

Fletcher & Phillips

Counselors and Attorneys at Law

Lyman T Fletcher

Board Certified Marital and Family Law
American Academy of Matrimonial Lawyers
Florida Family Law Inn of Court, Master

Eric J Friday

Member Florida Bar
Member Alabama Bar

Michael R Phillips

Member Florida Bar
Emphasis in Family Law
Florida Family Law Inn of Court

September 15, 2011

The Honorable Rick Scott
Governor of Florida
The Capitol
400 S. Monroe St.
Tallahassee, FL 32399-0001

RE: Illegal record keeping and lobbying.

Dear Governor Scott:

I have the privilege of representing Florida Carry. An organization advocating for the rights of the hundreds of thousands of Florida firearm owners.

During the 2011 legislative session two deputies from the Orange County Sheriff's Office, lobbied Florida legislators, by disclosing the names and pictures of several individuals who were known to the Orange County Sheriff's Office to have weapons and concealed carry permits. The deputies were able to provide this information to lawmakers despite a clear prohibition that:

No state governmental agency or local government, special district, or other political subdivision or official, agent, or employee of such state or other governmental entity or any other person, public or private, shall knowingly and willfully keep or cause to be kept any list, record, or registry of privately owned firearms or any list, record, or registry of the owners of those firearms.

§ 790.335, Fla. Stat. Ann.

One of these deputies further testified about his illegal conduct before a legislative committee. Audio of the deputy testifying can be found in this news story <http://www.wesh.com/r/29029438/detail.html>. Violation of this statute is a third degree felony. This is a serious breach of the law by those who are supposed to uphold the law. There are additional questions regarding whether this conduct; violated the Driver Privacy Protection Act of 1994, was improperly funded with taxpayer money, and whether the deputies were required to be registered as lobbyist. However, these issues are secondary to this serious breach of the recognized privacy rights of firearm owning Floridians, recognized and established by the Florida Legislature.

When the President of Florida Carry wrote to the State Attorney for Orange County, he received a reply that there was no violation of the law despite the clear statements of the deputy before the legislative committee that he had provided lawmakers with pictures of persons known to the Orange County Sheriff's Office, to have firearms and concealed carry permits. The possession of such photographs with the knowledge that each person represented in the photos is a gun owner and concealed carry holder is a clear violation of the prohibitions of § 790.335, Fla. Stat. Against lists of gun owners.

The refusal of the State Attorney for Orange County to take these allegation seriously and to fully investigate this matter calls into question his judgment, his fitness for office, and his respect for the rights of law abiding Floridians. The deputies' intent in accessing the information initially is irrelevant. The continued possession for lobbying purposes and the improper use should vitiate any lawful investigative purpose for which the information was initially obtained.

Florida Carry asks that the you appoint a special prosecutor to investigate these actions to determine if a felony has been committed, and if so to prosecute this violation of the public trust by these deputies as well as investigating the lack of enforcement by the office of the State Attorney for the Ninth Judicial Circuit.

Sincerely,

Eric J. Friday

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