



David Murrett

A Message From Your Executive Director

Authority For Carrying Concealed Firearm Off-Duty

Under state law, there are basically three (3) ways law enforcement, correctional and correctional probation officers can legally carry a concealed firearm off-duty:

- (1) **As a part of the officer's official duties.** Carrying a firearm in an official capacity is addressed by s. 790.052, F.S., under which provisions a law enforcement or correctional agency may allow an officer to carry a concealed firearm off-duty. This provision applies to all full-time, part-time and auxiliary law enforcement and correctional officers, but does not apply to correctional probation officers.
- (2) **As a private citizen with a concealed firearm license exemption.** Under an exemption granted officers in the concealed firearms license law, an officer can carry a concealed firearm off-duty as a private citizen and with the same rights and privileges as a citizen who gets a concealed firearm license. All full-time, part-time, and auxiliary law enforcement, corrections and correctional probation officers are covered by this exemption in s. 790.06(5)(b), F.S., which was lobbied into law by P.B.A.
- (3) **As a private citizen with a concealed firearms license.** If an officer does not want to take advantage of the P.B.A.-authored licensure exemption discussed in (2) above, he/she may apply for a regular concealed firearm license from the Department of Agriculture and Consumer Services. Under P.B.A. language adopted into law in 1992, such an officer pays a greatly reduced fee for the five-year license and is exempt from the normal background investigation [see s. 790.06(5)(b)]. **The only real advantages to getting an actual license, as opposed to exercising the license exemption, are (1) that those with a license are not subject to Florida's constitutionally mandated three-day waiting period for purchase of a handgun and (2) many states, through reciprocal agreements, allow Florida permit holders to legally carry concealed firearms in the respective states.**

Key Points to Remember:

1. When officers wish to carry a concealed firearm off-duty in an official capacity under s. 790.052, F.S., the officers must have the express permission of superior officers.
2. An officer can carry a concealed firearm off-duty as a private citizen, under s. 790.06, without getting permission from superior officers or the agency itself.
3. When carrying a concealed firearm off-duty in an official capacity under s. 790.052, F.S., officers may utilize "their weapons in a manner which is reasonably expected of on-duty officers in similar situations" (i.e., use of deadly force in certain fleeing felon situations).
4. When an officer is carrying a concealed firearm off-duty as a private citizen under s. 790.06, F.S., it is for self defense only and, the same as for license holders, there are restrictions on locations where the firearm may be carried [see s. 790.06(12), F.S.].
5. While officers carrying a concealed firearm under the license exemption do not have a paper or plastic license to exhibit, they should carry identification proving that they are, in fact, a law enforcement, correctional or correctional probation officer and thus entitled to carry under the exemption provided in s. 790.06. Officers need not make application to or seek approval from any person or agency of government to be eligible for the exemption. Their active certification from Criminal Justice Standards and Training Commission is the only requirement.
6. Also under the P.B.A.-authored exemption in s. 790.06(5)(b), full-time law enforcement, corrections and correctional probation officers are exempt from the required fees and background investigation for a period of one year after the officer's retirement date (such retired officers can get a five-year license if they exercise the option within the first year after retirement).

Please call if you are unclear about your right to carry a concealed firearm off-duty in an official capacity or as a private citizen. We'll be glad to try to answer your questions. ●

The little boy wasn't getting good marks in school.

One day he made the teacher quite surprised.

He tapped her on the shoulder and said, "I don't want to scare you, but my daddy says if I don't get better grades... somebody is going to get a spanking!"



By Glenda Gail Kelly

PBA Benefits Update from Your Executive Assistant

Death and Disability Plan Update

As you may already know, PBA's Death and Disability Plan was instituted effective April 1, 2005. This program, free to members of chapters and participating charters, provides certain death or disability benefits to the member, spouse or dependent children when the member is killed or suffers a catastrophic injury in the line of duty.

On December 1, 2005, the death benefit payment increased to a maximum of \$30,000 and effective November 14, 2007, the catastrophic injury benefit increased to a maximum of \$20,000. Death benefit payments are usually made within 48 hours of death, a speedy payment when the family is most in need of immediate financial resources.

Basic Eligibility Requirements:

- The officer who was killed or suffered catastrophic injury must have been a member from a participating

charter or chapter of the Florida Police Benevolent Association, Inc., at the time of the accident or injury which gave rise to the death or disability and continuing through the time of application and payment of benefit; and

- The officer must have been killed or suffered a catastrophic injury while on-duty and as a direct result of the actual and lawful performance of official law enforcement or correctional responsibilities required by his or her agency and as the direct result of an unlawful and intentional act. In case of catastrophic injury, the officer must also be considered by the review board to be permanently unable to render useful and efficient service as an officer by virtue of the injury.

Please contact the PBA at 1-800-733-3722, extension 426 (Glenda Gail Kelly) for more information. ●