


# FLORIDA HIGHWAY PATROL POLICY MANUAL

	<b>SUBJECT</b> FHP RETIREE/SEPARATED MEMBER FIREARMS QUALIFICATION	<b>POLICY NUMBER</b> 10.06
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**10.06.01      PURPOSE**

To prescribe guidelines and procedures to be followed by retired sworn FHP members, Auxiliary members and separated FHP members with an aggregate of 10 years or more as a law enforcement officer, or who retired with a qualifying disability, who desire to carry a concealed firearm in any state without a concealed firearm permit.

**10.06.02      AUTHORITY**

The Federal Law Enforcement Officers Safety Act 18 USC 926C

**10.06.03      POLICY**

It is the policy of the Florida Highway Patrol to accommodate the firearms qualification of our Auxiliary members, retirees, and eligible separated members, who wish to carry concealed firearms and meet the criteria of the Federal Law Enforcement Officers Safety Act 18 USC 926C (LEOSA).

**10.06.04      DEFINITIONS**

- A.      **FIREARMS PROFICIENCY VERIFICATION CARD (CJSTC-600 Form)** – A card, issued by the Florida Criminal Justice Standards and Training Commission (CJSTC) to retired/separated law enforcement officers who pass the firing range testing component utilizing the firearms minimum standards required of all certified active Florida, State and local law enforcement officers. The card may be issued only by CJSTC – certified firearms instructors.
- B.      **QUALIFIED RETIRED/SEPARATED LAW ENFORCEMENT OFFICER** – As defined in The Federal Law Enforcement Officers Safety Act 18 USC 926C (LEOSA) means an individual who:

  - 1.      For the purposes of this policy, separated from service in good standing with a public agency as a law enforcement officer, means the final service must have been with FHP;
  - 2.      Before such separation, was authorized by law to engage in or supervise the prevention, detection, investigation or prosecution of, or the

incarceration of any person for, any violation of law, and had statutory powers of arrest;

3. Before such separation, served as a law enforcement officer for an aggregate of 10 years or more; or separated from service with FHP after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;
4. Is not prohibited by state or federal law from receiving a firearm.

- C. **RETIREE FIREARMS QUALIFICATION FORM (HSMV 61083)** – A separate firearms qualification form containing scores of retirees/separated members who are qualifying for the annual Firearms Proficiency Verification Card.
- D. **RETIREE FIREARMS QUALIFICATION APPLICATION FORM (HSMV 61082)** – A form required to be completed annually by those retired/separated members wishing to qualify and obtain a Firearms Proficiency Verification Card for the year.

#### **10.06.05 OBJECTIVES**

- A. To establish a firearms training program for retired/separated members of the Florida Highway Patrol.
- B. To establish guidelines and procedures for those retired/separated members who wish to carry a concealed weapon.
- C. To promote firearms safety and proficiency.
- D. To promulgate performance standards pertaining to this type of firearms qualification.

#### **10.06.06 RESPONSIBILITIES**

- A. Retirees/separated members who wish to carry a concealed weapon through LEOSA are required to qualify on an annual basis. It shall be the retiree/separated member's responsibility to keep his/her annual firearms qualification current.
- B. Training will be performed by a Florida Highway Patrol CJSTC-certified firearms instructor only. Firearms Proficiency Verification Cards will only be issued by the FHP when the retiree/separated member qualifies with a FHP CJSTC-certified firearms instructor.
- C. The Troop Commander or designee shall be responsible for conducting a background check of the retiree/separated member to ensure that there are no domestic violence convictions or injunctions concerning the retiree/separated member or any other legal reason the retiree/separated member may not possess a firearm.

For the purpose of this policy, a background check shall consist of the following:

1. A record's check through FCIC/NCIC;
  2. Verification of such background check shall be documented on The Retiree Firearms Qualification Application Form (HSMV 61082).
- D. The Troop Commanders will ensure that the retirees/separated members have separated from FHP in good standings upon the initial application.
- E. The Troop Commanders will ensure that retirees/separated members, who reside within their respective areas of command, are notified of upcoming firearms qualification sessions.
- F. The FHP Training Academy will maintain a master record of Firearms Proficiency Verification Cards issued in the troops. The master record will be updated by July 1 of each year.

