Firearms -- Firefighters -- Police Chief

Number: INFORMAL

Date: August 17, 2016

Chief Tony R. Taylor
City of Crestview Police Department
201 Stillwell Boulevard
Crestview, Florida 32539

Dear Chief Taylor:

Thank you for contacting the Florida Attorney General's Office regarding your authority, as Chief of Police, to direct or permit firefighters in emergency situations to openly carry firearms. Attorney General Bondi has asked me to respond to your letter.

After reviewing the information you have submitted, it does not appear that this is a matter upon which this office will comment. The Florida Attorney General is statutorily authorized to provide legal advice and opinions to governmental officers on their own duties and responsibilities. See section 16.01(3), Florida Statutes, and Department of Legal Affairs Statement Concerning Attorney General Opinions (copies enclosed). As it is unclear that a municipal police chief has any statutory authority to direct firefighters in the performance of their duties, no comment will be expressed on this matter.

Further, I would note that section 790.06(12)(a), Florida Statutes, which provides that a license to carry a concealed weapon or firearm does not authorize any person to openly carry an handgun or carry a concealed weapon or firearm into police stations, courthouses, schools, airports, etc., contains no exceptions.[1] However, section 790.051, Florida Statutes, provides an exemption from licensing requirements for law enforcement officers. In light of these statutory provisions you may wish to consider whether a mutual aid agreement between law enforcement agencies may better meet your needs in planning to respond to emergency situations.[2] This office has issued a number of Attorney General's Opinions discussing such mutual aid agreements[3] and these are available at www.myfloridalegal.com. This website contains a searchable database of Attorney General Opinions dating from 1974 and using a search term such as "mutual aid agreement" or a statutory citation such as "23.1225", may produce some helpful information on this topic.

I regret that this office could not be of more direct assistance to you in this matter, but trust you will understand that our inability to comment is the result of statutory limitations not a lack of concern.

Sincerely,

Gerry Hammond
Senior Assistant Attorney General

Enclosures: s. 16.01(3), Fla. Stat.
Policy Statement

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[1] *And see* s. 790.145, Fla. Stat., prohibiting the possession of firearms in pharmacies and providing an exception for law enforcement officers.

[2] *See* s. 23.1225(1)(b), Fla. Stat., providing for a requested operational assistance written agreement for rendering assistance in a law enforcement emergency.

[3] *See e.g.*, Ops. Att'y Gen. Fla. 99-62 (1999), 99-22 (1999), 97-45 (1997), 90-84 (1990), 2005-26, and 2012-46.