



Florida Carry

Fighting for All Floridians Rights to Keep and Bear Arms

February 3, 2020

All Florida Sheriffs and Chiefs of Police:

We at Florida Carry fully understand that frontline police officers and Sheriff's deputies do their level best to apply the training and guidance they have received to the performance of their duties. However, too many times, their training has told them that anyone with a gun is a threat to be mitigated or neutralized. This may have worked in earlier times when Florida did not largely recognize that citizens have a right to bear arms, but that debate has been settled for decades.

All told, there are many millions of good people in Florida who keep and carry firearms on a daily basis for the protection of their families and themselves. However, a disturbing trend has arisen in too many police interactions with the lawfully armed public. More than ever before, police are pointing guns at people who they have no legitimate reason to believe are breaking any law. There has been a serious failure of leadership and an abysmal lack of statewide training standards to address this life-threatening situation.

Floridians have the right to bear arms and they exercise it. Police agencies and Sheriffs' Offices statewide need to adapt before more innocent people die or are illegally detained/arrested.

Since 2010, members of Florida Carry and other law-abiding citizens have been gathering in communities across the state to exercise their natural right to bear arms in accordance with Florida law. The right to bear arms, including open carry in certain circumstances, is well-established law.

When we began holding our gatherings, we notified you each time that we would be present. Sometimes you cooperated, sometimes you avoided, and sometimes you threatened arrest or worse. We tried to be proactive and avoid confrontations. You chose to violate our rights. We tried to work with you. You chose to threaten us with archaic Jim Crow-era laws meant to segregate fishing ponds (which are still in effect in certain municipalities and counties) and have even labeled us as 'Domestic Terrorists'. You claimed we were baiting you.

We will not tolerate these violations of our rights. We will no longer go out of our way to inform you we are coming to your city or county venues.

Your officers and deputies demand that we know and follow the law. We do. We demand that your officers and deputies know and follow the law, as well. We will hold you, your officers and deputies accountable if they do not.

Despite the well-established right, our members have been repeatedly victimized and deprived of their rights by various law enforcement agencies and their respective officers and deputies. Too many individuals in law enforcement throughout the state have harassed, berated, belittled, arrested, and even killed law-abiding citizens going about their personal business, for simply exercising their constitutionally protected right to bear arms.

Just a few examples in Florida:

1. Tampa officers were almost shot when they sneaked up behind a peaceful fisherman and tried to forcibly disarm him, before he realized who was assaulting him.
2. Miami Beach officers committed aggravated assault, battery, false imprisonment, deprivation of property, and unlawful searches of our members;
3. Marion County deputies committed aggravated assault, and false imprisonment on a member of our Board of Directors and one of our members;
4. Jacksonville Sheriff deputies harassed citizens for exercising their First and Second Amendment rights while gathered to fish;
5. Multiple cases of frivolous arrests and charges against law-abiding citizens forced to defend themselves against violent criminals;
6. Jacksonville Sheriff deputies illegally arrested an active duty service member who was lawfully in possession of a rifle in his vehicle.
7. Multiple arrests of school personnel lawfully possessing firearms in their vehicles, including one of their own off-duty officers;
8. Multiple cases of officers disarming and disassembling firearms during traffic stops leaving citizens defenseless;
9. Multiple cases of harassment of citizens who were lawfully open carrying firearms while fishing;
10. Intelligence gathering on law-abiding citizens who dare to exercise their most basic human right of self-defense;
11. Lake County deputy shooting and killing a law-abiding citizen who exercised his right to be armed when answering his door in the middle of the night;
12. Palm Beach Gardens police officer shooting and killing a stranded motorist and law-abiding citizen.

It is time for the Sheriffs and Chiefs of Police to understand that we are not going away. We will not tolerate the abuse of our members or other law-abiding citizens by your officers' and deputies' overly aggressive tactics.

We will sue you.

