



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - Addon

J.4.

8/4/2020

Subject:

Resolution Supporting Expansion of Lawful Statewide Open Carry of Firearms, District 2.

Fiscal Impact:

n/a

Dept/Office:

District 2

Requested Action:

Summary Explanation and Background:

Clerk to the Board Instructions:

Donna Scott

From: Sabatini, Anthony <Anthony.Sabatini@myfloridahouse.gov>
Sent: Wednesday, August 5, 2020 2:27 PM
To: Lober, Bryan
Cc: Kimberly Powell; Donna Scott; Deborah Thomas; Samantha McDaniel; Rebecca Lober; Commissioner, D2; Bentley, Eden; Commissioner, D1; Commissioner Rita Pritchett; Commissioner, D3; Commissioner John Tobia; Commissioner, D4; Commissioner Curt Smith; Commissioner, D5; Isnardi, Kristine; Dave Berman (dberman@floridatoday.com); GILES MALONE
Subject: Re: Item J.4 from 8/4 BoCC Agenda

Thank you very much.
This is excellent.

Representative Anthony Sabatini
Florida House of Representatives, District 32
(352)-455-2928
Anthony.Sabatini@myfloridahouse.gov

On Aug 5, 2020, at 11:06 AM, Lober, Bryan <Bryan.Lober@brevardfl.gov> wrote:

EXTERNAL EMAIL: This email originated from outside of the Legislature. USE CAUTION when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Ladies and Gentlemen:

Please find appended hereto the amended resolution approved by the BoCC yesterday evening. Per Commissioner Tobia's request, a copy is being sent to Representative Sabatini, who is included on this email.

Once the Clerk attests to it, I will get both physical and email copies to our legislative delegation. I may call Senator Wright to meet with him, in person, about it.

Kind regards,

Bryan

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."

<Open Carry Resolution (D2) - 8-5-20.pdf>

J.4.

Open Carry Issue to be addressed this evening - YES

Barbara Fine <fineb2015lc@gmail.com>

Tue 8/4/2020 2:48 PM

To: Commissioner, D2 <D2.Commissioner@brevardfl.gov>

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Barbara Fine <fineb2015lc@gmail.com>

to d2.commissioners, bcc: me

12:50 PM (1 hour
ago)

Dear Commissioner Loyd

Dear Commissioner Lober

Honorable County Commissioners

I just learned today that there will be a vote this evening regarding the right to "open carry" for those who have concealed weapon permits. I support it individually and as President of the North Brevard Republican Club, i would like the voice of our 138 member Club to be heard in support of open carry.

Please vote in favor of this. If things continue the way it appears (lawlessness), we, as citizens, should have the right to protect ourselves, our families and our property.

Thank you.

Sincerely,

Barbara Fine, President

North Brevard Republican Club

SUPPORT

Open carry support

Dennis Fields <dennisjaxfl@att.net>

Mon 8/3/2020 6:38 PM

To: Commissioner, D2 <D2.Commissioner@brevardfl.gov>

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Thank you for your support of an open carry resolution.

Florida lost open carry for no reason in an emergency session where Janet Reno slipped it by citizens in 1986.

Police officers rarely know the law, 790.25(3)(h) that allows open carry to and from hunting, camping, and fishing.

Letting counties opt out of a Constitutional right is NOT a good idea. Let's leave that off the table please.

As responsible gun owners, we realize that private property rights rule in FL. You would ONLY see openly carried holstered handguns in businesses if that business chose to allow it. It would not be a "free for all" or the "Wild West".

Thank you !

Dennis Fields

Member of Florida Carry (civil rights group)

Dennisjaxfl@att.net

Sent from my iPhone

SUPPORT

Open carry ,think it thru ,bad idea

Newton Smith <qpflyer@cfl.rr.com>

Mon 8/3/2020 7:42 PM

To: Commissioner, D2 <D2.Commissioner@brevardfl.gov>

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

While I support the 2nd amendment and CC I feel open carry results in many articles and examples in two or three Yahoos strolling into a mcdonalds or other restaurant carrying AR15s while me and my family are eating and I exit right then as an unsafe condition .. Very bad idea for Florida

N.Smith dist 3.

OPPOSE

Re: D2.Commissioner@brevardfl.gov

Commissioner, D2 <D2.Commissioner@brevardfl.gov>

Tue 8/4/2020 3:20 PM

To: Robert Smith <floridahuskie@gmail.com>

Cc: Commissioner, D2 <D2.Commissioner@brevardfl.gov>

Mr. Smith:

Nowhere have I mentioned existing political unrest in Brevard County. I would strongly suggest reading the actual resolution and then formulating an opinion based upon what I wrote, not what you think I might have written.

