

Issue: Gun Safety - FL

## Florida's Laws Are an Invitation to Gun Violence

### Summary

Florida is reeling from its second mass shooting in three years with two of the ten worst mass murders in U.S. history. The Republican governor, Rick Scott, is proud of signing more pro-gun laws than any governor in history, including the 2011 revocation of cities' rights to regulate guns in parks and hospitals. Scott intends to sign any future bill allowing guns on school campuses. The NRA has donated to many Republican state candidates; and Congressional representatives from Florida voted unanimously in 2017 in the House and Senate to weaken gun registration restrictions on the mentally ill. Nikolas Cruz and Omar Mateen are the infamous mass killers whose names should be invoked when pressing for gun safety improvements.

### Soundbites

- Sensible weapons control legislation will reduce mass shootings, as they have in Connecticut after Sandy Hook.<sup>1</sup> Republican officials in Florida have prevented weapons control proposals from floor debate while accepting millions of dollars from the NRA.<sup>2</sup> It is time to stop the hypocrisy and make Florida safe again.
- **Every Florida Republican in Congress voted in 2017 to weaken restrictions potentially keeping those with mental health issues from buying guns<sup>3</sup>.** Without such a law, shootings like the one at Marjory Stoneman Douglas High School that killed 17 students and teachers and wounded another 15, may happen again.
- Teenagers in Florida who cannot legally buy handguns can buy assault rifles like the one used on Valentine's Day at MSD High School. Assault rifles made possible the massacres at the Pulse Nightclub in Orlando in 2016 and in Parkland in February 2018.
- **Floridians are twice as likely to die in a mass shooting compared to the average American.<sup>4</sup>**
- **Rick Scott bragged that he has signed "more pro-gun bills into law — in one term — than any other Governor in Florida history."<sup>5</sup> A list of those laws is included in the Appendix.**
- **The Florida House of Representatives voted along party lines NOT to consider a ban on assault weapons purchases and possession of high-capacity ammunition magazines on February 20, 2018 – less than a week after Nikolas Cruz massacred 17 people with a legally purchased AR-15.<sup>6</sup>**

- One in four Florida residents live in a household with a gun but fewer than ten percent of gun owners are NRA members. This **2.5% of Florida's voters have undue influence via the NRA** on the Republican administration in Florida, resulting in many pro-gun bills and preventing debate on gun safety legislation.<sup>7</sup>

## The State of Gun Regulations in Florida

### Sensible controls on gun sales will make Florida safer from mass shootings.

- Omar Mateen had previously been on an FBI terrorist watch group. He had no difficulty getting a Florida gun license and later, a concealed carry permit.<sup>8</sup> Omar Mateen had no trouble buying a semi-automatic Sig Sauer rifle and a military grade Glock pistol two weeks before massacring strangers at the Pulse Nightclub.
- Nikolas Cruz was known to be a danger to himself and to others, had been reported to the FBI, and had made threats on social media that he wanted to be a school shooter. Nikolas Cruz had no trouble buying a military-grade AR-15 semi-automatic rifle.
- Florida's gun ownership restrictions are among the weakest in the nation, earning a grade of F from gun safety advocates.<sup>9</sup> No permit or license is required to buy a gun in Florida; and owners do not have to register their weapons. There is no limit to the number of weapons an individual can buy.<sup>10</sup>
- In Florida, an 18-year-old can purchase an assault weapon at a licensed gun dealer after a cursory background check and a three-day waiting period. The background check is so weak that Nikolas Cruz, who publicly declared on social media that he wanted to be a school shooter, was able to buy an assault weapon and lots of ammunition.
- In Florida, a twenty-one-year-old can purchase a handgun at a licensed gun dealer after a cursory background check and a three-day waiting period.
- In Florida, neither an ID nor a background check is needed for "private" gun sales, like those at gun shows. One-fifth of all guns are sold privately.
- 84% of Americans support expanding background checks to include private sales and purchases at gun shows. A majority of Republican respondents agree.<sup>11</sup>
- Florida Republicans in Congress unanimously voted to loosen restrictions on gun purchases by people with a known history of mental illness.<sup>12</sup> The law rolled back an Obama-era rule that made it harder for people with mental illnesses to purchase a gun.

