Florida Gulf Coast University Board of Trustees
January 21, 2014

SUBJECT: Regulation FGCU-PR9.005 Possession of Firearms and Weapons On University Property

PROPOSED BOARD ACTION

Approve the Amendment to the above-reference Regulation to remove the waiver of the exception to allow firearms in parked vehicles on Campus.

BACKGROUND INFORMATION

In December 2013, the First District Court of Appeals held that State universities do not have legal authority “to regulate the manner of bearing arms.” This action is requested to ensure the University’s Regulation is consistent with its authority to regulate firearms.

Supporting Documentation Included: Notice and Text Regulation FGCU-PR9.005 Possession of Firearms and Weapons on University Property

Prepared by: Vice President and General Counsel Vee Leonard

Legal Review by: N/A

Submitted by: Vice President for Administrative Services and Finance Steve Magiera
FLORIDA GULF COAST UNIVERSITY
NOTICE OF REGULATORY ACTION

December 18, 2013

REGULATION TITLE:
Possession of Firearms and Weapons On University Property

REGULATION NO.:
FGCU-PR9.005

SUMMARY:
This Regulation is being revised to remove the waiver of the exception to allow firearms within vehicles parked on campus.

FULL TEXT:
The full text of the regulation being proposed is attached and can also be found at http://www.fgcu.edu/generalcounsel/promulgation.asp

LAW IMPLEMENTED:
Sections 790.01, 790.06 and 790.115, Florida Statutes

UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:
Chief Steven Moore, Director of Public Safety

UNIVERSITY OFFICIAL APPROVING THE PROPOSED REGULATION:
Steve Magiera, Vice President for Administrative Services and Finance

PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW REGULATION:
Diane St. John, Executive Assistant, dstjohn@fgcu.edu; 239.590.7466 (Phone), 239.590.7470 (Facsimile); 10501 FGCU Blvd. S, Fort Myers, FL 33965-6565.

ANY COMMENTS REGARDING THE PROPOSED NEW REGULATION SHOULD BE SUBMITTED IN WRITING ON OR BEFORE January 6, 2014 BY 5:00 P.M. THE COMMENTS MUST IDENTIFY THE REGULATION ON WHICH YOU ARE COMMENTING.

THIS NOTICE WAS POSTED ON THE FGCU WEBSITE ON: December 18, 2013.
A. SCOPE

This regulation applies to all persons on Florida Gulf Coast University property or property under the control of the University.

B. POSSESSION OF FIREARMS ON UNIVERSITY PROPERTY

1. The possession of a firearm is prohibited on University property or property under the control of the University. The University specifically waives the exception provided for in Section 790.115(2)(a)3., Florida Statutes, thereby prohibiting possession of firearms within vehicles parked on campus.

2. Sworn peace officers who are required by their employment to be armed are exempt from this regulation.

3. Persons possessing concealed weapon permits must comply with this regulation and may not possess a firearm or other weapon on University property or property under the control of the University except as permitted by Section 790.06(12), Florida Statutes.

C. POSSESSION OF WEAPONS ON UNIVERSITY PROPERTY

The possession of any weapon is prohibited on University property or property under the control of the University. Additional items prohibited by law or regulation include: fireworks, explosives, chemical weapons or devices, bb guns, pellet guns, and air soft/paintball guns or weapons except that a person may possess a common pocket knife, legitimate tools appropriately used in authorized work on campus, and certain other weapons as defined in this policy.

D. EXCEPTIONS

Notwithstanding the above, the following are permitted:

1. A weapon or firearm to be displayed or used in any of the academic programs of the University, after permission is obtained from the Office of the Provost and the Chief of Police.
2. A self-defense chemical spray may be carried.

3. A person licensed to carry a concealed weapon(s), and who is affiliated with the University as a student, employee, or faculty, may carry a non-dart firing stun gun for defensive purposes.

E. VIOLATION OF REGULATION

A student found to be in violation of this regulation may be subject to discipline under the Student Code of Conduct and may be subject to arrest and prosecution. An employee found to be in violation of this regulation shall be subject to discipline under Regulation FGCU–PR5.016 or the Collective Bargaining Agreement, as applicable, and may be subject to arrest and prosecution. Any other person found to be in violation of this regulation may be subject to arrest and prosecution.

Specific Authority:
Board of Governors Regulation 1.001

Law Implemented:
Sections 790.01, 790.06 and 790.115, Florida Statutes

Action by Florida Gulf Coast University Board of Trustees:
Approved: 09/21/2010

History of Regulation:
New 08/02/98, Amended 09/21/10

Effective Date of Regulation:
09/21/10