As to open carry being a huge detriment to tourism in Brevard County, is it your contention that states which allow open carry have seen a decline in tourism since having allowed it? Do you have any data, whatsoever, to support that argument? If so, I'd love to see it.

Truly,

Bryan A. Lober

From: Robert Smith <floridahuskie@gmail.com>

Sent: Tuesday, August 4, 2020 10:31 AM

To: Commissioner, D2 <D2.Commissioner@brevardfl.gov>

Subject: D2.Commissioner@brevardfl.gov

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Commissioner Lober,

In regard to your advocacy of Open Carry in the state of Florida, I saw this quote of yours in Florida Today: "Lober cites current political unrest as a reason the open-carry legislation is needed." Please tell me what political unrest in Brevard County you are referring to.

Also, Open Carry would be a huge detriment to the tourism industry in Brevard. We don't need that at the same time business are struggling to return to economic viability.

Robert Smith
West Melbourne

O PPOSE

Re: Open carry

Commissioner, D2 <D2.Commissioner@brevardfl.gov>

Tue 8/4/2020 3:24 PM

To: Neal Buzzy <nealbuzzy@gmail.com>

Mr. Buzzy:

Thank you for your email. Are you a resident of District 2 or Brevard County? Did you read the actual resolution or is this commentary based upon a newspaper article? Is it your contention that states which permit open carry have had an increase in crime as a result? Where is any data to support that contention?

Many of us law-abiding gun owners have carried for many years and only shot paper or clay. It's a shame you choose to view those who exercise their 2nd Amendment rights as "gun toting nuts" and this sort of broad-brushing does nothing but stir division in a badly divided nation.

Truly,

Bryan A. Lober

From: Neal Buzzy <nealbuzzy@gmail.com>

Sent: Tuesday, August 4, 2020 8:41 AM

To: Commissioner, D2 <D2.Commissioner@brevardfl.gov>

Subject: Open carry

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

No open carry! We have way too many gun toting nuts out there. It's not about good guys and bad guys. We are all varying shades of grey. What could possibly go wrong? Just look at the evening news. Accidents happen. It's a public health issue.

OPPOSE

Re: guns

Commissioner, D2 <D2.Commissioner@brevardfl.gov>

Tue 8/4/2020 1:16 PM

To: Joseph Tierno <enziories3@yahoo.com>

Cc: Commissioner, D2 <D2.Commissioner@brevardfl.gov>

Joe,

Please take this email as it's intended. I truly do not intend to argue with you but, rather, to lay out how I see things.

We fundamentally disagree on this topic and, frankly, that will likely never change. You support your argument not even with anecdotal evidence but, rather, total supposition not based upon any evidence whatsoever. The many states permitting open carry continue to disprove your suggestion that untrained folks will spray bullets everywhere. That's not the norm anywhere open carry is legal.

What prevents the very same people (almost exactly 10% of our state's population) who carry concealed from spraying bullets? I've only ever shot paper or clay.

Just as I listen to physicians about matters requiring medical expertise, I listen to attorneys about matters requiring constitutional law expertise. Just as I disregarded lay opinion - both pro and con - regarding the efficacy of face masks, so too do I disregard lay opinion - both pro and con - as to questions of constitutional law.

As you may have surmised, I could care less about partisan politics as I support mandatory face masks at businesses as well as the 2nd amendment - positions which aren't typically jointly held. There will be issues, in the future, we agree on as well as issues we do not.

I would encourage you not to box yourself (or me) in on account of one issue where we disagree. You've made your opinion known. I respect it, though it disagree with it. I may well agree with you on the next item, whatever that might be.

Please feel free to reach out in the future.

Kind regards,

Bryan

Get [Outlook for Android](#)

From: Joseph Tierno <enziories3@yahoo.com>

Sent: Tuesday, August 4, 2020, 9:27 AM

To: Commissioner, D2

Subject: guns

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Commissioner Lober:

I think you are terribly misguided in your latest foray on open carry legislation and am urging to drop your attempt to approve a resolution calling for it in the state of Florida.

To be blunt, this is insanity. Having people running around brandishing guns will, in no way, bring the crime rate down. Your implication in this morning's Florida Today that we are being inundated with riots and chaos is ill founded, to say the least.

