

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Community Affairs Committee

BILL: CS/SB 1290

INTRODUCER: Community Affairs Committee and Senator Fasano

SUBJECT: Concealed Weapon License Renewal/Active Military

DATE: March 28, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cellon</u>	<u>Cannon</u>	<u>CJ</u>	Favorable
2.	<u>Vickers</u>	<u>Yeatman</u>	<u>CA</u>	Fav/CS
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This committee substitute (CS) extends the time during which a person may renew his or her concealed weapon or firearm license if the person is serving on active military duty and participating in the Global War on Terrorism at the time the license expires.

This CS substantially amends section 790.06 of the Florida Statutes.

II. Present Situation:

The Department of Agriculture and Consumer Services, Division of Licensing, issues and renews licenses to carry concealed weapons or firearms to persons who are 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 or her weapon or firearm in a concealed manner. The license and identification must be displayed to law enforcement officers upon demand. Violations of these provisions is a noncriminal violation with a fine of \$25 (s. 790.06(1), F.S.).

Under s. 790.06(5)(b), F.S., the department is authorized to collect a nonrefundable license fee, from a first-time applicant, in the amount of \$85. If a license has previously been issued, and the applicant is seeking renewal, the fee is \$70.

The department is required to notify a licensee no less than 90 days prior to the expiration date of his or her license. The notification is by mail and includes a renewal form. Presumably, in order to make the notification process efficient, licensees are required to notify the department of any

permanent change of address within 30 days of the change. Failure to notify the department of a permanent change of address, as well as the loss or destruction of a license, is a noncriminal violation that carries a \$25 fine (s. 790.06(8), F.S., s. 790.06(11), F.S.).

A licensee who fails to renew his or 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, the \$85 fee, and the documentation required under s. 790.06(5), F.S., as if the person was a first-time applicant (s. 790.06(11), F.S.).

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

The term “Global War on Terrorism” denotes a specific service designation recognized by the Department of Defense. This designation applies to service members who serve in military operations to combat terrorism on or after Sept. 11, 2001. In recognition of this service designation, the Department of Defense has authorized a Global War on Terrorism Expeditionary Medal. Operation Enduring Freedom is the prime operation the medal may be awarded for. Personnel assigned to operations in Afghanistan and the Philippines are additional examples of service members who are eligible to receive the award.

III. Effect of Proposed Changes:

This CS would require the Department of Agriculture and Consumer Services to extend the renewal period for a concealed weapon or firearm license if the licensee is serving in the armed forces and participating in the Global War on Terrorism on the date the license expired. The CS would give the licensee 180 days from the date upon which he or she returned to Florida to renew the license without penalty.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The CS could eliminate the additional costs incurred by certain service members in renewing concealed weapon or firearm licenses after the expiration date of the license.

C. Government Sector Impact:

Although the Department of Agriculture and Consumer Services, Division of Licensing, may not collect late fees from the individuals who would benefit from the provisions of the CS, it would not likely be a substantial dollar figure due to the fact that the department's current practice is to waive late fees for military personnel whose military duty impedes the renewal process.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
