

ORDINANCE NO. 77-7

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA PROVIDING THAT THE BOARD OF COUNTY COMMISSIONERS MAY GRANT A LICENSE TO CARRY A PISTOL WITHIN THE COUNTY OF MANATEE, FLORIDA, TO APPLICANTS MEETING CERTAIN CONDITIONS; PROVIDING A UNIFORM PROCEDURE FOR THE PROCUREMENT OF SUCH LICENSES; REQUIRING THAT THE COUNTY MAINTAIN RECORDS OF LICENSED INDIVIDUALS; PROVIDING A PROCEDURE FOR THE SUSPENSION AND REVOCATION OF LICENSES TO CARRY PISTOLS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. Purpose and intent. It is declared to be the purpose and intent of this Ordinance to provide a uniform policy and procedure for the issuance of licenses to carry concealed pistols on the person pursuant to Section 790.06, Florida Statutes.

Section 2. Definitions. For the purposes of this Ordinance, the following words shall have the following meaning:

- (a) Applicant. Applicant shall mean any person participating in any phase of the application procedure prior to the time when a License to Carry a Pistol is granted or denied by the Board.
- (b) Board. Board shall mean the Board of County Commissioners of Manatee County, Florida.
- (c) County. County shall mean the County of Manatee, a political subdivision of the State of Florida.
- (d) Licensee. Licensee shall mean any person granted a License to Carry a Pistol.
- (e) Pistol. Pistol shall mean any automatic, revolver, or other handgun.
- (f) Sheriff. Sheriff shall mean the Sheriff of Manatee County, Florida.

Section 3. Application for a license. Any applicant upon paying a filing fee to the Clerk of the Circuit Court of Manatee County, Florida, in the amount of Twenty-five Dollars (\$25.00) may obtain the necessary forms to make application for a License to Carry a Pistol. Said Clerk shall acknowledge receipt of said filing fee in the appropriate place on one of said forms. The filing fee is to cover the cost of processing the application, investigating the applicant and other procedures in connection with the issuance of the license and will not be refunded if the License to Carry a Pistol is not granted.

BRUCE A. SHATHERS
SECRETARY OF STATE

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FILED

EFFECTIVE DATE: 1/9/78

The applicant shall complete a sworn application including but not limited to the following information: The applicant's full name, date of birth, present permanent address, telephone number, country of citizenship, occupation, and employer's name and address; a statement of the applicant's past criminal conviction and the dates of any deprivation of civil rights for such convictions; statements concerning the applicant's need for issuance of a License to Carry a Pistol; and a description of the pistol to be licensed including the name and make of the pistol, the caliber, and any identification numbers. The applicant shall cause to be attached to or enclosed with the application, each of the following:

(a) One complete set of the fingerprints of the applicant.

(b) Two separate written statements from two separate persons not related by blood or marriage to the applicant attesting to the good moral character of the applicant and containing information as to how long the person has known the applicant and in what capacity said person has interacted with the applicant.

(c) A certificate of competency with the pistol in conformity with the provisions of Section 4 hereof.

(d) A full and complete release by the applicant in conforming with the provisions of Section 5 hereof.

(e) A written bond in the amount of One Hundred Dollars (\$100.00) by the applicant and a Surety Company duly authorized to transact business in the State of Florida payable to the Governor of the State of Florida conditioned upon the proper and legitimate use of said pistol.

Section 4. Certificate of Competency with a Pistol. The Sheriff may prescribe conditions for the granting of this Certificate to insure a reasonable degree of competency by the applicant so that the public shall not be endangered. The Sheriff may require, but is not limited to, reasonable written examinations, marksmanship examinations, gun care and handling examination, attendance at training classes in the use of firearms before granting certification. If the prescribed conditions and requirements have been met, said Certificate shall be issued by or on behalf of the Sheriff. The issuance of said Certificate shall not be construed as a guarantee or assurance that the applicant or licensee will competently use said pistol.

Section 5. Full and complete release. The applicant shall cause to be duly executed a full and complete release of the County, Board and Sheriff from any and all liability arising out of or in connection with the issuance of said license and the use of the particular pistol.

Section 6. Consideration of the application. After the applicant has completed the application procedure and all of the above-identified documents and procedures have been duly completed and attached to or enclosed with the application, the applicant shall cause said application with all of said attachments or enclosures to be filed with the Office of the Board in the Court House of the County in Bradenton, Florida. Said application shall thereafter be placed upon the agenda of a meeting of the Board and notice thereof shall be furnished the applicant and the Sheriff. The Board shall at the designated meeting or any continuation or continuance thereof consider the application and all documents and other matters in connection therewith, including any recommendation or information furnished by the Sheriff and such other presentations and information which may be made available to the Board at any such meeting. Based upon Section 790.06 of the Florida Statutes, this Ordinance, the best interests of the public and other factors, the Board may make a final determination to grant or deny the application for a License to Carry a Pistol. The final determination by the Board shall be duly noted in the appropriate place on said application signed by the Chairman or Vice Chairman of said Board for and on behalf of the Board and said application and all supporting documents in connection therewith shall be docketed or indexed and filed as a public record of the County.

