

**SB 176** by **Evers**; (Identical to H 4005) Licenses to Carry Concealed Weapons or Firearms

**SB 622** by **Montford (CO-INTRODUCERS) Bean**; (Similar to H 0461) Higher Education Facilities Financing

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**HIGHER EDUCATION**  
**Senator Stargel, Chair**  
**Senator Sachs, Vice Chair**

**MEETING DATE:** Monday, March 16, 2015  
**TIME:** 2:00 —3:30 p.m.  
**PLACE:** *Pat Thomas Committee Room, 412 Knott Building*

**MEMBERS:** Senator Stargel, Chair; Senator Sachs, Vice Chair; Senators Benacquisto, Braynon, Gaetz, Joyner, Legg, Negrón, and Simmons

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 176</b> Evers (Identical H 4005)	Licenses to Carry Concealed Weapons or Firearms; Deleting a provision prohibiting concealed carry licensees from openly carrying a handgun or carrying a concealed weapon or firearm into a college or university facility, etc.  CJ     02/16/2015 Favorable HE     03/16/2015 Favorable JU RC	Favorable Yeas 6 Nays 3
2	<b>SB 622</b> Montford (Similar H 461)	Higher Education Facilities Financing; Expanding the definition of the term "project" as it relates to the Higher Educational Facilities Financing Act, etc.  HE     03/16/2015 Favorable AED AP	Favorable Yeas 9 Nays 0

Other Related Meeting Documents

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Higher Education

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BILL: SB 176

INTRODUCER: Senator Evers

SUBJECT: Licenses to Carry Concealed Weapons or Firearms

DATE: March 13, 2015

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cellon</u>	<u>Cannon</u>	<u>CJ</u>	<b>Favorable</b>
2.	<u>Scott</u>	<u>Klebacha</u>	<u>HE</u>	<b>Pre-meeting</b>
3.	_____	_____	<u>JU</u>	_____
4.	_____	_____	<u>RC</u>	_____

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**I. Summary:**

SB 176 eliminates the statutory prohibition against carrying a concealed weapon or firearm by concealed carry license-holders into any college or university facility.

Current law specifically includes these facilities among the places where a concealed weapon or firearm license does not authorize the licensee to “openly carry a handgun or carry a concealed weapon or firearm.”<sup>1</sup>

The bill provides an effective date of July 1, 2015.

**II. Present Situation:**

**Florida Carry, Inc. v. University of North Florida**

In December 2013, the Florida First District Court of Appeal decided the case of *Florida Carry, Inc. v. University of North Florida*.<sup>2</sup> The issue of statutory construction before the court was whether the University of North Florida (UNF or university) violated the Legislature’s preemption of the “whole field of regulation of firearms”<sup>3</sup> by adopting policies and regulations prohibiting storing a weapon in a vehicle located on UNF’s property.

The university’s position was that the regulation was authorized under s. 790.115(2), F.S., which provides that firearms may not be possessed on school property except when securely encased

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<sup>1</sup> Section 790.06(12)(a)13., F.S.

<sup>2</sup> 133 So.3d 966 (Fla. 1st DCA 2013). A comprehensive analysis of the court’s 12-3 decision in which the judges issued seven separate opinions is available at <http://www.floridaappellatereview.com/constitutional-litigation/fl-university-cant-prohibit-students-from-keeping-guns-in-their-cars-1st-dca/>, posted December 20, 2013 (last visited March 9, 2015).

<sup>3</sup> Section 790.33, F.S.

within a vehicle, but that “school districts” may adopt policies to waive the “within a vehicle” exception. The judges all agreed that UNF did not meet the definition of “school district” and therefore the university could not waive the “within a vehicle” exception. This finding by the court settled the matter under dispute which opened the door for firearms and weapons being stored in vehicles on postsecondary school property.

The court went beyond the resolution of the matter of statutory construction, however, taking up the question of whether state universities have the power, under Article IX, Section 7<sup>4</sup> of the Florida Constitution, to implement a regulation that conflicts with a statutory provision.

The court found that the Legislature had preempted UNF’s independent regulation of firearms, but in doing so also acknowledged:

If the issue in this case involved the right of a student to carry a firearm in the classroom or at a sporting event, our analysis would be different. There are certain places where firearms can be legally prohibited, but the legislature has recognized that a citizen who is going to be in one of these places should be able to keep a firearm securely encased within his or her vehicle.<sup>5</sup>

Since the *UNF* opinion was issued, Florida Carry, Inc. has prevailed in getting similar policies changed at other Florida colleges, in keeping with the current law as interpreted by the 1st DCA.<sup>6</sup> Florida Carry, Inc. has appealed the dismissal of its lawsuit against the University of Florida (UF) which raised the issue of UF’s compliance with the *UNF* ruling.<sup>7</sup>

The UF case also raised the question of the interplay between the statutory ban of firearms on university property found in s. 790.115(2)(a), F.S.,<sup>8</sup> and s. 790.25(n), F.S., which authorizes possession of firearms at home regardless of open carry and concealed carry laws. The circuit court did not find an exception for dorms or residence halls in s. 790.115, F.S., so that matter is being appealed by Florida Carry, Inc.

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<sup>4</sup> This section of the Constitution establishes a system of governance for the state university system.

<sup>5</sup> *Florida Carry, Inc. v. University of North Florida*, 133 So.3d 966 (Fla. 1st DCA 2013).

<sup>6</sup> <http://www.floridacarry.org/litigation> (last visited March 9, 2015).

<sup>7</sup> *Florida Carry, Inc. v. University of Florida*, Florida 1st DCA Case No. 1D14-4614; Fla. 8th Cir. Case No. 01-2014-CA-000142.

<sup>8</sup> A person shall not possess any firearm, electric weapon or device, destructive device, or other weapon as defined in s. 790.001(13), including a razor blade or box cutter, except as authorized in support of school-sanctioned activities, at a school-sponsored event or on the property of any school, school bus, or school bus stop; however, a person may carry a firearm:

1. In a case to a firearms program, class or function which has been approved in advance by the principal or chief administrative officer of the school as a program or class to which firearms could be carried;
2. In a case to a career center having a firearms training range; or
3. In a vehicle pursuant to s. 790.25(5); except that school districts may adopt written and published policies that waive the exception in this subparagraph for purposes of student and campus parking privileges.

For the purposes of this section, “school” means any preschool, elementary school, middle school, junior high school, secondary school, career center, or postsecondary school, whether public or nonpublic.

## Other States - Firearms and Postsecondary School Campuses

As of December 2014, 19 states banned carrying a concealed weapon on a college campus.<sup>9</sup> In 23 states the decision to ban or allow concealed weapons on campus is the prerogative of the state university system.<sup>10</sup> Due to court rulings and legislation, 8 states allow carrying concealed weapons on public postsecondary campuses.<sup>11</sup>

The Colorado Supreme Court and the Oregon Court of Appeals overturned firearm bans in 2012 and 2011, respectively.<sup>12</sup> In both cases the rulings were based upon the court finding that it is within the exclusive power of the Legislature, not the higher education system, to regulate firearms in those states.

The statutes have dealt with the matter of firearms on college campuses in several ways:

- Wisconsin colleges and universities must allow concealed carry on campus grounds but if signs are posted at every entrance to a building stating that weapons are prohibited, firearms are not allowed within the building.<sup>13</sup>
- In Idaho persons who possess an “enhanced carry permit” may carry weapons and firearms on campus but not in dorms and buildings and buildings and functions housing more 1,000 people.<sup>14</sup>
- Kansas law contains a provision that colleges and universities cannot ban concealed carry on campus but may prohibit weapons inside buildings that have “adequate security measures” (defined by statute) and post signs to the effect.<sup>15</sup>

## Florida Statutory Law

### *Authority of Universities and Colleges*

The Board of Governors (BOG) has the authority to regulate the State University System pursuant to s. 7(d), Article IX of the State Constitution and the Florida Statutes.<sup>16</sup> The BOG may develop procedures for adopting regulations to implement its constitutional duties.<sup>17</sup>

The BOG establishes the powers and duties of the boards of trustees and may delegate its constitutional or statutory powers and duties to the boards of trustees as its designee.<sup>18</sup> The

<sup>9</sup> National Conference of State Legislatures (NCSL), *Guns on Campus: Overview available at <http://www.ncsl.org/research/education/guns-on-campus-overview.aspx>* (last visited March 9, 2015).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* See also, 2014 State Firearms Legislation Overview available at <http://smartgunlaws.org/2014-state-firearms-legislation-overview> (last visited March 9, 2015). These states are: Alaska, Colorado, Idaho, Kansas, Mississippi, Oregon, Utah and Wisconsin.

