

Florida Department of Agriculture and Consumer Services
CHARLES H. BRONSON, Commissioner
The Capitol • Tallahassee, FL 32399-0800

Please Respond to:
Division of Licensing
P. O. Box 6687
Tallahassee, FL 32314-6687
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May 11, 2009

A. Michael Perotti, Esquire
Brewer Perotti Martinez-Monfort, P.A.
400 N. Tampa Street, Suite 2600
Tampa, Florida 33602

Dear Mr. Perotti:

This is in regard to your follow-up letter about the issues discussed during our meeting in December 2008 at which you, Ben Poitevent, and Ed Dupuy brought forth concerns on behalf of your various clients, which include the Critical Intervention Services, the Florida Association of Security Companies, and the Florida Association of Licensed Investigators, regarding the carrying of firearms by licensed security officers.

As discussed during our meeting, there is a general consensus that neither statute nor rule can be written to specifically address and provide guidance for every situation an armed security officer may encounter while on duty. The Division of Licensing believes, however, that reasonable parameters have been established. As Art Varnadore, Chief, Bureau of Regulation and Enforcement, mentioned during our meeting, such parameters have been in place for almost 20 years, having been instituted under the guidance of our former Director, John Russi. The following is an outline of my understanding of those parameters:

First, it is understood that 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. Accordingly, a properly licensed security officer may carry a firearm when he or she is on duty and while:

1. Assigned to an armed post;
2. Supervising an armed post *while at the post*;
3. Refueling the employer-owned patrol vehicle during duty hours;
4. Using restroom facilities in close proximity to the security officer's assigned post;
5. Purchasing food or beverage from a convenience store or carry-out/fast food restaurant in close proximity to security officer's assigned post;
6. Rendering emergency humanitarian assistance;
7. Providing assistance to a law enforcement officer when requested or directed by such law enforcement officer.



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A. Michael Perotti, Esquire
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Page Two

Although the following scenarios were discussed, I do not recall the Division's agreement for a security officer to carry a firearm while:

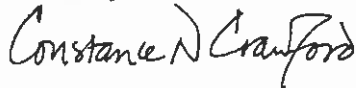
1. Eating at a restaurant in proximity to the security officer's assigned armed post and when the security officer is subject to immediate recall to that post, or
2. In a vehicle enroute to an assigned armed post, regardless of whether the security officer is technically on- or off-duty at that point.

With respect to these two concerns, the Division is always open to further dialog with you, Mr. Poitevent, Mr. Dupuy, your clients, and others who wish to discuss these issues.

I appreciate your taking the time to meet John McCarthy, Assistant Director, Art Varnadore, Chief, Bureau of Regulation and Enforcement, and me.

I hope this information is helpful and provides the guidance sought. A copy of this letter will be distributed to the regional office investigators.

Sincerely,



Constance N. Crawford, Director
Division of Licensing

cc: Ben Poitevent
Ed Dupuy
John McCarthy
Art Varnadore