

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.)

BILL: CS/SB 2654

SPONSOR: Criminal Justice Committee and Senator Jones

SUBJECT: Concealed Weapons

DATE: April 6, 2004

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cellon</u>	<u>Cannon</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Dodson</u>	<u>Skelton</u>	<u>HP</u>	<u>Favorable</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Committee Substitute for Senate Bill 2654 includes the district offices of Legislators and certain areas of the Capitol Complex as places where persons otherwise authorized to carry a concealed weapon or firearm are not authorized to carry. The bill specifically provides for concealed weapon or firearm license holders to secure weapons in their vehicles in certain parking garages on the premises or in a convenient manner designated by the Capitol Police.

This bill substantially amends the following section of the Florida Statutes: 790.06, F.S.

II. Present Situation:

Section 790.06, F.S., authorizes the Department of Agriculture and Consumer Services to issue licenses to qualified persons to carry concealed weapons and firearms for self-defense. The statute requires the person seeking the license to complete an application process which includes a criminal background check and payment of a fee to the department. The person must also demonstrate a level of competence with a firearm by completing an approved safety and training course.

Subsection (12) of s. 790.06, F.S., lists certain places where “no license issued pursuant to this section shall authorize any person to carry a concealed weapon or firearm.” These places are:

- a place of nuisance as defined in s. 823.05, F.S.;
- any police, sheriff, or highway patrol station;
- any detention facility, prison, or jail;
- any courthouse;

- any courtroom, except that a judge may carry and determine that other people may carry in his or her courtroom;
- any polling place;
- any meeting of the governing body of a county, public school district, municipality, or special district;
- any meeting of the Legislature or a committee thereof;
- any school, college, or professional athletic event that is not firearm related;
- any school administrative building;
- any part of an establishment licensed to dispense alcoholic beverages for on-site consumption, which part of the establishment is primarily devoted to such purpose;
- any elementary or secondary school facility;
- any area technical center;
- any college or university facility unless the licensee is a registered student, employee or faculty member, and the weapon is a stun gun or nonlethal electric weapon;
- in a passenger terminal or sterile area of an airport, except where the firearm is encased for checking in as baggage; or
- any place where carrying a concealed weapon or firearm is prohibited by federal law.

Violation of s. 790.06(12), F.S., is a second degree misdemeanor.

Section 281.01, F.S., defines the term “Capitol Complex” as “that portion of Tallahassee, Leon County, Florida, commonly referred to as the Capitol, the Historic Capitol, the Senate Office Building, the House Office Building, the Knott Building, the Pepper Building, the Holland Building, and the curtilage of each, including the state-owned lands and public streets adjacent thereto within an area bounded by and including Monroe Street, Jefferson Street, Duval Street, and Gaines Street...the State Capital Circle Office Complex located in Leon County, Florida.”

III. Effect of Proposed Changes:

Committee Substitute for Senate Bill 2654 expands the list of places a person licensed to carry a concealed weapon or firearm is prohibited from doing so to include district Legislative offices, if posted in such a manner as to notify the public of the prohibition, and certain listed areas of the Capitol Complex. Legislators’ district offices must be posted to give the public notice if the member elects to prohibit the carrying of concealed weapons or firearms on the premises.

The bill specifically provides for firearms and weapons carried onto the listed properties to either be secured by Capitol Police in a convenient location or in the person’s vehicle in a garage attached to one of the listed buildings.

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:

Persons who are authorized to carry a concealed weapon or firearm by virtue of the license issued to them under s. 790.06, F.S., will be prohibited from carrying in certain areas of the Capitol Complex or in district Legislative offices, if the offices are posted to give notice.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.