

IN THE CIRCUIT COURT, THIRTEENTH  
JUDICIAL CIRCUIT, IN AND FOR  
HILLSBOROUGH COUNTY, FLORIDA

GEORGE FREEEMAN,  
an individual; and  
FLORIDA CARRY, INC.,  
a Florida non-profit corporation;  
Plaintiffs;

CASE NO.:

vs.

DIV.:

CITY OF TAMPA, FLORIDA,  
a municipality; ROCCO CORBINO,  
an individual; TRAVIS A. RICHARDS,  
an individual; THREE UNKNOWN  
OFFICERS OF THE TAMPA POLICE  
DEPARTMENT, individually;  
RONALD E. GRAHAM,  
in his official capacity  
and individually; CHIEF ERIC  
WARD, in his official capacity and  
individually and individual; ROBERT F.  
BUCKHORN, in his official capacity  
and individually;

Defendants.

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**COMPLAINT**

COMES NOW the Plaintiffs GEORGE FREEEMAN, an individual, and  
FLORIDA CARRY, INC., a Florida not-for-profit corporation, sue the Defendants, CITY OF  
TAMPA, FLORIDA, a municipality; ROCCO CORBINO,. an individual; TRAVIS A.  
RICHARDS, an individual; THREE UNKNOWN OFFICERS OF THE TAMPA POLICE  
DEPARTMENT, individually; RONALD E. GRAHAM, in his official capacity and individually;  
CHIEF ERIC WARD, in his official capacity and individually; and ROBERT F.

BUCKHORN, in his official capacity and individually; and state:

1. This is an action for damages in excess of \$15,000.00 and for injunctive and declaratory relief.
2. Plaintiff George Freeman (hereinafter, “Freeman”), was at all times material a resident of Polk County, Florida.
3. Freeman was at all times material a member of Florida Carry, Inc.
4. Plaintiff Florida Carry, Inc. (hereinafter, “Florida Carry”), is a Florida non-profit corporation organized and existing under the laws of the State of Florida.
5. Plaintiff Florida Carry exists for the purpose of representing the rights of Florida firearms owners, and their interests, especially in the existence of uniform firearms laws throughout the state.
6. Plaintiff Florida Carry has statutory authority pursuant to Sec. 790.33, as an organization representing its members who are adversely affected to bring actions for violations of Sec. 790.33 by entities and individuals.
7. “Adversely” means merely “unfavorable or antagonistic in purpose or effect” or “opposing one’s interest or desire”. <http://dictionary.reference.com/browse/adversely?s=t> (Last visited June 22, 2015).
8. “Affected” means acted upon or influenced. <http://dictionary.reference.com/browse/affected?s=t> (Last visited June 22, 2015).
9. Defendant City of Tampa, Florida, (“Tampa”) is a municipality organized and existing under the laws of the State of Florida.
10. Plaintiff’s members reside in, work in, and/or travel through the City of Tampa

and are subject to its ordinances, rules, regulations policies, and procedures.

11. The Legislature has declared as a matter of policy and intent that the firearm laws of this state should be uniform and that entities and individuals within this state should be prohibited from enacting or promulgating any policy, rule or regulation that impairs that uniformity.

12. The Legislature has further declared as a matter of policy and intent that Sec. 790.33 Fla. Stat., is intended to deter and prevent violation of rights under both the laws and constitutions of the United States and Florida, by the abuse of official authority and that the best method to accomplish this goal is to create a private right of action and give membership organizations, like Florida Carry, standing to bring lawsuits with the goal of holding agency and entity heads personally, financially responsible for knowing and willful violations of this section,

13. Defendant Rocco Corbino (hereinafter, “Corbino”) was at all times material, a police officer employed by the Tampa Police Department.

14. Defendant Travis A. Richards (hereinafter, “Richards”) was at all times material, a police officer employed by the Tampa Police Department.

15. Three Unknown Officers of the Tampa Police Department (Unknown Officers), were at all times material, police officers employed by the Tampa Police Department.

16. Ronald E. Graham (hereinafter, “Graham”) was at all times material, a sergeant and police officer employed by the Tampa Police Department.

17. At all times material Graham was acting individually and in an official supervisory capacity on behalf of Tampa.

18. Where it is unclear which of the Defendant police officers, Corbino, Richards,

Unknown Officers or Graham took a particular action, they will be referred to collectively as the “Defendant Officers.”

19. The actions of Defendant Officers were taken in concert with each other.

20. At no time did any of the Defendant Officers object to the conduct of the other officers.

21. Chief Eric Ward (hereinafter, “Ward”) was at all times material, the Chief of Police of the City of Tampa, Florida Police Department.

22. As the chief of police, Ward was the appointed individual under whose jurisdiction the violations complained of occurred.

23. Robert F. Buckhorn (hereinafter, “Buckhorn”) was at all times material, the Mayor of the City of Tampa, Florida.

24. As the mayor of Tampa, Buckhorn was the elected individual under whose jurisdiction the violations complained of occurred.

25. The statute on which this action is brought specifically provides for cause of action against both the agency and any person who are alleged to have violated the statute at issue.

26. Since October 2010, Plaintiff Florida Carry has hosted open carry fishing events throughout the state of Florida, and has always encouraged strict compliance with Sec. 790.25, Fla. Stat.

27. The Florida Carry open carry fishing events are typically held around the state in several different locations on the second Saturday of each month.

28. These events were created to educate Floridian’s on their right to open carry while

fishing and engaging in certain other lawful activities, as well as to allow members and supporters of Florida Carry an opportunity to exercise these rights, in a safe manner.

29. During open carry fishing events, members and participants may hand out leaflets, hand bills, other literature, or engage in conversation for the purpose of exercising their right of free speech and to communicate to and educate the public at large.

30. Prior to hosting the first such event in any new city, county, or location, Florida Carry made contact with either the local governmental agency head, police chief, or sheriff, or their attorney or designee. In many cases contact was made with more than one individual having jurisdiction over the event location.

31. In addition to making contact with local authorities in advance of any new event or location, often contact would be made on a recurring basis.

32. The purpose of the contact with local authorities, while not required by law, was to inform local authorities who were often unaware of the right to open carry, in advance, to eliminate any misunderstanding or mistake of law, and to reduce any strain on local resources due to any uneducated public reaction or calls for service.

33. Florida Carry went to such lengths to keep local authorities informed that in approximately May of 2012, the Assistant City Attorney Kirby Rainsberger, the TPD legal advisor, informed Florida Carry that it was no necessary to contact its office prior to each event as Tampa and TPD were aware of the law and there had been no issues.