<sup>12</sup> *Id.* It should be noted that in Oregon the Board of Higher Education retained the authority to create internal policies for some areas of campus. The Board has banned firearms in campus buildings. As a condition of purchasing a ticket to an athletic event, a concert, or a performance at the University of Colorado at Boulder even concealed carry licensees agree not to bring a weapon into the venue. See <http://police.colorado.edu/services/weapons-campus> (last visited March 9, 2015).

<sup>13</sup> NCSL, available at <http://www.ncsl.org/research/education/guns-on-campus-overview> (last visited March 9, 2015).

<sup>14</sup> Idaho Senate Bill 1254 (2014) available at <http://www.legislature.idaho.gov/legislation/2014/S1254.pdf>.

<sup>15</sup> NCSL, available at <http://www.ncsl.org/research/education/guns-on-campus-overview> (last visited March 9, 2015).

<sup>16</sup> Sections 20.155 and 1001.70-706, F.S. See s. 1001.705(a) and (d), F.S., defining the terms “Board of Governors” and “state universities” as used in the Florida K-20 Education Code.

<sup>17</sup> Section 1001.706(2), F.S.

<sup>18</sup> Art. IX, s. 7(c); s. 1001.706(2)(b), F.S.

Legislature created the Florida College System consisting of institutions<sup>19</sup> governed by boards of trustees.<sup>20</sup> The State Board of Education establishes the standards and guidelines for Florida College System (FCS) institutions.<sup>21</sup>

### ***School Property***

Section 790.115(2)(a), F.S., prohibits the possession of weapons or firearms on school property, whether public or nonpublic. The prohibition includes postsecondary school property.

A person shall not possess any firearm, electric weapon or device, destructive device, or other weapon as defined in s. 790.001(13), including a razor blade or box cutter, except as authorized in support of school-sanctioned activities, at a school-sponsored event or on the property of any school, school bus, or school bus stop; however, a person may carry a firearm:

1. In a case to a firearms program, class or function which has been approved in advance by the principal or chief administrative officer of the school as a program or class to which firearms could be carried;
2. In a case to a career center having a firearms training range; or
3. In a vehicle pursuant to s. 790.25(5); except that school districts may adopt written and published policies that waive the exception in this subparagraph for purposes of student and campus parking privileges.

For the purposes of this section, “school” means any preschool, elementary school, middle school, junior high school, secondary school, career center, or postsecondary school, whether public or nonpublic.

### **Prohibitions Against the Concealed Carrying of a Firearm or Weapon**

Section 790.01, F.S., prohibits the carrying of a concealed firearm and punishes a violation of the law as a third degree felony unless the person carrying the concealed firearm is licensed under s. 790.06, F.S.<sup>22</sup> The carrying of a weapon in a concealed manner by a person who is not licensed to do so under s. 790.06, F.S., is a first degree misdemeanor.<sup>23</sup>

<sup>19</sup> See s. 1000.21(3), F.S., for a definition and list of each “Florida College System institution.” Such institutions constitute political subdivisions of the state operated by boards of trustees. See ss. 1004.67 and 1001.61-.64, F.S.

<sup>20</sup> Sections 1001.60, 1001.61(1) and (2), and 1001.64(2), F.S. See s. 2, ch. 2008-52, L.O.F. See also, s. 20.15(7), F.S.

<sup>21</sup> Art. IX, s. 2, Fla. Const.; ss. 20.15(1), (2), and (5); and 1001.02((1), (6), and (8), F.S.

<sup>22</sup> Section 790.01(2), (3), F.S. Concealed firearm is defined in s. 790.001(2), F.S.

<sup>23</sup> Section 790.01(1), (3), F.S. Concealed weapon is defined in s. 790.001(3), F.S.

### Limitations on the Concealed Carrying of a Firearm or Weapon for Licensees

Persons who hold a valid license to carry a concealed weapon or firearm are statutorily authorized to carry a handgun,<sup>24</sup> electronic weapon or device,<sup>25</sup> tear gas gun,<sup>26</sup> knife,<sup>27</sup> or billie in a concealed manner.<sup>28</sup>

However, s. 790.06(12), F.S., sets forth the following limitations on the concealed carry statutory authorization. It should be noted that concealed carry by a licensee is not specifically limited unless the firearm or weapon is carried *into* the listed places.

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. Any place of nuisance as defined in s. 823.05;
2. Any police, sheriff, or highway patrol station;
3. Any detention facility, prison, or jail;
4. Any courthouse;
5. Any courtroom, except that nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in his or her courtroom;
6. Any polling place;
7. Any meeting of the governing body of a county, public school district, municipality, or special district;
8. Any meeting of the Legislature or a committee thereof;
9. Any school, college, or professional athletic event not related to firearms;
10. Any elementary or secondary school facility or administration building;
11. Any career center;
12. Any portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to such purpose;
13. Any college or university facility unless the licensee is a registered student, employee, or faculty member of such college or university and the weapon is a stun gun or nonlethal electric weapon or device designed solely for defensive purposes and the weapon does not fire a dart or projectile;
14. The inside of the passenger terminal and sterile area of any airport, provided that no person shall be prohibited from carrying any legal firearm into the terminal, which firearm is encased for shipment for purposes of checking such firearm as baggage to be lawfully transported on any aircraft; or

<sup>24</sup> “Handgun” means a firearm capable of being carried and used by one hand, such as a pistol or revolver. s. 790.0655, F.S.

<sup>25</sup> “Electric weapon or device” means any device which, through the application or use of electrical current, is designed, redesigned, used, or intended to be used for offensive or defensive purposes, the destruction of life, or the infliction of injury. s. 790.001(14), F.S.

<sup>26</sup> “Tear gas gun” or “chemical weapon or device” means any weapon of such nature, except a device known as a “self-defense chemical spray.” “Self-defense chemical spray” means a device carried solely for purposes of lawful self-defense that is compact in size, designed to be carried on or about the person, and contains not more than two ounces of chemical. s. 790.001(3)(b), F.S.

<sup>27</sup> “Knife” is defined as what it is *not* in s. 790.001(13), F.S.: “Weapon” means...or other deadly weapon *except* ... a common pocketknife, plastic knife, or blunt-bladed table knife.

<sup>28</sup> Section 790.06(1), F.S.

15. Any place where the carrying of firearms is prohibited by federal law.<sup>29</sup>

### **Concealed Carry Licensure**

The Department of Agriculture and Consumer Services (DACS) *issues a license* to carry concealed weapons or firearms if the applicant:

- Is a resident of the United States and a citizen of the United States or a permanent resident alien of the United States or is a consular security official of a foreign government and is certified as such by the foreign government and by the appropriate embassy in this country;
- Is 21 years of age or older;<sup>30</sup>
- Does not suffer from a physical infirmity which prevents the safe handling of a weapon or firearm;
- Is not ineligible to possess a firearm pursuant to s. 790.23, F.S., by virtue of having been convicted of a felony;
- Has not been committed for the abuse of a controlled substance or been found guilty of a crime under the provisions of ch. 893, F.S., or similar laws of any other state relating to controlled substances within a 3-year period immediately preceding the date on which the application is submitted;
- Does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages or other substances to the extent that his or her normal faculties are impaired if the applicant has been committed under ch. 397, F.S., or under the provisions of former ch. 396, F.S., or has been convicted under s. 790.151, F.S., or has been deemed a habitual offender under s. 856.011(3), F.S., or has had two or more convictions under s. 316.193, F.S., or similar laws of any other state, within the 3-year period immediately preceding the date on which the application is submitted;
- Desires a legal means to carry a concealed weapon or firearm for lawful self-defense;
- Demonstrates competence with a firearm;
- Has not been adjudicated an incapacitated person under s. 744.331, F.S., or similar laws of any other state, unless 5 years have elapsed since the applicant's restoration to capacity by court order;
- Has not been committed to a mental institution under ch. 394, F.S., or similar laws of any other state, unless the applicant produces a certificate from a licensed psychiatrist that he or she has not suffered from disability for at least 5 years prior to the date of submission of the application;
- Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony or misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been sealed or expunged;
- Has not been issued an injunction that is currently in force and effect and that restrains the applicant from committing acts of domestic violence or acts of repeat violence; and

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<sup>29</sup> Section 790.06(12)(a), F.S.

