firearms Range Safety
- F. Range Procedures and Rules of Conduct
- G. Range Commands - .38 or .357 Caliber Revolvers
- H. Range Commands - Semi-automatic Pistols
- I. Course of Fire
(Refer to “Outline of Lesson” outlined previously.)

EXAMINATION ON ALL PARTS – 1 HOUR

TOTAL HOURS – 28

NOTE: A Class “K” instructor can at his or her discretion administer as few as 5 hours of range qualification training if the student(s) demonstrates sufficient mastery of the core principles of safe firearms handling (to include shooting a qualifying score) without the full eight hours of range training. However, reducing the number of hours of range training will require teaching additional hours elsewhere in the curriculum so that the cumulative total of firearms training amounts to 28 hours as required by s. 493.6105(5), F.S.

V. ANNUAL FIREARMS REQUALIFICATION - 4 HOURS (see note below)

- A. Review of Legal Aspects of the Use of Firearms and When to Use a Gun (Section I)
- B. Review of Operational Firearms Safety (Section II)
- C. Review of Firearms Mechanical Training (Section III)
- D. Review of Firearms Qualification (Section IV)
- E. Firearms Requalification - Same course of fire outlined in Firearms Qualification in Section IV

NOTE: Please refer to the specific training components involved in the four hours of pre-qualification training and the amount of time that should be devoted to each of those components.

VI. ANNUAL SHOTGUN FAMILIARIZATION, QUALIFICATION & REQUALIFICATION - 4 HOURS

- A. General Description
- B. Nomenclature
- C. Shotgun Ammunition
- D. Safety
- E. Shooting Positions
- F. Mounting the Gun
- G. Qualification and Requalification

(Refer to "Outline of Lesson" outlined previously.)

FIREARMS TRAINING SCHEDULE FOR THE 28-HOUR INITIAL QUALIFICATION COURSE

DAY 1

- I. Legal Aspects in the Use of Firearms**
 - A. Chapter 493, Florida Statutes 5 Hours
 - B. Chapter 775, Florida Statutes 1 Hour
 - C. Chapter 776, Florida Statutes 1 Hour

DAY 2

- D. Chapter 790, Florida Statutes 2 Hours
 - E. Civil and Criminal Liability 3 Hours
- II. Firearms Operational Safety 4 Hours**

DAY 3

- III. Firearms Mechanical Training 3 Hours**
- IV. Firearms Qualification (Range) 8 Hours**
- Examination 1 Hour**

28 HOURS

FIREARMS TRAINING SCHEDULE FOR THE 4-HOUR RE-QUALIFICATION COURSE

- A. Legal Aspects 1 Hour
- B. Written Exam 1 Hour
- C. Practical Exercise 1 Hour
- D. Range Requalification 1 Hour

4 HOURS

APPENDIX B SAMPLE LESSON PLAN FOR ADMINISTRATION OF FIREARMS TRAINING

TOPIC _____

HOURS _____

PURPOSE: (Brief statement as to what the topic is designed to offer the student).

OBJECTIVE: (List areas of ability, knowledge and acquaintance student should exhibit at conclusion).

METHODOLOGY: (Techniques of topic presentation).

LECTURES _____

FILMS _____

HANDOUTS _____

OTHER _____ EXPLAIN _____

LESSON OUTLINE: (Brief description of lesson outlining major and primary points).

BIBLIOGRAPHY: (List text, or reference supporting topic area).

APPENDIX C RECORD-KEEPING REQUIREMENTS FOR CLASS "K" FIREARM INSTRUCTORS

Pursuant to its authority under sections 493.6103, and 493.6121, Florida Statutes, the Department of Agriculture and Consumer Services, Division of Licensing, hereby establishes the following records that shall be maintained by each Class "K" Firearm Instructor:

- a. A schedule which shall include the date, location and name of the instructor of each class session and the instructor's license number.
- b. A log for each class session containing the printed names, the social security number and signature of each student.
- c. The yellow copy of the DACS Form 16005 (Certificate of Firearms Proficiency), a copy of the Certificate of Completion issued to the student and any other record that may indicate the student successfully completed the required course of training.
- d. Any duplicate certificates issued to the student.
- e. Originals of all tests taken by the student that shall indicate the test score and shall contain the student's printed name, the student's social security number, the date the test was taken and the student's signature.

