

CS/HB 543 – Public Safety

This bill amends multiple statutes. First, it amends s. 790.001, F.S., defining handgun as “a firearm capable of being carried and used by one hand, such as a pistol or revolver.” It then amends multiple statutes where s. 790.001, F.S. is referenced for acts that are prohibited. The next amended statute is s. 790.01, F.S., where the following language is added for the carrying of concealed weapons or concealed firearms penalties: “A person is authorized to carry a concealed weapon or concealed firearm, as that term is defined in s. 790.06(1), F.S., if he or she...is licensed under s. 790.06, F.S.; or...is not licensed under s. 790.06, F.S., but otherwise satisfies the criteria for receiving and maintaining such a license under s. 790.06(2)(a)–(f) and (i)–(n), (3), and (10), F.S.” This new language impacts the penalties for carrying a concealed weapon or electric weapon or device without a license (1st degree misdemeanor) and carrying a concealed firearm without a license (Level 5, 3rd degree felony) by removing the need for a license and stating that such person only needs to meet the criteria for having a license. Additionally, it now references the definition of firearm as how it is defined under s. 790.001, F.S.

This bill also amends s. 790.115(1), F.S., adding the entirety of s. 790.001, F.S., rather than currently only citing s. 790.001(13), F.S., thus expanding the types of weapons one cannot “exhibit...in a rude, careless, angry, or threatening manner and not in lawful self-defense, at a school-sponsored event or on the grounds or facilities of any school, school bus, or school bus stop, or within 1,000 feet of the real property that comprises a public or private elementary school, middle school, or secondary school, during school hours or during the time of a sanctioned school activity.” This expansion in the defined weapons would impact the current Level 4, 3rd degree felony. This expansion is also applied to one who willfully and knowingly possesses various weapons (s. 790.115(2)(b), F.S.) and any firearm (s. 790.115(2)(c), F.S.) on school property, both Level 4, 3rd degree felonies. However, it provides an exception for those possessing such weapons, adding a **2nd degree misdemeanor** for “a person who is authorized to carry a concealed weapon or concealed firearm under s. 790.01(1), F.S. and who willfully and knowingly violates paragraph (b) or subparagraph (c)1.” Therefore, these felonies would not apply in this scenario, and they would only be charged with the newly created misdemeanor.

This bill also repeals s. 790.145, F.S., removing the Level 1, 3rd degree felony for possessing a concealed firearm or a destructive device within the premises of a pharmacy. However, there are existing felonies that likely already capture such violations under s. 790.01, F.S., s. 790.161, F.S., and s. 810.08, F.S., and all are more serious felonies than the one under this statute.

Finally, this bill amends s. 810.095, F.S., adding the entirety of s. 790.001, F.S., rather than currently only citing s. 790.001(13), F.S., expanding the types of weapons one cannot bring onto, or to possess on a school property when a person is trespassing upon school property. This would impact the current Level 1, 3rd degree felony for such a violation.

Per DOC, in FY 18-19, there were 84 new commitments under s. 790.01, F.S., and there were 65 new commitments in FY 19-20. In FY 20-21, there were 47 new commitments, and there were 67 new commitments in FY 21-22. It is not known how many of those receiving prison sentences under this statute would have otherwise satisfied the criteria for a license under s. 790.06, F.S.

Per DOC, there have been 5 new commitments in the last four fiscal years for the remaining felonies impacted by this bill. All of these new commitments were under s. 790.115, F.S. It is not known how the prison population will be impacted by this expansion in weapon definitions or the reduced pool of potential offenders from the removal of the need for a concealed weapon/firearm license.

**CONFERENCE APPROVED ESTIMATE: Negative
Indeterminate**