<sup>30</sup> The minimum age requirement is waived if the applicant otherwise qualifies and is either a service member as defined in s. 250.01, F.S., or a veteran of the U.S. Armed Forces who was discharged under honorable conditions. s. 790.062, F.S.

- Is not prohibited from purchasing or possessing a firearm by any other provision of Florida or federal law.<sup>31</sup>

DACS shall *deny a concealed carry license* if the applicant has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence constituting a misdemeanor, unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled or the record has been sealed or expunged.<sup>32</sup>

DACS shall *revoke* a license if the licensee has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence within the preceding 3 years.<sup>33</sup>

Upon notification by a law enforcement agency, a court, or the Florida Department of Law Enforcement and subsequent written verification, DACS shall *suspend* a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime that would disqualify such person from having a license under this section, until final disposition of the case.<sup>34</sup> DACS is also required to *suspend* a license or the processing of an application for a license if the licensee or applicant is issued an injunction that restrains the licensee or applicant from committing acts of domestic violence or acts of repeat violence.<sup>35</sup>

A license already issued must be *suspended or revoked* by DACS if the licensee:

- Is found to be ineligible under the criteria set forth in s. 790.06(2), F.S.;
- Develops or sustains a physical infirmity which prevents the safe handling of a weapon or firearm;
- Is convicted of a felony which would make the licensee ineligible to possess a firearm pursuant to s. 790.23, F.S.;
- Is found guilty of a crime under the provisions of ch. 893, F.S., or similar laws of any other state, relating to controlled substances;
- Is committed as a substance abuser under ch. 397, F.S., or is deemed a habitual offender under s. 856.011(3), F.S., or similar laws of any other state;
- Is convicted of a second violation of s. 316.193, F.S., or a similar law of another state, within 3 years of a previous conviction of such section, or similar law of another state, even though the first violation may have occurred prior to the date on which the application was submitted;
- Is adjudicated an incapacitated person under s. 744.331, F.S., or similar laws of any other state; or
- Is committed to a mental institution under ch. 394, F.S., or similar laws of any other state.<sup>36</sup>

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<sup>31</sup> Section 790.06(2)(a)-(m), F.S.

<sup>32</sup> Section 790.06(3), F.S.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> Section 790.06(10), F.S.

The concealed carry license issued by DACS, along with valid identification, must be carried at all times the licensee is in actual possession of a concealed weapon or firearm and must be displayed upon demand of a law enforcement officer.<sup>37</sup>

### **Section 790.015, F.S. – Reciprocity for Nonresident Concealed Carry Licensees**

Nonresidents of Florida who are concealed carry licenseholders from states that honor Florida concealed carry licenses may carry a weapon or firearm in a concealed manner in Florida. The nonresident must have a valid license in his or her immediate possession and must abide by Florida concealed carry laws.<sup>38</sup>

### **Open Carrying of a Firearm Generally Prohibited**

Section 790.053, F.S., prohibits the open carrying of a firearm or electric weapon or device. The offense is punished as a second degree misdemeanor.<sup>39</sup>

It is not a violation of the open carry prohibition for a person to openly carry a self-defense chemical spray or a nonlethal stun gun, dart-firing stun gun, or other nonlethal electric weapon, if the weapon is carried for purposes of lawful self-defense.<sup>40</sup>

### **Non-Criminal Open and Concealed Carry in Florida**

Section 790.25, F.S., contains an exception to the requirement that a person possess a valid concealed carry license in order to lawfully carry in a concealed manner *if* the person is engaged in certain listed activities. Likewise, a person engaged in those activities may lawfully carry a firearm or weapon openly.

Section 790.25, F.S. states in part:

790.25 Lawful ownership, possession, and use of firearms and other weapons.—

(2) USES NOT AUTHORIZED.—

(a) This section *does not authorize* carrying a concealed weapon without a permit, as prohibited by ss. 790.01 and 790.02. ...

(3) LAWFUL USES.—The provisions of ss. 790.053 and 790.06 *do not apply* in the following instances, and, despite such sections, it is lawful for the following persons to own, possess, and lawfully use firearms and other weapons, ammunition, and supplies for lawful purposes:<sup>41</sup>

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<sup>37</sup> Section 790.06(1), F.S.

<sup>38</sup> Section 790.015, F.S. See <http://www.freshfromflorida.com/Divisions-Offices/Licensing/Consumer-Services/Concealed-Weapon-License/States-Recognizing-Florida-License>, which indicates that non-Florida residents from 33 states currently fit this reciprocity criteria (last visited March 9, 2015).

<sup>39</sup> It is not a violation of s. 790.053, F.S., for a person who is licensed to carry a concealed firearm under s. 790.06(1), F.S., and who is carrying the firearm in a lawful manner to briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in self-defense.

<sup>40</sup> Section 790.053(2), F.S.

<sup>41</sup> The categories listed here represent a partial list of those found in s. 790.25(3)(a)-(p), F.S.

- (h) A person engaged in fishing, camping, or lawful hunting or going to or returning from a fishing, camping, or lawful hunting expedition; ...
- (l) A person traveling by private conveyance when the weapon is securely encased or in a public conveyance when the weapon is securely encased and not in the person's manual possession; ...
- (n) A person possessing arms at his or her home or place of business; ...
- (5) POSSESSION IN PRIVATE CONVEYANCE.—Notwithstanding subsection (2), it is lawful and is not a violation of s. 790.01 for a person 18 years of age or older to possess a concealed firearm or other weapon for self-defense or other lawful purpose within the interior of a private conveyance, without a license, if the firearm or other weapon is securely encased<sup>42</sup> or is otherwise not readily accessible for immediate use.<sup>43</sup> Nothing herein contained prohibits the carrying of a legal firearm other than a handgun anywhere in a private conveyance when such firearm is being carried for a lawful use. Nothing herein contained shall be construed to authorize the carrying of a concealed firearm or other weapon on the person. This subsection shall be liberally construed in favor of the lawful use, ownership, and possession of firearms and other weapons, including lawful self-defense as provided in s. 776.012. (emphasis added)

Florida courts and the Attorney General have interpreted and applied some of the various exceptions found in s. 790.25, F.S., as follows:

- [T]he possession of a concealed weapons license does not authorize a person to openly carry a weapon. However, to the extent that a weapon is carried openly for the specified lawful uses set forth in s. 790.25(3), F.S. (1990 Supp.), or as otherwise authorized by statute, such conduct is lawful.<sup>44</sup>
- A person, in defense of his home or place of business, is permitted to conceal his possession of a firearm.<sup>45</sup>
- The trial court erred when it instructed the jury that carrying a concealed weapon in one's home in the presence of other people is illegal.<sup>46</sup>
- The defendant was not "at his home" for purposes of the exception found in s. 790.25(3)(n), F.S. He was not on his own property nor was he on property to which he had the exclusive right of possession because he was standing with a group of people in the parking lot of his apartment complex, 25-30 feet from the building in which he resided.<sup>47</sup>

<sup>42</sup> "Securely encased" means in a glove compartment, whether or not locked; snapped in a holster; in a gun case, whether or not locked; in a zippered gun case; or in a closed box or container which requires a lid or cover to be opened for access. s. 790.001(17), F.S.

<sup>43</sup> "Readily accessible for immediate use" means that a firearm or other weapon is carried on the person or within such close proximity and in such a manner that it can be retrieved and used as easily and quickly as if carried on the person. s. 790.001(16), F.S.

<sup>44</sup> 1991 Fla. Op. Atty. Gen. 114, Fla. AGO 91-36, May 17, 1991.

<sup>45</sup> *Peoples v. State*, 287 So.2d 63 (Fla. 1973)

<sup>46</sup> *Santiago v. State*, 77 So.3d 874 (Fla. 4th DCA 2012).

<sup>47</sup> *Sherrod v. State*, 484 So.2d 1279 (Fla. 4th DCA 1986); see also *McNair v. State*, 354 So.2d 473 (Fla. 3d DCA 1978) where defendant was not "at his home," but rather 30-35 feet from his apartment; *Brant v. State*, 349 So.2d 674 (Fla. 3d DCA 1977) where the defendant was in the hallway of a hotel; but see also *Collins v. State*, 475 So.2d 968 (Fla. 4th DCA 1985) where the "at his home" concealed carry exception applied in the defendant's driveway and yard.

- The “place of business” exception does not only apply to a business owned by the defendant himself, but extends to employees of a business.<sup>48</sup>

### III. Effect of Proposed Changes:

The bill amends s. 790.06(12)(a), F.S., to remove the prohibition against concealed weapon and firearm licensees carrying weapons and firearms into any college or university facility.