34. On or about June 13, 2015, Plaintiff Freeman was fishing at the Ballast Point Pier in Tampa, Florida.

35. The Ballast Point Pier is located in Ballast Point Park.

36. Ballast Point Park is a public park operated and controlled by Defendant Tampa.
37. The Ballast Point Pier is within the City of Tampa.
38. The Ballast Point Pier is within the jurisdiction of the Tampa Police Department (hereinafter, "TPD").
39. Freeman, who is left handed, was in possession of an openly carried firearm, carried in a vertical shoulder holster on his right side.
40. Freeman, a Florida Concealed Weapons Firearms License (CWFL) holder was also in possession of a concealed firearm on his belt and not visible.
41. While fishing, Freeman was approached from behind by Defendant Officers.
42. Just before he was approached from behind, Freeman had baited his hook and cast his line into the water.
43. The casting of his line was so soon in proximity to the approach of the officer that it would necessarily have been witnessed by the officer.
44. Freeman was holding his fishing pole in his hands when approached by Defendant Officers.
45. Without warning, without identifying himself, and without any legal basis, one of the Defendant Officers suddenly grabbed and attempted to steal Freeman's openly carried firearm.
46. Only as Freeman began to react to the attempted theft of his firearm did he observe that the thief was a law enforcement officer.
47. Upon identifying the presumed thief as a law enforcement officer, Freeman allowed the officer, without Freeman's consent, to remove the firearm from the shoulder holster.

48. After removing the firearm from the shoulder holster, a Defendant Officer inquired as to whether Freeman was in possession of any other firearms.

49. Freeman acknowledged that he was lawfully carrying a concealed firearm in addition to his openly carried firearm.

50. After Freeman was relieved of both of his lawfully possessed firearms without any legal basis, Defendant Officers conducted a warrant-less search of Freeman.

51. The search was not a valid *Terry* pat down as Defendant Officers proceeded to go through Freeman's wallet.

52. The search was conducted despite the fact that Freeman was clearly engaged in lawful conduct at the time he was seized.

53. Defendant Officers also seized Freeman's cell phone, wallet and keys, and conducted a search of the phone, including Freeman's contacts list and GPS data, and activated the GPS setting that Freeman normally leaves disabled.

54. As he was seizing Freeman's property, Freeman attempted to inform Defendant Officers of Freeman's right to openly carry a firearm while fishing as provided in Sec. 790.25, one of Defendant Officers' response to Freeman was "I don't want to hear that shit".

55. Without his consent, Defendant Officers removed Freeman from the pier where he was fishing and forced him to go to their patrol car.

56. At some point Freeman was asked if he had any additional firearms with him.

57. When Freeman acknowledged that he had an additional firearm in his private vehicle Defendant Officers, again without Freeman's consent, used Freeman's seized vehicle key to enter Freeman's vehicle.

58. The Defendant Officers seized Freeman's third firearm.
59. Upon information and belief, one or more Defendants, while in possession of Freeman's firearms, conducted an illegal search by running the serial numbers on Freeman's firearms through a database.
60. Upon further information and belief, one or more Defendants kept a record of Freeman's personally owned lawful firearms.
61. During the course of the detention, Freeman was repeatedly threatened with arrest by one or more of the Defendants.
62. During his detention Freeman was informed that this was not the "Wild West".
63. Freeman was further questioned as to why he was carrying two guns.
64. In addition, Freeman was questioned in custody regarding who he had associated with on the pier and what other person's were open carrying while fishing, and how he carried his firearms from his vehicle to the place where he was fishing.
65. Sec. 790.25, Fla. Stat., protects the right to open carry while going to and from a fishing expedition as well as while engaging in the act of fishing.
66. After being detained over seventy minutes Freeman was told he was not being arrested.
67. One or more Defendants at the scene returned Freeman's firearms to his vehicle in envelopes, unloaded.
68. Freeman was issued a "Trespass Warning City of Tampa Police Department," prohibiting him from Ballast Park Pier for the duration of the Trespass Warning.
69. The Trespass Warning has an effective duration of 365 days and states that for

city parks or other public property it is effective for 180 days.

70. As justification for the issuance of the warning the warning states that “[s]ubject was fishing at pier while carrying openly a handgun in a side holster. Tampa Police received a complaint from [a] citizen who was fearful of subject’s firearm”.

71. The warning lists the complainant’s name not as a citizen but as “Sgt. R. Graham” of the Tampa Police Department.

72. As a result of the actions of the Defendants, Plaintiff Florida Carry’s members have been adversely affected.

73. Florida Carry’s members fear arrest and prosecution, or a limitation on their rights by the issuance of trespass warnings if they engage in constitutionally and statutorily protected conduct by openly carrying while fishing inside the Tampa City limits.

74. Freeman and Florida Carry have retained the undersigned firm to represent them in this action.

75. Freeman and Florida Carry have become obligated to pay the undersigned firm for its representation and counsel in this matter.

**COUNT I- VIOLATION OF SECTION 790.33, FLA STAT., AS TO FREEMAN BY  
ROCCO CORBINO**

Plaintiffs re-allege Paragraphs 1 through 75 as if set forth in full and further allege:

76. On or about June 13, 2015 Corbino violated Sec. 790.33, Fla. Stat.

77. All of Corbino’s actions as describe herein were knowing and willful.

78. At all times relevant Corbino was acting within the course and scope of his employment as an employee of the Tampa Police Department and the city of Tampa.

79. Corbino seized one or more firearms from Plaintiff Freeman.
80. Freeman was in lawful possession of the firearms at the time they were seized.
81. Corbino had no lawful authority to seize Freeman's firearms.
82. At the time of the seizure of the firearms, Freeman was lawfully carrying a concealed firearm pursuant to Sec. 790.06, Fla. Stat.
83. At the time of the seizure of the firearms, Freeman was lawfully carrying an openly carried firearm pursuant to Sec. 790.25, Fla. Stat.
84. At the time of the seizure of the firearms, Freeman lawfully possessed a firearm in his vehicle pursuant to Sec. 790.06, Fla. Stat., and Sec. 790.25, Fla. Stat.
85. Corbino's seizure of Freeman's firearms was based on his own rule, regulation, policy, or procedure to prohibit lawfully concealed firearms in Tampa parks.
86. Corbino's seizure of Freeman's firearms was based on his own rule, regulation, policy or procedure to prohibit lawfully openly carried firearms in Tampa parks.
87. Corbino detained Freeman for over seventy minutes.
88. The basis for Corbino's detention of Freeman was Freeman's possession of firearms in a Tampa park.
89. The detention was in retaliation for Freeman's exercise of his right to free speech, right of assembly, and right to bear arms.
90. Corbino's detention of Freeman was without lawful authority.
91. Corbino ordered or participated in an unlawful search of Freeman's personal property that was on his person.
92. Corbino ordered or participated in an unlawful search of Freeman's vehicle.