The above records shall be maintained in a separate file, by class, and shall not be commingled with student records from other classes. Each student's records shall be separately collated and bound within the file.

Such records shall be maintained for a period of two years at the place of business of the Class "K" Instructor or at the address listed on the Class "K" License, and, such records shall be produced for inspection of the Division of Licensing upon request.

Note Rule 5N-1.140(5) requires:

(5) Retention of records. Each school, facility or provider of private investigator examinations shall maintain for 2 years and make available for inspection upon request of the department the following records:

- (a) A schedule which shall include the date, time, location and instructor of each class session;
- (b) A separate file for each course which establishes that minimum course standards were met to include, at a minimum, the course materials and reference sources used for each class presentation and the original of each final exam bearing the grade received and the signature of the student;
- (c) A log for each class session containing the signature of each student in attendance;
- (d) A copy of any certificate, diploma or other record presented to each student which establishes the successful completion of the course of study and final examination.
- (e) A separate file on each approved instructor containing, as a minimum, a copy of the qualifications and license of each.

APPENDIX D FIREARMS WAIVERS

I. AUTHORITY TO APPROVE FIREARMS WAIVERS

When the Division determines that a specific need exists, it may issue a waiver to carry a firearm other than that which the licensee is authorized to carry. The authority to issue firearm waivers is found in Section 493.6115(6), Florida Statutes, which states:

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). (emphasis added)

II. DIVISION WAIVER POLICY

A. Types of Firearms Approved For Waivers

The only firearms for which the Division will issue waivers are the .40 caliber, .45 ACP, the 12 gauge pump action shotgun and the patrol rifle in .223 caliber/5.56 millimeter.

B. Requirements for Requesting Firearms Waivers

1. Waivers will only be issued on the basis of **Specific Need** based on duty assignment. Two recognized needs include, but are not limited to: armored car carrier and nuclear power facility employees.
2. Requests for waivers will only be accepted from licensed Class "A" and "B" agencies for specific licensed employees of that agency. The request must be in writing on agency letterhead, must be signed by an agency manager or owner and must contain at least the following information:
 - Make, caliber and type of firearm; ie, (Glock .40 caliber semi-automatic pistol.)
 - Statement indicating the specific reason the waiver is being requested including the specific type of duty for which the waiver is requested.
 - Full name, social security number and license number of the licensee for whom the waiver is requested.

In addition, a photo copy of all valid licenses ("C," "CC," "D," "G," "M," "MA" or "MB") held by the licensee who will hold the waiver must accompany the letter along with DACS Form 16005, Certificate of Firearms Proficiency, certifying the licensee has qualified with specific firearm.

NOTE: Any request for a firearms waiver will be denied if any license under which the waiver is to be issued will expire within sixty (60) days of the request and the waiver will not be issued until the license is renewed.

C. Authorized Ammunition

Licensees shall use only standard, controlled expansion (factory) ammunition of a type and load which is appropriate for the location and duty requirements regardless of the firearms waiver. No waivers will be issued for ammunition.

The following types of ammunition are prohibited:

- a. Glaser-type or any other pre-fragmented-type bullets;
- b. Exploding bullets;
- c. Full metal jacket (fmj)/full metal case (fmc) (this can be used in semi-automatic pistols only);
- d. Teflon-coated (ktw-type) or any other type of armor piercing bullets;
- e. Full wadcutter bullets (except on firing range);
- f. Reloads (except on firing range).

D. Longevity of Firearms Waivers

Firearms waivers shall remain in force unless or until revoked by the Division, or

- a. The expiration, suspension or revocation of the Class "C," "CC," "D," "M," "MA" or "MB" license of the waiver holder or,
- b. Termination of employment of the waiver holder by the requesting employer, or
- c. Change of duty assignment stated on the waiver card.