Current law reads as follows:

790.06 License to carry concealed weapon or firearm.-

(12)(a) A license issued under this section does not authorize any person to openly carry a handgun or carry a concealed weapon or firearm into:

13. Any college or university facility<sup>49</sup> unless the licensee is a registered student, employee, or faculty member of such college or university and the weapon is a stun gun or nonlethal electric weapon or device designed solely for defensive purposes and the weapon does not fire a dart or projectile;

Section 790.06(12), F.S., as part of the concealed weapon or firearm licensure statute, appears to be clarifying in nature by stating what the license *does not* authorize. The effect of the bill, therefore, is to create the possibility of concealed carry licensees being able to carry concealed *into any college or university facility* so long as that possibility is not prohibited by other laws.

College or university facilities would likely include classroom buildings, residence halls, dining halls, libraries, laboratories, auditoriums, and sports or entertainment arenas. Section 790.06(12)(a)9., F.S., which is *not* amended by the bill, contains a specific concealed carry prohibition into any school, college, or professional athletic event not related to firearms. Even though a person who possesses a valid concealed carry license would be statutorily authorized by the bill to carry a concealed weapon or firearm into any college or university facility, it appears that a school, college, or professional athletic event should not be taking place at the facility at that time.

The bill does not address the prohibition of the possession of weapons and firearms on “school property.”<sup>50</sup>

Because s. 790.115, F.S., does not contain an exception for college or university facilities, it appears that the practical effect of the bill may rest upon a change to the statutory blanket “school property” prohibition<sup>51</sup> or further expansion or interpretation by the courts.

<sup>48</sup> *State v. Little*, 104 So.3d 1263 (Fla. 4th DCA 2013); *Curry-Pennamon v. State*, 40 Fla. L. Weekly D110 (Fla. 1st DCA 2015); and see *State v. Anton*, 700 So.2d 743 (Fla. 2d DCA 1997) which interpreted the “place of business” exception to encompass property surrounding the business, including parking lots.

<sup>49</sup> “Educational facilities” means the buildings and equipment, structures, and special educational use areas that are built, installed, or established to serve primarily the educational purposes and secondarily the social and recreational purposes of the community and which may lawfully be used as authorized by the Florida Statutes and approved by boards. s. 1013.01(6), F.S.

<sup>50</sup> The definition of “school” includes any postsecondary school whether public or nonpublic. s. 790.115(2)(a), F.S.

<sup>51</sup> Except for parking lots, as decided by *Florida Carry, Inc. v. University of North Florida*.

Like persons who do not have a concealed weapons or firearms license, concealed carry licensees are prohibited from *openly* carrying a handgun, weapon, or firearm *except* as provided in s. 790.25, F.S.<sup>52</sup>

The bill would become effective on July 1, 2015.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Florida Department of Education bill analysis suggests that the bill may have an indeterminate fiscal impact on insurance premiums paid by colleges and universities.

The Board of Governors suggests there may be a fiscal impact due to the hiring of additional law enforcement officers to patrol the grounds of each institution.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

---

<sup>52</sup> See s. 790.053, F.S.

**VIII. Statutes Affected:**

This bill substantially amends section 790.06 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

---

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

---

By Senator Evers

2-00398-15

2015176\_\_

1                                   A bill to be entitled  
 2       An act relating to licenses to carry concealed weapons  
 3       or firearms; amending s. 790.06, F.S.; deleting a  
 4       provision prohibiting concealed carry licensees from  
 5       openly carrying a handgun or carrying a concealed  
 6       weapon or firearm into a college or university  
 7       facility; providing an effective date.  
 8  
 9   Be It Enacted by the Legislature of the State of Florida:  
 10  
 11       Section 1. Paragraph (a) of subsection (12) of section  
 12       790.06, Florida Statutes, is amended to read:  
 13       790.06 License to carry concealed weapon or firearm.-  
 14       (12) (a) A license issued under this section does not  
 15       authorize any person to openly carry a handgun or carry a  
 16       concealed weapon or firearm into:  
 17           1. Any place of nuisance as defined in s. 823.05;  
 18           2. Any police, sheriff, or highway patrol station;  
 19           3. Any detention facility, prison, or jail;  
 20           4. Any courthouse;  
 21           5. Any courtroom, except that nothing in this section would  
 22       preclude a judge from carrying a concealed weapon or determining  
 23       who will carry a concealed weapon in his or her courtroom;  
 24           6. Any polling place;  
 25           7. Any meeting of the governing body of a county, public  
 26       school district, municipality, or special district;  
 27           8. Any meeting of the Legislature or a committee thereof;  
 28           9. Any school, college, or professional athletic event not  
 29       related to firearms;

Page 1 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

2-00398-15

2015176\_\_

30           10. Any elementary or secondary school facility or  
 31       administration building;  
 32           11. Any career center;  
 33           12. Any portion of an establishment licensed to dispense  
 34       alcoholic beverages for consumption on the premises, which  
 35       portion of the establishment is primarily devoted to such  
 36       purpose;  
 37       ~~13. Any college or university facility unless the licensee~~  
 38       ~~is a registered student, employee, or faculty member of such~~  
 39       ~~college or university and the weapon is a stun gun or nonlethal~~  
 40       ~~electric weapon or device designed solely for defensive purposes~~  
 41       ~~and the weapon does not fire a dart or projectile;~~  
 42           13.14. The inside of the passenger terminal and sterile  
 43       area of any airport, provided that no person shall be prohibited  
 44       from carrying any legal firearm into the terminal, which firearm  
 45       is encased for shipment for purposes of checking such firearm as  
 46       baggage to be lawfully transported on any aircraft; or  
 47       ~~14.15.~~ Any place where the carrying of firearms is  
 48       prohibited by federal law.  
 49       Section 2. This act shall take effect July 1, 2015.

Page 2 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2015 03 16

Meeting Date

SB 0176

Bill Number (if applicable)

Topic Concealed Carry on College and University Campuses Amendment Barcode (if applicable)

Name Delbert Matthew Grush

Job Title Retired military

Address 1208 Kissimmee St.

Street

Phone 919-352-6760

Tallahassee

City

FL

State

28310

Zip

Email delbert.grush@yahoo.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Students for Concealed Carry

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

03/16/15

Meeting Date

SB176

Bill Number (if applicable)

Topic Campus Carry

Amendment Barcode (if applicable)

Name Stephen Jess Bodzo

Job Title Student at UF

Address 4000 SW 23rd St. Countryside Apt. 3-102

Phone 352-512-4209

Street

Gainesville

City

FL

State

32608

Zip

Email jess@sjbodzo.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/14/14)

# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/16/2015  
Meeting Date

SB 176  
Bill Number (if applicable)

Topic SB 176

Amendment Barcode (if applicable)

Name Kathryn Grant

Job Title State Director

Address <sup>mailing</sup> 8 Po Box 658  
Street

Phone 404.759.9959

Croton Falls Ny 10519  
City State Zip

Email Keepgunsoffcampus@a.gmail.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Campaign To Keep Guns Off Campus

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/16/15  
Meeting Date

SD 176  
Bill Number (if applicable)

Topic Campus Concealed Carry

Amendment Barcode (if applicable)

Name Jim Russell

Job Title Dep. Chief of Police

850/644-1254

Address 830 W. Jefferson St.