**Holding gun owners accountable for damage caused by their weapons would make them more responsible. Gun registration would help ensure that guns stay out of the wrong hands.**

*Car owners are responsible for damage caused by their vehicles; gun owners should be responsible for deaths caused by their weapons.*

- Second Amendment advocates fear losing the right to bear arms. Weapons restrictions and registration requirements do not impinge on the lawful ownership of guns. They do help track gun owners and they do help control the types of weapons available.
- State governments regulate car ownership. Every state has age and skill requirements for drivers and most states require drivers to maintain insurance. Florida is among the states with the weakest controls on gun sales. It has the highest per capita death rate from mass shootings in any state.<sup>13</sup> In Florida, private sellers can sell assault weapons to minors with no ID and no background check. Buying a gun is easier than voting.<sup>14</sup>

### **Mass Shootings Happen Where Guns Are Easy to Purchase**

*The U.S. is the only developed country where mass shootings are a regular occurrence.*

- The United States has 4.5% of the world's population and owns half of the world's guns.
- U.S. residents are 49 times more likely to die in a mass shooting than those in other countries.
- Florida residents are 100 times more likely to die in a mass shooting than those living in other countries.

### **Florida Is One of The Weakest States for Gun Regulation**

*The state constitution specifically lets the legislature regulate gun ownership. The Republican administration and state representatives, all of whom receive NRA support, will not allow open debate on gun regulation.*

The Florida Constitution sets out the state's right to control weapons: Article I, § 8(a) provides: "[t]he right of the people to keep and bear arms in defense of themselves and of the lawful authority of the state shall not be infringed, except that the manner of bearing arms may be regulated by law."<sup>15</sup>

- In the 2016 election cycle, 19 federal election candidates in Florida races received more than \$40,000 from the NRA's Political Victory Fund, the Political Action Committee, according to the Center for Responsive Politics.<sup>16</sup>
- Rick Scott has a seven-year-history of signing increasingly lax weapons control measures while repeatedly lowering the cost of concealed carry permits.<sup>17</sup>

### **Recommendations for Gun Safety Regulations**

#### **1. Keep Guns from Ineligible Buyers, no Matter Who Sells Them**

Current Florida law requires licensed weapons dealers to complete background checks on prospective gun buyers and requires a three-day waiting period before the weapons can be

delivered. However, unlicensed sellers may sell any number and type of guns and are not required to perform a background check on the buyers of their guns. More than 20 percent of gun sales occur in private transactions, with no background check and no waiting period.<sup>18</sup>

Background checks on buyers should be required for all commercial gun sales and permanent transfers of ownership outside the immediate family of the seller, including: sales at gun shows, pawn shops and sales through newspapers or online ads.

## **2. Prohibit Convicted Domestic Abusers from Owning Guns**

Persons who have been convicted of domestic violence or stalking should not be permitted to own or possess firearms, ever. Florida law should conform to Federal law allowing state authorities to keep guns from those convicted of domestic violence.

## **3. Create a Gun Violence Restraining Order — a So-Called ‘Red Flag’ Law**

Empower family members to request an extreme risk protection order. Akin to a restraining order for domestic violence victims, the protection order gives the police the power to temporarily take away an individual’s guns if the person makes threats, acts violently, abuses drugs or is cruel to animals. The order lets police temporarily remove firearms from the possession of a person experiencing a crisis which could lead to suicide or violence. **This type of protection order might have kept Nikolas Cruz from his guns.**

## **4. Keep Guns Out of Schools**

Florida’s code should conform to federal law and prohibit guns on school property. In the interest of public safety, colleges and universities should be allowed to ban guns.

## **5. Strengthen the Concealed Handgun Permit process**

Florida has issued many more concealed handgun permits under Gov. Scott. The state should adopt a strong uniform standard background check. All applicants for a concealed handgun permit should complete both an in-person classroom session, to learn the laws governing the carrying and use of a concealed handgun, as well as a professionally supervised “live fire” training and skills test conducted at a gun range.

## **6. Keep the drinking ban on concealed handgun permit holders; extend it to open carriers**

Alcohol and firearms make a dangerous mix. Concealed handgun permit holders should not be permitted to consume alcohol in ABC-licensed premises where they are now legally allowed to carry handguns. Florida law should include this same prohibition on alcohol consumption for citizens who “open carry” firearms, both publicly and in ABC-licensed premises.

## **7. Strengthen Child Access Prevention (CAP) laws**

Rewrite Florida CAP law to ensure that adult gun owners are prosecuted whenever a minor (<18 years old) uses a firearm that was not safely stored.