Certainly, even if that were the case, we would not want a bunch of untrained citizens running around spraying bullets all over the place. In fact, there is data which proves that even well trained policemen, miss the mark more than 50 percent of the time. Further, world statistics show that where there is a prevalence of guns in the community, there is an increase in gun violence.

The evidence is incontrovertible.

As for your suggestion that somehow allowing open carry is connected to second amendment rights, I find that to be ludicrous.

Finally, let me express my disappointment in your actions, especially in the wake of what I considered good work in seeking to get a mask resolution through the board. If you really want to save lives, continue to pursue that objective and let this gun thing go. We don't need to be carrying guns around, we have the police to do that.

Respectfully,

Joe Tierno

[REDACTED]
Melbourne Beach, FL.
[REDACTED]

Sent from Mail for Windows 10

O PPOSE

Donna Scott

From: Lober, Bryan <Bryan.Lober@brevardfl.gov>
Sent: Wednesday, August 5, 2020 11:06 AM
To: Kimberly Powell; Donna Scott; Deborah Thomas; Samantha McDaniel; Rebecca Lober
Cc: anthony.sabatini@myfloridahouse.gov; Commissioner, D2; Bentley, Eden; Commissioner, D1; Commissioner Rita Pritchett; Commissioner, D3; Commissioner John Tobia; Commissioner, D4; Commissioner Curt Smith; Commissioner, D5; Isnardi, Kristine; Dave Berman (dberman@floridatoday.com); GILES MALONE
Subject: Item J.4 from 8/4 BoCC Agenda
Attachments: Open Carry Resolution (D2) - 8-5-20.pdf
Importance: High

Ladies and Gentlemen:

Please find appended hereto the amended resolution approved by the BoCC yesterday evening. Per Commissioner Tobia's request, a copy is being sent to Representative Sabatini, who is included on this email.

Once the Clerk attests to it, I will get both physical and email copies to our legislative delegation. I may call Senator Wright to meet with him, in person, about it.

Kind regards,

Bryan

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Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

August 5, 2020

M E M O R A N D U M

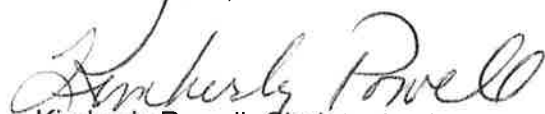
TO: Commissioner Bryan Lober, District 2

RE: Item J.4., Resolution Supporting Expansion of Lawful Statewide Open Carry of Firearms

The Board of County Commissioners, in regular session on August 4, 2020, adopted Resolution No. 20-081, to promptly introduce Legislation to permit lawful open carry of firearms by, at a minimum, all those law-abiding concealed carry permit holders licensed through the Florida Department of Agriculture and Consumer Services, to respectfully request that the Legislative Delegation timely introduce Legislation to reverse those portions of the *Marjory Stoneman Douglas High School Public Safety Act*, which prohibit law-abiding 18, 19, and 20-year olds from purchasing those firearms they were previously entitled to purchase. Enclosed is a copy of the Resolution.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK


Kimberly Powell, Clerk to the Board

/ds

Encl. (1)

cc: Commissioners 1, 3, 4, & 5
County Manager
County Attorney

**RESOLUTION SUPPORTING EXPANSION OF LAWFUL STATEWIDE OPEN CARRY
OF FIREARMS**

WHEREAS, the Second Amendment to the Constitution of the United States of America provides that “[a] well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed;” and

WHEREAS, Article I, § 8(a), of the Florida Constitution provides that “[the] 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,” and

WHEREAS, in appreciation and understanding of the foregoing constitutional mandates, the State of Florida has no discretion and, by law, must issue concealed weapon permits to all non-prohibited lawful applicants; and

WHEREAS, the State of Florida, through the Department of Agriculture and Consumer Services, licenses law-abiding citizens to carry, in a concealed manner, many weapons, including firearms; and

WHEREAS, § 790.053, Fla. Stat., generally disallows law-abiding firearm owners from openly carrying firearms; and

WHEREAS, among the exceptions to § 790.053, Fla. Stat., § 790.25(3)(h), Fla. Stat., allows for unlicensed and permitless open carry of firearms by “[a] person engaged in fishing, camping, or lawful hunting or going to or returning from a fishing, camping, or lawful hunting expedition;” and

WHEREAS, § 790.053, Fla. Stat., specifically permits, in pertinent part, “a person licensed to carry a concealed firearm... 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 necessary self-defense;” and

WHEREAS, printing may be defined as the inadvertent display of the characteristic outline of a firearm underneath clothing which may be seen by others nearby; and

