

STORAGE NAME: h0161.ft

DATE: February 15, 1999

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
FINANCE AND TAXATION
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT**

BILL #: HB 161

RELATING TO: Concealed Weapons

SPONSOR(S): Representative Crady

COMPANION BILL(S): None

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

- (1) LAW ENFORCEMENT AND CRIME PREVENTION 9 YEAS 0 NAYS
 - (2) FINANCE AND TAXATION
 - (3) TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS
 - (4)
 - (5)
-

I. SUMMARY:

House Bill 161 would waive the concealed weapons license fee and license renewal fees for any person who is retired from at least 20 years of service in this state or any other state, as a law enforcement officer. The bill is expected to have a negative but insignificant impact to the Division of Licensing Trust Fund. **[See section VI. Amendments or Committee Substitute Changes]**

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Section 790.06(1), F.S., authorizes the Department of State (Department) to issue licenses to carry concealed weapons or concealed firearms. The Department's licensing responsibilities include: establishing procedures for ensuring applicants meet statutory eligibility requirements, processing license applications within established deadlines, and monitoring the continued eligibility of concealed weapons license-holders.

The Department of State has the authority to establish license application fees up to the maximum levels established in Section 790.06(5)(b), F.S. The statutes provide that a concealed weapons license applicant shall submit a non-refundable fee not to exceed \$85 for a new license or \$70 for a renewal license, each valid for a period of five years. Currently, the Department is charging \$75 for the initial licensing and \$65 for renewal.

In addition to the licensing fee, Section 790.06(5)(b), F.S., authorizes the Department to collect a fee for the processing of the applicant's fingerprints and obtaining a background investigation. The Department charges \$42 for this fingerprint/ background investigation fee. This fee is not charged for in-state renewals but does apply to renewals of out-of-state licensees.

Currently, the law provides for a total exemption from the concealed weapons law, for any individual holding active certification as a law enforcement officer, correctional officer, or correctional probation officer. However, if someone holding such an active certification wants a concealed weapons license anyway, the fingerprint/ background investigation fee (\$42) is waived. The regular licensing fees (\$75) are not waived.

There is also a one-time waiver of the licensing fee (\$75) and the fingerprint/background investigation (\$42) fee for law enforcement officers, correctional officers, or correctional probation officers, for a period of 1 year subsequent to the date retirement of said officer. Subsequent renewal for these persons is \$30.

B. EFFECT OF PROPOSED CHANGES:

The bill provides that a person who is retired from at least 20 years of service, in this state or any other state [**See section VI. Amendments or Committee Substitute Changes**], as a law enforcement officer, as defined in s. 943.10(1), is exempt from the license fee (\$75) and the renewal fee.

The law would apply to "law enforcement officers" only-- not correctional officers or correctional probation officers. Section 943.10(1), F.S., states:

"law enforcement officer" means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include in whole or in part, the supervision, training, guidance and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law

enforcement officers but does not include support personnel employed by the employing agency.

This same definition would be applied to both law enforcement officers in the state of Florida or from "any other state." The person must be "retired from at least 20 years of service in this state or any other state as a law enforcement officer." **[See section VI. Amendments or Committee Substitute Changes]**

Thus, law enforcement officers with current active certification would not be affected by the bill. Retired law enforcement officers with 20 years of service (not qualifying for the one-time exemption) would be eligible for the licensing fee (\$75) waiver. These individuals would be subject to the fingerprint/ background investigation (\$42) fee. Although subsequent renewal fees would be waived for all retired officers, those from out-of-state residents would still be subject to the \$42 fingerprint/ background investigation fee.

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?

The bill would reduce concealed weapons licensing fees for retired law enforcement officers.

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?

N/A

- 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:

Section 790.06(5)(b), F.S.

E. SECTION-BY-SECTION ANALYSIS:

Section 1 amends s. 790.06(5)(b), F.S. It provides that a person who is retired from at least 20 years of service in this state or any other state as a law enforcement officer, and defined in s. 943.10(1), is exempt from the license fee and the license renewal fee (currently \$75 and \$65, respectively). These licenses are issued to those who wish to carry concealed weapons or concealed firearms. **[See section VI. Amendments or Committee Substitute Changes]**

Section 2 provides an effective date of July 1, 1999.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

See section D. Fiscal Comments.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

See section D. Fiscal Comments.

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:

N/A

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

None.

D. FISCAL COMMENTS:

Currently, there are a total of 224,341 individuals holding active concealed weapons licenses. Of these active licenses, only 2,828, all from Florida only, (or approximately 1%) are retired law enforcement officers, correctional officers, or correctional probation officers. Assuming all these persons renewed their licenses (which is \$30 for a retired officer), over a 5-year period, the state would collect \$84,840 in license renewal fees, or \$16, 968 per year. The proposed bill, however, would only exempt 'law enforcement officers' --not correctional officers or correctional probation officers, so the total loss of renewal revenues would be somewhat less. This is a relatively small amount, compared to the revenue generated by renewal applications -- \$2,701,262 for the 97-98 fiscal year, and \$2,020,307 generated by new applications in the 97-98 fiscal year. These receipts are deposited into the Division of Licensing Trust Fund.

It is more difficult to determine the impact of the bill on the issuance of new concealed weapons licenses. However, it is likely that most in-state law enforcement officers who retire after 20 years of service and desire a concealed weapons license, would take advantage of the one-time total exemption of fees under current law. Law enforcement officers retiring from out-of-state would likely form the bulk of new applicants taking advantage of the initial licensing fee waiver under this bill. **[See section VI.**

Amendments or Committee Substitute Changes]

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:

The 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:

The bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On January 20, 1999, the Law Enforcement and Crime Prevention Committee adopted one amendment, which deleted the provision allowing a licensing and renewal fee exemption for law enforcement officers who had been employed for at least 20 years in "any other state."

VII. SIGNATURES:

COMMITTEE ON LAW ENFORCEMENT AND CRIME PREVENTION:

Prepared by:

Staff Director:

Kurt E. Ahrendt

Kurt E. Ahrendt

AS REVISED BY THE COMMITTEE ON FINANCE AND TAXATION:

Prepared by:

Staff Director:

Carol L. Dickson-Carr

Alan Johansen