Phone JLRussell@fla.edu

TLH FL 32306

Email →

City State Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida State Univ PD

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/16/11  
Meeting Date

SB 176  
Bill Number (if applicable)

Topic CARRYING GUNS ON UNIVERSITY CAMPUS Amendment Barcode (if applicable)

Name William Hope

Job Title Chief of University Police

Address Florida Polytechnic University Phone \_\_\_\_\_

Street

Lakeland FL 33805

City

State

Zip

Email W.Hope@FLPoly.edu

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Polytechnic University

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-16-15

Meeting Date

Bill Number (if applicable)

Topic Guns on University Campus

Amendment Barcode (if applicable)

Name Rick Maxey

Job Title Dir Government Relations

Address 4700 Polytechnic Way

Phone 863-874-8481

Street

Lakeland FL

Email rmaxey@flpoly.org

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Polytechnic University

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/16/15  
Meeting Date

SB 1760  
Bill Number (if applicable)

Topic Guns on Campus

Amendment Barcode (if applicable)

Name Darren Baxley

Job Title Deputy Chief of Police

Address 51 Museum Rd  
Street

Phone (352) 392-5445

Gainesville FL 32621  
City State Zip

Email dbaxley@ufl.edu

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing UFPD

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date \_\_\_\_\_ Bill Number (if applicable) \_\_\_\_\_  
Topic GUNS ON CAMPUS Bill Amendment Barcode (if applicable) \_\_\_\_\_  
Name DAVID HENDRY  
Job Title Chief of Police  
Address JSF St Pete Phone \_\_\_\_\_  
Street \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

3/16/2015

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 176

Bill Number (if applicable)

Meeting Date

Topic Guns on Campus

Amendment Barcode (if applicable)

Name Katherine Robinson

Job Title Chair, Advisory Council of Faculty Senates

Address 1 UNF Drive

Phone 904 472 4264

Street Jacksonville, FL

Email Tcarlble@gmail.com

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Advisory Council of Faculty Senates

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

3/16/2015  
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 176  
Bill Number (if applicable)

Topic Guns on Campus

Amendment Barcode (if applicable)

Name Janet D. Owen

Job Title VP, Governmental Affairs, Univ of North FL

Address 1 UNF Drive

Phone (904) 620-2500

Jacksonville, FL 32224  
City State Zip

Email jowen@unf.edu

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing University of North FL

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-16-15  
Meeting Date

SB 176  
Bill Number (if applicable)

Topic Guns on Campus

Amendment Barcode (if applicable)

Name Amy Datz

Job Title Retired Environmental Scientist

Address 1136 Crestview Ave.

Phone (850) 322-7599

Street

Tallahassee

FL.

State

32303

Zip

Email amatedatz@mac.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing National Council of Jewish Women

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

03/16/2015  
Meeting Date

SB 176  
Bill Number (if applicable)

Topic Guns on Campus

Amendment Barcode (if applicable)

Name Daniel King

Job Title Student

Address 980 Bass Ct.  
Street

Phone 941-306-8192

Venice FL 34293  
City State Zip

Email djking11453@gmail.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/16/15

Meeting Date

Bill Number (if applicable)

Topic SB 174

Amendment Barcode (if applicable)

Name Alec Polansky

Job Title Student Senator

Address 1835 W Fall st #125

Phone 401 963 0118

Street

Tallahassee

FL

32304

City

State

Zip

Email ajp136@myfsu.edu

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against

(The Chair will read this information into the record.)

Representing Florida State Student Senate

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/16/15  
Meeting Date

\_\_\_\_\_  
Bill Number (if applicable)

Topic SB 176

\_\_\_\_\_  
Amendment Barcode (if applicable)

Name Burt Altman

Job Title Retired

Address 491 Bradfordville Rd

Phone 212-7050

Street

Tallahassee

FL

32306

City

State

Zip

Email baltman@fsn.d

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing myself

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/16

Meeting Date

176

Bill Number (if applicable)

Topic Guns on Camps

Amendment Barcode (if applicable)

Name Harrison D Boser

Job Title Director of Gov Affairs

Address \_\_\_\_\_

Phone 861 859 032

Street

Email dboser@hog-wild.com

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FSU SGA

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-16-15

Meeting Date

Topic GUNS ON CAMPUS

Bill Number SB-176  
*(if applicable)*

Name MARION HAMMER

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address P.O. Box 1387

Phone 850-222-9518

Street

TALLAHASSEE FL 32302

City

State

Zip

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing NATIONAL RIFLE ASSOCIATION & UNIFIED SPORTSMEN OF FLORIDA

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/20/11)

# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/16/15

Meeting Date

SB176

Bill Number (if applicable)

Topic Guns in Campus

Amendment Barcode (if applicable)

Name David "Paul" Robinson

Job Title Physician - Adolescent Medicine, MD

Address 1301 Hodges Dr

Phone 850-431-5430

Street

Tallahassee

FL

32308

City

State

Zip

Email Paul.Robinson@TAMHSC.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing self

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

March 16, 2015

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 0176

*Meeting Date*

*Bill Number (if applicable)*

Topic Carry Concealed Weapons or Firearms on Campus

*Amendment Barcode (if applicable)*

Name Rebekah M. Hargrove

Job Title President of Students for Concealed Carry at FSU

Address 2427 Nugget Lane

Phone 941-228-5128

*Street*  
Tallahassee

Fl

32303

Email rmv10c@my.fsu.edu

*City*

*State*

*Zip*

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing Students for Concealed Carry at FSU (President)

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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S-001 (10/14/14)

# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/16/2015

Meeting Date

SB 176

Bill Number (if applicable)

Topic SB 176.

Amendment Barcode (if applicable)

Name Toni Richards - Bowley, MD

Job Title Pediatrician

Address 6022 Shearwater Ln

Phone 813-373-2763

Street hithia State FL Zip 33547

Email kfpc04@tampabay.rr.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing SELF.

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/16/15

Meeting Date

SB 176

Bill Number (if applicable)

Topic CONCEALED CARRY ON CAMPUS

Amendment Barcode (if applicable)

Name STEVEN LANDGRAF

Job Title STUDENT/RESEARCH ASSISTANT

Address 2104 MULBERRY BLVD

Phone 608-438-7908

Street

TALLAHASSEE

City

FL

State

32303

Zip

Email STEVENLANDGRAF@GMAIL.COM

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing STUDENTS FOR CONCEALED CARRY @ FSU

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/16/15  
Meeting Date

SB176  
Bill Number (if applicable)

Topic Couns on Campus

Amendment Barcode (if applicable)

Name Stephen Downey

Job Title - volunteer -

Address 132 Ferndale Dr

Phone 615 972 0306

Street  
Tallahassee FL 32301  
City State Zip

Email sdowney2002@comcast.net

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Everytown for Gun Safety / Moms Demand Action

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

20150316

*Meeting Date*

SB 0176

*Bill Number (if applicable)*

Topic Concealed Carry on College and University Campus

*Amendment Barcode (if applicable)*

Name Bernard C Brandt II

Job Title Firearms Instructor

Address 317 Mabry St., Apt 1324

Phone 863-651-9291

*Street*

Tallahassee

FL

32304

Email bernard.brandt29@gmail.com

*City*

*State*

*Zip*

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing Florida Students for Concealed Carry

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-16-15  
Meeting Date

SB 176?  
Bill Number (if applicable)

Topic GUNS ON CAMPUS.

Amendment Barcode (if applicable)

Name Herb Shelton

Job Title \_\_\_\_\_

Address 2115 Longview Dr.  
Street

Phone \_\_\_\_\_

Tallahassee FL 32303  
City State Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/16/15

Meeting Date

SB 0176

Bill Number (if applicable)

Topic Concealed Carry on Campus

Amendment Barcode (if applicable)

Name Erik Culbreath

Job Title President

Address 2001 Belle Vue Way

Phone 941-224-4744

Tallahassee

FL

32304

Email etc09@my.fso.edu

Speaking: [X] For [ ] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against (The Chair will read this information into the record.)

Representing Florida Students for Concealed Carry

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [ ] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)



THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Bill Number (if applicable)

Topic SB 176

Amendment Barcode (if applicable)

Name Lindz J Stump-Kurnick

Job Title Chief of Police

Address University of Florida

Phone 352.

Street

Gainesville

Email lstump@ufl.edu

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing University of Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

Senate Minority Leader

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-16-15

Meeting Date

SB 0176

Bill Number (if applicable)

Topic Concealed Carry on Campus

Amendment Barcode (if applicable)

Name Brian Hargrave

Job Title Attorney

Address 11039 Sunray Rd.

Phone 850-422-1003

Street

Tallahassee

City

FL

State

32309

Zip

Email HargraveLaw@embargo.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Myself

Appearing at request of Chair: Yes   No

Lobbyist registered with Legislature: Yes   No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/16/2015

*Meeting Date*

SB 176

*Bill Number (if applicable)*

Topic Licenses to Carry Concealed Weapons or Firearms

*Amendment Barcode (if applicable)*

Name Paul Henry

Job Title \_\_\_\_\_

Address PO Box 698

Phone 850-629-9550

*Street*

Monticello

FL

32345

Email paul@libertyfirstfl.org

*City*

*State*

*Zip*

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing Liberty First Network

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-16-15

Meeting Date

176

Bill Number (if applicable)

Topic Campus Conceal Carry

Amendment Barcode (if applicable)

Name Catherine Baer

Job Title \_\_\_\_\_

Address 1421 Woodgate Way

Phone \_\_\_\_\_

Street

Tall

City

State

32308

Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing The Tea Party Network

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/16

Meeting Date

SB-176

Bill Number (if applicable)

Topic campus carry

Amendment Barcode (if applicable)

Name Zach Gennaro

Job Title student

Address 3443 SW 24<sup>th</sup> St #105

Phone 352-816-0047

Street

Gainesville

City

FL

State

32608

Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-16-15

*Meeting Date*

SB 176

*Bill Number (if applicable)*

Topic Concealed weapons or firearms

*Amendment Barcode (if applicable)*

Name Eric J. Friday

Job Title General Counsel Florida Carry

Address 541 E Monroe St.

