

STORAGE NAME: h0503.ca

DATE: April 1, 1997

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
COMMUNITY AFFAIRS
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 503

RELATING TO: Regulation of Firearms

SPONSOR(S): Representative Tobin

STATUTE(S) AFFECTED: Section 790.33, Florida Statutes

COMPANION BILL(S): SB 344 (i)

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

- (1) LAW ENFORCEMENT AND PUBLIC SAFETY YEAS 6 NAYS 1
- (2) COMMUNITY AFFAIRS
- (3) GOVERNMENTAL OPERATIONS
- (4)
- (5)

I. SUMMARY:

This bill provides that specified provisions relating to state preemption of the field of regulation of firearms and ammunition do not preclude certain ordinances, resolutions, rules, or regulations of local government which regulate or prohibit possession of weapons or firearms of public employees, under specified circumstances where the local government acts as employer. In addition, this bill provides that such provisions do not preclude certain local ordinances or resolutions prohibiting possession of weapons or firearms on public property controlled by local government, under specified circumstances. Finally, this bill provides an exception for certain street, road, or highway rights-of-way.

This bill may have a slight fiscal impact on local governments that choose to implement regulations prohibiting weapon or firearms possession on public property. The fiscal impact would be related to the costs of obtaining, displaying, and maintaining the required signs notifying the public of the prohibitions.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

In 1987, the Legislature enacted chapter 87-22, Laws of Florida, creating the Joe Carlucci Uniform Firearms Act (Act). This Act provides for preemption by the State of the entire field of regulation of firearms and ammunition (including purchase, sale, transfer, taxation, manufacture, ownership, possession, and transportation). In addition, the Act created a limited exception from the State's preemption permitting counties the option of requiring a waiting period of up to 3 days between the purchase and delivery of handgun. This exception is applicable only to sales at "retail establishments." The Act also exempts certain specified individuals from any required waiting period.

B. EFFECT OF PROPOSED CHANGES:

This bill provides for an additional limited exception to the State's general preemption, allowing for the local regulation of firearm possession by public employees or by the general public when present on public property. The bill allows a local government to prohibit the possession of weapons or firearms of public employees on the job, or areas related thereto, during working hours, or times related thereto. In addition, the bill authorizes local government regulations generally prohibiting the possession of weapons or firearms on public property controlled by a local government, other than the right-of-way of streets, roads, or highways, where the local government has prominently displayed a sign stating the prohibition.

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?

The bill allows local governments to enact an "ordinance, resolution, rule, or regulation" pertaining to the possession of weapons or firearms by public employees while on the job (or areas related thereto), and during working hours (and related times).

The bill allows local governments to enact an ordinance or resolution prohibiting the possession of weapons or firearms on public property, where the local government has placed prominently displayed signs.

This bill specifically excludes from the local governments' authority the ability to enact an ordinance or resolution prohibiting the possession of weapons or firearms on right-of-way streets, road, or highways.

- (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:

Not applicable (N/A).

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

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

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

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?

No.

- 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?

The bill allows local governments to enact regulations pertaining to possession of weapons and firearms by public employees on public property and related areas during working hours and related times.

This bill also allows local governments to enact regulations pertaining to possession of weapons and firearms on public property subject to the prominent display of a sign stating of the prohibition.

5. Family Empowerment:

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

N/A

(1) Who evaluates the family's needs?

(2) Who makes the decisions?

(3) Are private alternatives permitted?

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

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

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:

N/A

(1) parents and guardians?

(2) service providers?

(3) government employees/agencies?

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Amends section 790.33, Florida Statutes, to provide for the local regulation of weapons or firearm possession by public employees on public property or related areas during working hours and related times. In addition, local regulation of weapons or firearm possession for individuals on public property, subject to notification by a prominently displayed sign is provided. Specifically precluded from local regulation is the possession of weapons or firearms on right-of-way streets, roads, or public highways.

Section 2: This bill will become effective upon becoming a law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

There may be slight cost to local governments associated with the sign requirement of this bill.

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:

In the event that a local government did resolve to prohibit possession of weapons or firearms on public property, it would be responsible for the cost of obtaining, posting, and maintaining of the signs indicating the prohibition.

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

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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 or municipalities.

V. **COMMENTS:**

No.

VI. **AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:**

A technical amendment clarifying the title of subsection (4) of section 790.33, Florida Statutes, will be offered.

VII. **SIGNATURES:**

COMMITTEE ON LAW ENFORCEMENT AND PUBLIC SAFETY:

Prepared by:

Legislative Research Director:

Kurt E. Ahrendt

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