This letter will be Exhibit One that you were put on notice of these issues and were advised of the need to more thoroughly train your deputies and officers. We will fight any claim that you were not aware of an issue in your specific department. The ongoing and repeated issues throughout the state make it clear that more thorough training and appropriate training is needed in all departments.

Proper and thorough training is necessary to avoid violation of constitutional rights merely because a citizen is armed. Case law has well-established that the mere presence of a firearm is no grounds for detainment, absent any reasonable articulable suspicion that criminal activity is afoot. We have an objectively reasonable fear of mistakes by law enforcement given the time and current climate in which we live. It is a climate where your officers level a firearm at a person with a threat to end their lives and ask questions later because they are overly afraid of the idea of an armed person.

You have claimed that if we exercise our rights you will “draw down on us,” following the famous quote from former Pinellas County Sheriff Jim Coats. You have stated that if we open carry, we should expect to be “proned out,” according to current Pinellas County Sheriff Bob Gualtieri. We have just as much right to be armed and protect ourselves as you do. Your safety is no more important than ours. You and your officers and deputies have no right to ‘draw down’ on us or ‘prone us out’ if we are committing no crime, and we will not allow you to continue these actions with impunity.

Some of you have claimed that our members are baiting law enforcement. This is patently untrue and demonstrates your bias against the free exercise of constitutional rights. We don’t bait you. We are in public to educate and normalize what was once common in this state, strong men and women who refuse to be victims and will not resign themselves to fate in the hopes that help will arrive in time, as happened at Marjory Stoneman Douglas High School.

What you really want is for us to stay in the closet. For years law enforcement used similar, heavy-handed tactics against blacks, gays, and other minorities who refused to be silent. Law enforcement insisted these disfavored classes limit the exercise of fundamental rights to their homes. When they came into the streets to say they would no longer be silenced, marginalized, demeaned, and denied the public exercise of their rights, law enforcement acted with extreme disdain. This will not be allowed to happen to gun owners in Florida. We will not stand by silently. We will be heard. We will be seen. We will exercise our rights as citizens of Florida, not subjects. We will not ‘Please the Crown’.

These are our demands for more thorough and appropriate training:

1. Absent a special circumstance, no law-abiding gun owner should have to surrender their firearm to law enforcement in a traffic stop or any other consensual encounter or brief detention if you do not have reasonable, articulable suspicion of a crime.
2. Law-abiding gun owners peacefully fishing should be left alone and should not be singled out for fishing license checks simply for being armed;
3. If you do have to take a firearm from us while securing a specific situation, it will be returned fully functioning as you took it;
4. You will not run the serial numbers of firearms that are removed from law-abiding citizens without a specific reason to believe the firearm is stolen;
5. You will provide detailed instruction on Chapter 790, Florida Statutes and Chapter 776, Florida Statutes, to your deputies, officers and dispatchers;
6. You will expect us to come to the door of our home armed, as is our right;
7. When we exercise our rights, you will treat us as citizens deserving of respect;
8. You will not interrupt any Florida Carry or other lawful gathering exercising 1st and 2nd Amendment rights guaranteed under the Florida and United States Constitutions.

If your officers and deputies do not receive this more thorough and appropriate training and continue to violate our rights, we will respond. We will bring lawsuit after lawsuit until the message is delivered.

We have cataloged and continue to catalog the violations of our rights. We will use this letter and these onerous violations in court. We will show that you were made aware of the consequences of your persistent failure to properly train your officers and deputies. We will show that law enforcement statewide has repeatedly violated the rights of gun owners and yet you did nothing.

We will demand criminal prosecution of officers and deputies who violate our rights.

You, as law enforcement leaders, have the ultimate responsibility to your deputies, officers and to your communities to provide the proper and relevant training regarding legally armed citizens in the Great State of Florida. Failure to do so is a disservice to your officers, deputies and communities and is a gross dereliction of duty as well as a violation of your Constitutional oath.

This is your final notice.

Sincerely,

/s/

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/s/

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/s/

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