93. Corbino ordered or conducted a search of Freeman's firearms by running the serial numbers of Freeman's firearms.

94. Corbino ordered or conducted a search of Freeman's cell phone because Freeman was in possession of a openly carried firearm in a Tampa park.

95. Corbino issued the trespass warning against Freeman.

96. The trespass warning prohibits Freeman from entering Ballast Point Pier for a period of time.

97. Freeman's right to fish pursuant to Sec. 379.104, Fla. Stat., is impaired by the trespass warning.

98. Corbino violated Freeman's constitutional rights under the Florida Declaration of Rights by:

- a. Violating Freeman's right of free speech by detaining him for engaging in protected speech;
- b. Violating Freeman's right of free speech by issuing a trespass warning to prevent Freeman from continuing to exercise his right of free speech;
- c. Violating Freeman's right of associational privacy by conducting in custody questioning regarding who he had associated with while open carry fishing and searching his cell phone contacts for associational data;
- d. Violating Freeman's rights by disarming him, depriving him of his right to bear arms in accordance with Art. I Sec. 8., Fla. Const. and the laws of Florida, and revoking his right of free speech and right to bear arms by unlawfully detaining him for exercising said rights;

- e. Violating Freeman's right to be free from unreasonable searches and seizures by detaining him for over one hour and searching his personal belongings and vehicle; and
- f. Searching Freeman's cell phone for location data and associational data without his consent.

99. Violation of Freeman's Florida constitutional rights by Corbino's regulation of firearms is prohibited by Sec. 790.33, Fla. Stat.

100. Corbino violated Freeman's rights under the Florida Constitution.

101. Corbino is prohibited from promulgating, enacting, or enforcing, any rule regulation, policy or procedure relating to firearms that is not expressly provided for by state law.

102. Sec. 790.33, Fla. Stat., is intended to "deter and prevent the violation of this section and the violation of rights protected under the constitution and laws of this state related to firearms, ammunition, or components thereof, by the abuse of official authority that occurs when enactments are passed in violation of state law or under color of local or state authority."

103. Corbino's violation of Sec. 790.33 damaged Freeman.

104. Freeman suffered an unlawful detention and a violation of his rights as a direct and proximate result of the actions of Corbino

WHEREFORE, Plaintiff Freeman requests the Court:

- a. Find that Defendant Corbno violated Sec. 790.33, Fla. Stat.;
- b. Find that Corbino is liable to Plaintiff Freeman for the violation of Freeman's rights;
- c. Award Freeman actual damages for the violation of his rights;

- d. Assess the statutory fine of \$5,000.00, payable personally by Corbino in this action; and
- e. Prohibit Corbino from using public funds to defend or reimburse himself in defending this action;
- f. Award Plaintiff costs and attorney's fees; and
- g. All other relief deemed just and equitable.

**COUNT II- VIOLATION OF SEC. 790.33, FLA. STAT., AS TO FREEMAN BY TRAVIS**

**A. RICHARDS**

Plaintiffs re-allege Paragraphs 1 through 75 as if set forth in full and further allege:

- 105. On or about June 13, 2015 Richards violated Sec. 790.33, Fla. Stat.
- 106. All of Richards's actions as described herein were knowing and willful.
- 107. At all times relevant Richards was acting within the course and scope of his employment as an employee of the Tampa Police Department and the city of Tampa.
- 108. Richards seized one or more firearms from Plaintiff Freeman.
- 109. Freeman was in lawful possession of the firearms at the time they were seized.
- 110. Richards had no lawful authority to seize Freeman's firearms.
- 111. At the time of the seizure of the firearms, Freeman was lawfully carrying a concealed firearm pursuant to Sec. 790.06, Fla. Stat.
- 112. At the time of the seizure of the firearms, Freeman lawfully possessed a firearm in his vehicle pursuant to Sec. 790.06, Fla. Stat., and Sec. 790.25, Fla. Stat.
- 113. At the time of the seizure of the firearms, Freeman was lawfully carrying an openly carried firearm pursuant to Sec. 790.25, Fla. Stat.

114. Richards's seizure of Freeman's firearms was based on his own rule, regulation, policy, or procedure to prohibit lawfully concealed firearms in Tampa parks.

115. Richards's seizure of Freeman's firearms was based on his own rule, regulation, policy or procedure to prohibit lawfully openly carried firearms in Tampa parks.

116. Richards detained Freeman for over seventy minutes.

117. The basis for Richards's detention of Freeman was Freeman's possession of firearms in a Tampa park.

118. The detention was in retaliation for Freeman's exercise of his right to free speech, right of assembly, and right to bear arms.

119. Richards's detention of Freeman was without lawful authority.

120. Richards ordered or participated in an unlawful search of Freeman's personal property that was on his person.

121. Richards ordered or participated in an unlawful search of Freeman's vehicle.

122. Richards ordered or conducted a search of Freeman's firearms by running the serial numbers of Freeman's firearms.

123. Richards ordered or conducted a search of Freeman's cell phone because Freeman was in possession of a openly carried firearm in a Tampa park.

124. Richards violated Freeman's constitutional rights under the Florida Declaration of Rights by:

- a. Violating Freeman's right of free speech by detaining him for engaging in protected speech;
- b. Violating Freeman's right of associational privacy by conducting in

custody questioning regarding who he had associated with while open carry fishing and searching his cell phone contacts for associational data;

- c. Violating Freeman's rights by disarming him, depriving him of his right to bear arms in accordance with Art. I Sec. 8., Fla. Const. and the laws of Florida, and revoking his right of free speech and right to bear arms by unlawfully detaining him for exercising said rights;
- d. Violating Freeman's right to be free from unreasonable searches and seizures by detaining him for over one hour and searching his personal belongings and vehicle; and
- e. Searching Freeman's cell phone for location data and associational data without his consent.

125. Violation of Freeman's Florida constitutional rights by Richards's regulation of firearms is prohibited by Sec. 790.33, Fla. Stat.

126. Richards violated Freeman's rights under the Florida Constitution.

127. Richards is prohibited from promulgating, enacting, or enforcing, any rule regulation, policy or procedure relating to firearms that is not expressly provided for by state law.

128. Sec. 790.33, Fla. Stat., is intended to "deter and prevent the violation of this section and the violation of rights protected under the constitution and laws of this state related to firearms, ammunition, or components thereof, by the abuse of official authority that occurs when enactments are passed in violation of state law or under color of local or state authority."