WHEREAS, it is not universally known that printing is entirely lawful pursuant to § 790.053, Fla. Stat.; and

WHEREAS, a number of concealed permit holders understandably worry about alarming those uninformed regarding the various exceptions to the general open carry prohibition; and

WHEREAS, due to such concern, lawful concealed firearm owners may choose to venture out unarmed or underarmed so as to avoid any chance of printing while wearing clothing appropriate for the season and weather conditions; and

WHEREAS, wearing unseasonably bulky clothing in the often hot, humid, Florida climate discourages lawful concealed carry; and

WHEREAS, those wishing to escape the open carry prohibition may do so easily by having a fishing pole with them and claiming they are going to or returning from fishing as the high burden of proof is lawfully on the state to prove a violation, not on the accused to defend against one; and

WHEREAS, any and all unnecessary 911 calls regarding printing and/or lawful open carry constitute a waste of often scarce law enforcement resources and may lead to unnecessary and wholly avoidable confrontation between law enforcement officers and law-abiding firearm owners; and

WHEREAS, over 30 states permit open carrying of a firearm without any license or permit; and

WHEREAS, at least 15 more states allow open carrying of a firearm with a license or a permit; and

WHEREAS, less than 10% of all states wholly disallow open carrying of a firearm; and

WHEREAS, numerous exceptions to § 790.053, Fla. Stat., serve to lessen its effectiveness and, additionally, lead to a confused and unaware public; and

WHEREAS, over the past several months, the political and social climate, coupled with a degree of collective insanity, has led to uncontrolled lawlessness across a portion of the country, including areas in which police have been barred entry by violent rioters; and

WHEREAS, every reasonable measure must be taken to allow for the lawful carrying of firearms by individuals who wish to have adequate and effective means of self-defense in an era regularly marked by ongoing violent riots; and

WHEREAS, the most immediate and direct remedy for a bad guy (or woman) with a gun is a lawfully armed good guy (or woman) with a gun; and

WHEREAS, § 790.053, Fla. Stat., unreasonably restricts law-abiding gun owners from exercising their constitutional rights; and

WHEREAS, open carry ought to be permitted at all locations in which concealed carry is lawfully authorized; and

WHEREAS, the unfortunate reality is that a blanket open carry bill may not be appreciated by a sufficient percentage of the legislature to ensure passage; and

WHEREAS, to better ensure any such bill passes, it may be necessary to permit individual counties to "opt-out" or, less preferably, "opt-in;" and

WHEREAS, if, at this time, there is insufficient will amongst the legislators to pass a broad open carry bill, we should strive to improve existing state statute to promote increased clarity as well as to provide for additional common-sense exceptions to the generalized open carry prohibition; and

WHEREAS, if, at this time, there is insufficient will amongst the legislators to pass a broad open carry bill, we should strive to improve existing state statute to promote increased clarity as well as to provide for additional common-sense exceptions to the generalized open carry prohibition; and

WHEREAS, the *Marjory Stoneman Douglas High School Public Safety Act* ("MSDHSPSA") amended § 790.065, Fla. Stat., increasing the minimum age to purchase firearms from 18 years of age to 21 years of age; and

WHEREAS, 18, 19, and 20-year-olds may be drafted, into the military, and called to serve and risk their lives in the protection of our community and our way of life; and

WHEREAS, every single Brevard County Commissioner is concerned about the impact of the MSDHSPSA upon law-abiding 18, 19, and 20-year-olds.

NOW, THEREFORE, BE IT RESOLVED BY A SUPERMAJORITY OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS:

We call upon the Brevard County Legislative Delegation ("Legislative Delegation"), consisting of Senators Tom A. Wright (14th Dist.) and Debbie Mayfield (17th Dist.) and Representatives Rene Plasencia (Dist. 50), Tyler Sirois (Dist. 51), Thad Altman (Dist. 52), and Randy Fine (Dist. 53), to promptly introduce legislation to permit lawful open carry of firearms by, at a minimum, all those law-abiding concealed carry permit holders licensed through the Florida Department of Agriculture and Consumer Services.

We further respectfully request that the Legislative Delegation timely introduce legislation to reverse those portions of the MSDHSPSA which prohibit law-abiding 18, 19, and 20-year-olds from purchasing those firearms they were previously entitled to purchase.

DONE, ORDERED AND ADOPTED this 4th day of August, 2020.

ATTEST



SCOTT ELLIS, CLERK



BRYAN ANDREW LOBER, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

Approved by Board August 4, 2020