

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1153 CS Concealed Weapons
SPONSOR(S): Coley and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 1290

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Agriculture Committee</u>	<u>10 Y, 0 N</u>	<u>Kaiser</u>	<u>Reese</u>
2) <u>Military & Veteran Affairs Committee</u>	<u>7 Y, 0 N, w/CS</u>	<u>Marino</u>	<u>Cutchins</u>
3) <u>State Resources Council</u>	<u>7 Y, 0 N</u>	<u>Kaiser</u>	<u>Hamby</u>
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

The Department of Agriculture and Consumer Services (department) authorizes the issuance and renewal of licenses to carry concealed weapons or firearms to persons qualified under the provisions of the Florida Statutes¹. A licensee who fails to renew his/her license on or before the expiration date must pay a \$15 late fee in order to renew the license. A license is deemed permanently expired, and will not be renewed, if 6 months or more have lapsed since its expiration. A person seeking renewal after permanent expiration must submit an application, an \$85 fee, and the documentation required under the weapons and firearms chapter of the Florida Statutes². The department currently makes every effort to accommodate active military personnel in the renewal of licenses without charging the late fee if license holders can show their military service impeded the renewal process.

HB 1153 provides that the concealed weapon or firearm license of a servicemember who is serving on military orders that take him or her over 35 miles away from his or her residence shall not expire until 180 days after his or her return to his or her residence. To take advantage of this extension, the bill requires the servicemember to provide, to the department, written verification in the form of military orders or a letter from their commanding officer.

This legislation has no fiscal impact on state or local government.

The effective date of this legislation is July 1, 2006.

¹ s. 790.06, F.S.

² Chapter 790, F.S.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Safeguard individual liberty: The bill provides an extension of 180 days for renewal of a license to carry a concealed weapon for a licensee who is a servicemember serving on military orders that take him or her over 35 miles away from his or her residence.

B. EFFECT OF PROPOSED CHANGES:

Current Situation

The Department of Agriculture and Consumer Services (department) authorizes the issuance and renewal of licenses to carry concealed weapons or firearms to persons qualified under the provisions of s. 790.06, F.S. The license is valid for a period of five years from the date of issuance, and must be carried, along with valid identification, when the license holder is carrying his/her firearm in a concealed manner. The license and identification must be displayed to law enforcement officers upon demand. Violations of these provisions are a noncriminal violation with a fine of \$25.³

The department is required to notify a licensee no later than 90 days prior to the expiration date of his/her license. The notification is by mail and includes a renewal form. License holders are required to notify the department of permanent address changes or after having a license lost or destroyed. Notification must take place within 30 days of either event. Failure to notify the department results in a noncriminal violation that carries a \$25 fine for either offense.

A licensee who fails to renew his/her license on or before the expiration date must pay a \$15 late fee in order to renew the license. A license is deemed permanently expired, and will not be renewed, if 6 months or more have lapsed since its expiration. A person seeking renewal after permanent expiration must submit an application, an \$85 fee, and the documentation required under s. 790.06(5), F.S.

The department currently makes every effort to accommodate active military personnel in the renewal of licenses without charging the late fee if license holders can show their military service impeded the renewal process.

Effect of Proposed Changes

HB 1153 provides that the concealed weapon or firearm license of a servicemember⁴ who is serving on military orders that take him or her over 35 miles away from his or her residence shall not expire until 180 days after his or her return to his or her residence. This appears to allow anyone called to federal or active duty, the opportunity to be free from paying late fees due to his or her license expiration date passing while he or she is deployed on military orders. However, such a licensee is still subject to the 180-day window between the adjusted expiration date (return from orders plus 180 days) and the permanent expiration as described in Current Situation above. The bill appears to help the servicemember by pushing these timelines to well after the servicemember has returned to his or her residence after fulfilling their military orders.

The bill also provides that in order to take advantage of this extension, the servicemember must provide written verification, in the form of their military orders or a letter from their commander, to the department.

³ s. 790.06(1), F.S.

⁴ As defined in s. 250.01, F.S.: "Servicemember" means any person serving as a member of the United States Armed Forces on active duty or state active duty and all members of the Florida National Guard and United States Reserve Forces.

C. SECTION DIRECTORY:

Section 1: Amends s. 790.06, F.S.; provides for an extension of 180 days for renewal of license to carry a concealed weapon for licensee who is a servicemember serving on military orders that take him or her over 35 miles away from his or her residence; provides that such licensee must provide written verification to the Department of Agriculture and Consumer Services to use extension.

Section 2: Provides an effective date of July 1, 2006.

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:

The bill eliminates additional costs incurred by the public in renewing concealed weapons permits after the expiration date of the license.

D. FISCAL COMMENTS:

Although the Department of Agriculture and Consumer Service (department) may not collect late fees from individuals who would benefit from the provisions of the bill, it would not fiscally impact the department due to the current practice of waiving late fees for military personnel whose military duty impedes the renewal process.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to take an action requiring the expenditure of funds, does not reduce the authority that counties or municipalities have to raise revenues in the aggregate, and does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On April 5, 2006, the Committee on Military & Veteran Affairs approved a strike-all amendment. The amendment changes those eligible for the extension in the bill from those who participated in Operations Iraqi Freedom and Enduring Freedom to any servicemember, as defined in 250.01, who is serving on military orders over 35 miles away from his or her residence. The amendment makes some technical changes, such as reorganizing the construction of the language of the bill.