

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1539 Regulation of weapons and Firearms in Seaports
SPONSOR(S): Needleman
TIED BILLS: None **IDEN./SIM. BILLS:** SB 2744

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Public Safety & Crime Prevention</u>	_____	<u>Cole</u>	<u>De La Paz</u>
2) <u>Public Safety Appropriations (Sub)</u>	_____	_____	_____
3) <u>Appropriations</u>	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

Current law prohibits the possession of weapons and firearms within the terminal areas of airports. There is no such prohibition against carrying weapons or firearms in seaports in state law.

HB 1539 amends the definition of "sterile area" to include seaports thereby prohibiting the carrying of weapons or firearms in those areas. Current law prohibits permit holders from carrying in certain areas of an airport. The bill prohibits holders of concealed weapons permits from carrying a concealed weapon or firearm in the same areas.

The bill does exempt law enforcement officers, firefighters, security personnel, or members of the United States military from these amended prohibitions while acting in the course of their official duty.

There does not appear to be a fiscal impact to this bill.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1539.ps.doc
DATE: March 12, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

This bill limits the places a citizen may legally carry a firearm.

B. EFFECT OF PROPOSED CHANGES:

Certain areas of airports that are under the control of the Federal Aviation Administration and the Transportation Security Administration prohibit the carrying of firearms or weapons by civilians. These areas are known as sterile areas. Current law defines the term “sterile area” as the “area of an airport to which access is controlled by the inspection of persons and property in accordance with federally approved airport security programs.”¹

There is no specific prohibition against carrying a firearm within a seaport. Although all passenger cruise lines prohibit firearms on their vessels by passengers and screen passengers with metal detectors, there is no state prohibition against carrying a firearm within the terminal. This bill expands the definition of sterile area to cover the same areas of seaports that are covered in airports.

Current law prohibits holders of state issued concealed weapons permits under s. 790.06, F.S. from carrying a weapon or firearm into the sterile area of an airport. This bill provides the same prohibition for seaports. The bill does exempt law enforcement officers, firefighters, private investigators, security officers, or members of the United States military from carrying weapons while participating in a training exercise or other lawful activity within the scope of their employment.

Federal law mandates security programs aboard cruise ships and terminals that prevent weapons from being brought on board any vessel or having any weapon in the terminal.² HB 1539 brings state law into conformity with federal law.

This bill brings the law covering seaports into line with the law covering airports concerning possession of firearms within a sterile area.

C. SECTION DIRECTORY:

Section 1: Amends s. 790.001(18), F.S. relating to the definition of “sterile area”.

Section 2: Amends s. 790.06 (12), F.S. relating to concealed weapons permits.

Section 3: Amends s. 790.165(4), F.S. relating to certain exemptions.

¹ Section 790.001(18), F.S.

² 33CFR120 deals with vessels and 33CFR128 deals with terminals.

Section 4: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

There does not appear to be any fiscal impact to this bill.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not affect municipal or county government.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES