

2016 Florida Legislative Session: Update on Pending Firearms Bills January 12, 2016

Background: Florida lawmakers will enter the annual legislative session today with at least two major firearm-related bill proposals. One of the proposals (HB 4001 and SB 68) would allow people with concealed-weapons licenses to carry firearms on state college and university campuses, while the other (HB 163 and SB 300) would allow people with the licenses to openly carry guns. Both issues await decisions in the Senate Judiciary Committee, where the campus-carry measure died last year.

National: 19 states ban carrying a concealed weapons on campus

- In 23 states the decision to ban or allow concealed weapons on campus is the prerogative of the university system.
- 8 states have case law or legislation allowing the carrying of concealed weapons on campus.
- (Wisconsin – on campus grounds,, not in posted buildings; Idaho – enhanced carry permit allows on campus, but not in dorms or other designated buildings; Texas – public university presidents may enact reasonable rules to designate gun free zones/ private institutions may opt out of campus carry altogether.

Recent Florida Case:

- *Florida Carry v. UF* - In interpreting the application of 2 statutes, court found that the later adopted law, which clearly prohibits firearms on university campuses and makes no exception for university housing, prevails.

Currently Proposed Legislation for 2016 Session (Bill numbers are hyperlinks):

[HB 4001](#) (passed favorably through 3 House Committees and waiting action on the House Floor)/[SB 68](#) (passed favorably through 2 of 4 Senate Committees, not yet placed on agenda of third committee of reference)

- Seeks to amend 790.06(12)(A)(13), "A license issued under this section does not authorize any person to openly carry a handgun or carry a concealed weapon or firearm into ... (1)-(12), listing places where licensees may not carry)" by removing... "(13) Any college or university facility..."
- This change, if passed, essentially would remove the current statutory prohibition preventing any person from openly carrying a handgun or carrying a concealed weapon or firearm into a college or university facility.

But, beyond policy changes, potential problems in implementation:

- Staffing/training/equipment/coordination with local law enforcement/Costs
- Other remaining provisions which would still prohibit firearms: polling place (when on campus), elementary/secondary school facility or admin bldg. (for colleges with lab schools, charter high schools, etc.); any school, college, or professional athletic event not related to firearms...
- Others sections of law that prohibit the possession of firearms on campus remain effective (790.115) Legislative staff analyses note the fact that the bills don't address this discrepancy, and surmise that perhaps additional bill language would appear or case law would emerge... but, no college wants to be THAT test case.

HB 163 (passed favorably through 2 of 3 House Committees, not yet placed on agenda of third committee of reference)/SB 300 (passed favorably through 1 of 3 Senate Committees, not yet placed on agenda of second committee of reference)

- Would allow open carry for concealed weapon licensees... 43 states allow open carry in some fashion with certain designated restrictions...Unclear whether bill would create a new cause of action against any person or entity beyond those enumerated in current law... No immunity in cases of infringement of rights... could raise constitutional issues re: judicial/prosecutorial immunity...other technical deficiencies identified in leg analyses...

SB 72 (Withdrawn from further consideration on November 24, 2015)

- Would allow school superintendents to designate a school safety designee to carry a concealed weapon or firearm on school property.

HB 4031 (Referred to three committees of reference, not yet placed on agenda of first committee of reference)

- Would allow concealed carry in legislative meetings, counties, school districts, municipalities, special districts, and career centers.