

their deputies as to the carrying of concealed weapons. (Emphasis supplied.)

Section 790.25, F. S., provides in pertinent part as follows:

(3) EXCEPTIONS.—The provisions of §§790.05 and 790.06, shall not apply in the following instances, and despite said sections it shall be lawful for the following persons to own, possess, and lawfully use firearms and other weapons, ammunition, and supplies for lawful purposes:

* * * * *

(n) A person *possessing* arms at his home or place of business. (Emphasis supplied.)

Your question calls for a determination of whether the word "possessing" in §790.25(3)(n), *supra*, is synonymous with the words "manual possession" in §790.05, *supra*. I do not believe that those words can reasonably be construed as being synonymous. To hold otherwise would result in the absurdity of permitting every employee while at his place of business to walk around with a pistol strapped on his hip.

To avoid the result of permitting persons to openly carry pistols at their place of business, the word possessing as used in §790.25(3)(n) must be given a broader construction than the words manual possession as found in §790.05. Obviously, §790.05 does not make unlawful any possession of a weapon without having a license from the county commissioners of the respective counties of this state. For example, our Supreme Court in *Watson v. Stone*, 4 So.2d 700 (Fla. 1941), held that a pistol carried in the dash drawer of an automobile was not within the manual possession of the person driving the automobile.

The type of possession permitted by §790.25(3)(n), F. S., was for the purpose of permitting a person to own and keep a weapon in his home or place of business for the purpose of protection of person and property. The type of possession thus permitted by this subsection would be a constructive possession as distinguished from an actual or manual possession. It simply does not accord with reason and logic to say that the words "possessing arms at his home or his place of business" permits a person to openly carry a holstered firearm on his hip in contravention of §790.05, F. S. I think to reach any other result would be to defeat the obvious intent of the legislature as expressed in the statutes. It is permissible, however, to keep a weapon at one's home or place of business, without a permit or license, for the purpose of protection of person or property. In a place of business, the weapon could be properly kept, for example, in a desk drawer, under a counter, in the cash register, or in another similar location.

073-392—October 22, 1973

STANDARDS OF CONDUCT

FIRM, OF WHICH LEGISLATOR IS MEMBER, CONTRACTING WITH MUNICIPALITY

To: *State Legislator*

Prepared by: *Rebecca Bowles Hawkins, Assistant Attorney General*

QUESTION:

May a public relations firm of which a legislator is a member enter into a contract with a municipality to handle its public relations and advertising matters, excluding lobbying?

SUMMARY:

Under the Standards of Conduct Law, §§112.311-112.318, F. S., a public relations firm of which a legislator is a member may contract with a municipality to handle its public relations and advertising matters, excluding lobbying.

As noted in AGO 073-258, there is nothing in the Standards of Conduct Law, §§112.311-112.318, F. S., nor in any other statute, which prohibits a legislator—or a firm in which he has an interest as officer, director, agent, member, or owner of a controlling interest—from contracting to perform public works. It was there ruled that the professional firm of which a legislator is a member could enter into a contract with the state for professional services. *Accord:* Attorney General Opinion 071-264, holding that the construction firm of which a legislator is president may engage in a business transaction with a housing authority. *Cf.* AGO 071-137, holding that a legislator may serve as a consultant to an island authority.

Accordingly, your question is answered in the affirmative.

073-393—October 22, 1973

PUBLIC OFFICERS**COMPENSATION OF COUNTY FEE OFFICERS**

To: Irvin S. Cowie, Office of Polk County Attorney, Bartow

Prepared by: Stephen F. Dean, Assistant Attorney General

QUESTIONS:

1. Do the provisions of §145.141, F. S., apply to the office of judge of the Claims Court of Polk County?
2. If the answer to question 1 is in the affirmative, is ten thousand dollars this judge's "total annual salary" within the meaning of §145.141, F. S.?

SUMMARY:

A former judge of the claims court who had no annual salary fixed by law and who was entitled only to retain as his compensation his fees, after deducting costs, but not to exceed ten thousand dollars, is not entitled to the benefits of §145.141, F. S.

Although the provisions of Ch. 145, F. S., are generally applicable to all county officials except those officials whose salaries are not subject to being set by the legislature because of the provisions of a county home rule charter or consolidation charter, the provisions of §145.141 relate only to those county officials on an annual salary. As stated by my predecessor in his letter of July 1, 1970, the provisions of §145.141 have no application to compensation of county officers who are on a fee system. Chapter 69-656, Laws of Florida, provides with respect to the former judge of the Claims Court of Polk County as follows:

- (1) All fees collected by the judge as authorized by Section 9, after deducting costs, shall be retained by him as his sole remuneration, but in no event shall the sum to be retained exceed ten thousand dollars (\$10,000.00) per annum.

It can thus be seen that the former judge of the claims court had no annual salary fixed by law but was entitled only to the fees and commissions of the office, under §145.14(1), F. S., providing that a county official whose compensation was not provided for in Ch. 145, *id.*