

STORAGE NAME: h0503a.leps

DATE: March 21, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
LAW ENFORCEMENT AND PUBLIC SAFETY
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 503

RELATING TO: Firearms and Weapons/Regulation

SPONSOR(S): Representative Tobin

STATUTE(S) AFFECTED: s. 790.33, F.S.

COMPANION BILL(S): S0344

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

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

I. SUMMARY:

House Bill 503 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. The bill also 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, with an exception for certain street, road, or highway rights-of-way.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Section 790.33, F.S. generally provides for preemption for the “whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, and transportation thereof.” A limited exception is provided in Subsection (2) of 790.33, F.S., which allows a county the option of requiring a waiting period of up to 3 days between the purchase and delivery of handgun, applicable only to sales at “retail establishments.” Subsection 790.33(d), F.S. exempts certain specified individuals from any required waiting period.

B. EFFECT OF PROPOSED CHANGES:

House Bill 503 provides for an additional limited exception to the general preemption requirements, allowing “local regulation of firearm possession by public employees or on public property.” Proposed Subsection 790,33(4)(a) allows for local government regulations which “prohibits the possession of weapons or firearms of public employees on the job, or areas related thereto, during working hours, or times related thereto.” Proposed Subsection 790.33(4)(b) allows for local government regulations which prohibit “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 prominently displays a sign providing for such 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 government to enact an “ordinance, resolution, rule, or regulation” pertaining to the possession of weapons or firearms by individuals on public property, where a sign is placed, indicating the prohibition, other than the right-of-way of streets, roads, 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.

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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?

Not applicable.

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

Not applicable.

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

Not applicable.

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 and on public property, in certain specified circumstances.

5. Family Empowerment:

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

HB 503 does not purport to provide services to families or children.

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

Not applicable.

- (2) Who makes the decisions?

Not applicable.

- (3) Are private alternatives permitted?

Not applicable.

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

Not applicable.

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

Not applicable.

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- 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?

Not applicable.

- (2) service providers?

Not applicable.

- (3) government employees/agencies?

Not applicable.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Provides for local regulation of firearm possession by public employees and for local regulation of firearm possession for individuals on public property, under certain circumstances.

Section 2: Provides an effective date.

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:

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:

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 signs indicating the prohibition.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

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

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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:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON LAW ENFORCEMENT AND PUBLIC SAFETY:

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