

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Maintain public security: The bill tightens the United States residency requirement to ensure persons applying for a concealed firearms/weapons license in the state are subject to fingerprinting and a background check.

B. EFFECT OF PROPOSED CHANGES:

The concealed weapons/firearms program is administered by the Division of Licensing (division) within the Department of Agriculture and Consumer Services (department). Current Florida law requires persons purchasing firearms to undergo a name-based background check, pursuant to s. 790.065(1)(c), F.S.¹ Additionally, the person is subject to a three-day waiting period, in some circumstances, between the purchase and the delivery on any handgun.² Persons licensed to carry concealed weapons/firearms are subject to a name-based background check that includes a fingerprint check.

The federal law allows persons visiting the United States on a visa, who have obtained a non-resident hunting license, to purchase a firearm. These persons are subject to the name-based background check as prescribed in s. 790.065(1)(c), F.S. For the most part, the Florida Crime Information Center and National Crime Information Center systems only maintain records on persons arrested/charged within the United States.

Persons wishing to gain status as permanent resident aliens must meet various criteria as established by the Department of Homeland Security.³ Eligibility requirements state that any alien who is physically present in the United States, with some exceptions, may apply for adjustment of status to that of a lawful permanent resident of the United States if the applicant is eligible to receive an immigrant visa and an immigrant visa is immediately available at the time the application is filed. In addition to eligibility requirements, persons seeking status as permanent resident aliens must also submit an application along with the appropriate fees, provide the required documentation, and submit to a medical examination, as well as an interview. In some instances, the medical examination and/or interview may be waived.

The bill tightens the United States residency requirement to allow only resident United States citizens or permanent resident aliens to apply for a concealed weapons/firearms license. The residency requirement applies to all license applications pending on the date the act becomes effective, as well as to all licenses renewed after the effective date.

C. SECTION DIRECTORY:

Section 1: Amends s. 790.06, F.S.; revising United States residency requirements for obtaining a concealed weapons/firearms license.

Section 2: Provides for the act to apply to all license applications pending on the date the act becomes effective as well as to all licenses renewed after the effective date of the act.

Section 3: Provides an effective date of upon becoming law.

¹ The background check consists of a phone call made to the Florida Department of Law Enforcement to verify the information provided by the applicant through the Florida Crime Information Center and National Crime Information Center systems.

² Section 790.0655, F.S.

³ <http://www.uscis.gov/propub/ProPubVAP.jsp?dockey=68ba267609da05e160433ee0f3c73289>

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:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect municipal or county government.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On Wednesday, March 19, 2008, the Committee on Agribusiness adopted one amendment to HB 725. The amendment extends the renewal period for concealed weapons permits from 5 years to 7 years.