

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Date: April 8, 1998 Revised: \_\_\_\_\_

Subject: Firearms-related Licenses

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Gomez</u>	<u>Miller</u>	<u>CJ</u>	<u>Favorable/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

**I. Summary:**

This bill increases the license validity period for agency licenses of private investigative, security, and repossession agencies and their branch offices from 2 to 3 years. It increases the validity period for concealed firearms and weapons licenses from 3 to 5 years. It also requires that firearms safety and training instructors maintain records certifying that their students competently handled a firearm.

The bill amends the concealed weapons license section to disqualify, as license holders, persons with a prior conviction for DUI. The bill amends the concealed weapons license section to require the Department of State to conduct a records check of license holders to assure compliance with the provisions of the concealed weapons law.

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: 493.6111, 493.6113, and 790.06.

**II. Present Situation:**

**A. Private Investigative, Security, and Repossession Services**

Chapter 493, F.S., provides for the regulation of private investigative, security, and repossession services by the Division of Licensing of the Department of State. Chapter 493, F.S., grants the department regulatory authority over these services to ensure that the public is protected. The department ensures these services are not provided by individuals who have a criminal history, are insufficiently trained, or are unlicensed. The department also requires agencies to be properly insured and managed.

Chapter 493, F.S., provides licensure requirements. It provides grounds for which disciplinary action may be taken against licensees, agencies, and against any unlicensed persons engaging in activities regulated under the chapter. The Department of State may use the grounds for disciplinary action specified in the chapter to deny an applicant's license. The chapter authorizes the Division of Licensing to issue subpoenas, administer oaths, require the production of papers, and take the deposition of any person so subpoenaed. The law provides exemptions from its requirements, including an exemption for appointed law enforcement officers or corrections officers performing their official duties.

Section 493.6111, F.S., provides that the department shall issue licenses and that they shall be valid for 2 years. Section 493.6113, F.S., provides that the department shall renew licenses biennially. Chapter 493, F.S., identifies numerous types of licenses including:

- ▶ Class "A": Any corporation or person engaged in business as a private investigative agency.
- ▶ Class "B": Any corporation or person engaged in business as a security agency.
- ▶ Class "AB": A branch office of a corporation which holds both a Class "A" and a Class "B."
- ▶ Class "R": Any corporation or person engaged in business as a recovery agency.

Examples of other types of licenses include a Class "C" license for a private investigator and a Class "D" license for a security officer. "Branch office" is defined as "each additional location of an agency where business is actively conducted which advertises as performing or is engaged in the business authorized by the license." s. 493.6101(10), F.S.

## **B. Concealed Weapons Licensing**

In 1987, the Legislature created the Concealed Weapons Licensing Program in s. 790.06, F.S. The program permits the issuance of licenses to citizens who wish to carry a concealed weapon or firearm for lawful self-defense. "Weapons or firearms" are defined as "a handgun, electronic weapon or device, tear gas gun, knife, or billie, but the term does not include a machine gun." s. 790.06(1), F.S. A concealed firearm is "any firearm which is carried on or about a person in such a manner as to conceal the firearm from ordinary sight of another person." s. 790.06(2), F.S. Carrying a concealed weapon or firearm without a license, improperly exhibiting a weapon, or openly carrying a weapon is prohibited. ss. 790.01, 790.10, and 790.053, F.S.

Citizens who desire a legal means to carry a concealed weapon or firearm for lawful self-defense are eligible for a license when they meet the qualifications under subsections (2) and (3) of s. 790.06, F.S. An applicant must meet numerous qualifications including that the applicant:

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- ▶ Is a resident of the United States or is a consular security official of a foreign government;
  - ▶ Is at least 21 years of age;
  - ▶ Does not or has not abused alcohol or other substances;
  - ▶ Is not mentally incapacitated;
  - ▶ Is not ineligible to possess a firearm because of a prior felony conviction;
  - ▶ Has not been convicted of a violent misdemeanor or had adjudication withheld on a felony within 3 years; and
  - ▶ Demonstrates competence with a firearm.

Section 790.06(2)(h), F.S., contains a list of 7 courses or other criteria, any one of which satisfies the firearms competency requirement. Included in this list are:

- ▶ Completion of any National Rifle Association (NRA) firearms safety or training course;
- ▶ Completion of any firearms safety or training course or class available to the general public offered by law enforcement, junior college, college, or other institution or organization or firearms training school using instructor certified by the NRA, Criminal Justice Standards and Training Commission, or the Department of State; and
- ▶ Completion of any firearms training or safety course or class conducted by a state-certified or NRA certified firearms instructor.

s. 790.06(2)(h)2., 3., and 7., F.S. Completion of the course can be demonstrated by a certificate of completion, an instructor's affidavit, or any document showing completion.

Concealed weapons licenses are valid for 3 years and the license-holder may apply for a renewal license. The Department of State administers the concealed weapons licensing program. On January 31, 1998, there were 214,620 individuals that held valid licenses to carry concealed weapons and firearms in Florida.

The department may impose nonrefundable license fees not exceeding \$85 and renewal fees not exceeding \$70. The applicant must also pay for precessing the fingerprint background check. The department has 90 days to process the license application. s. 790.06(4), (5), and (6), F.S.

The department is responsible for ensuring that individuals meet the qualifications in order to carry a concealed weapon. The department obtains and reviews applicant background information on current addresses, history of criminal arrests and convictions, history of commitment for mental illness or substance abuse treatment, and documentation indicating completion of a firearms training or safety course. The department also obtains state and federal crime history information on applicants from FDLE. The department is authorized to suspend or revoke the licenses of individuals who no longer meet the requirements for carrying a concealed weapon or who become ineligible for other reasons.

**III. Effect of Proposed Changes:**

The bill will increase the license validity period for a private investigative, security, or repossession agency and their branch offices from 2 to 3 years. The bill will require these agencies and their branch offices to renew their licenses with the Department of State every 3 years.

The bill will increase the concealed weapons and firearms license validity period from 3 to 5 years.

The bill amends the concealed weapons license provision which requires proof of firearms competency by adding a requirement that those who conduct firearms training and safety courses *maintain records* certifying that he or she observed the students safely handle and discharge the firearm.

The bill amends the concealed weapons license section to disqualify, as license holders, persons with a prior conviction for DUI.

The bill amends the concealed weapons license section to require the Department of State to conduct a records check of license holders to assure compliance with the provisions of the concealed weapons law.

The bill shall take effect on July 1, 1998, but it shall not effect the validity date on licenses issued prior to this date.

**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:**

According to the Department of State's Division of Licensing, the increased validity period will result in a cost savings to the public. Increasing the 5 year validity period on the concealed weapons licenses will result in a 40 percent cost savings to license holders. Over 5 years, this will amount to a total fee savings of \$11,660,534. The savings in renewal applications will be an estimated \$146,819. The department reports that the "extended licensing period will have no adverse effect on the integrity of the program."

The savings to public investigative, security, and repossession agencies will be 33 percent in fees. According to the division, this will amount to an estimated fee savings of \$1,060,036 over 5 years to these agencies. The savings in renewal applications will be an estimated \$1,380 over 5 years.

**C. Government Sector Impact:**

This bill will result in a reduction of fee revenue to the state. Nevertheless, the division estimates that the bill will create a substantial reduction on staff workload. According to the division, the bill will reduce the need for additional licensing staff and result in a 5 year personnel and expense savings of an estimated \$613,350.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.