## Talking Points for Gun Safety Regulations

1. A Pew Research Center poll released on June 22, 2017 showed that about 9 out of 10 Americans favor preventing the mentally ill from buying guns. Another 84% favor requiring background checks for private gun sales and at gun shows; broken down by 90% of Democrats, 77% of Republicans.<sup>13</sup>
2. We must not let Republican candidates endorsed by the NRA repeal the law prohibiting guns carried on K-12 schools and grounds.
3. Republican control of the House and Senate in Florida has prevented the passage of sensible gun legislation favored by a majority of Florida's citizens.

## Appendix – Rick Scott Legislation

**2011:** Rick Scott signed preemption legislation, prohibiting localities from regulating firearms and ammunition. Cities and counties were forced to allow guns in parks, hospitals, and government buildings as a result. [Tampa Bay Times, 8/19/11]

**2011:** Rick Scott signed a controversial “Docs versus Glocks” bills, which punished doctors who asked patients about gun ownership. Pediatricians **feared the safety repercussions** of the legislation.

**2011:** Rick Scott **said he would sign a guns-on-campus bill** if it reached his desk despite the fears of many about the dangers of the mixture of guns and alcohol on campuses.

**2012:** A Federal judge **barred enforcement** of the Docs v. Glocks law, saying it was based on anecdotal information and unfounded conjecture.

**2012:** Rick Scott cut the cost of a concealed weapons permit.

**2013:** Rick Scott said he would not be proposing any changes to state gun laws during the year, despite the Sandy Hook massacre just weeks earlier.

**2013:** Rick Scott **opposed universal background checks** for gun purchases: “It’s always easy to say do something when no one understands what it is.”

**2014:** Rick Scott **signed House Bill 89**, which intended to allow people to use threatened

force, such as a warning shot, as part of the stand your ground defense.

**2014:** Rick Scott signed legislation allowing children to play with [simulated weapons in school](#).

**2015:** Rick Scott [signed Senate Bill 290](#), which allowed Floridians to carry a concealed weapon for 48 hours during a mandatory evacuation without a license.

**2016:** Rick Scott [cut the cost of a concealed weapons permit](#) — for a second time in his Administration.

**2016:** Rick Scott [refused to talk about gun measures](#) in the aftermath of the Pulse shooting: "There will be plenty of time to deal with how our society comes together."

**2016:** Rick Scott [refused to talk about gun measures](#) in the aftermath of the Fort Meyers club shooting: "The Second Amendment Has Never Shot Anybody"

**2017:** 11th Circuit Court Of Appeals [struck down the Docs v. Glocks law](#).

**2017:** Miami Judge ruled that the new changes to the [Stand Your Ground Law](#) were unconstitutional.

**2017:** Rick Scott refused to talk about gun measures in the aftermath of the Fort Lauderdale Airport shooting: "It's not a time to be political" [Transcript – Rick Scott Press Conference, 1/6/17]

**2017:** Rick Scott [cut the cost](#) of a concealed weapons permit — for a third time in his Administration.

## References

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- <sup>2</sup> <https://www.orlandoweekly.com/Blogs/archives/2018/02/20/in-front-of-parkland-students-florida-lawmakers-decline-to-take-up-assault-weapons-ban>
- <sup>3</sup> <https://www.npr.org/2018/02/19/566731477/chart-how-have-your-members-of-congress-voted-on-gun-bills>
- <sup>4</sup> Department of Justice, Federal Bureau of Investigations. Active Shooter Incidents in the United States, 2000-2017.
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- <sup>7</sup> [https://www.washingtonpost.com/news/wonk/wp/2015/10/15/most-gun-owners-dont-belong-to-the-nra-and-they-dont-agree-with-it-either/?utm\\_term=.8e9607d75a44](https://www.washingtonpost.com/news/wonk/wp/2015/10/15/most-gun-owners-dont-belong-to-the-nra-and-they-dont-agree-with-it-either/?utm_term=.8e9607d75a44)
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- <sup>9</sup> <http://lawcenter.giffords.org/scorecard2016/>
- <sup>10</sup> <https://www.cnn.com/2018/02/15/us/florida-gun-laws-trnd/index.html>
- <sup>11</sup> Pew Research Center, June 2017
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- <sup>13</sup> <http://www.gunviolencearchive.org/>
- <sup>14</sup> <https://thinkprogress.org/easier-to-buy-gun-than-vote-095a34c11e02/>
- <sup>15</sup> <http://lawcenter.giffords.org/state-right-to-bear-arms-in-florida/>
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- <sup>18</sup> <http://www.politifact.com/florida/statements/2017/mar/16/hannah-willard/do-40-gun-sales-lack-background-checks-new-data-sa/>