Phone 904-353-7733

*Street*

Jacksonville

FL

32202

Email efriday@fletcherandphillips.com

*City*

*State*

*Zip*

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing Florida Carry

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/14/14)

①

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/16/15  
Meeting Date

SB 176  
Bill Number (if applicable)

Topic CONCEALED WEAPONS ON CAMPUSES

Amendment Barcode (if applicable)

Name ~~J.D.~~ J.D. WITHROW

Job Title CHIEF OF POLICE

Address 4202 S. FAWLER AVE 4P8002  
Street

Phone (813) 974-3568

TAMPA FL 33620  
City State Zip

Email jwithrow@ust.edu

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing STATE OF FLORIDA UNIVERSITY LAW ENFORCEMENT

Appearing at request of Chair:  Yes  No  
SENATE MINORITY LEADER

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-16-15

Meeting Date

SB176

Bill Number (if applicable)

Topic GUNS ON CAMPOS

Amendment Barcode (if applicable)

Name TERENCE CALLOWAY

Job Title ASST VP. / CHIEF OF POLICE

Address 2400 WAHNSH WAY

Phone 850 561 2206

Street

TALLAHASSEE FL 32333

Email TERENCE.CALLOWAY@FAMUSCLE

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against (The Chair will read this information into the record.)

Representing SUS CHIEFS OF POLICE

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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④  
8/16/15  
Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 176  
Bill Number (if applicable)

SB 176 - Guns on campus

Amendment Barcode (if applicable)

Topic

Name

Job Title

Address

Street

City

State

Zip

Phone

Email

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing State of Florida University Law Enforcement

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

Senator Joyner

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

3/16/15  
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB176  
Bill Number (if applicable)

Topic Our Bill - SB 176

Amendment Barcode (if applicable)

Name Marion Hoffmann

Job Title Assoc. V.P. Govt. Relations

Address 215 S. Monroe Street

Phone 850-488-2447

Tallahassee FL 32309  
City State Zip

Email marionhoff@fl.edu

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Univ. of Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/16/15  
Meeting Date

SB 176  
Bill Number (if applicable)

Topic Gun Bill - SB 176

Amendment Barcode (if applicable)

Name Dr DAN Holzenbeck

Job Title Sr. VP for Univ Relations

Address 315 Mellican Hall

Phone 407-823-2389

Street

Orlando

FL

32816

City

State

Zip

Email

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing UCF

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/16/15

Meeting Date

SB 176

Bill Number (if applicable)

Topic Gun Bill

Amendment Barcode (if applicable)

Name Kathleen Daly

Job Title Associate V.P. Gov Relations-FSU

Address Westcott Bldg

Phone 644-4453

Tallahassee FL 32306

City State Zip

Email kdaly@fsu.edu

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Administration at FSU

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-16-15  
Meeting Date

176  
Bill Number (if applicable)

Topic Guns on Campus

Amendment Barcode (if applicable)

Name Marshall Ogletree

Job Title Interim Executive Director

Address 306 E. Park Ave

Phone (850) 224-8220

Street

Tallahassee

City

FL

State

32309

Zip

Email marshall.ogletree@floridaea.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing United Faculty of Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/16/15

Meeting Date

176

Bill Number (if applicable)

Topic Guns on Campus

Amendment Barcode (if applicable)

Name Dr. Jennifer Proffitt

Job Title President of the FSU chapter of the United Faculty of Florida

Address 307 Chestnut Dr

Phone 850 597 9615

Street

Tallahassee

FL

32301

City

State

Zip

Email jennifer.proffitt@gmail.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against (The Chair will read this information into the record.)

Representing Self

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/16/15

Meeting Date

SB 176

Bill Number (if applicable)

Topic Conceal Carry

Amendment Barcode (if applicable)

Name Ryan Britton

Job Title Director of State Relations

Address 777 Glades Rd. ADM 247

Phone 561.297.2583

Street

Boca Raton

City

FL

State

33431

Zip

Email rbritto2@fau.edu

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against

(The Chair will read this information into the record.)

Representing Florida Atlantic University

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

3/16/2015  
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 176  
Bill Number (if applicable)

Topic Guns on Campus

Amendment Barcode (if applicable)

Name Charles Lowe

Job Title Chief of Police

Address 777 Glades Road

Phone 561 297 3505

Boca Raton FL 33431  
City State Zip

Email clowe@fau.edu

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida University Chiefs of Police

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

03/16/15  
Meeting Date

SB176  
Bill Number (if applicable)

Topic GUNS ON CAMPUS

Amendment Barcode (if applicable)

Name FRANK MACKESY

Job Title CHIEF OF POLICE UNFAD

Address 1 UNF DRIVE

Phone 620-2396

JAX FL 32224  
City State Zip

Email

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing UNF Police Dept

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

16 March 2015

Meeting Date

SB 176

Bill Number (if applicable)

Topic SB 176

Amendment Barcode (if applicable)

Name Dr. Ron SAFF

Job Title Doctor

Address 2300 Centerville Road

Phone 386-6680

Street

Tallahassee, FL 32308

City

State

Zip

Email ronsaff@aol.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Physician for Social Responsibility - Fla Chapter

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date \_\_\_\_\_ Bill Number (if applicable) \_\_\_\_\_

Topic AB 176 Amendment Barcode (if applicable) \_\_\_\_\_

Name Michael Brewer

Job Title CEO - Assoc of Florida Colleges

Address 113 E College Ave Phone 850-222 3222  
Street

JLH FL 32301 Email Mbrewer@myafcollege.org  
City State Zip

Speaking:  For  Against  Information      Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing Assoc of FL Colleges

Appearing at request of Chair:  Yes  No      Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 176

Bill Number (if applicable)

Meeting Date

Topic Concealed Weapons

Amendment Barcode (if applicable)

Name Matthew Lata

Job Title Professor

Address FSU HMU 002B

Phone 850 322 1361

Street

Tallahassee

City

State

Zip

Email mlata@fsu.edu

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

3/16/15

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 176

Bill Number (if applicable)

Topic CONCEALED WEAPONS

Amendment Barcode (if applicable)

Name NANCY ROGERS

Job Title ASSOC. PROFESSOR

Address 2069 WILDRIDGE DRIVE

Phone 850-562-2733

Street

TALLAHASSEE, FL 32303

City

State

Zip

Email nancy-m-rogers@yahoo.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against (The Chair will read this information into the record.)

Representing SELF

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

176

Bill Number (if applicable)

Meeting Date

Topic concealed carry on campus

Amendment Barcode (if applicable)

Name William Whitmore

Job Title Student

Address Degraff Hall FSU

Phone

City

State

Zip

Email

Speaking: For [ ] Against [x] Information [ ]

Waive Speaking: In Support [ ] Against [x] (The Chair will read this information into the record.)

