

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 183 Prohibited Places for Weapons and Firearms

SPONSOR(S): Criminal Justice Subcommittee, Ponder

TIED BILLS: **IDEN./SIM. BILLS:** SB 1524

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	11 Y, 3 N, As CS	Padgett	Hall
2) Local, Federal & Veterans Affairs Subcommittee	10 Y, 1 N	Rivera	Miller
3) Judiciary Committee			

SUMMARY ANALYSIS

Unless exempted, a person may not carry a concealed firearm or weapon in public without a license issued by the Department of Agriculture and Consumer Services. However, licensees may not carry a concealed firearm in certain locations, including meetings of the governing body of a county, public school district, municipality, or special district. A licensee who carries a concealed firearm into a prohibited location commits a second degree misdemeanor.

Shootings at government meetings have occurred in various states, including city commission meetings in New Hope, Minnesota; Kirkwood, Missouri; Ross Township, Pennsylvania; and Mount Pleasant, Iowa. In Florida, prior to being injured by return fire from a security guard and committing suicide, a gunman fired multiple shots at the school superintendent and school board members during a Bay County School Board meeting in 2010.

CS/HB 183 authorizes an elected member of the governing body of a county, municipality, or school district to carry a concealed weapon or firearm into a meeting of the governing body of which he or she is a member. The bill provides a member of a governing body may not carry a concealed firearm to a meeting if the meeting is being held in a location where firearms are otherwise prohibited by law. For example, if a school board held a meeting in a school, a school board member would continue to be prohibited from carrying a concealed firearm into the meeting.

The bill does not appear to have a fiscal impact on state or local governments.

The bill provides an effective date of July 1, 2020.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Concealed Carry

Unless exempted, a person may not carry a concealed firearm or weapon in public without a license issued by the Department of Agriculture and Consumer Services.¹ The licensing scheme requires the department to issue a license to any applicant that meets statutory criteria,² which includes that the person:

- Is a resident and a citizen of the United States or a permanent resident alien of the United States, or is an eligible consular security official;
- Is 21 years of age or older;
- Does not suffer from a physical infirmity that prevents the safe handling of a weapon or firearm;
- Is not ineligible to possess a firearm because of a felony conviction;
- Has not been committed for abusing a controlled substance;
- Has not been found guilty of a crime relating to a controlled substance within a three-year waiting period immediately preceding the application date;
- Does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her normal faculties are impaired;
- Desires the legal means to carry a concealed weapon or firearm for lawful self-defense;
- Demonstrates competency in the use of a firearm;
- Has not been, or is deemed not to have been, adjudicated an incapacitated person in a guardianship proceeding;
- Has not been, or is deemed not to have been, committed to a mental institution;
- Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony, or any misdemeanor crime of domestic violence, unless three years have elapsed since probation or any other conditions set by the court have been fulfilled, or expunction has occurred;
- Has not been issued an injunction that is currently in force and effect and restrains the applicant from committing acts of domestic violence or acts of repeat violence; and
- Is not prohibited from purchasing or possessing a firearm by any other provision of law.
 - For example, federal law prohibits a person convicted of misdemeanor domestic violence from purchasing a firearm,³ so a person convicted of misdemeanor domestic violence is ineligible for a license to carry a concealed firearm or weapon in Florida.

As of December 31, 2019, there are 2,056,597 concealed weapons license holders in Florida.⁴ Although a concealed weapons license authorizes a person to carry a concealed firearm throughout the state, it does not authorize a person to carry a concealed firearm into several locations, including any:

- Place of nuisance;⁵
- Police, sheriff, or highway patrol station;
- Detention facility, prison, or jail;
- Courthouse;
- Courtroom;⁶

¹ S. 790.01, F.S. It is unlawful for a person to openly carry a firearm or electric device or weapon, but a person may carry a self-defense chemical spray or nonlethal stun or dart gun or nonlethal electric weapon or device. Persons with concealed firearm licenses may briefly display their weapon unless done so in an angry or threatening manner, not in necessary self-defense. S. 790.053, F.S.

² S. 790.06(2), F.S.

³ 18 U.S.C. § 922(g)(9).

⁴ Florida Department of Agriculture and Consumer Services, *Total Active Licensees Report*, available at <https://www.fdacs.gov/Divisions-Offices/Licensing/Statistical-Reports> (last visited Jan. 30, 2020).

⁵ A place of nuisance includes a place or building where ongoing criminal activity is occurring, such as gambling, prostitution, or gang activity. S. 823.05(1), F.S.

⁶ A judge may carry a concealed weapon in his or her courtroom and determine who is permitted to carry a weapon in his or her courtroom. S. 790.06(12)(a)5., F.S.

