

STORAGE NAME: h0909a.leps

DATE: April 4, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
Law Enforcement and Public Safety
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 909

RELATING TO: Concealed Weapons/Nonresidents

SPONSOR(S): Representative(s) Crady and Fasano

STATUTE(S) AFFECTED: 790.01, F.S.

COMPANION BILL(S): SB 0042 (s)

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

(1) Law Enforcement and Public Safety YEAS 6 NAYS 0

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I. SUMMARY:

House Bill 909 provides that a U.S. citizen who is not a resident of Florida may carry a concealed weapon or firearm in this state, provided the person is 21 years of age or older and has a valid concealed weapons license from his or her state of residence. The bill further provides that when the holder of a valid concealed weapons license from another state establishes legal residence in the state of Florida, the license from the previous state remains in effect in Florida for a period of 90 days.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Currently, there are no statutory provisions which authorize U.S. residents with valid concealed weapons licenses issued in other states, to carry a concealed weapon or firearm within the state of Florida. Similarly, there are no statutory provisions which provide a grace period for a new Florida residents with valid concealed weapons licenses issued in another state, to become licensed in Florida. Currently, section 790.06(6), F.S., does provide for a decision on the application for a concealed weapons license in this state, by the Department of State, within 90 days after receipt of the application and supporting documentation for a concealed weapons license.

B. EFFECT OF PROPOSED CHANGES:

House Bill 909 would allow a U.S. resident, who is not a Florida resident, to carry a concealed weapon or firearm in the state of Florida, as long as the nonresident is 21 years of age or older, and "has in his or her immediate possession a valid license to carry a concealed weapon or firearm issued to the nonresident in his or her state of residence." The bill further provides that a nonresident is subject to the same laws and restrictions with regard to carrying a concealed weapon or firearm as is a resident licensed to carry a concealed weapon in the state of Florida. Finally, the bill provides that where a holder of a valid concealed weapons license issued in another state establishes legal residence in the state of Florida, the prior license remains in effect for a period of 90 days.

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?

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?

Yes. The bill allows persons with a valid concealed weapons licenses issued in other states to use those privileges in the state of Florida, subject to the same laws and restrictions as those residents licensed in the state of Florida. The bill also allows a 90-day grace period for new Florida residents, during which time a previous valid concealed weapons license, issued in another state, remains valid in the state of Florida.

- 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:

Not applicable.

- (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.

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 RESEARCH:

Section 1: Provides for nonresidents who are at least 21 years old and have a valid concealed weapons licenses issued in another state, to carry concealed weapons in this state, subject to the same laws and restrictions as those persons licensed in this state. A new resident has a 90-day grace period during which time valid concealed weapons license issued by another state remains valid in Florida.

Section 2: Provides an effective date.

III. FISCAL RESEARCH & 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:

None.

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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 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:

Prepared by:

Legislative Research Director:

Kurt E. Ahrendt

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