129. Richards's violation of Sec. 790.33 damaged Freeman.

130. Freeman suffered an unlawful detention and a violation of his rights as a direct

and proximate result of the actions of Richards

WHEREFORE, Plaintiff Freeman requests the Court:

- a. Find that Defendant Corbno violated Sec. 790.33, Fla. Stat.;
- b. Find that Richards is liable to Plaintiff Freeman for the violation of Freeman's rights;
- c. Award Freeman actual damages for the violation of his rights;
- d. Assess the statutory fine of \$5,000.00, payable personally by Richards in this action; and
- e. Prohibit Richards from using public funds to defend or reimburse himself in defending this action;
- f. Award Plaintiff costs and attorney's fees; and
- g. All other relief deemed just and equitable.

**COUNT III- VIOLATION OF SEC. 790.33, FLA. STAT., AS TO FREEMAN BY SGT. RONALD E. GRAHAM IN HIS OFFICIAL CAPACITY AND AS AN INDIVIDUAL**

Plaintiffs re-allege Paragraphs 1 through 75 as if set forth in full and further allege:

131. On or about June 13, 2015 Graham violated Sec. 790.33, Fla. Stat.
132. All of Graham's actions as described herein were knowing and willful.
133. Graham was serving in a supervisory capacity over the other Defendant Officers.
134. Graham's actions in a supervisory capacity should be imputed against Tampa.
135. At all times relevant Graham was acting within the course and scope of his employment as an employee of the Tampa Police Department and the city of Tampa.
136. Graham seized one or more firearms from Plaintiff Freeman.

137. Freeman was in lawful possession of the firearms at the time they were seized.
138. Graham had no lawful authority to seize Freeman's firearms.
139. At the time of the seizure of the firearms, Freeman was lawfully carrying a concealed firearm pursuant to Sec. 790.06, Fla. Stat.
140. At the time of the seizure of the firearms, Freeman lawfully possessed a firearm in his vehicle pursuant to Sec. 790.06, Fla. Stat., and Sec. 790.25, Fla. Stat.
141. At the time of the seizure of the firearms, Freeman was lawfully carrying an openly carried firearm pursuant to Sec. 790.25, Fla. Stat.
142. Graham's seizure of Freeman's firearms was based on his own rule, regulation, policy, or procedure to prohibit lawfully concealed firearms in Tampa parks.
143. Graham's seizure of Freeman's firearms was based on his own rule, regulation, policy or procedure to prohibit lawfully openly carried firearms in Tampa parks.
144. Graham detained Freeman for over seventy minutes.
145. The basis for Graham's detention of Freeman was Freeman's possession of firearms in a Tampa park.
146. The detention was in retaliation for Freeman's exercise of his right to free speech, right of assembly, and right to bear arms.
147. Graham's detention of Freeman was without lawful authority.
148. Graham ordered or participated in an unlawful search of Freeman's personal property that was on his person.
149. Graham ordered or participated in an unlawful search of Freeman's vehicle.
150. Graham ordered or conducted a search of Freeman's firearms by running the serial

numbers of Freeman's firearms.

151. Graham ordered or conducted a search of Freeman's cell phone because Freeman was in possession of a openly carried firearm in a Tampa park.

152. Graham violated Freeman's constitutional rights under the Florida Declaration of Rights by:

- a. Violating Freeman's right of free speech by detaining him for engaging in protected speech;
- b. Violating Freeman's right of associational privacy by conducting in custody questioning regarding who he had associated with while open carry fishing and searching his cell phone contacts for associational data;
- c. Violating Freeman's rights by disarming him, depriving him of his right to bear arms in accordance with Art. I Sec. 8., Fla. Const. and the laws of Florida, and revoking his right of free speech and right to bear arms by unlawfully detaining him for exercising said rights;
- d. Violating Freeman's right to be free from unreasonable searches and seizures by detaining him for over one hour and searching his personal belongings and vehicle; and
- e. Searching Freeman's cell phone for location data and associational data without his consent.

153. Violation of Freeman's Florida constitutional rights by Graham's regulation of firearms is prohibited by Sec. 790.33, Fla. Stat.

154. Graham violated Freeman's rights under the Florida Constitution.

155. Graham is prohibited from promulgating, enacting, or enforcing, any rule regulation, policy or procedure relating to firearms that is not expressly provided for by state law.

156. Sec. 790.33, Fla. Stat., is intended to “deter and prevent the violation of this section and the violation of rights protected under the constitution and laws of this state related to firearms, ammunition, or components thereof, by the abuse of official authority that occurs when enactments are passed in violation of state law or under color of local or state authority.”

157. Graham’s violation of Sec. 790.33 damaged Freeman.

158. Freeman suffered an unlawful detention and a violation of his rights as a direct and proximate result of the actions of Graham

WHEREFORE, Plaintiff Freeman requests the Court:

- a. Find that Defendant Corbno violated Sec. 790.33, Fla. Stat.;
- b. Find that Graham is liable to Plaintiff Freeman for the violation of Freeman’s rights;
- c. Award Freeman actual damages for the violation of his rights;
- d. Assess the statutory fine of \$5,000.00, payable personally by Graham in this action; and
- e. Prohibit Graham from using public funds to defend or reimburse himself in defending this action;
- f. Award Plaintiff costs and attorney’s fees; and
- g. All other relief deemed just and equitable.

**COUNT IV- VIOLATION OF SEC. 790.33, FLA. STAT., BY CHIEF ERIC WARD**

Plaintiffs re-allege Paragraphs 1 through 75 as if set forth in full and further allege:

159. On or about June 13, 2015 officers of TPD, acting under the authority of Chief Eric Ward violated Sec. 790.33, Fla. Stat.

160. As chief of the TPD, Ward is responsible for the day to day administration of TPD, and its rules, regulations, policies and procedures as well as the training and supervision of its officers and the conduct of said officers.

161. All of Ward's actions as described herein were knowing and willful.

162. At all times relevant Defendant Officers were acting within the course and scope of their employment as employees of the Tampa Police Department and the city of Tampa, as agents of Ward.

163. Ward's agents seized one or more firearms from Plaintiff Freeman.

164. Freeman was in lawful possession of the firearms at the time they were seized.

165. Ward's agents had no lawful authority to seize Freeman's firearms.

166. At the time of the seizure of the firearms, Freeman was lawfully carrying a concealed firearm pursuant to Sec. 790.06, Fla. Stat.

167. At the time of the seizure of the firearms, Freeman lawfully possessed a firearm in his vehicle pursuant to Sec. 790.06, Fla. Stat., and Sec. 790.25, Fla. Stat.

168. At the time of the seizure of the firearms, Freeman was lawfully carrying an openly carried firearm pursuant to Sec. 790.25, Fla. Stat.

169. Ward's agents seizure of Freeman's firearms was based on a rule, regulation, policy, or procedure, authorized or allowed by Ward to prohibit lawfully possessed firearms,

especially openly carried firearms, in Tampa parks.