#### **10.06.07 PROCEDURES**

**H.R. 218, the Federal Law Enforcement Officers Safety Act, allows “qualified law enforcement officers” – current or retired – to carry a concealed firearm in any state without a concealed firearm permit. For the purposes of this policy, a “qualified retired law enforcement officer” is one who has retired/separated with an aggregate of 10 or more years of sworn service and who has retired/separated in good standing from the Department. The following guidelines and procedures to accomplish this task shall be implemented:**

- A. Retirees/separated members within the troop are offered the opportunity to qualify on an annual basis during the times that troop qualifications occur. Troops can develop a specific time of the year just for the retirees/separated members to qualify. If a retiree/separated member does not qualify during these times, it will be their responsibility to coordinate with a FHP CJSTC-certified firearms instructor to set up a time to qualify. **(Remember, Federal requirement is once every 12 months.)**
- B. On an annual basis, the Florida Highway Patrol will require the retiree/separated member to complete and sign a notarized “Retiree Firearms Qualification Application Form” (HSMV 61082); available on the FHP SafetyNet Forms page. The Troop Commander or designee will conduct a background check of the retiree/separated member to ensure that there are no domestic violence convictions or injunctions concerning the retiree/separated member or any other legal reason the retiree/separated member may not possess a firearm. The background check and clearance – or rejection – will be reflected on the “Retiree Firearms Qualification Application.” The Troop Commander will verify the member’s application prior to the member being eligible to qualify. Once approved, the “Retiree Firearms Qualification Application” will be forwarded to the CJSTC-certified firearms instructor who is administering the training.

- C. Firearms qualification for retirees/separated members will be documented on a separate firearms qualification form, which is titled, "Retiree Firearms Qualification Form" (HSMV 61083); available on the FHP SafetyNet Forms page. This form will be completed by the CJSTC-certified firearms instructor who is administering the training, and the form will be signed and approved by the Troop Commander.
- D. Once a retiree/separated member has qualified, they will be given a copy of the Firearms Verification Proficiency Card by the CJSTC-certified firearms instructor. The CJSTC-certified firearms instructor will also complete a CJSTC Form 86A for each retiree/separated member successfully demonstrating required firearms proficiency.
- E. Upon completion of the firearms qualification, the CJSTC Form 86A, "Retiree Firearms Qualification" and notarized "Retiree Firearms Qualification Application" forms will be forwarded to the Troop Training Coordinator within the local Troop and a copy forwarded to the Troop Commander. Upon review of the documentation, the Troop Training Coordinator will forward copies to the FHP Training Academy. On an annual basis, Troop Training Coordinators are required to send a current list of all retiree/separated members who have qualified in their Troop, to ensure the master records are updated by July 1 of each year.
- F. It will be the retired/separated members' responsibility to notify the Department and surrender their Firearms Proficiency Verification Card if:
  - 1. They receive any sanction which would prohibit them from carrying/possessing a firearm under State or Federal law (ex: Felony conviction, injunction, etc.).
  - 2. They are employed in any sworn capacity by another law enforcement agency.

**THE FLORIDA HIGHWAY PATROL WILL NOT ISSUE FIREARMS PROFICIENCY VERIFICATION CARDS TO RETIREES/SEPARATED MEMBERS UNLESS THE MEMBER QUALIFIES WITH FHP.**

**FHP RETIREES/SEPARATED MEMBERS WHO CONFORM TO THE STATE AND FEDERAL REQUIREMENTS THROUGH ANOTHER ENTITY WILL HAVE TO OBTAIN THEIR CREDENTIALS THROUGH THAT ENTITY.**

- G. The local Troop Training Coordinators will maintain the stock of Firearms Proficiency Verification Cards.
- H. Due to the rules governing retiree/separated member firearms qualification, it is recommended that no more than two handguns be allowed for qualification of retirees.
  - 1. One revolver and one semi-automatic handgun are recommended.

2. Retirees/separated members are only required to qualify with the “type” of weapon they plan on carrying.
  - I. Policies already in place dealing with firearms qualification and failure to qualify shall also apply to retirees/separated members. (See FHP Policy 10.03)
  - J. Both a photo “retired” or “separated” FHP ID card and the Firearms Proficiency Verification Card showing proof of qualification within the 12-month period must be carried by the retiree/separated member anytime he/she is in possession of a concealed firearm.
  - K. FHP’s issuance of the Firearms Proficiency Verification Card does not certify that the retiree/separated member is otherwise conforming with the Act. That determination will occur at the time the retired/separated member is encountered with a concealed firearm by law enforcement. Assuring conformance with the Act is solely the responsibility of the retired/separated member.