

STORAGE NAME: h0229z.lecp
DATE: June 14, 1999

ACTION**FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
LAW ENFORCEMENT AND CRIME PREVENTION
FINAL ANALYSIS**

BILL #: HB 229 (Passed as SB 954) (Chapter 99-132, Laws of Florida)

RELATING TO: Concealed Weapons/Nonresidents

SPONSOR(S): Representative Crady and Others

COMPANION BILL(S): SB 954 (I)

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

- (1) LAW ENFORCEMENT AND CRIME PREVENTION YEAS 6 NAYS 2
 - (2) TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS (W/D)
 - (3)
 - (4)
 - (5)
-

I. FINAL ACTION STATUS:

The House substituted SB 0954 for HB 0229. Senate Bill 0954 was approved by the Governor on April 20, 1999, and became Chapter 99-132, Laws of Florida.

II. SUMMARY:

House Bill 229 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. Finally, the bill limits the applicability of these provisions only to those state which have reciprocity with the state of Florida with respect to the issuance of a concealed weapon or concealed firearms permit.

III. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Florida Law

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.

Summary of Other State Laws On Concealed Weapons Licenses

In addition to Florida, the states of Iowa, Maine, New Hampshire, Pennsylvania, Rhode Island, New Jersey, Texas, Utah, Washington, and Wyoming authorize nonresidents to apply for a concealed carry permit or license. In Texas, a nonresident may apply for a Texas license if the nonresident is licensed in his or her home state, the licensing requirements of the home state are as rigorous as Texas' requirements, and the home state authorizes a person with a Texas license to apply for the home state's license.

Montana and Pennsylvania have agreement provisions. In Montana, the Governor may negotiate with other states that provide reciprocal privileges. In Pennsylvania, the Attorney General may enter into agreements with other states that provide reciprocal privileges.

Connecticut, Georgia, Kentucky, Massachusetts, Missouri, New Hampshire, Oklahoma, Rhode Island, South Carolina, West Virginia and Wyoming have conditional reciprocity. Connecticut authorizes nonresidents to carry a concealed firearm for the purpose of taking part in a firearms competition or an exhibition, provided that the nonresident is a U.S. citizen and has a valid permit-to-carry issued by another state or locality.

Massachusetts extends its authorization to nonresidents who carry a concealed firearm into the state for hunting or to attend any firearm collectors' meeting or exhibition. However, Massachusetts' law requires that the home state requirements be as rigorous as Massachusetts' requirements.

Georgia, Kentucky, New Hampshire, South Carolina, and West Virginia authorize nonresidents to carry a concealed firearm if the nonresident's home state provides reciprocal privileges. Missouri authorizes carrying a concealed firearm while traveling in a continuous journey through the state. Rhode Island authorizes a nonresident with a concealed carry license from another state to transport a handgun during an uninterrupted journey across the state.

Idaho, Indiana, Michigan, and Wyoming have complete reciprocity. These states recognize all out-of-state permits or licenses to carry a concealed weapon or firearm.

B. EFFECT OF PROPOSED CHANGES:

House Bill 229 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?

N/A

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

N/A

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

N/A

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?

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:

- (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:

N/A

E. SECTION-BY-SECTION ANALYSIS:

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.

IV. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

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

N/A

D. FISCAL COMMENTS:

N/A

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

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

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

N/A

VI. COMMENTS:

N/A

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

STORAGE NAME: h0229z.lecp

DATE: June 14, 1999

PAGE 7

VIII. SIGNATURES:

COMMITTEE ON LAW ENFORCEMENT AND CRIME PREVENTION:

Prepared by:

Staff Director:

Kurt E. Ahrendt

Kurt E. Ahrendt

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON LAW ENFORCEMENT AND CRIME PREVENTION:

Prepared by:

Staff Director:

Allen Mortham Jr.

Kurt E. Ahrendt

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON LAW ENFORCEMENT AND CRIME PREVENTION:

Prepared by:

Staff Director:

Allen Mortham Jr.

Kurt E. Ahrendt