

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1539 w/CS Regulation of Weapons and Firearms in Seaports
SPONSOR(S): Needleman
TIED BILLS: None **IDEN./SIM. BILLS:** SB 2744

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR |
|--|-----------------------|-------------|------------------|
| 1) <u>Public Safety & Crime Prevention</u> | <u>12 Y, 1 N w/CS</u> | <u>Cole</u> | <u>De La Paz</u> |
| 2) <u>Public Safety Appropriations (Sub)</u> | <u></u> | <u></u> | <u></u> |
| 3) <u>Appropriations</u> | <u></u> | <u></u> | <u></u> |
| 4) <u></u> | <u></u> | <u></u> | <u></u> |
| 5) <u></u> | <u></u> | <u></u> | <u></u> |

SUMMARY ANALYSIS

Current law prohibits the possession of weapons and firearms within the terminal areas of airports. There is no such prohibition against carrying weapons or firearms in seaports in state law.

HB 1539 w/CS amends the definition of "sterile area" to include seaports, thereby prohibiting the carrying of weapons or firearms in those areas. Current law prohibits concealed weapon permit holders from carrying a weapon or firearm in certain areas of an airport. The CS prohibits holders of concealed weapons permits from carrying a concealed weapon or firearm in the same areas of a seaport.

The CS does exempt law enforcement officers, firefighters, security personnel, or members of the United States military from these amended prohibitions while acting in the course of their official duty.

The CS allows firearms to be transported on vessels, to the extent authorized by federal law, as long as they are encased for shipment and authorized by the owner, operator, captain, or other person responsible for the operation of the vessel, to transport firearms on board.

There does not appear to be a fiscal impact to this bill.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1539a.ps.doc
DATE: April 1, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

This bill limits the places a citizen may legally carry a firearm.

B. EFFECT OF PROPOSED CHANGES:

Certain areas of airports that are under the control of the Federal Aviation Administration and the Transportation Security Administration, prohibit the carrying of firearms or weapons by civilians. These areas are known as sterile areas. Current law defines the term “sterile area” as the “area of an airport to which access is controlled by the inspection of persons and property in accordance with federally approved airport security programs.”¹

There is no specific prohibition against carrying a firearm within a seaport. Although all passenger cruise lines prohibit firearms on their vessels by passengers and screen passengers with metal detectors, there is no state prohibition against carrying a firearm within the terminal. This bill expands the definition of sterile area to cover the same areas of seaports that are covered in airports.

Current law prohibits holders of state issued concealed weapons permits under s. 790.06, F.S. from carrying a weapon or firearm into the sterile are of an airport. This bill provides the same prohibition for seaports. The CS does exempt law enforcement officers, firefighters, private investigators, security officers, or members of the United States military from carrying weapons while participating in a training exercise or other lawful activity within the scope of their employment.

Federal law mandates security programs aboard cruise ships and terminals that prevent weapons from being brought on board any vessel or having any weapon in the terminal.² The CS allows for legal firearms that are encased for shipping to be lawfully transported within a seaport terminal, to the extent authorized by federal law, and provided that the vessel owner, operator, captain, or other person responsible for the operation of such vessel authorizes firearms to be transported on board their vessel by passengers.

C. SECTION DIRECTORY:

Section 1: Amends s. 790.001(18), F.S. relating to the definition of “sterile area”.

Section 2: Amends s. 790.06 (12), F.S. relating to concealed weapons permits.

Section 3: Amends s. 790.165(4), F.S. relating to certain exemptions.

Section 4: Provides an effective date.

¹ Section 790.001(18), F.S.

² 33CFR120 deals with vessels and 33CFR128 deals with terminals.

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:

There does not appear to be any fiscal impact to this bill.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On April 1, 2004, the Public Safety and Crime Prevention Committee adopted an amendment offered by Rep. Needelman that permits firearms to be transported in the passenger terminal and sterile area of a seaport, to the extent authorized by federal law, and provided that the vessel owner, operator, captain, etc. authorizes passengers to transport firearms on board their vessel.

On April 1, 2004, the Public Safety and Crime Prevention Committee adopted an amendment offered by Rep. Adams that clarified the exemption was only allowed to the extent authorized by federal guidelines.

On April 1, 2004, the Public Safety and Crime Prevention Committee adopted an amendment offered by Rep. Seiler that changed the word "carefully" in Rep. Needelman's amendment to the word "lawfully."