E. Responsibility for Firearms Waiver Cards

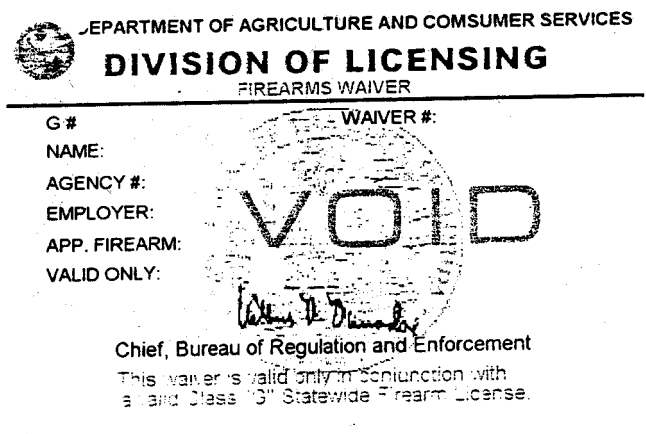
Agency owners and managers are responsible for ensuring licensed employees carry only firearms and ammunition approved by Chapter 493, Florida Statutes, or pursuant to any waiver issued by the Division of Licensing and for distributing waiver cards only to authorized employees.

Upon termination of the licensee's employment, it shall be the responsibility of the employing agency to obtain the Firearms Waiver Approval Card and return it to the Division of Licensing, Bureau of Regulation and Enforcement, at the address stated herein.

F. Firearms Waiver Approval Card

If the specific recognized need warrants approval of a Firearms Waiver, a **Firearms Waiver Approval Card** will be issued to the licensee who will carry the firearm. The card must be in the possession of the licensee at all times when the firearm is carried within the performance of official duties.

The following is an example of a Firearms Waiver Card:



Any questions concerning Firearms Waivers should be referred, **IN WRITING**, to:

Florida Department of Agriculture and Consumer Services
Division of Licensing
Bureau of Regulation and Enforcement
P.O. Box 6687
Tallahassee, Florida 32314-6687

APPENDIX E DIVISION OF LICENSING CONTACT INFORMATION

The street and mailing address of the Division of Licensing's main office is as follows:

Division of Licensing
Department of Agriculture and Consumer Services
4040 Esplanade Way
Tallahassee, Florida
P. O. Box 9100,
Tallahassee, Florida 32315-9100.

The division's regular business hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday, except state holidays.

The division can be contacted at the following numbers:

| | |
|--------------------------------------|----------------|
| Director/Assistant Director | (850) 245-5500 |
| Compliance Section | (850) 245-5506 |
| Bureau of Regulation and Enforcement | (850) 245-5499 |
| Bureau of License Issuance | (850) 245-5665 |
| Bureau of Support Services | (850) 245-5500 |

Division regional offices are located at:

Jacksonville Regional Office
7825 Baymeadows Way
Suite 106A, Center Building
Jacksonville, Florida 32256
(904) 828-3100

Tallahassee Regional Office
4040 Esplanade Way, Suite 101
Tallahassee, Florida 32399
(850) 245-5498

Ft. Walton Regional Office
111 Racetrack Road
Unit 111-C, Choctaw Plaza
Ft. Walton, Florida 32547
(850) 833-9146

West Palm Beach Regional Office
400 N. Congress Avenue, Suite 240
West Palm Beach, Florida 33401
(561) 681-2530

Miami-Dade Regional Office
7739 NW 48th Street, Suite 140
Miami, Florida 33166
(305) 639-3500

Orlando Regional Office
1707 Orlando Central Parkway, Suite 150
Orlando, Florida 32801
(407) 888-8700

Punta Gorda Regional Office
230 Bal Harbor Boulevard, Suite 111
Punta Gorda, Florida 33950
(941) 575-5770

Tampa Regional Office
1313 Tampa Street, Suite 712
Tampa, Florida 33602
(813) 272-2552