170. Ward's agent's seizure of Freeman's firearms was based on their own rule, regulation, policy or procedure to prohibit lawfully openly carried firearms in Tampa parks, as authorized and allowed by Ward.

171. Ward's agents detained Freeman for over seventy minutes.

172. The basis for Ward's agent's detention of Freeman was Freeman's possession of firearms in a Tampa park.

173. The detention was in retaliation for Freeman's exercise of his right to free speech, right of assembly, and right to bear arms.

174. Ward's agent's detention of Freeman was without lawful authority.

175. Ward's agents ordered or participated in an unlawful search of Freeman's personal property that was on his person.

176. Ward's agents ordered or participated in an unlawful search of Freeman's vehicle.

177. Ward's agents ordered or conducted a search of Freeman's firearms by running the serial numbers of Freeman's firearms.

178. Ward's agents ordered or conducted a search of Freeman's cell phone because Freeman was in possession of a openly carried firearm in a Tampa park.

179. Ward's agents violated Freeman's constitutional rights under the Florida Declaration of Rights by:

- a. Violating Freeman's right of free speech by detaining him for engaging in protected speech;
- b. Violating Freeman's right of associational privacy by conducting in

custody questioning regarding who he had associated with while open carry fishing and searching his cell phone contacts for associational data;

- c. Violating Freeman's rights by disarming him, depriving him of his right to bear arms in accordance with Art. I Sec. 8., Fla. Const. and the laws of Florida, and revoking his right of free speech and right to bear arms by unlawfully detaining him for exercising said rights;
- d. Violating Freeman's right to be free from unreasonable searches and seizures by detaining him for over one hour and searching his personal belongings and vehicle; and
- e. Searching Freeman's cell phone for location data and associational data without his consent.

180. Violation of Freeman's Florida constitutional rights by Ward's agent's regulation of firearms is prohibited by Sec. 790.33, Fla. Stat.

181. Ward's agents violated Freeman's rights under the Florida Constitution.

182. Ward's agents are prohibited from promulgating, enacting, or enforcing, any rule regulation, policy or procedure relating to firearms that is not expressly provided for by state law.

183. Sec. 790.33, Fla. Stat., is intended to "deter and prevent the violation of this section and the violation of rights protected under the constitution and laws of this state related to firearms, ammunition, or components thereof, by the abuse of official authority that occurs when enactments are passed in violation of state law or under color of local or state authority."

184. Ward's agent's violation of Sec. 790.33 damaged Freeman.

185. Freeman suffered an unlawful detention and a violation of his rights as a direct

and proximate result of the actions of Ward's agents.

WHEREFORE, Plaintiff Freeman requests the Court:

- a. Find that Defendant Corbno violated Sec. 790.33, Fla. Stat.;
- b. Find that Ward is liable to Plaintiff Freeman for the violation of Freeman's rights;
- c. Award Freeman actual damages for the violation of his rights;
- d. Assess the statutory fine of \$5,000.00, payable personally by Richards in this

action; and

- e. Prohibit Ward from using public funds to defend or reimburse himself in defending this action;

- f. Award Plaintiff costs and attorney's fees; and

- g. All other relief deemed just and equitable.

**COUNT V- VIOLATION OF SEC. 790.33, FLA. STAT., AS TO FREEMAN BY ROBERT F. BUCKHORN**

Plaintiffs re-allege Paragraphs 1 through 75 as if set forth in full and further allege:

186. On or about June 13, 2015 officers of TPD, acting under the authority of Mayor Buckhorn violated Sec. 790.33, Fla. Stat.

187. As Mayor of Tampa, Buckhorn is responsible for the day to day administration of Tampa and its police department, TPD, and its rules, regulations, policies and procedures as well as the training and supervision of its officers and the conduct of said officers.

188. Buckhorn was the elected official under whose jurisdiction the violations complained of occurred.

189. All of Buckhorn's actions as describe herein were knowing and willful.

190. At all times relevant Defendant Officers were acting within the course and scope of their employment as employees of the Tampa Police Department and the city of Tampa, as agents of Buckhorn.

191. Buckhorn's agents seized one or more firearms from Plaintiff Freeman.

192. Freeman was in lawful possession of the firearms at the time they were seized.

193. Buckhorn's agents had no lawful authority to seize Freeman's firearms.

194. At the time of the seizure of the firearms, Freeman was lawfully carrying a concealed firearm pursuant to Sec. 790.06, Fla. Stat.

195. At the time of the seizure of the firearms, Freeman lawfully possessed a firearm in his vehicle pursuant to Sec. 790.06, Fla. Stat., and Sec. 790.25, Fla. Stat.

196. At the time of the seizure of the firearms, Freeman was lawfully carrying an openly carried firearm pursuant to Sec. 790.25, Fla. Stat.

197. Buckhorn's agents seizure of Freeman's firearms was based on a rule, regulation, policy, or procedure, authorized or allowed by Buckhorn to prohibit lawfully concealed firearms in Tampa parks.

198. Buckhorn's agent's seizure of Freeman's firearms was based on their own rule, regulation, policy or procedure to prohibit lawfully openly carried firearms in Tampa parks, as authorized and allowed by Buckhorn.

199. Buckhorn's agents detained Freeman for over seventy minutes.

200. The basis for Buckhorn's agent's detention of Freeman was Freeman's possession of firearms in a Tampa park.

201. The detention was in retaliation for Freeman's exercise of his right to free speech,

right of assembly, and right to bear arms.

202. Buckhorn's agent's detention of Freeman was without lawful authority.

203. Buckhorn's agents ordered or participated in an unlawful search of Freeman's personal property that was on his person.

204. Buckhorn's agents ordered or participated in an unlawful search of Freeman's vehicle.

205. Buckhorn's agents ordered or conducted a search of Freeman's firearms by running the serial numbers of Freeman's firearms.

206. Buckhorn's agents ordered or conducted a search of Freeman's cell phone because Freeman was in possession of a openly carried firearm in a Tampa park.

207. Buckhorn's agents violated Freeman's constitutional rights under the Florida Declaration of Rights by:

- a. Violating Freeman's right of free speech by detaining him for engaging in protected speech;
- b. Violating Freeman's right of associational privacy by conducting in custody questioning regarding who he had associated with while open carry fishing and searching his cell phone contacts for associational data;
- c. Violating Freeman's rights by disarming him, depriving him of his right to bear arms in accordance with Art. I Sec. 8., Fla. Const. and the laws of Florida, and revoking his right of free speech and right to bear arms by unlawfully detaining him for exercising said rights;
- d. Violating Freeman's right to be free from unreasonable searches and

seizures by detaining him for over one hour and searching his personal belongings and vehicle; and

- e. Searching Freeman's cell phone for location data and associational data without his consent.