Representing

Appearing at request of Chair: Yes [ ] No [ ]

Lobbyist registered with Legislature: Yes [ ] No [ ]

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/16/15  
Meeting Date

176  
Bill Number (if applicable)

Topic SB176

Amendment Barcode (if applicable)

Name Ryan Terrell

Job Title \_\_\_\_\_

Address 1001 Ocala Rd  
Street

Phone \_\_\_\_\_

Tallahassee FL 32304  
City State Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FSU Coalition for Campus Safety

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/16/15

Meeting Date

SB 176

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Brandon Johnson

Job Title ~~FAMU~~

Address 667 Gamble St

Phone 352-222-4983

Tallahassee FL 32307  
City State Zip

Email brandonjohnson@gmail.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FAMU SGA, NAACP

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/10

Meeting Date

176

Bill Number (if applicable)

Topic Concealed Carry on Campus

Amendment Barcode (if applicable)

Name Jacob Elperin

Job Title Director

Address ASOS C 75 N Woodward  
Street

Phone 561-537-1310

Palm Beach  
City

FL  
State

32304  
Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/16/15

Meeting Date

SB 176

Bill Number (if applicable)

Topic Evms on Campus

Amendment Barcode (if applicable)

Name Melanie Andrade

Job Title \_\_\_\_\_

Address 2218 E Magnolia Cir Apt 124A

Phone (850)443-2165

Street

Tallahassee FL 32301

Email melvesttes@gmail

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Myself

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 176  
Bill Number (if applicable)

Meeting Date \_\_\_\_\_

Topic Guns on Campus

Amendment Barcode (if applicable) \_\_\_\_\_

Name Larry Bowen

Job Title Student

Address 2625 Chateau Lane  
Street

Phone (386) 466-9862

Tallahassee FL 32303  
City State Zip

Email bowlen1larry@gmail.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Myself

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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Meeting Date \_\_\_\_\_

176  
Bill Number (if applicable)

Topic license to carry concealed weapons on cam

Amendment Barcode (if applicable)

Name Deborah Galley

Job Title Assoc V.P. Govt Relations

Address FIU  
Street

Phone 850-443-6404

Miami FL  
City State Zip

Email galleyd@fiu.edu

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE

APPEARANCE RECORD

3-16-15

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

176

Meeting Date

Bill Number (if applicable)

Topic SB 176 Concealed weapons on Campuses Amendment Barcode (if applicable)

Name Debbie Harrison Rumberger

Job Title Legislative Liaison

Address 540 Beverly Court

Phone 850-224-2545

Street Tallahassee FL 32301

Email lwfaadvocacy@gmail.com

City State Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing The Florida League of Women Voters

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-16-2105

*Meeting Date*

SB176

*Bill Number (if applicable)*

Topic Campus Concealed Firearms--Impact on Sexual Assault

*Amendment Barcode (if applicable)*

Name Meg Baldwin

Job Title Executive Director

Address 2315 Hartsfield Road

Phone 850-922-6062

*Street*

Tallahassee

FL

32316

Email mvaldwin@refugehouse.com

*City*

*State*

*Zip*

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing Refuge House, Inc.

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Higher Education

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BILL: SB 622

INTRODUCER: Senators Montford and Bean

SUBJECT: Higher Education Facilities Financing

DATE: March 13, 2015

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bailey	Klebacha	HE	<b>Pre-meeting</b>
2.	_____	_____	AED	_____
3.	_____	_____	AP	_____

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**I. Summary:**

SB 622 expands the types of projects that the Higher Education Facilities Financing Authority (HEFFA) may finance for higher education colleges and universities. Specifically, the bill expands the definition of authorized projects that may be used by participating institutions to include projects such as: dining halls, research facilities, athletic facilities, healthcare facilities, utility facilities, and other structures useful for the instruction of students, conducting research, or the operation of an educational institution, including equipment and machinery.

The bill takes effect July 1, 2015.

**II. Present Situation:**

**Higher Educational Facilities Financing Authority**

The Higher Educational Facilities Financing Authority (HEFFA) was created as a public instrumentality by the Legislature with the purpose of assisting institutions of higher education in undertaking constructing, financing, and refinancing projects. The HEFFA has numerous powers, including the ability to issue revenue bonds to finance the costs of a project for a participating institution.

### ***Creation and Background***

The HEFFA was established in 2001 in Chapter 243, Florida Statutes, as a “public body corporate and politic.”<sup>1</sup> The HEFFA is constituted as a “public instrumentality” and the exercise by the HEFFA of its conferred powers is “considered to be the performance of an essential public function.”<sup>2</sup> Members of the HEFFA are appointed by the Governor, subject to confirmation by the Senate.<sup>3</sup> Chapters 119 (public records) and 286 (open meetings) apply to the HEFFA.<sup>4</sup>

### ***Purpose and Powers***

The purpose of the HEFFA is to assist institutions of higher education<sup>5</sup> in undertaking constructing, financing, and refinancing projects.<sup>6</sup> For this purpose, the HEFFA may:<sup>7</sup>

- Exercise general business authority.
  - Exercise all powers granted to corporations under the Florida Business Corporation Act, chapter 607, F.S.
  - Have perpetual succession as a body politic and corporate and adopt bylaws for the regulation of its affairs and the conduct of its business.
  - Adopt an official seal.
  - Maintain an office at any place in the state.
  - Sue and be sued.
  - Employ consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers, and other employees and agents as necessary.
  - Charge to and equitably apportion among participating institutions its administrative costs and expenses incurred in the exercise of the powers and duties.
  - Contract with an entity as its agent to assist the HEFFA in screening applications of institutions of higher education for loans.
  - Do all things necessary or convenient to carry out the purposes of ss. 243.50-243.77, F.S.
- Implement financing arrangements.
  - Make and execute financing arrangements, leases, contracts, deeds, and other instruments necessary or convenient in the exercise of the powers and functions of its authority.

<sup>1</sup> Section 243.53(1), F.S., s. 4, Ch. 2001-79, L.O.F. The term “public body corporate and politic” is not specifically defined in state law; although, Section 1.01(8), F.S., defines “public body,” “body politic,” or “political subdivision” to include “counties, cities, town, villages, special tax school districts, special road and bridge districts, bridge districts, and all other districts in this state.” See *O’Malley v. Florida Insurance Guaranty Association*, 257 So.2d 9, 11 (Fla. 1971)(The business of a public corporation is ordinarily “stipulated by the Legislature to fill a public need without private profit to any organizers or stockholders. Their function is to promote the public welfare and often they implement government regulations within the state’s police power. In a word, they are organized for the benefit of the public.”); see *Forbes Pioneer Boat Line v. Board of Commissioners*, 82 So.2d 346, 350 (Fla. 1919)(Public corporations or public quasi-corporations and the governing bodies thereof possess only such powers as are expressly granted by statute or necessarily implied in order to carry the expressly granted powers into effect.).

<sup>2</sup> Section 243.53(1), F.S.

<sup>3</sup> Section 245.53(2), F.S.

<sup>4</sup> *Id.*

<sup>5</sup> Section 243.52(6), F.S. An “institution of higher education” means “an independent nonprofit college or university which is located in and chartered by the state; which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools which grants baccalaureate degrees; and which is not a state university or state community college.” *Id.*

<sup>6</sup> Section 243.54, F.S.

<sup>7</sup> *Id.*

- Mortgage any project and the site thereof for the benefit of the holders of revenue bonds issued to finance projects or those providing credit for that purpose.
- Engage in the sale-leaseback, lease-purchase, lease-leaseback, or other undertakings and provide for the sale of certificates of participation incident thereto.
- Issue bonds and manage loans.
  - Issue bonds; bond anticipation notes, and other obligations for any of its corporate purposes.
  - Receive and accept from any public agency loans or grants for or in aid of the construction of a project.
  - Make loans to any participating institution for the cost of the project, including a loan in anticipation of tuition revenues.
  - Make loans to a participating institution to refund outstanding obligations, mortgages, or advances issued, made, or given by the participating institution for the cost of a project.
- Manage and Delegate Project Responsibilities
  - Determine the location and character of any project to be financed; construct, reconstruct, maintain, repair, and lease the project as lessee or lessor; enter into contract for these purposes.
  - Designate the participating institution as the agent of the HEFFA for these purposes.
- Provide Accountability and Transparency
  - Establish rules for the use of a project, and designate a participating institution as its agent to establish rules for the use of the project undertaken by the participating institution.
  - Transfer free and clear title to the participating institution when principal and interest on revenue bonds have been paid (or adequate provision has been made to pay any bonds), all other conditions securing the bonds have been satisfied, and the lien has been released.<sup>8</sup>
  - Submit a report to the Governor, President of the Senate, and Speaker of the House of Representatives at the end of each fiscal year.<sup>9</sup> The report must include numerous provisions, including but not limited to expenditures, assets, liabilities, and the outstanding bond schedule.<sup>10</sup>

### ***Authorized Projects and Costs***

A “project” is defined as “a dormitory, student service facility, parking facility, administration building, academic building, or library and includes a loan in anticipation of tuition revenues by an institution of higher education....”<sup>11</sup>

The HEFFA may finance “costs” to include items such as: construction and land acquisition; structures; demolition, including the cost of purchasing the lands which the buildings may be removed; machinery and equipment; working capital, reserves for principal, interest, and rebate;

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<sup>8</sup> Section 243.57, F.S.

<sup>9</sup> Section 243.73, F.S.

