

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: Criminal Justice Committee

BILL: CS/SB 1546

INTRODUCER: Criminal Justice Committee and Senator Posey

SUBJECT: Firearms in National Forests, State Parks

DATE: March 22, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Cannon	CJ	Fav/CS
2.	_____	_____	EP	_____
3.	_____	_____	GA	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill repeals the sections of Florida law that regulate the possession and use of firearms in national forests and requires the Department of Environmental Protection to amend rule 62D-2.014(10), Florida Administrative Code, which applies to weapons and firearms in state parks.

This bill repeals the following sections of the Florida Statutes: 790.11, 790.12 and 790.14.

II. Present Situation:

Section 790.11, F.S., prohibits persons from carrying firearms within the limits of a national forest within the state, except on state roads when secured within a vehicle, unless the person obtains a permit to do so, pursuant to s. 790.12, F.S., except during hunting season.

Section 790.12, F.S., provides that the county commission of the county, or counties, where the national forest is located have the authority to grant a special permit for carrying firearms therein. It is required that the United States Government official in charge of the national forest area recommend, in writing, that the permit be granted.

Section 790.14, F.S., sets forth second degree misdemeanor penalties for a violation of either s. 790.11, F.S., or s. 790.12, F.S. The maximum penalty for a second degree misdemeanor is 60 days in jail, 6 months' county probation, and a \$500 fine.

Florida Administrative Rule 62D-2.014 (Department of Environmental Protection, Division of Recreation and Parks) states, in part:

(1) Regulation of Recreation Activities. The Division, in furtherance of the policy and intent of Chapter 258, Florida Statutes, may prohibit or regulate any activity that lessens the safety or recreational experience of the visiting public or lessens the natural or cultural value of the park. ...

(10) Hunting and Firearms. Hunting, trapping or the pursuit of wildlife is prohibited on all park property, except in Reserves, as authorized by the Florida Fish and Wildlife Conservation Commission. No person shall use, carry, or possess in any park weapons such as firearms of any type, air rifles, spring guns, bows and arrows, gigs (except in areas where gigs may be legally used for saltwater fishing), sling shots, or any other forms of weapons or trapping devices potentially dangerous to wildlife or human safety. ...

Section 258.037, F.S. states:

It shall be the policy of the Division of Recreation and Parks: To promote the state park system for the use, enjoyment, and benefit of the people of Florida and visitors; to acquire typical portions of the original domain of the state which will be accessible to all of the people, and of such character as to emblemize the state's natural values; conserve these natural values for all time; administer the development, use and maintenance of these lands and render such public service in so doing, in such a manner as to enable the people of Florida and visitors to enjoy these values without depleting them; to contribute materially to the development of a strong mental, moral, and physical fiber in the people; to provide for perpetual preservation of historic sites and memorials of statewide significance, and interpretation of their history to the people; to contribute to the tourist appeal of Florida.

III. Effect of Proposed Changes:

The bill repeals the sections of Florida law that regulate the possession and use of firearms in national forests.

The bill also requires the Department of Environmental Protection to amend rule 62D-2.014(10), Florida Administrative Code. This is the section of the Administrative Code that prohibits possession of firearms and other weapons in state parks, except for limited purposes.

The department is directed by the bill to amend the Rule to allow the possession of weapons in state parks, in compliance with all applicable Florida Statutes. The Rule amendment shall further specify the manner in which weapons shall be possessed within the state parks. Weapons should be in the possession of "a responsible party," or properly secured within or to a vehicle or temporary housing, including motor homes, travel trailers, recreational vehicles, campers, tents, or other enclosed structures.

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:

None.

C. Government Sector Impact:

It is unknown whether there will be any fiscal impact to the Department of Environmental Protection or the Fish and Wildlife Conservation Commission as a result of this bill. Potentially there could be expense incurred if it is determined there is a need for additional patrol and surveillance in state parks or national forests, due to the increased carrying of firearms and potential for more hunting activity.

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.