208. Violation of Freeman's Florida constitutional rights by Buckhorn's agent's regulation of firearms is prohibited by Sec. 790.33, Fla. Stat.

209. Buckhorn's agents violated Freeman's rights under the Florida Constitution.

210. Buckhorn's agents are prohibited from promulgating, enacting, or enforcing, any rule regulation, policy or procedure relating to firearms that is not expressly provided for by state law.

211. Sec. 790.33, Fla. Stat., is intended to "deter and prevent the violation of this section and the violation of rights protected under the constitution and laws of this state related to firearms, ammunition, or components thereof, by the abuse of official authority that occurs when enactments are passed in violation of state law or under color of local or state authority."

212. Buckhorn's agent's violation of Sec. 790.33 damaged Freeman.

213. Freeman suffered an unlawful detention and a violation of his rights as a direct and proximate result of the actions of Buckhorn's agents.

WHEREFORE, Plaintiff Freeman requests the Court:

- a. Find that Defendant Corbno violated Sec. 790.33, Fla. Stat.;
- b. Find that Buckhorn is liable to Plaintiff Freeman for the violation of Freeman's rights;
- c. Award Freeman actual damages for the violation of his rights;

d. Assess the statutory fine of \$5,000.00, payable personally by Richards in this action; and

e. Prohibit Buckhorn from using public funds to defend or reimburse himself in defending this action;

f. Award Plaintiff costs and attorney's fees; and

g. All other relief deemed just and equitable.

**COUNT VI- VIOLATION OF SEC. 790.33, FLA. STAT., AS TO FREEMAN BY CITY OF TAMPA, FLORIDA**

Plaintiffs re-allege Paragraphs 1 through 75 as if set forth in full and further allege:

214. On or about June 13, 2015 officers of TPD, acting under the authority of Tampa violated Sec. 790.33, Fla. Stat.

215. At all times relevant Defendant Officers were acting within the course and scope of their employment as employees of the Tampa Police Department and the city of Tampa.

216. Tampa seized one or more firearms from Plaintiff Freeman.

217. Freeman was in lawful possession of the firearms at the time they were seized.

218. Tampa had no lawful authority to seize Freeman's firearms.

219. At the time of the seizure of the firearms, Freeman was lawfully carrying a concealed firearm pursuant to Sec. 790.06, Fla. Stat.

220. At the time of the seizure of the firearms, Freeman was lawfully carrying an openly carried firearm pursuant to Sec. 790.25, Fla. Stat.

221. At the time of the seizure of the firearms, Freeman lawfully possessed a firearm in his vehicle pursuant to Sec. 790.06, Fla. Stat., and Sec. 790.25, Fla. Stat.

222. Tampa's seizure of Freeman's firearms was based on a rule, regulation, policy, or procedure, authorized or allowed by Buckhorn to prohibit lawfully concealed firearms in Tampa parks.

223. Tampa's seizure of Freeman's firearms was based on its rules, regulations, policies or procedures to prohibit lawfully openly carried firearms in Tampa parks.

224. Tampa detained Freeman for over seventy minutes.

225. The basis for Tampa's detention of Freeman was Freeman's possession of firearms in a Tampa park.

226. Tampa's detention of Freeman was without lawful authority.

227. Tampa ordered or participated in an unlawful search of Freeman's personal property that was on his person.

228. Tampa ordered or participated in an unlawful search of Freeman's vehicle.

229. Tampa ordered or conducted a search of Freeman's firearms by running the serial numbers of Freeman's firearms.

230. Tampa ordered or conducted a search of Freeman's cell phone because Freeman was in possession of a openly carried firearm in a Tampa park.

231. Tampa violated Freeman's constitutional rights under the Florida Declaration of Rights by:

- a. Violating Freeman's right of free speech by detaining him for engaging in protected speech;
- b. Violating Freeman's right of associational privacy by conducting in custody questioning regarding who he had associated with while open

- carry fishing and searching his cell phone contacts for associational data;
- c. Violating Freeman's rights by disarming him, depriving him of his right to bear arms in accordance with Art. I Sec. 8., Fla. Const. and the laws of Florida, and revoking his right of free speech and right to bear arms by unlawfully detaining him for exercising said rights;
- d. Violating Freeman's right to be free from unreasonable searches and seizures by detaining him for over one hour and searching his personal belongings and vehicle; and
- e. Searching Freeman's cell phone for location data and associational data without his consent.

232. Violation of Freeman's Florida constitutional rights by Tampa's regulation of firearms is prohibited by Sec. 790.33, Fla. Stat.

233. Tampa violated Freeman's rights under the Florida Constitution.

234. Tampa is prohibited from promulgating, enacting, or enforcing, any rule regulation, policy or procedure relating to firearms that is not expressly provided for by state law.

235. Sec. 790.33, Fla. Stat., is intended to "deter and prevent the violation of this section and the violation of rights protected under the constitution and laws of this state related to firearms, ammunition, or components thereof, by the abuse of official authority that occurs when enactments are passed in violation of state law or under color of local or state authority."

236. Tampa's violation of Sec. 790.33 damaged Freeman.

237. Freeman suffered an unlawful detention and a violation of his rights as a direct and proximate result of the actions of Tampa.

WHEREFORE, Plaintiff Freeman requests the Court:

- a. Find that Tampa violated Sec. 790.33, Fla. Stat.;
- b. Find that Tampa is liable to Plaintiff Freeman for the violation of Freeman's rights;
- c. Award Freeman actual damages for the violation of his rights;
- d. Award Plaintiff costs and attorney's fees; and
- e. Award all other relief deemed just and equitable.

**COUNT VII- VIOLATION OF 42 U.S.C. SEC. 1983 AS TO FREEMAN BY DEFENDANT OFFICERS FOR THE INITIAL DETENTION AND SEARCH**

Plaintiffs re-allege Paragraphs 1 through 75 as if set forth in full and further allege:

238. At the time he detained Freeman, Defendant Officers were acting under color of law.

239. The totality of circumstances indicated that Freeman was engaged in the lawful activity of open carry of a firearm while fishing.

240. Defendant Officers witnessed Freeman cast his line into the water and observed that Freeman had a fishing pole.

241. Defendant Officers had no reasonable suspicion that Freeman was engaged in criminal activity.

242. Defendant Officers detained and searched Freeman.

243. Both the detention and the search were without Freeman's consent.

244. Defendant Officers' detention and resulting search of Freeman were in violation of Freeman's Fourth Amendment right to be free from unreasonable search and seizure.