<sup>10</sup> *Id.*

<sup>11</sup> Section 243.52(3), F.S.

additions and improvements; engineering, financial, and legal services; plans and surveys; and other expenses.<sup>12</sup>

The participating institution may fix, revise, charge, and collect rates, rents, fees, and charges for the use of and for the services furnished to or to be furnished by each project and may contract with any person, partnership, association, corporation, or other body, public or private, in respect thereof. The rates, rents, fees, and charges must be fixed and adjusted in respect of the aggregate of rates, rents, fees, and charges from the project to as to provide funds sufficient with other revenues to pay the cost of maintenance, repairs, operations, and principal and interest on outstanding revenue bonds.<sup>13</sup>

### ***Bonds and Tax Exempt Status***

Revenue bonds issued by the HEFFA are not a debt or liability of the HEFFA, any municipality, the state, or any political subdivision thereof.<sup>14</sup> Thus, the bonds are not secured by the full faith and credit of the state, and do not constitute an obligation, either general or special, of the state.<sup>15</sup> However, the bonds may be secured by mortgage or the full faith and credit of a participating institution of higher education or any other lawfully pledged security of a participating institution of higher education.<sup>16</sup>

Because the operation and maintenance of a project by the HEFFA or a participating institution constitutes the performance of an essential public function, neither the HEFFA nor a participating institution is required to pay any taxes or assessments upon or in respect of a project or any property acquired or used by the HEFFA or a participating institution.<sup>17</sup>

### ***Participating Institutions***

A “participating institution” means “an institution of higher education, as defined in s. 243.52(6) that undertakes the financing and construction or acquisition of a project or undertakes the refunding or refinancing of obligations or of a mortgage or of advances as provided in an permitted by ss. 243.50-243.77.”<sup>18</sup> Thus, to become a “participating institution” an “institution of higher education” must essentially utilize the HEFFA as provided by law.

The participating institution may fix, revise, charge, and collect rates, rents, fees, and charges for the use of and for the services furnished to or to be furnished by each project and may contract with any person, partnership, association, corporation, or other body, public or private, in respect thereof. The rates, rents, fees, and charges must be fixed and adjusted in respect of the aggregate

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<sup>12</sup> Section 243.52(4), F.S. In the case of a loan in anticipation of tuition revenues, the term “cost” means “the amount of the loan in anticipation of revenues which does not exceed the amount of tuition revenues anticipated to be received by the borrowing institution of higher education in the 1-year period following the date of the loan, plus costs related to the issuance of the loan, or the amount of the bonds, the proceeds of which the fund loans and any related cost of debt service, reserve funds, and rebate associated therewith.” *Id.*

<sup>13</sup> Section 243.67, F.S. Note that any holder of revenue bonds may take legal action to enforce and compel performance of all duties, including the fixing, charging, and collecting of the rates, rents, fees, and charges. Section 243.69, F.S.

<sup>14</sup> Section 243.66, F.S.

<sup>15</sup> Section 243.64, F.S.

<sup>16</sup> Section 243.52(5), F.S.

<sup>17</sup> Section 243.70, F.S.

<sup>18</sup> Section 243.52(7), F.S.

of rates, rents, fees, and charges from the project to as to provide funds sufficient with other revenues to pay the cost of maintenance, repairs, operations, and principal and interest on outstanding revenue bonds.<sup>19</sup>

### ***County Educational Facilities Authority***

As early as 1969, the Legislature created in each county, a “public body corporate and politic” to be known as the “\_\_\_\_\_ County Educational Facilities Authority (CEFA).”<sup>20</sup> The CEFA’s were constituted as a public instrumentality and the exercise of the authority and powers conferred are deemed to be the performance of an essential public function.<sup>21</sup> The purpose of the CEFA’s is to assist institutions for higher education in the construction, financing, and refinancing of projects.<sup>22</sup> The definition of “project” for CEFA’s means:<sup>23</sup>

- A structure suitable for use as a:
  - Dormitory or other housing facility.
  - Dining hall.
  - Student union.
  - Administration building.
  - Academic building.
  - Library.
  - Laboratory.
  - Research facility.
  - Classroom.
  - Athletic facility.
  - Health care facility.
  - Maintenance, storage or utility facility.
- Other structures or facilities related to, required or useful for the:
  - Instruction of students.
  - Conducting of research.
  - Operation of an institution of educational institution, including:
    - Parking.
    - Other facilities or structures, essential or convenient for the orderly conduct of such institution of higher education, including:
      - Equipment.
      - Machinery.
      - Other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended, but excluding items such as books, fuel, supplies, and other items that are customarily deemed to result in a current operating charge.
- A loan in anticipation of tuition revenues by a private institution of higher education.

<sup>19</sup> Section 243.67, F.S. Note that any holder of revenue bonds may take legal action to enforce and compel performance of all duties, including the fixing, charging, and collecting of the rates, rents, fees, and charges. Section 243.69, F.S.

<sup>20</sup> Section 243.21(1), F.S. *Compare* the definition of “projects” for CEFA’s and the HEFFA. The CEFA’s have historically had a more extensive list of projects that may be financed.

<sup>21</sup> *Id.*

<sup>22</sup> Section 243.22, F.S.

<sup>23</sup> Section 243.20(5), F.S.

As previously noted, the HEFFA was created in 2001, well after creation of the CEFA. It appears the HEFFA was created as a response to the problems experienced by the CEFA with projects for constructions as well as operations.<sup>24</sup> Despite Legislative attempts to increase authority for the CEFA in 1999, little activity resulted and nonpublic institutions for higher education were denied loans based on tuition income to pay operational costs.<sup>25</sup>

### III. Effect of Proposed Changes:

SB 622 expands the types of projects that the Higher Education Facilities Financing Authority (HEFFA) may finance for higher education colleges and universities. Specifically, the bill expands the definition of authorized projects that may be used by participating institutions to include projects such as:

- A structure suitable for use as a:
  - Dormitory or other housing facility.
  - Dining hall.
  - Student union.
  - Administration building.
  - Academic building.
  - Library.
  - Laboratory.
  - Research facility.
  - Classroom.
  - Athletic facility.
  - Health care facility.
  - Maintenance, storage or utility facility.
- Related structures or facilities related to, required, or useful to the:
  - Instruction of students.
  - Conducting of research.
  - Operation of an institution of higher education, including:
    - Parking.
    - Other facilities or structures, essential or convenient for the orderly conduct of such institution of higher education including:
      - Equipment.
      - Machinery.
      - Other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended, but excluding items such as books, fuel, supplies, and other items that are customarily deemed to result in a current operating charge.

The bill takes effect July 1, 2015.

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<sup>24</sup> See Staff of the Florida Senate, *Legislative Bill Analysis for CS/SB 302* (2001).

<sup>25</sup> *Id.*

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 243.52 of the Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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By Senator Montford

3-00289-15

2015622\_\_

1 A bill to be entitled  
 2 An act relating to higher education facilities  
 3 financing; amending s. 243.52, F.S.; expanding the  
 4 definition of the term "project" as it relates to the  
 5 Higher Educational Facilities Financing Act; providing  
 6 an effective date.

8 Be It Enacted by the Legislature of the State of Florida:

10 Section 1. Subsection (3) of section 243.52, Florida  
 11 Statutes, is amended to read:

12 243.52 Definitions.—As used in ss. 243.50-243.77, the term:

13 (3) "Project" means a structure suitable for use as a  
 14 dormitory or other housing facility; a dining hall; a student  
 15 union; an administration building or academic building; a  
 16 library; a laboratory; a research facility; a classroom; an  
 17 athletic facility; a health care facility; or a maintenance,  
 18 storage, or utility facility. The term also includes related  
 19 structures or facilities; those structures or facilities useful  
 20 for the instruction of students, the conducting of research, or  
 21 the operation of an institution of higher education, including  
 22 parking and other facilities or structures for the orderly  
 23 conduct of such institution of higher education; equipment,  
 24 machinery, and other similar items necessary or convenient for  
 25 the operation of a particular structure or facility, but not  
 26 items such as books, fuel, supplies, or those that are  
 27 customarily deemed to result in a current operating charge; and  
 28 dormitory, student service facility, parking facility,  
 29 administration building, academic building, or library and

Page 1 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

3-00289-15

2015622\_\_

30 ~~includes~~ a loan in anticipation of tuition revenues by an  
 31 institution of higher education, ~~as defined in subsection (6).~~  
 32 Section 2. This act shall take effect July 1, 2015.

Page 2 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-16-15

Meeting Date

SB 622

Bill Number (if applicable)

Topic HIGHER EDUCATION BOND FINANCING

Amendment Barcode (if applicable)

Name BOB BOYD

Job Title ICUF GENERAL COUNSEL

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City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing INDEP. COLLEGES + UNIVERSITIES OF FLA (ICUF)

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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