- Polling place;
- Meeting of the governing body of a county, public school district, municipality, or special district;
- Meeting of the Legislature or legislative committee;
- School, college, or professional athletic event not related to firearms;
- Elementary or secondary school facility or administration building;
- Career center;
- Portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises;
- College or university facility;⁷
- Passenger terminal or sterile area of any airport; or
- Place where the carrying of firearms is prohibited by federal law.⁸

A licensee who carries a concealed firearm into one of the prohibited locations commits a second degree misdemeanor.⁹

Local Government Meetings

In Florida, county commissions, school boards, city commissions, and special districts¹⁰ hold their meetings in a variety of locations. Some of the meeting locations are in buildings where carrying a concealed firearm is prohibited by law, such as a courthouse.¹¹ However, even if the meeting takes place in a building where carrying a concealed firearm is permitted, citizens, including elected members of the governing body, remain prohibited from carrying the concealed firearm into the meeting itself.¹²

Shootings at government meetings have occurred in various states, including city commission meetings in New Hope, Minnesota¹³; Kirkwood, Missouri¹⁴; Ross Township, Pennsylvania¹⁵; and Mount Pleasant, Iowa¹⁶. In Florida, prior to being injured by return fire from a security guard and committing suicide, a gunman fired multiple shots at the school superintendent and school board members during a Bay County School Board meeting in 2010.¹⁷

Effect of Proposed Changes

CS/HB 183 authorizes an elected member of the governing body of a county (county commission), public school district (school board), or municipality (city commission/council) to carry a concealed

⁷ 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. S. 790.06(12)(a)13., F.S.

⁸ S. 790.06(12)(a), F.S.

⁹ A second degree misdemeanor is punishable by up to 60 days in jail and a \$500 fine. Ss. 775.082 and 775.083, F.S.

¹⁰ A "special district" is a unit of local government created for a special purpose, which has jurisdiction to operate within a limited geographical boundary. A special district may be created by general law, special act, local ordinance, or by rule of the Governor and cabinet. S. 189.012(6), F.S. As of Jan. 30, 2020, there are 1,757 special districts in Florida. Florida Department of Economic Opportunity, *Special District Statewide Totals as of January 30, 2020*, <http://specialdistrictreports.floridajobs.org/webreports/StateTotals.aspx> (last visited Jan. 30, 2020).

¹¹ The Leon County Board of County Commissioners meets in the Leon County Courthouse. Leon County, *How to Speak at a Commission Meeting*, <https://cms.leoncountyfl.gov/Home/How-to-Speak-at-a-Commission-Meeting> (last visited Jan. 30, 2020).

¹² 790.06(12)(a)7., F.S.

¹³ Erik Ortiz and Alexander Smith, *Two cops shot inside New Hope, Minnesota City Hall after ceremony*, NBC News (Jan. 27, 2015), <https://www.nbcnews.com/news/us-news/two-cops-shot-inside-new-hope-minnesota-city-hall-after-n294306> (last visited Jan. 30, 2020).

¹⁴ Heather Ratcliffe, *6 dead in shooting rampage at Kirkwood City Council*, St. Louis Post-Dispatch (Feb. 7, 2008), <https://web.archive.org/web/20080208212628/http://www.stltoday.com/stltoday/news/stories.nsf/stlouiscitycounty/story/DF9F175C2F225844862573E9001BDB9A?OpenDocument> (last visited Jan. 30, 2020).

¹⁵ Jim Melwert, *Pa. State Police: Feud with township officials motive in shooting at municipal building*, CBS 3 (Aug. 6, 2013), <https://philadelphia.cbslocal.com/2013/08/06/state-police-feud-with-ross-township-officials-possible-motive-in-shooting-at-municipal-building/> (last visited Jan. 30, 2020).

¹⁶ Associated Press, *Mayor killed, 2 hurt in meeting gunfire*, Kentucky New Era (Dec. 11, 1986), <https://news.google.com/newspapers?nid=266&dat=19861206&id=8hgsAAAAIIBAJ&sjid=Y20FAAAAIBAJ&pg=881,5175947> (last visited Jan. 30, 2020).

¹⁷ Vivian Kuo and Phil Gast, *Rambling gunman dead after opening fire at Florida school meeting*, CNN (Dec. 14, 2010), <https://www.cnn.com/2010/CRIME/12/14/florida.meeting.shooting/index.html> (last visited Jan. 30, 2020).

weapon or firearm into a meeting of the governing body of which he or she is a member. The bill provides that a member of a governing body may not carry a concealed weapon or firearm to a meeting if the meeting is being held in a location where concealed weapons or firearms are otherwise prohibited by law. For example, if a school board held a meeting in a school, a school board member would continue to be prohibited from carrying a concealed firearm into the meeting.

The bill provides an effective date of July 1, 2020.

B. SECTION DIRECTORY:

Section 1: Amends s. 790.06, F.S., relating to license to carry concealed weapon or firearm.

Section 2: Provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 28, 2020, the Criminal Justice Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment:

- Removed special districts from the list of governing bodies whose members are authorized to carry concealed weapons or firearms to meetings.
- Clarified that a member of a governing body may not carry a concealed weapon or firearm to a meeting if the meeting is being held in a location where concealed weapons or firearms are otherwise prohibited by law.

This analysis is drafted to the committee substitute as passed by the Criminal Justice Subcommittee.