Section 7. License to Carry a Pistol. If the final determination of the Board is to grant the application for a License to Carry a Pistol, a photocopy of the necessary information shall be furnished to the Sheriff and the Sheriff shall cause a document to be prepared and furnished to the applicant as the licensee to evidence the issuance of said license. The license shall be effective without exception within the County for a period of two years. The document constituting the license shall show the name, age, permanent address, weight, height, hair and eye color, occupation, signature, photograph and right index fingerprint of the licensee together with a description of the pistol being licensed including the name and make of the pistol, the caliber and any

identification numbers. The license shall clearly indicate the date same was issued and the date same expires. The Board and the Sheriff shall both keep records of all licenses issued and the necessary information contained thereon.

Section 8. Suspension and revocation of license. Any license issued pursuant to the provisions of Section 790.06 of the Florida Statutes and this Ordinance may be suspended or revoked in the manner and upon the conditions set forth as follows:

(a) Upon the affidavit or sworn statement of the Sheriff, or any other duly constituted peace officer in the County setting forth facts showing good cause to believe that the licensee may have committed a crime involving the use of the licensed pistol or may have engaged in conduct contrary to the representations, qualifications and conditions set forth in the application for said license or constituting a portion of the justification for the issuance of said license, the Sheriff may suspend said license for a period not to exceed thirty (30) days and may confiscate or take custody of the licensed pistol and the license during said period of suspension. In the event an indictment or an information are not handed down or issued, or a petition is not filed with the Board for the suspension or revocation of said license by the Board within the thirty (30) day period of suspension by the Sheriff, then and in that event the suspension shall automatically be revoked and the Sheriff shall return the licensed pistol and the license to the particular licensee.

(b) A license may be suspended for any particular period of time or a license may be revoked by the Board upon a determination by the Board that the licensee has violated any criminal statute or has violated or failed to comply with any of the representations, conditions or restrictions in the application for license or in the granting of the license. The licensee shall be given written notice specifying the reasons for the suspension or revocation of the license and the particular licensee shall have twenty (20) days upon receipt of said notice within which to request a public hearing before the Board upon the issue. If no such hearing is requested by the licensee, the revocation or suspension of the license shall be final. In the event a hearing is duly requested, the licensee shall be given at least ten (10) days written notice of the date of the public hearing and the Board shall hear and consider evidence and any other presentations made at said public hearing and make a final determination as to the revocation

or suspension of said license. The Sheriff shall be duly authorized to confiscate or take custody of any license suspended or revoked by the Board.

Section 9. Rules and forms. The Board may adopt by resolution rules and forms, or either of them, to implement the provisions of this Ordinance.

Section 10. Effective date. This Ordinance shall take effect immediately upon the receipt of the official acknowledgment from the Office of the Secretary of the State of Florida that this Ordinance has been filed with that Office.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida, this the 27th day of December, 1977.

ATTEST: R. B. SHORE
Clerk of Circuit Court

Richard H. O'Leary
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: Louis E. Driggers
Chairman

STATE OF FLORIDA

COUNTY OF MANATEE

I, R. B. Shore, Clerk of Circuit Court, in and for the County of Manatee, State of Florida, do hereby certify that the foregoing is a true copy of a RESOLUTION adopted by the Board of County Commissioners of said County in session on the 27th day of December 1977

SUBJECT: Ordinance No. 77-7 (Issuance of Licenses to carry concealed pistols on person)

WITNESS My Hand and Official Seal this 27th day of December 1977 in Bradenton, Florida.

R. B. Shore, Clerk of Circuit Court
Manatee County, Florida

by Richard A. Ashley
Deputy Clerk



Secretary of State

STATE OF FLORIDA
THE CAPITOL
TALLAHASSEE 32304

BRUCE A. SMATHERS
SECRETARY OF STATE

MARY L. SINGLETON
Director, Division of Elections
904/488-7890

January 4, 1978

E. N. Fay, Jr., Esquire
Manatee County Attorney
Post Office Box 959
Bradenton, Florida 33505

Jan 9 1978
TALLAHASSEE, FLORIDA

Dear Mr. Fay:

Pursuant to the provisions of Section 125.66 Florida Statutes, this will acknowledge:

1 Receipt of your letter/s of December 29 and certified copy/ies of Manatee County Ordinance/s No./Nos. 77-7

1. Receipt of an original/l's and certified copy/ies of _____ County Ordinance/s No. /Nos. _____

1. Receipt of _____ County Ordinance/s relative to:

2. We have filed this/these ordinance/s in this office January 4, 1978. ~~xx1977x~~

2. We have numbered this ordinance/s _____ and was/were filed in this office _____ 1977.

Cordially,

(Mrs.) Nancy Kavanaugh
Chief, Bureau of Laws

NK/k

P. S. The extra copy showing the filing date is being returned for your records.