1989

Session Law 89-060

Florida Senate & House of Representatives
H 1114  GENERAL BILL/1ST ENG by Samsom and others (Compare S 147)

Public Defender Investigators/Judges; provides that public defender investigators may possess & use firearms while carrying out official duties outside circuits in which they are employed; provides that circuit or county court judges shall be issued a license to carry concealed weapon within 20 days of application. Amends 790.25, 06. Effective Date: 06/16/89.

03/21/89 HOUSE Prefiled

03/24/89 HOUSE Referred to Criminal Justice

03/31/89 HOUSE Subreferred to Subcommittee on Prosecution and Punishment

04/04/89 HOUSE Introduced, referred to Criminal Justice -HJ 105; Subreferred to Subcommittee on Prosecution and Punishment

04/07/89 HOUSE On subcommittee agenda—Criminal Justice, 04/11/89, 3:30 pm, 21-HOB

04/11/89 HOUSE Subcommittee Recommendation: Favorable; On Committee agenda, pending subcommittee action—Criminal Justice. 04/13/89, 8:00 am, 21-HOB

04/13/89 HOUSE Preliminary Committee Action by Criminal Justice: Favorable

04/20/89 HOUSE Comm. Report: Favorable by Criminal Justice, placed on Calendar -HJ 257

04/28/89 HOUSE Placed on Special Order Calendar; Read second time -HJ 305

05/02/89 HOUSE Read third time; Passed; YEAS 116 NAYS 0 -HJ 316; Immediately certified -HJ 316

05/02/89 SENATE In Messages

05/09/89 SENATE Received, referred to Judiciary-Criminal -SJ 278; Immediately withdrawn from Judiciary-Criminal; Substituted for SB 147; Passed as amended; YEAS 37 NAYS 0 -SJ 285; Immediately certified -SJ 285

05/09/89 HOUSE In Messages

05/19/89 HOUSE Concurred in one amendment -HJ 541; Amendments to Senate amendments adopted; Concurred in Senate amendments as amended; Passed as amended; YEAS 113 NAYS 0 -HJ 542

05/22/89 SENATE In Messages

05/24/89 SENATE Refused to concur, requested House to recede -SJ 418

05/24/89 HOUSE In Messages

06/01/89 HOUSE Receded from amendments to Senate amendments; Amendments to Senate amendments adopted; Concurred in Senate amendments as amended; Refused to concur in one amendment; Passed as amended; YEAS 105 NAYS 0 -HJ 1053

06/01/89 SENATE In Messages

06/02/89 SENATE Concurred; Receded; Passed as amended; YEAS 37 NAYS 0 -SJ 885

06/02/89 HOUSE Ordered engrossed, then enrolled

06/13/89 Signed by Officers and presented to Governor

06/18/89 Approved by Governor; Chapter No. 89-60

NOTES: Above bill history from Division of Legislative Information's FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.
I. SUMMARY:

A. PRESENT SITUATION:

Section 790.25, F. S., provides that investigators employed by the public defenders are authorized to carry firearms while carrying out their official duties in the judicial circuits in which they are employed, provided that they are employed full-time; meet the firearm training standard requirements established by the Criminal Justice Standards and Training Commission; pass a complete background investigation by the Department of State (the persons police record and general character); and be individually designated by an affidavit of consent signed by the employing public defender and filed with the clerk of the circuit court.

State Attorneys and assistants are currently able to carry firearms as they are "law enforcement officers" under s. 790.001(8). They can carry firearms outside their circuits.

A judge may carry, as well as determine who will carry, a concealed weapon in the courtroom, pursuant to s. 790.06, F. S. Circuit and county judges must apply for and be granted concealed weapons permits if they wish to carry outside the court.

B. EFFECT OF PROPOSED CHANGES:

This bill provides that the public defender investigators can carry a firearm while carrying out their official duties outside of the judicial circuits in which they are employed.
Section 790.06, F. S., provides that circuit and county court judges can apply for and, if application criteria are met, be granted a concealed weapons permit in 20 days and pay a reduced application fee of $50.00. The license is valid for as long as the judge serves in that capacity.

C. SECTION-BY-SECTION ANALYSIS:

Section 1 provides that public defenders investigators can carry out their official duties outside of the judicial circuits in which they are employed.

Section 2 allows circuit and county judges to apply for a license and be granted the same within 20 days. The application fee is $50.00.

Section 3 provides an effective date of upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:
   Insignificant, fee fiscal comments below.

2. Recurring or Annualized Continuation Effects:
   Insignificant, fee fiscal comments below.

3. Long Run Effects Other Than Normal Growth:
   Insignificant, fee fiscal comments below.

4. Appropriations Consequences:
   Insignificant, fee fiscal comments below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:
   None

2. Recurring or Annualized Continuation Effects:
   None

3. Long Run Effects Other Than Normal Growth:
   None
C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:
   None

2. Direct Private Sector Benefits:
   None

3. Effects on Competition, Private Enterprise, and Employment Markets:
   None

D. FISCAL COMMENTS:

The Department of State will suffer some fiscal consequence as all circuit and county judges will pay a reduced fee and the Department must expedite these applications.

III. LONG RANGE CONSEQUENCES:

This bill is consistent with the State Comprehensive Plan, s. 187.201, F. S. in that it protects the lives of the public defender investigators and circuit and county judges while they are carrying out their official duties.

IV. COMMENTS:

This bill is consistent with the committee mission statement in that it allows the criminal justice system to operate effectively and responsibly.

The Public Defenders Coordination Office stated that public defender investigators often are required to investigate the cases outside of their jurisdictions and work in dangerous situations both within and outside of their judicial circuits.

State attorney investigators are considered law enforcement officers and can carry firearms across jurisdictional lines.

V. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by: Robin S. Hassler

SECOND COMMITTEE OF REFERENCE:
Prepared by: Staff Director: Robin S. Hassler
I. SUMMARY:

A. Present Situation:

The several public defenders employ approximately 150 investigators who gather and develop physical and testimonial evidence in locations throughout the state. These investigators are fully authorized under s. 27.53(1), F.S., to serve any witness subpoena or court order issued by any court or judge within the circuit to which the public defender has been appointed.

Due to the threat of adverse or hostile encounters during the performance of these duties, the investigators are currently authorized to carry open or concealed firearms pursuant to s. 790.25(3)(a), F.S. These investigators, however, must: (1) be full-time employees; (2) fully satisfy Criminal Justice Standards and Training Commission firearms requirements; and (3) be individually designated by the public defender and filed with the clerk of the appropriate court. The statute does not authorize the investigators to carry firearms outside the boundaries of the circuit to which they are assigned.

B. Effect of Proposed Changes:

SB 147 would allow investigators employed by the several public defenders, to own, possess, and lawfully use firearms and other weapons, ammunition, and supplies while actually carrying out official duties on a statewide basis, outside of the judicial circuits to which they are assigned.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.