WHEREFORE, Freeman demands a judgment against Defendant Officers for violation of Freeman's constitutional rights, damages, attorney's fees and all other relief deemed just and equitable.

**COUNT VIII- VIOLATION OF 42 U.S.C. SEC. 1983 AS TO FREEMAN BY  
DEFENDANT OFFICERS FOR THE SEIZURE OF FREEMAN'S FIREARMS**

Plaintiffs re-allege Paragraphs 1 through 75 as if set forth in full and further allege:

245. Defendant Officers, seized and held Freeman's firearms, in deprivation of Freeman's Second Amendment Right to bear arms.

246. There was no indication that Freeman was a dangerous person.

247. Law enforcement is only allowed to disarm a person on reasonable suspicion when the totality of circumstances indicate that the person is both armed and dangerous.

248. Being armed does not necessarily constitute a reasonable suspicion that the individual is dangerous.

249. Based on the totality of circumstances it was apparent that Freeman was complying with Florida law and did not appear to be breaking any law.

250. Freeman had a constitutionally protected right to keep and bear arms.

251. Defendant Officers' seizure of Freeman's firearms violated this right under color of law.

WHEREFORE, Freeman demands a judgment against Defendant Officers for violation of Freeman's constitutional rights, damages, attorney's fees and all other relief deemed just and equitable.

**COUNT IX- VIOLATION OF 42 U.S.C. SEC. 1983 AS TO FREEMAN DEFENDANT OFFICERS FOR THE CONTINUED DETENTION OF FREEMAN**

Plaintiffs re-allege Paragraphs 1 through 75 as if set forth in full and further allege:

252. Freeman was detained while Defendant Officers prepared the trespass warning issued to Freeman.

253. At the time Defendant Officers completed and issued the trespass warning, Defendant Officers were in possession of Freeman's property, including his firearms and vehicle keys.

254. Freeman was not free to leave.

255. At the time Corbino completed and issued the trespass warning the detention of Freeman continued.

256. At that time there was no question that Freeman had not violated any law.

257. The continued detention of Freeman when Defendant Officers knew there was no violation of the law was in violation fo Freeman's Fourth Amendment liberty interest.

258. The continued detention of Freeman was under color of law as Defendant Officers were officers of the TPD and were in uniform.

WHEREFORE, Freeman demands a judgment against Defendant Officers for violation of Freeman's constitutional rights, damages, attorney's fees and all other relief deemed just and equitable.

**COUNT X- VIOLATION OF 42 U.S.C. SEC. 1983 AS TO FREEMAN BY ROCCO  
CORBINO FOR THE ISSUANCE OF THE TRESPASS WARNING**

259. Corbino issued a trespass warning to Freeman.

260. In issuing the trespass warning, Corbino was acting under the color of law based on his position as a police officer and was in uniform at the time he issued the trespass warning.

261. The trespass warning is unclear by its terms but appears to prohibit Freeman from being present at the Ballast Point Pier or Park for a period of 365 days.

262. The trespass warning further appears to prohibit Freeman from being present in any Tampa park for a period of 180 days.

263. Ballast Point Peir and the park are traditional public fora.

264. Tampa parks are generally traditional public fora.

265. The trespass warning was issued for the purpose of prohibiting Freeman from continuing to engage in protected speech in the Tampa parks.

266. The trespass warning was further issued to prohibit Freeman from exercising his Second Amendment right to bear arms in accordance with the laws of the State of Florida.

267. Corbino's issuance of the trespass warning both to prohibit future speech and to punish current speech was an intentional and knowing violation of Freeman's constitutional rights.

268. Corbino's issuance of the trespass warning occurred after Corbino had confirmed that Freeman was breaking no law and was in fact complying with the letter of the law.

269. The issuance of the trespass warning by Corbino was retaliatory for Freeman's exercise of his constitutional rights.

270. Even after learning that Freeman was violating no law, Corbino continued to detain Freeman in violation of Freeman's Fourth Amendment right, to allow Corbino time to issue the trespass warning.

271. The trespass warning violated Freeman's First Amendment right to free speech and to freedom of association, by preventing Freeman from gathering with others at Ballast Point Pier and engaging in symbolic speech at Ballast Point Pier as well as other Tampa Parks.

WHEREFORE, Freeman demands a judgment against Corbino for violation of Freeman's constitutional rights, damages, attorney's fees and all other relief deemed just and equitable.

**COUNT XI- VIOLATION OF 42 U.S.C. SEC. 1983 AS TO PLAINTIFFS BY CITY OF TAMPA, FLORIDA**

Plaintiffs re-allege Paragraphs 1 through 75 and further allege

272. Tampa failed to train Defendant Officers regarding the right to openly carry firearms while fishing.

273. As a direct and proximate result of Tampa's failure to train Defendant Officers Freeman's constitutional rights were violated under color of state law.

274. Repeated contact by Plaintiff Florida Carry made clear to Tampa that there was a fear that agents of Tampa would violate the constitutional rights of Freeman and members of Florida Carry.

275. Tampa's failure to adequately train its officers and agents was deliberately indifferent to the rights of Freeman and Florida Carry.

276. Tampa, through its City Attorney's office, advised Florida Carry that it was aware of the legality of openly carrying a firearm while fishing.

277. As a direct and proximate result of Tampa's failure to train, Freeman was seized, searched, detained, and denied his right to bear arms.

278. As a direct and proximate result of Tampa's failure to train, an organized Florida Carry event, to engage in free speech, educate the public, and associate with like minded individuals was disrupted.

279. Tampa further created fear in members of Florida Carry that they would be similarly detained and searched if they continued to attend events hosted by Florida Carry.

280. Tampa failed to supervise Defendant Police Officers.

281. Graham was a supervisory officer of the city of Tampa.

282. Graham acted as the complainant to justify the violation of Plaintiff's constitutional rights under color of state law.

283. After learning that Plaintiff Freeman had committed no crime, Tampa allowed and colluded with Defendant officers to violate Plaintiff's First Amendment rights of free speech and right to assemble by allowing Corbino to issue a trespass warning to Freeman.

WHEREFORE, Freeman demands a judgment against Tampa for violation of Freeman's constitutional rights, damages, attorney's fees and all other relief deemed just and equitable.

**COUNT XII VIOLATION OF SEC 790.33 AS TO PLAINTIFF FLORIDA CARRY BY DEFENDANT OFFICERS**

Plaintiffs re-allege Paragraphs 1 through 75 as if set forth in full and further allege:

284. Defendant Officers collectively and individually violated Sec. 790.33, Fla. Stat.

285. The actions taken by Defendant Officers constituted a policy procedure or rule that they created or enforced against members of Florida Carry.

