

STORAGE NAME: h3713s1.brc

DATE: March 23, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
BUSINESS REGULATION AND CONSUMER AFFAIRS
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 3713

RELATING TO: Firearms-related licenses

SPONSOR(S): Committee on Business Regulation and Consumer Affairs and Representative Jones

COMPANION BILL(S): SB 504(i), SB 1810(i)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) BUSINESS REGULATION AND CONSUMER AFFAIRS YEAS 5 NAYS 0
 - (2)
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I. SUMMARY:

This bill changes the license validity period for several licenses under chapter 493, F.S., from two years to three years. This change applies to private investigative agencies, private security agencies, combined private investigative and private security branch offices, and recovery (a.k.a. "repossessor") agencies. This change is made at the request of the Department of State, which is the administrative agency for these provisions.

The bill also extends the license validity period for a concealed weapons license from three years to five years, and requires instructors for courses used as qualification for obtaining a license to carry a concealed weapon to maintain records attesting to the proper completion of the course by those persons who have taken the course. The bill goes into effect July 1, 1998.

Chapter 493, F.S., establishes the regulation of private investigative, security, and repossession services by the Division of Licensing of the Department of State. The department ensures these services are not provided by individuals who have a criminal history, are insufficiently trained, or are unlicensed. The chapter provides licensure requirements and grounds for which disciplinary action may be taken against licensees, agencies, and against any unlicensed person engaging in activities regulated under the chapter. All of the various licenses established under the chapter are good for two years.

Chapter 790, F.S., contains provisions relating to weapons and firearms, including provision for a license to carry a concealed weapon. In 1987, the Legislature created the Concealed Weapons Licensing Program in s. 790.06, F.S. The program permits the issuance of licenses to citizens who wish to carry a concealed weapon or firearm for lawful self-defense.

According to the Department of State's Division of Licensing, the increase validity period will result in a cost savings to the public. Increasing the 5 year validity period on the concealed weapons licenses will result in a 40 percent cost savings to license holders. Over 5 years, this will amount to a total fee savings of \$11,660,534. The savings in renewal applications will be an estimated \$146,819. The department reports that the "extended licensing period will have no adverse effect on the integrity of the program."

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Chapter 493, F.S., establishes the regulation of private investigative, security, and repossession services by the Division of Licensing of the Department of State. Chapter 493, F.S., grants the department regulatory authority over these services to ensure that the public is protected. The department ensures these services are not provided by individuals who have a criminal history, are insufficiently trained, or are unlicensed.

Chapter 493, F.S., provides licensure requirements and grounds for which disciplinary action may be taken against licensees, agencies, and against any unlicensed person engaging in activities regulated under the chapter. The Department of State may use the grounds for disciplinary action specified in the chapter to deny an applicant's license.

Section 493.6111, F.S., provides that the department shall issue licenses and that they shall be valid for 2 years. Section 493.6113, F.S., provides that the department shall renew licenses biennially. Chapter 493, F.S., identifies numerous types of licenses including:

- ▶ Class "A": Any corporation or person engaged in business as a private investigative agency.
- ▶ Class "B": Any corporation or person engaged in business as a security agency.
- ▶ Class "AB": A branch office of a corporation which holds both a Class "A" and a Class "B".
- ▶ Class "R": Any corporation or person engaged in business as a recovery agency.

Examples of other types of licenses include a Class "C" license for a private investigator and a Class "D" license for a security officer. "Branch office" is defined as "each additional location of an agency where business is actively conducted which advertises as performing or is engaged in the business authorized by the license."

Chapter 790, F.S., contains provisions relating to weapons and firearms, including provision for a license to carry a concealed weapon. In 1987, the Legislature created the Concealed Weapons Licensing Program in s. 790.06, F.S. The program permits the issuance of licenses to citizens who wish to carry a concealed weapon or firearm for lawful self-defense.

"Weapons or firearms" are defined as "a handgun, electronic weapon or device, tear gas gun, knife, or billie, but the term does not include a machine gun." A concealed firearm is "any firearm which is carried on or about a person in such a manner as to conceal the firearm from ordinary sight of another person." Carrying a concealed weapon or firearm without a license, improperly exhibiting a weapon, or openly carrying a weapon is prohibited.

Citizens who desire a legal means to carry a concealed weapon or firearm for lawful self-defense are eligible for a license when they meet the qualifications set forth in

s. 790.06, F.S. That section contains a list of 7 courses (or other criteria), any one of which satisfies the firearms competency requirement. Included in this list are:

- ▶ Completion of any National Rifle Association (NRA) firearms safety or training course;
- ▶ Completion of any firearms safety or training course or class available to the general public offered by law enforcement, junior college, college, or other institution or organization or firearms training school using instructor certified by the NRA, Criminal Justice Standards and Training Commission, or the Department of State; and
- ▶ Completion of any firearms training or safety course or class conducted by a state-certified or NRA certified firearms instructor.

Completion of the course can be demonstrated by a certificate of completion, an instructor's affidavit, or any document showing completion. Presently, there is no explicit provision requiring the instructors to keep records attesting to the proper completion of the course by the individuals who have taken the course.

Concealed weapons licenses are valid for 3 years and the license-holder may apply for a renewal license. The Department of State administers the concealed weapons licensing program. On January 31, 1998, there were 214,620 individuals that held valid licenses to carry concealed weapons and firearms in Florida.

B. EFFECT OF PROPOSED CHANGES:

This bill changes the license validity period for "agency" licenses under chapter 493, F.S., from two years to three years. This change applies to private investigative agencies, private security agencies, combined private investigative and private security agencies, and recovery (a.k.a. "repossessor") agencies. This change is made at the request of the Department of State, which is the administrative agency for these provisions.

The bill also extends the license validity period for a concealed weapons license from three years to five years, and requires instructors for courses used as qualification for obtaining a license to carry a concealed weapon to maintain records attesting to the proper completion of the course by those persons who have taken the course.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

- a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

Yes. Since the validity period is extended for several categories of licensure, without a fee increase, the total cost to the licensee will be reduced.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Sections 493.6111, 493.6113 and 790.06, F.S.

E. SECTION-BY-SECTION RESEARCH:

Section 1. Amends s. 493.6111, F.S., providing that four stipulated categories of licenses shall be valid for three years (rather than two years).

Section 2. Amends s. 493.6113, F.S., providing that the same four categories of licenses as those in section 1 shall be *renewed* every three years.

Section 3. Amends s. 790.06, extending the license validity period for a concealed weapons license from three years to five years, and providing that instructors for courses used as qualification for obtaining a license to carry a concealed weapon shall maintain records attesting to the proper completion of the course by those persons who have taken the course.

Section 4. Provides that the act shall take effect July 1, 1998.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

According to the Department of State's Division of Licensing, the increase validity period will result in a cost savings to the public. Increasing the 5 year validity period on the concealed weapons licenses will result in a 40 percent cost savings to license holders. Over 5 years, this will amount to a total fee savings of \$11,660,534. The savings in renewal applications will be an estimated \$146,819.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

See A.2., above.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties and municipalities.

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

An amendment was adopted which clarifies that the bill does not change the validity date of any license issued prior to the effective date of the act.

VII. SIGNATURES:

COMMITTEE ON BUSINESS REGULATION AND CONSUMER AFFAIRS:

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