286. Defendant Officers had a policy of interfering with Florida Carry members both during and outside of Florida Carry events, for exercising their right to openly carry a firearm while fishing.

287. Defendant Officers further created a policy or procedure to prohibit the possession of firearms in Tampa parks based on member's exercise of their right to bear arms under Art. I, Sec. Fla. Const.

288. The creation of such policy or procedure in violation of the statewide preemption of firearms regulations deprived or threatened to deprive members of Florida Carry of their rights of free speech, assembly, right to keep and bear arms, and right to be free from unreasonable searches and seizures.

289. Defendant Officers' violation of Sec. 790.33 was knowing and willful, as shown by the fact that they continued to violate a member's rights even after determining that the member was acting lawfully, by trespassing a Florida Carry member from attending future events at certain locations.

290. As a result of the actions of Defendant Officers, Florida Carry has had to expend time and resources in protecting its members' rights, thereby damaging Florida Carry.

291. Florida Carry has been damaged by Defendants' actions by interfering with future attendance at Florida Carry events.

292. Florida Carry has a statutory right to bring this action based on the Defendants' action's adverse affect on its members.

WHEREFORE, Florida Carry seeks a judgment in its favor that Defendant Officers violated Sec. 790.33, Fla. Stat., by enacting and enforcing a policy regarding firearms; awarding

damages for the violation of its rights; assessing the statutory fine, awarding costs and attorney's fee and all other relief deemed just and equitable.

**COUNT XIII- DECLARATORY AND INJUNCTIVE RELIEF PURSUANT TO SEC. 790.33, FLA.STAT., BY PLAINTIFFS AGAINST DEFENDANTS**

Plaintiffs re-allege Paragraphs 1 through 75 as if set forth in full and further allege:

293. Plaintiffs seek an injunction collectively and individually against Defendants.

294. Pursuant to Sec. 790.33, Plaintiffs are entitled to seek declaratory and injunctive relief to prevent future violations of Sec. 790.33 by Defendants.

295. Defendants' comprehensive conduct and pervasive violation of Sec. 790.33 in this case requires an injunction to prevent future violations.

WHEREFORE, Plaintiffs seek a declaration that Defendants' actions complained of herein were in violation of Sec. 790.33, Fla. Stat., and an injunction prohibiting future violations of Sec. 790.33, a declaration that the trespass warning issued to Freeman is void, and awarding attorneys fees and all other relief deemed just and equitable by the Court.

**COUNT XIII- DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF BY PLAINTIFFS AGAINST CITY OF TAMPA, FLORIDA, PURSUANT TO SEC. 790.335, FLA. STAT.**

Plaintiffs re-allege Paragraphs 1 through 75 as if set forth in full and further allege:

296. One or more of the Defendants Corbino, Richards and Graham, on behalf of the City of Tampa, ran the serial numbers of Plaintiff Freeman's firearms.

297. The running of these serial numbers was without reasonable suspicion of any criminal activity by Freeman.

298. Defendant Officers, as agents of Tampa, were required to move or manipulate the firearms in violation of Art. I, Sec. 12, Fla. Const., in order to make the serial numbers visible to allow Defendant Officers to run the serial numbers of the firearms.

299. At the time they ran the serial numbers, Corbino, Richards and Graham were acting in the course and scope of their employment and on behalf of their employer the City of Tampa.

300. The running of the serial numbers was in conformance with the official policy of the City of Tampa and the Tampa Police Department.

301. The City of Tampa, by and through the Tampa Police Department has, as matter of pattern, practice, policy and procedure, required its police officers to run the serial numbers of firearms taken by officers of the Tampa Police department irrespective of any suspicion of criminal activity.

302. The serial numbers were run for the purpose of creating a record of firearms owned by Freeman.

303. The purpose of running the serial number of such firearms has been to create a record of firearms owned by individuals.

304. The running of firearm serial numbers without reasonable suspicion of criminal activity has no legitimate purpose other than the creation of a firearm registration list.

305. The creation of a firearm or owner registration list is expressly prohibited by Sec. 790.335 Fla. Stat., and is a felony.

306. Once created such lists can be secretly maintained.

307. Plaintiffs request declaratory judgement pursuant to Chapter 86, Fla. Stat., that

Defendant's running of firearm serial numbers without reasonable suspicion of a crime is for the creation or maintenance of a list of firearms or firearms owners and is in violation of Sec. 790.335, Fla. Stat.

WHEREFORE, Plaintiff Florida Carry, requests:

- a. A declaration by this Court that suspicion less running and recording of firearm serial numbers is a violation of Sec. 790.335, Fla. Stat.;
- b. An injunction prohibiting the City of Tampa and its agents from running the serial numbers of lawfully owned firearms without reasonable articulable suspicion of a crime;
- c. An injunction requiring the City of Tampa to provide any records of serial numbers or firearm owners not related to a current active investigation to the Court.

**COUNT XII- DECLARATORY JUDGMENT BY PLAINTIFFS AGAINST DEFENDANT OFFICERS OF THE CITY OF TAMPA POLICE DEPARTMENT PURSUANT TO SEC. 790.335, FLA STAT.**

Plaintiffs re-allege Paragraphs 1 through 75 as if set forth in full and further allege:

308. One or more of the Defendants Corbino, Richards and Graham, ran the serial numbers of Plaintiff Freeman's firearms.

309. The running of these serial numbers was without reasonable suspicion of any criminal activity by Freeman.

310. The Defendant Officers have, as matter of pattern, practice, policy and procedure, routinely run the serial numbers of firearms taken from citizens irrespective of any suspicion of criminal activity.

311. Defendant Officers were required to move or manipulate the firearms in violation

of Art. I, Sec. 12, Fla. Const., in order to make the serial numbers visible to allow Defendant Officers to run the serial numbers of the firearms.

312. The serial numbers were run for the purpose of creating a record of firearms owned by Freeman.

313. The purpose of running the serial number of such firearms has been to create a record of firearms owned by individuals.

314. The running of firearm serial numbers without reasonable suspicion of criminal activity has no legitimate purpose other than the creation of a firearm registration list.

315. The creation of a firearm or owner registration list is expressly prohibited by Sec. 790.335 Fla. Stat., and is a felony.

316. One or more of the Defendant officers recorded the serial numbers of Freeman's firearms in violation of Sec. 790.335, Fla. Stat.

WHEREFORE, Plaintiff Florida Carry, requests:

a. A declaration by this Court that suspicion less running and recording of firearm serial numbers is a violation of Sec. 790.335, Fla. Stat.;

b. An injunction prohibiting the Defendant officers from running the serial numbers of lawfully owned firearms without reasonable articulable suspicion of a crime.

Plaintiffs demand trial by jury on all issues so triable.

/s/ Eric J. Friday

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